for developing financial support for the Massachusetts 4–H program, is making a significant contribution to the total 4–H effort. Four hundred contributors, individuals, and Massachusetts industries supported Massachusetts 4–H through the foundation in 1963.

Mr. Speaker, I would like at this time to pay tribute to the host of volunteer leaders serving the 4–H program in my congressional district of Massachusetts, comprising communities in Hampden, Hampshire, and Worcester Counties. They give freely of their time for this worthy cause and work in excellent cooperation with their respective county's extension service and with the University of Massachusetts Extension Service at Amherst. Under permission granted I place the names of these 4–H volunteers by community, with my remarks:

VOLUNTEER LEADERS SERVING THE 4-H PROGRAM IN SECOND DISTRICT, HAMPDEN COUNTY

Agawam: Mrs. Louis Caruso, Mrs. William Case, Mr. Carmen Cirillo, Mrs. George Collins, Mrs. Donald Cross, Mrs. Joseph Della Guistino, Mrs. George Gagliarducci, Mrs. Ronald King, Mrs. Stanley Lipski, Mrs. Edna Radding, Mr. Thomas Reidy, Mrs. George Webster, Mrs. William Yelinek, Miss Kathleen Yelinek.

Brimfield: Mr. Charles Deland, Mrs. Clarence Keith, Mrs. Alexander McVeigh, Mrs. William Pratt, Mr. and Mrs. Frederick Prentiss, Mr. Johnstone Prescott, Mrs. Thomas Reed, Mrs. Kenneth Silvius, Mr. Donald Spear, Mrs. George Tetreault, Mrs. Gladys Whitten, Mr. Roger Wightman, Mrs. Herbert Wright.

Chicopee: Mrs. George Bedard, Mrs. George Beeler, Mrs. Albert Boutin, Mrs. Myles Brennan, Mrs. Jean Briere, Mrs. Frank Czaporowski, Miss Janice Langevin, Mrs. Alfred Ducharme, Mrs. August Giera, Mrs. Thomas Houlihan, Mrs. Henry Le Mieux, Mrs. Henri Marcotte, Mrs. Ethel Stonina, Mrs. Richard Therrien.

East Longmeadow: Mr. Roland Chapdelaine, Mrs. Theresa Chapdelaine, Mrs. Harry Coles, Mrs. Wesley Collins, Mr. Ed Craven, Mr. Benedict Grabierz, Mrs. Josephine Grabierz, Mrs. Elizabeth Wright, Mr. Merritt Wright, Miss Nancy Wright.

Hampden: Mrs. Antonio Esposito, Mrs. Croyden Kibbe, Mrs. Harry Johnson, Mrs. Ralph Miller, Mrs. Peter Terzi, Mr. James Whipple.

Holland: Mrs. Ronald Croke, Mrs. Raoul Gendreau, Miss Eunice Foster.

Ludlow: Mrs. Ralph Barth, Mrs. Leonard Brennan, Mrs. Herbert Dickey, Mrs. Ernest Flebotte, Mrs. Elizabeth Gaviglio, Mr. Harold Griffing, Mr. Dorval Giguere, Mrs. Donna Haluch, Mr. Ray Haluch, Mr. Dexter Hiersche, Mrs. Elsie Hiersche, Mrs. Martha Hiersche, Thomas Hiersche, Mrs. Robert Koshinsky, Mrs. Herbert McChesney, Mr. Francis McMenamin, Mrs. Francis McMenamin, Mrs. Gerald Paul, Mr. John Polansky, Mrs. Wesley Rhodes, Mrs. Bertha Tower, Mrs. Geo. Walls.

Longmeadow: Mrs. Ann Brunton.

Monson: Mrs. Jane Anderson, Mr. Paul Brown, Mr. Henry Czajka, Mrs. Wm. Emerson, Mrs. Earl Gilbert, Mr. Steve Grudzien, Mrs. Douglas Habel, Mr. William Hubert, Mrs. Randall Ketterman, Mrs. Victor LePace, Mr. Truman Lowra, Mrs. Donald Nothe.

Palmer: Mrs. Joseph Bolow, Mrs. Carl Brodeur, Mrs. Fred Piechota.

Springfield: Mrs. Louis Berrelli, Mrs. Gladys Dykstra, Mrs. David Picard, Mrs. Walter Reardon, Mrs. Clarence Smith, Mr. Clarence Smith, Mrs. Walter Thorn, Mrs. Lester Woodbury, Mrs. Fred Yates.

Wales: Mrs. Agnita Baker,

West Springfield: Mrs. Howard Burnham, Mrs. Ralph Criscio, Mr. Joseph Dupius, Mrs. Mary Dupius, Mrs. Charles Gervickas, Mrs. Samuel Hardcastle, Mrs. Rose Nash, Mr. Thomas Nash, Mrs. Everett Wilder.

Wilbraham: Mrs. Irving Agard, Mr. William Duval, Mr. Thomas Erwin, Mrs. L. W. Gould, Mrs. Herman Grandchamp, Mrs. John LeBlanc, Mrs. Robert Maynard, Mrs. Carl Meier, Frances Mell, Mrs. John Nelsson, Mrs. Ronald Nobbs, Mrs. Elsie Randolph, Mrs. Winifred Rice, Mrs. Denny Richter, Mr. Lucien Riendeau, Mrs. Lucien Riendeau, Mrs. Everett Warner.

VOLUNTEER LEADERS SERVING THE 4–H PROGRAM IN THE SECOND CONGRESSIONAL DISTRICT, HAMPSHIRE COUNTY

Belchertown: Mrs. Edwin Whipple, Mrs. Preston Atwood, Mr. Wallace Chevalier, Mrs. Richard I. Cole, Mr. George Foster, Mrs. Julian H. Hussey, Mrs. Fred Opielowski, Mrs. Edward H. Rice, Jr., Mrs. Godfrey Wenzel, Mrs. Omer Dupuis, Mrs. M. McLean, Mrs. Jack Poole.

Granby: Mr. Roy W. White, Mrs. Philip Denette, Mr. Francis E. DeWitt, Mrs. John Erickson, Mrs. Robert L. Hatch, Mrs. Arthur A. Hauschild, Mrs. Harvey LaFleche, Mr. Warren McKinstry, Mrs. Lindolph O. Parker, Mrs. Earl Poitras, Mrs. Roy E. Simmons, Jr., Mrs. Edward Trompke, Mr. Frederick Wilson, Mrs. John Zucker, Mr. Armand C. Cormier, Mr. Kenneth Fortier, Mr. Carlton S. Nash.

South Hadley: Mr. Alfred Sebastyanski, Mrs. Warren Bock, Mrs. John Conant, Jr., Mrs. Raymond Dressell, Mrs. Edward Ezold, Mrs. Whitfield B. Hallett, Mrs. Casimir Klekotka, Mrs. Edward Laferriere, Mrs. Walter Malec, Mrs. Daniel Mulvenna, Mrs. Everett Reed, Mrs. Wistar Goodhue, Mrs. Alfred Sebastyanski, Mrs. John M. Sullivan, Mrs. Michael Sullivan, Mrs. Francis Williams, Mrs. William Williams, Mrs. Alan Craven, Mrs. Felix Gagne, Mr. A. A. Soander.

Ware: Mr. Eugene Bourgault, Mrs. James Bradley, Mrs. Bernard Dulak, Mrs. William Duval, Mr. Michael Guzik, Mr. Julian J. Knapp, Mrs. Frank Krusik, Mrs. Walter Olszewski, Mrs. Alida Phaneuf, Mr. John J. Schott, Mrs. Walter Swinarski, Mr. Lloyd H. Thomas, Mrs. Stanley Wyrobek, Mrs. Mary Riggie, Mr. Francis Cote, Mr. Robert Heavey, Mr. Leo Hevey, Mrs. Joseph Jurczyk, Mr. Charles Lemaitre, Mrs. Donald St. Germaine, Mr. William F. Wade.

VOLUNTEER LEADERS SERVING THE 4–H PROGRAM IN THE SECOND CONGRESSIONAL DISTRICT (WORCESTER COUNTY)

Brookfield: Mrs. Michael Pecha, Mr. Michael Pecha.

East Brookfield: Mrs. Sybil Hingston, Mrs. Robert Jaquith, Mrs. Harold Lovejoy, Mrs. John Treadwell, Mrs. Arthur Germaine, Mrs. Richard Pelletier, Mrs. Francis Vivier, Mrs. Philip Terry.

North Brookfield: Mrs. Janet Snelling, Mrs. Edith Prothro, Mrs. Raymond Waydaka, Mrs. George Sullivan, Mrs. Edmund Evans, Mrs. Roger Ducasse, Mrs. Laurence Thayer, Miss Christine Hayden, Mrs. Rene Lambert, Mr. Rene Lambert, Mr. Philip Waugh, Mr. George Frizzell, Mr. Henry Marchessault, Mr. Robert Munyon, Mr. George Cross, Mr. Ronald Fritz.

Sturbridge: Mrs. Stephen Grudzien, Mr. Stephen Grudzien.

West Brookfield: Mrs. Bernard DuPaul, Mrs. Richard Frew, Mr. Richard Frew, Mrs. Oliver Hill, Mrs. David Stevens, Mrs. Stanley Koziol, Mrs. Richard Standish, Mrs. Arvid Silverberg, Mrs. Virgil Martin, Mrs. Milton Potter, Mrs. Francis Ploof, Mrs. John Sauer, Mr. John Sauer, Mrs. Donald Williams, Mr. Donald Williams, Mrs. Roger Persons, Mr. Roger Persons, Mrs. John Lapierre, Mr. John Lapierre, Mrs. Richard Morse, Mr. Richard Morse.

Warren: Mr. James Blanchard, Mr. Boleslaw Doktor, Mrs. Doris Gravelin, Mrs. Robert Hastings, Mrs. Robert McCarthy, Mr. Leroy Richardson, Mr. David Shepard, Mr. Robert Williams.

SENATE

FRIDAY, APRIL 24, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God from whom all blessings flow, as we stretch lame hands of prayer to Thee, grant us the benediction of Thy healing peace. Draw very near unto us. Teach us to weave the concerns of these troubled days into the perspective of the long years.

The cries of the crowds about us but bring us to confusion without and perplexity within. As, for this solemn, searching moment, the words of this Chamber are hushed to silence, breathe upon our thinking with Thy truth, breathe upon our understanding with Thy light, breathe upon our attitudes with Thy love.

May the heavy pressures of the world not mold us; but may we be so strengthened with might in the inner man that we may help mold the world nearer to the fashion of Thy righteous will. From the perplexing problems whose attempted solutions so often tend to divide us in our judgment, at this common altar of prayer we find a unity which ties us together, even amidst all the diversities of our thought.

Beset by the confusion of these days, when honest and sincere men differ, may we never forfeit our own self-respect or the confidence of those who trust us, as we dedicate our highest and best to the service of the Nation.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 23, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

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

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 sundry nominations, which was referred to the Committee on Armed Services.

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

ORDER FOR MORNING HOUR

Mr. MANSFIELD. Mr. President, before I suggest the absence of a quorum, I renew the request made on yesterday for a morning hour at the conclusion of the quorum call.

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

CALL OF THE ROLL

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

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

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 165 Leg.]

Aiken	Hickenlooper	Muskie
Allott	Holland	Neuberger
Anderson	Hruska	Pastore
Bartlett	Humphrey	Pearson
Beall	Inouye	Pell
Bennett	Jackson	Prouty
Boggs	Johnston	Proxmire
Brewster	Jordan, Idaho	Ribicoff
Cannon	Keating	Robertson
Carlson	Kuchel	Saltonstall
Case	Lausche	Simpson
Church	Magnuson	Smith
Cotton	Mansfield	Sparkman
Curtis	McGee	Stennis
Dodd	McGovern	Symington
Douglas	McIntyre	Talmadge
Fong	McNamara	Thurmond
Goldwater	Metcalf	Walters
Gore	Monroney	Williams, Del.
Gruening	Morse	Young, N. Dak.
Hayden	Mundt	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Alabama [Mr. HILL], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. NELSON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] and the Senator from Arkansas [Mr. MCCLELLAN] are absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent during convalescence from an illness.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from New York [Mr. JAVITS] are absent on official business.

The Senator from Colorado [Mr. DOMINICK], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

PERSONAL STATEMENT BY SENATOR DOUGLAS

Mr. DOUGLAS. Mr. President, I wish to correct an unintentional injustice which I have done to the senior Senator from Florida [Mr. HOLLAND]. In a discussion with the senior Senator from Oregon [Mr. MORSE] on April 11, as published in the CONGRESSIONAL RECORD at page 7681, I said that in 1957, when the Banking and Currency Committee was considering the bank holding company bill, the senior Senator from Florida had, as I remembered it, honestly assured us that the income from the Alfred I. du Pont estate was primarily devoted to charitable purposes, whereas later developments had shown that only one-eighth of that income was so devoted.

I thought that the appearance before our committee by the Senator from Florida [Mr. HOLLAND] had been in executive session.

Since that time I have searched the transcript of the public hearings and the executive sessions which were held on that bill, and I have found that there is absolutely no record of the Senator from Florida appearing at any time.

The Senator from Florida [Mr. HOLLAND] assures me that he has no memory of doing so—and he has a very good memory on almost every matter—and the record shows that this point was, in fact, raised by other Senators with whom, evidently, I confused the Senator from Florida.

I hereby apologize to the Senator from Florida for the unintentional injustice which I have done him. I am communicating my apology immediately to individuals and newspapers which have criticized the Senator from Florida on the basis of my erroneous statement which was published in the CONGRESSIONAL RECORD.

Mr. HOLLAND. Mr. President, first, I wish to express my sincere thanks to the Senator from Illinois for his customary frankness and complete integrity in handling a matter of this kind. The situation arose, as I understand it, in a colloquy between the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Oregon [Mr. MORSE] at a time when I was not in the Chamber. It was first called to my attention when I was in Florida a few days ago, and I promptly said I had no recollection of any such incident, but that I could not categorically say that there had not been such. I understood it had taken place about 8 years ago.

When I returned, I had the record searched. We searched the record of the executive hearings and of the open hearings before the Committee on Banking and Currency, of which I have never been a member, but of which the Senator from Illinois is one of the most active members. I found that I had not appeared in either of those hearings. We also searched the record of the debate, with the same result. We examined the file on the subject, with the same result.

The matter was one as to which I had not had any information at that time which would have enabled me to make such a statement to the distinguished Senator from Illinois, and I had no recollection of any private discussion with the Senator.

This morning he came to me of his own will, because apparently he had been disturbed by the same reports which had been coming to me, and told me he was preparing to make the statement which he has just made. I very warmly thank him and say for the record that it is characteristic of the Senator from Illinois that he practices complete adherence to the highest standards of integrity in this and every other matter in the Senate.

So far as the Senator from Florida is concerned, he not only has no knowledge whatever of any such discussion or such appearance; he is very sure there was none such, and he finds from the record of the committee hearings that two other distinguished Senators who were members of the committee did support the amendment which was placed in the bill in committee, and on which there was no vote on the floor of the Senate. As a matter of fact, there was no yea-and-nay vote on the passage of the bill. The bill was passed on a voice vote. The Senator from Florida had no part in the discussion of the bill on the floor of the Senate, because the bill had been reported by a committee on which he had no membership and that had worked on this complex, technical bill, with which he had no familiarity whatsoever.

The Senator from Florida thanks his distinguished friend from Illinois for making the record completely clear on this matter.

Mr. DOUGLAS. I wish to say again to the Senator from Florida how deeply I regret what has happened. I shall try to rectify as best I can any injustice that has been done to the Senator from Florida. I thank him for the courtesy with which he has treated my apology and express my regrets again.

Mr. HOLLAND. Mr. President, big men know how to apologize; little men never do. The Senator from Illinois is one of the big men of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON PARTICIPATION IN RESEARCH AND DEVELOPMENT WORK

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the participation of the Georgia Institute of Technology, Atlanta, Ga., in research and development work which supports the national space program; to the Committee on Aeronautical and Space Sciences.

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Associate 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 March 1964 (with accompanying papers); to the Committee on Agriculture and Forestry.

AUDIT REPORT ON EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, an audit report on the Exchange Stabilization Fund, for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman, Securities and Exchange Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON EXCESSIVE COSTS INCURRED BECAUSE OF EXTENDED CONTRACTOR-FURNISHED TECHNICAL SERVICES RELATING TO ELECTRONIC AIR TRAFFIC CONTROL SIMULATOR SYSTEMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs incurred because of extended contractor-furnished technical services and other deficiencies in administration of contracts for electronic air traffic control simulator systems, Federal Aviation Agency, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COST TO THE GOVERNMENT IN LEASING OF ELECTRONIC DATA PROCESSING SYSTEMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary cost to the Government in the leasing of electronic data processing systems by the Boeing Co., Airplane Division, Wichita, Kans., Department of Defense, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACT WITH FLORIDA WATER CONSERVANCY DISTRICT, COLORADO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, on findings on the matter of justifying approval of an amendatory contract with the Florida Water Conservancy District, Colorado (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN GRAND TETON NATIONAL PARK, WYOMING

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract in Grand Teton National Park, Wyoming (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF ELEANOR ROOSEVELT MEMORIAL FOUNDATION

A letter from the chairman of the Eleanor Roosevelt Memorial Foundation, of New York, N.Y., transmitting, pursuant to law, the annual report of that foundation, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF NATIONAL SAFETY COUNCIL

A letter from the President, National Safety Council, Chicago, Ill., transmitting, pursuant to law, an audit report of the financial transactions of that council, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered, granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered, granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS LEGISLATION GRANTING MEDICAL ASSISTANCE TO THE AGED UNDER THE FEDERAL SOCIAL SECURITY ACT

"Resolved, That the General Court of Massachusetts hereby urges the 88th Congress of the United States to pass legislation granting medical assistance to the aged, funds for such assistance to be raised under the Federal Social Security Act, and eliminating the paupers' oath; and be it further

"Resolved, That a copy of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 30, 1964.

"WILLIAM C. MAIRES,
"Clerk.

"Senate, adopted in concurrence, April 2, 1964.

"THOMAS A. CHADWICK,
"Clerk.

"A true copy.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

Petitions signed by Koho Arakaki, mayor of Gushikawa-Son, Seitoku Tominkana, chairman, Assembly of Gushikawa-Son, Sakae Taira, chairman, Gushikawa-Son, and Seijiro Kohagura, chairman, Municipal Assembly of Ginowan City, all of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A resolution adopted by the Common Council of the City of Yonkers, N.Y., remonstrating against any amendment of the Sugar Act of 1948; to the Committee on Finance.

LIMITATION OF QUOTAS ON IMPORTS OF BEEF AND BEEF PRODUCTS—CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. THURMOND. Mr. President, on behalf of myself and the senior Senator from South Carolina [Mr. JOHNSTON], I send to the desk for appropriate reference a concurrent resolution of the South Carolina General Assembly recommending to the U.S. Congress, the U.S. State Department, and the U.S. Department of Agriculture that consideration be given to limiting the quotas on imports of beef and beef products.

There being no objection, the concurrent resolution was referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION RECOMMENDING TO THE U.S. CONGRESS, THE U.S. STATE DEPARTMENT, AND THE U.S. DEPARTMENT OF AGRICULTURE THAT CONSIDERATION BE GIVEN TO LIMITING THE QUOTAS ON IMPORTS OF BEEF AND BEEF PRODUCTS

Whereas the South Carolina Cattlemen's Association has reported that on February 17, 1964, an agreement was announced which allows Australia and New Zealand beef imports into this country during the years 1964 through 1966 of 773, 801, and 830 million pounds and that this agreement more than doubles the rate of imports from these countries during the period 1948 to 1962 and that these heavy imports are seriously depressing our cattle market; and

Whereas the association further reports that a portion of these imports is of primal cuts which will severely damage our domestic price structure; that the American producers and feeders are obligated to pay high fixed costs associated with labor, land, local and Federal taxes and other expenses over which they have no control and which are higher than those of their foreign counterpart; and

Whereas the stability of the American beef industry is essential to the growth and welfare of the entire American economy in all States; and

Whereas continued price depression will inevitably result in removal of capital from the United States to foreign points with concurrent employment losses; and

Whereas such large import quotas may be disastrous to the American producers and feeders and unacceptable to the American public and may well set into motion restrictive forces which in the long run will have unfavorable impact upon importing countries; and

Whereas the members of the general assembly feel that such conditions should be thoroughly considered by the U.S. Congress, the U.S. State Department and U.S. Department of Agriculture: Now, therefore, be it

Resolved by the senate, the house of representatives concurring, That the members of the general assembly recommend to the U.S. Congress, the U.S. State Department, and the U.S. Department of Agriculture, that a new study be made relative to the quotas on imports of beef and beef products into the United States, that in such study a composition of imports be considered so as to embrace in future quotas cooked and cured meats, a sharp reduction in imports of primal cuts and should a growth factor be involved in any negotiation it be at much less than the full amount; and be it further

Resolved, That copies of this resolution be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each Member of the congressional delegation from South Carolina, the Secretary of State, and the Secretary of the U.S. Department of Agriculture.

RESOLUTIONS OF SOUTH CAROLINA SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. THURMOND. Mr. President, the South Carolina Society of the Sons of the American Revolution held a convention in Columbia, S.C., on April 4, 1964, and at that time the society approved four resolutions of concern to the Congress. I have been impressed with the resolutions, Mr. President, and feel that they merit the serious attention and consideration of the Congress.

I, therefore, ask unanimous consent that these four resolutions be printed in the RECORD and appropriately referred.

Mr. President, the Sons of the American Revolution is a great patriotic organization. I am pleased to have been associated with this organization, and particularly with the South Carolina Society, for many years; so, I commend to my colleagues their attention to these important resolutions.

There being no objection, the resolutions were referred or ordered to lie on the table, and ordered to be printed in the RECORD, as follows:

To the Committee on the Judiciary:

RESOLUTION 1

A resolution to memorialize South Carolina Senators and Representatives in the U.S. Congress to support legislation permitting prayer and/or Bible reading in public schools

Whereas the recent decision of the Supreme Court of the United States concerning the reading of the Bible and prayers to God or a Supreme Deity in public schools has resulted in confusion and misunderstanding of the extent and meaning of that decision; and

Whereas we believe that godlessness or neutralism in religion promotes communistic ideology and amorality and, further, that any form of voluntary affirmation or expression of belief in a Supreme Being or God in song or pledge or other observance or proceeding in any public school or public place or upon any coin, currency, document, obligation or oath of office of Government does not constitute "an establishment of religion" in the sense in which that phrase was used in the first amendment of the Constitution, therefore, be it

Resolved, That we, the South Carolina Society of the Sons of the American Revolution, do hereby memorialize the Senators and Representatives of State of South Carolina in the Congress of the United States to support an amendment to the Constitution which will effectively and clearly express the principles expressed in the preceding paragraph and remove the confusion and misunderstanding created by the decision of the Supreme Court.

RESOLUTION 4

A resolution to memorialize the representatives of the State of South Carolina in the Congress of the United States to support resolution No. 6, adopted by the 73d Annual Congress of the National Society of the Sons of the American Revolution on May 22, 1963

Whereas the 73d Annual Congress of the National Society of the Sons of the American Revolution adopted as resolution No. 6, the following:

"*Be it resolved,* That the National Society of the Sons of the American Revolution does hereby endorse in principle the bill pending in the Congress of the United States as House Joint Resolution No. 25, otherwise called the liberty amendment, which proposes an amendment to the Constitution of the United States; and we urge that the Congress of the United States do submit said proposed constitutional amendment to the people of the Nation for ratification"; and

Whereas the delegates from the South Carolina society to the 73d annual congress of the national society did support said resolution; and

Whereas we now and hereby reaffirm our support of said resolution: Now, therefore, be it

Resolved, That we memorialize the representatives of the State of South Carolina in the Congress of the United States to support said resolution No. 6, as adopted by the 73d Annual Congress of the National Society of the Sons of the American Revolution on May 22, 1963.

To the Committee on Finance:

RESOLUTION 3

A resolution to memorialize the South Carolina representatives in the U.S. Congress to determine whether the activities of certain tax-exempt charitable, religious, or educational organizations violate existing laws

Whereas the tax laws of the United States prohibit tax-exempt charitable, religious, or educational organizations from engaging in substantial lobbying or propaganda to influence legislation; and

Whereas Senator THURMOND, of South Carolina, has alleged and Mr. Colin Stam, chief of staff of the Joint Committee on Internal Revenue Taxation has apparently agreed that the National Council of Churches has played a vigorous and substantial role in urging enactment of the civil rights bill; and

Whereas the Select Committee on Small Business of the House, in its October 16, 1963, report titled "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy" states that the Treasury Department not only does not know how many such trusts exist but that knowledge of their activities is limited—for example, of 546 trusts examined by the committee only 113 had received 1 or more Treasury field audits in a 10-year period—and in consequence of its findings recommends that tax returns of these foundations "require disclosure of amounts spent for instigating or promoting legislation or political activities, or amounts paid to other organizations for the purpose"; and

Whereas the National Observer, a weekly newspaper by the publishers of the Wall Street Journal, in its July 1, 1963, issue, reported that representatives of the Ford, Rockefeller, and Taconic Foundations, at a secret breakfast held in Hotel Carlyle, New York City, June 10, 1963, also attended by officers of NAACP, CORE, Urban League, SLOC (Mr. Martin Luther King's group) and by other white persons, subscribed $850,000 to the latter mentioned organizations and subsequently assisted in forming an executive committee to collect and to distribute funds in behalf of such groups and, further reported that the leaders of these civil rights groups made a "small donation" to a militant Student Non-Violent Coordinating Committee (SNICK); and

Whereas SNICK has engaged in "direct action" demonstrations in Atlanta and in the words of the Atlanta Journal, February 2, 1963, "The tax-exempt Student Non-Violent Coordinating Committee counts among its active supporters at least two * * * who have been identified by an FBI undercover agent in hearings before the House Un-American Activities Committee as Communist Party members."; and

Whereas under the guidance, direction, or encouragement of one or more of said civil rights groups children have been marshaled, marched, and taught defiance of law and order; public education has been disrupted and public school pupils and teachers in some areas have been demoralized; public and private property has been invaded and seized by sit-downs or other means; small businesses have been damaged or ruined and individual rights and freedoms have been infringed; riots, civil disorders, and violence prejudicial to the safety and welfare of all citizens have been encouraged; and massive demonstrations have been staged to intimidate the lawmaking bodies of the land with a view to obtaining the passage of legislation of doubtful constitutionality and of uncertain morality; and

Whereas we believe that such acts endanger this Republic and are inimical to the welfare of all our citizens of whatever race or creed; and

Whereas it seems obvious that NAACP, CORE, Urban League, SLOC, SNOC, and the National Council of Churches have all engaged in lobbying in one or more forms and that the Ford, Rockefeller, and Taconic Foundations have subsidized, directly or indirectly, the activities of these organizations: Now, therefore, be it

Resolved, That we hereby memorialize the Senators and Representatives of the State of South Carolina in the Congress of the United States to ascertain either through the investigative powers of the Congress or by other certain methods whether or not the aforesaid organizations have abused the privileges of tax immunity, that full publicity be given such action, and that if an affirmative finding is made appropriate legal penalties be promptly invoked.

Ordered to lie on the table:

RESOLUTION 2

A resolution to memorialize the South Carolina representatives in the U.S. Congress to oppose passage in the Senate of the so-called civil rights bill or if appropriate at the time of adoption of this resolution to seek repeal

Whereas there is pending before the U.S. Senate a House-passed bill known as the civil rights bill, and whereas six members of the Judiciary Committee of the House have declared that this bill is "illustrative of the total disregard of the Constitution of the United States by those who drafted this legislation," that "If this is enacted, the basic and fundamental power of the States and the power of local governments to regulate business and to govern the relations of individuals to each other will have been preempted," and that it grants such a totality of power to the Executive and his appointees, particularly the Attorney General, as has seldom been seen before, that it grants authority to seriously impair the following civil rights of those who fall within the scope of the various titles of the bill:

1. Freedom of speech and freedom of the press concerning "discrimination or segrega-

tion of any kind at any establishment or place" (secs. 202–203).

2. Homeowners' rights to rent, lease, sell their homes as free individuals (secs. 601–602).

3. Right of realtors and developers of residential property to act as free agents (secs. 601–602).

4. Right of banks, etc., to operate according to their best judgment (601–602).

5. Right of employer to hire, fire, determine terms, conditions, compensation, or privileges of employments (title VII).

6. Seniority rights of employees in corporate or other employment (VII, VI, 711b).

7. Seniority rights of all persons under Federal civil service (sec. 711a).

8. Seniority rights of labor union members in their locals and in their own apprentice programs (title II, title VI via sec. 711b).

9. Unions' right to choose members, to determine rights of members (VII, VI, 711b).

10. Farmers' rights to freely choose tenants and employees (titles VI and VII).

11. Farm organizations' right to choose members, determine rights (VI, VII).

12. School boards', trustees', both public and private institutions' right to determine handling of students, makeup and handling of staffs (titles IV, VI, VII).

13. Rights of owners of inns, hotels, motels, restaurants, cafeterias, lunchrooms, soda fountains, motion picture houses, theaters, concert halls, sports arenas, stadiums, and other places of entertainment to freely carry on their business in the service of their customers (II, VI, VII).

14. Rights of States to determine voter qualifications in all Federal elections and many State elections (title I).

15. Right of litigants to even-handed justice in Federal courts. Civil rights litigants, especially the Attorney General, are placed in special category with preferences and advantages not afforded other parties in any other form of litigation (sec. 101d, title IX).

Whereas we believe that the breath of our Republic is individual freedom and individual responsibility and that the passage of patently unconstitutional legislation in an attempt to forcibly correct real or fancied social and economic ills only heaps evil upon evil by following the doctrine that the end justifies the means, that by mocking the Constitution such legislation will ultimately destroy the freedoms not only of those whom it professes to serve but of all men, and we further believe that the distortion or destruction of any one of the basic constitutional guarantees does but pave the way toward centralized, authoritarian, governmental control with the consequent ultimate downfall of this great Republic: Now, therefore, be it

Resolved, That we, the South Carolina Society of the Sons of the American Revolution, do hereby memorialize the Senators of the State of South Carolina, and the Representatives thereof, if this legislation shall not have been passed on or before the date of adoption of this resolution—to do all in their power to defeat this legislation or, if appropriate, to effect its repeal.

CIVIL RIGHTS—RESOLUTION OF HOLLY HILL, S.C., METHODIST CHURCH

Mr. THURMOND. Mr. President, I am pleased to call to the attention of my colleagues a resolution which has been approved by the Holly Hill Methodist Church of Holly Hill, S.C., on April 17, 1964. This resolution takes a strong stand against the so-called civil rights legislation and also disassociates this church from the stated positions of the World Council of Churches and the National Council of Churches in support of this legislation.

I ask unanimous consent, Mr. President, that this resolution be printed in the RECORD and appropriately referred.

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

HOLLY HILL METHODIST CHURCH,
Holly Hill, S.C., April 17, 1964.

Whereas it has been brought to the attention of the official board of the Holly Hill Methodist Church, Holly Hill, S.C., that efforts are being made on behalf of passage of the civil rights bill, now pending before Congress, by the World Council of Churches, and the National Council of Churches; and

Whereas these two church bodies are representing their position as that of the various denominations and church groups contributing to the support of these two organizations; and

Whereas such positions are being brought to the attention of the Members of Congress of the United States, and are being represented to said Members of Congress as the views of the supporting denominations: Therefore be it

Resolved, That we, the members of the official board of the Holly Hill Methodist Church, Holly Hill, S.C., go on record as opposing such views, positions, and representations of the World and National Council of Churches, and make it known that these organizations are not speaking for or presenting the views of the Holly Hill Methodist Church; and be it further

Resolved, That this resolution be sent to the Presiding Officer of the Senate, the Speaker of the House, the majority and minority leaders of both Houses of Congress, and to all Senators and Congressmen of the State of South Carolina in order to protest the action of these two organizations.

M. C. COLVIN,
Chairman of the Official Board.

Signed April 17, 1964.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Dr. Mary I. Bunting, of Massachusetts, to be a member of the Atomic Energy Commission.

BILLS INTRODUCED

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

By Mr. YOUNG of Ohio:

S. 2768. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

By Mr. HUMPHREY:

S. 2769. A bill for the relief of Luis Mario Tredici, M.D.; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF SENATE RESOLUTION 308

Mr. TOWER. Mr. President, I ask unanimous consent that at the next printing of Senate Resolution 308, relating to gathering of and publication of speeches of Gen. Douglas MacArthur, the names of the distinguished Senator from Mississippi [Mr. STENNIS] and the distinguished Senator from New York [Mr. JAVITS] be added as cosponsors.

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

THE SITUATION IN VIETNAM

Mr. MANSFIELD. Mr. President, I would like to call to the attention of the Senate a column on Vietnam by Walter Lippmann which appeared in the Washington Post of April 21, 1964. Mr. Lippmann is an outstanding journalist, and whether one agrees with him or not, his prose is invariably stimulating and thought provoking. The article previously referred to seems to me to be exceptional. In it Mr. Lippmann analyzes the situation in Vietnam with unusual accuracy and clarity. He debunks the idea that a painless way to victory is to encourage General Khanh to carry the war into North Vietnam. He explains why such advocacy is glib and irresponsible both in terms of its immediate military objective of defeating North Vietnam and in terms of the ultimate objective of ending the strife in the south.

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

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

FOREIGN POLICY DEBATE

(By Walter Lippmann)

After spending a few days in Saigon, Mr. Nixon has come home with a formula for winning the war in southeast Asia. The reason we are not winning it now is, he says, that we believe in "Yalu River concepts of private sanctuaries," and for that reason we are preventing the South Vietnamese, who presumably are raring to go, from taking the offensive, from carrying the war into Laos and to the north, and of winning the war there.

Mr. Nixon ought to know better, and perhaps he does know better, than to say that the reason why South Vietnam does not win the war in North Vietnam is that the United States won't let it. The indubitable fact is that South Vietnam is quite incapable of carrying the war successfully into North Vietnam. That is not because we will not give it arms. We do give it arms. It is because the South Vietnamese have very little fighting morale and are well aware from experiments that have already been made that raiding in North Vietnam means almost certain death. Let us hope that Mr. Nixon is not going to revive, at this late date, the old chestnut which we used to hear about "unleasing Chiang Kai-shek," and ask us to believe that victory can be had by unleasing General Khanh.

General Khanh is leashed by the unwillingness of the large majority of the South Vietnamese to fight on in the civil war. "Hot pursuit" indeed: where are the Vietnamese soldiers who are hot about pursuing the Vietcong into the clutches of General Giap? The truth, which is being obscured for the American people, is that the Saigon Government has the allegiance of probably no more than 30 percent of the people and controls (even in daylight) not much more than a quarter of the territory.

The real and immediate problem in South Vietnam is to prevent a collapse of a weak government which is losing the civil war. That is the paramount objective of the Johnson-McNamara policy—to prevent a bad situation from becoming impossible. It is certainly not a glorious policy, or even a

promising one, and it has led high officials of the administration into making commitments that had better been left unmade. But the policy is at least concerned with the reality of the situation, which is the need to prevent a collapse and surrender before there is an opportunity to work out a political solution in the area.

Any other plan for "winning the war" in southeast Asia must be, if the speaker is being candid and not tricky, a plan for the intervention of the United States with large forces prepared to overwhelm the whole of Indochina and to confront mainland China itself. All schemes for interdicting outside help to the Vietcong can be carried out only by the U.S. Air Force. The South Vietnamese Government does not have the bombers and could not fly them if they had them in any such enterprise. The enterprise should never be undertaken unless we are prepared to have a large war with China.

In his review of foreign policy on Monday, the President was in effect saying that there has been no material change since the death of President Kennedy. Our relations with Russia, which took a decided turn for the better between the Cuban crisis and the test ban treaty, have continued to improve, slowly to be sure, but to improve.

On the other hand, in the areas where President Kennedy had not been succeeding, things are about as they were. This is true of Europe, of Asia, and of South America. There is a pause in Europe and perhaps also in Latin America. This may be in part because new developments have not gone far enough to show what is going to happen, in part because of the coming elections—here and in Britain and in Chile this year, in Germany and France and Brazil next year. There is a pause in the Far East because the war plans of Messrs. Nixon and Goldwater are unworkable and undesirable, and any other kind of plan is, as Senator FULBRIGHT would say, still unthinkable.

This pause permits President Johnson to devote himself primarily to our too long postponed and too much neglected internal problems.

ADDRESS BY SENATOR MANSFIELD AT MONTANA CENTENNIAL DINNER

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a speech I delivered at the Montana centennial dinner, at the Sheraton Park Hotel, on April 17, 1964.

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

THE MONTANA CENTENNIAL DINNER

(Address by Senator MIKE MANSFIELD, Democrat, of Montana, Sheraton Park Hotel, Washington, D.C., April 17, 1964)

My fellow Montanan, this is the week that was. This was the week that the Butte, Anaconda & Pacific Railroad settled its strike, resumed it and settled it once again. I am happy to state that notice received from Butte and Anaconda this morning that the men are back at work and the smelters and mines are working at capacity and the possible shutdown at Great Falls has been averted.

This is the week that our Chief Executive, Governor Babcock, came into Washington to arrange, I thought, for the Montana centennial celebration. I find, however, after duly investigating that he had a dual purpose. He was also trying to arrange for the selection of a Republican candidate for President by attending the Republican Governors conference. I understand that he has been a lot more successful with the arrangements for the centennial celebration and I am delighted that he is with us tonight.

This is the week that the C.H.—Chet Huntley—brand was put on certain nature-fed cattle in New Jersey and now I understand it has been taken off. His feeding lot operation, however, continues and still furnishes a dire threat to the well-being of Montana cattlemen. His beef is of a very superior quality. But it was not his special nature-feed that made the difference. The truth is that it was simply the bulls which he has been importing from Cardwell and Reed Point.

This is the week that a new silver dollar was being produced in the new mint in Bozeman. It is known as the Montana double-cartwheel and is made by pasting two 50-cent pieces back to back. My latest information is that there is now not only a shortage of silver dollars in our State but we also face a shortage of half dollars.

This is the week that coin collectors are after me because they do not want new dollars minted with the 1922 date on it. I want them to know that I am with them all the way. I have a few myself. Some dealers also want free and ready access to the 3 million rare silver dollars now being held in the vaults in the Treasury. The cellars of the Treasury Department have become the greatest mining find since the Virginia City-Bannock gold strikes of a century ago.

This is the week in which it was announced that beef imports were reduced by 220 million pounds this year through voluntary agreements with Australia and New Zealand. This is the week in which it was announced that 68 million pounds of domestic beef is being purchased by the Defense Department for the use of Armed Forces overseas. And this is the week that Secretary of Agriculture Freeman announced that $20 million would be spent for the purchase of domestic beef to supplement school lunch programs and the like.

This is the week that Marvin Brooks and Cloyd Wampler consented to come out of their hibernation in Pony and Wisdom and travel to the Nation's Capitol to show what magnificent citizenship is produced in two of the smallest towns of one of the biggest States of the Union.

This is the week in which I have been confronted with one of the few genuine drafts of my life aside from being named majority leader of the Senate. I was drafted to make this speech tonight. And then, of course, to make sure that I would be here for this most pleasant assignment, "Monty" Montana lassoed me on the steps of the Capitol and, very fortunately, in public. It was only coincidental, with November not so far away, that CBS, ABC, NBC, and Frank Muto were close by.

This is the week we advertised Brinkley and came up with Huntley. And this is the week that one Senator says that all Senators ought to publish a list of outside business interests and inside assets and another Senator says that if they did so, they would become second-class citizens.

This is the week when the Democrats finally recaptured the State House; our Senator David Manning from Treasure County who happens to be a Democrat is serving as Acting Governor. On that score, of course, I can assure the Governor, that the State is in good hands, that Montana will still be there when you get back.

And now to turn from the week that was to the moment that is, I want to say that railroad trains fascinate all youngsters. The Centennial Train, I am sure, will make children out of people of all ages.

This extraordinary pilgrimage is a kind of Lewis and Clark expedition in reverse. Montanans, in effect, are bringing civilization back to the East. May I suggest that you lock up your silver dollars while you are in this part of the country. A veritable passion for cartwheels has developed here in the East, and we would like very much to avoid a too realistic reenactment of one of the great train robberies of the past.

In any case, I do know that this train with its wonderful cargo of Montanans and its treasures is fully in keeping with the traditions of the Big Sky Country. I am delighted to see it and you here in Washington.

The train tells a great deal of us and of our part in the building of a nation. It unfolds a dramatic history on a continental scale. The characters in this drama provide the cast of a thousand movies. The settings are familiar to hundreds of millions of TV viewers not only in our own country but throughout the world. It is all here either in replica or by suggestion: The towering mountains, the plains, the desert; the wigwam, the covered wagon, the lonely trading post or the settler's cabin, the gold camps and ghost towns, the territorial legislature and the offices of the giant corporations. Even the saloons are here, although the liquor, no doubt, is not as hard as it used to be—well, not quite as hard. And here, too, are the Indians, cowpokes, trappers, lumbermen, ranchers, miners, copper kings, politicians, statesmen, outlaws, and vigilantes.

All of these are parts of the saga of our State. After Lewis and Clark brought back the first reports, many made the trek westward to become a part of the drama. They came from all of these Eastern States and the Mississippi Valley. They came from Europe and from Asia. They came to trap, to log, to mine, to railroad, to trade, to preach, to teach, to farm and to work at whatever needed doing. And some came to rob and to kill and others to stop the robbings and killings.

All left their mark. Some moved farther west and others went back East. But many stayed and worked and built.

They confronted a land and an Indian way of life unchanged for millenia and they changed both. And Montana, in turn, changed the pioneers and their descendants. Out of the infusion of ideas and energy, in an incredibly short time—remember that the Lewis and Clark expedition was scarcely a century and a half ago and Custer's last stand less than a century ago—out of this infusion emerged the Treasure State as we know it today.

It is a State big enough to remember the past without bitterness. It is a State warm enough to accommodate, with a mutual tolerance, all the human strains of its present diversity. It is a State which, today, is great enough for its people to live together in peace and to share fully in all the hopes for a peaceful nation in a peaceful world.

But it was not always so. Change is rarely easy. More often than not, change is conflict, the conflict of man against man, man against nature and man against himself. Change is hope and the dashing of hope but always the rebirth of hope.

From the very beginning that has been the pattern of Montana life. We have had our times of disappointment and disaster. Repeated Indian wars, in our State, as elsewhere, for example, left scars which were a long time in healing on both sides. Trappers and prospectors died lonely and senseless deaths in the early search for wealth in furs and gold and silver. Miners, sheep and cattlemen, wheat ranchers, railroaders and businessmen and their families ate the bread of bitterness in the great depression and problems of unemployment, even if less extreme, still affect us today. Natural calamities of weather and range and the unnatural calamities of the market have from time to time plagued our ranchers and farmers.

Yet in spite of these recurrent difficulties, perhaps, in part because of them, Montana is the vigorous State that it is. We have learned many things from our turbulent history. And most important I think, we have learned how to roll with the process of change itself while holding on to what is enduring in our heritage and tradition.

This ability to recognize and to seize the opportunities presented by changing circumstances, to be guided by but not bound by the past, is a quality which in these times has great significance for the Nation as a whole in its relations with the rest of the world.

For today, the United States functions in a world of change. Western Europe is changing rapidly and parts of the Communist world, apparently, are shaking loose from the hogties of rigid dogma. That world, too, is undergoing change from Berlin to the Urals and beyond. Recent statements of Mr. Khrushchev suggest to his credit that he is convinced that there is dignity in responding to man's needs in peace and that it is to be preferred to mass death in ideological war. This awareness has not yet, apparently, penetrated the consciousness of the Chinese leaders. But the Chinese people, I am confident, understand that there is much to be said for a full life over nuclear death. The day may not be too distant when Chinese leadership will also have to accept what the Chinese people understand.

Among the Western nations there is also change from a heavy dependency on the United States to a greater independence. It is true that this independence sometimes seems to border on the fragmentation of Western unity. Yet it is a much healthier state of affairs than an apparent unity which would be held together only by an old cement patched up with a lavish use of American resources. In Africa, there is the transition to national independence on a continental scale. It is not an easy transition but it has begun and it will not be reversed.

And in the deadly nuclear confrontation between Russia and the United States there is the reality and the hope of the nuclear test ban treaty. No single achievement, may I say, meant more to our late President than this treaty and one of the most satisfying experiences of my years in public life was to help in securing its ratification by the Senate. The agreement stopped what had threatened to become a callous disregard for the health of all people and their descendants in the name of science and security. And the potential of that first step in terms of further progress toward stability remains a principal resource for peace.

In this era of worldwide change there are both new dangers and new opportunities for the United States. We shall reduce the dangers and enhance the opportunities as we perceive the realities of the change. It is a wonderful thing to re-create the world of a century ago on a train bound for the New York World's Fair. But it would be unfortunate if we mistook the re-creation for the current reality, if we let ourselves believe that this is really how we live today. It is just as unfortunate, in the affairs of the Nation, to cling to the belief that the world of today remains the same as the world of 15 or 20 years ago. It would be tragic, too, to assume that the policies of 1945, 1950, and even 1955 or 1960 suffice for the present era of international relations.

We have no difficulty in distinguishing between territorial Montana a century ago and Montana today. But sometimes there is difficulty in distinguishing between the world of 20 or 10 years ago and what was adequate for our needs then and the world today and what is necessary if we are to live in it. It seems to me that the late President with his deep and sensitive human perception was fully aware of the worldwide changes which were taking place. He sought to bring the rest of the Nation to a similar state of awareness. And in his first statement to the Congress, President Johnson called upon us "to continue" what President Kennedy had begun.

That, it seems to me, is the great task ahead. We must continue to examine and to re-examine and examine again every premise of policy on which we have operated for so many years. Some of these premises, I am sure, will remain as sound as they were on the day that they were conceived. Others will be found to have lost some of their significance or to have been bypassed by subsequent developments.

We will have to think hard, for example, about the possibility of increased commerce in peaceful goods, along the lines of the great wheat trades of this year. The legislation which made possible these trades was the last matter of policy on which President Kennedy communicated with me before his death. The trades, in effect, were made possible by the Congress after his death at the continued urging of President Johnson.

These trades have cut into our surpluses. They have brought a tangible return to us. And they have helped to take our great bounty of food out of the realm of international animosities and put it where it should be—in the realm of international peace. Additional mutually advantageous trade along these lines may well serve as a modest instrument for advancing friendship among all peoples.

We will have to recognize now and in the years ahead that peace does not require all nations to goosestep to identical policies in order to live together in and to work together for peace. The nationalism and self-interest of many countries, no less than our own, sometimes requires them to take positions in world affairs which do not necessarily coincide with ours. And, in this connection, it is important to recognize that the effort to maintain or to achieve a position of independent neutrality by certain countries is not necessarily inconsistent with the long-range interests of the United States. After all, we have lived very well for decades with a neutral Sweden and a neutral Switzerland and, more recently, with a neutral Austria and an essentially neutral Finland. These nations are free and friendly even though their policies are not always alined with ours. Our relations with them are excellent and mutually advantageous even though they are not allied, let alone subservient to our policies.

We will have to continue to revise our concepts of foreign aid. We have seen this program backfire in many places, notwithstanding its achievements in others. It may be that we will come to understand that aid, however unavoidable it may be in our current policies, is still limited in its potential. It is not a cure-all for the ills and inequities of the contemporary world. We may come to understand that the principal factor in the progress, peace, and freedom of other nations is neither what we or the Russians do but what these nations do for themselves. It is not necessary to retreat into isolation in order to recognize that there are rational limits at any given time to the efficacy of international involvement. In the same pattern, it is also becoming clearer that international responsibility does not require us to be in the vanguard of every issue and crisis which may arise. On the contrary, it is most desirable to share the burdens of international peace and progress through the United Nations and in other ways with as many nations as possible.

Finally, I think there is hope for a continued slowdown in arms competition, largely as a result of the nuclear test ban treaty. The defense budget may not require, in the future, quite the enormous percentage—it is now upwards of 50 percent—of our Federal expenditures. If this hope is realized, we may be able to act with greater determination and without a crippling burden of taxation, on the many problems which confront us at home. What is involved here is not only a war on poverty, as it has been called. There are immense and growing needs which are not being satisfactorily met in education, in recreation, in health, in the prevention of crime, in the whole range of public services. In short, as peace is reinforced, we should be in a better position to engage ourselves with vigor in a general effort to improve the opportunity for a full and satisfying life for all the people of the Nation.

The affairs of people halfway around the world may seem remote and unimportant to those who are lucky enough to live in the quiet and peace of our State. They may not appear to have much relevance on a happy train ride to New York. But they are of the utmost relevance. The international situation affects our opportunity to work, to plan and, in the end, even to live our lives in decency and in peace. We know, some of us with great personal sorrow, that events whose origins lay thousands of miles from our shores have reached repeatedly into Montana and called us forth to great international conflicts. As Montanans, as Americans, we have a duty and a responsibility to make sure that no opportunity is left unexamined in the search for a just and lasting peace.

JOSEPH J. McQUEENEY

Mr. DODD. Mr. President, last week one of the finest and best liked men in New Haven, Joseph J. McQueeney, passed away. All who knew him will always remember his generous spirit, his quiet dedication to the welfare of others, his unflagging amiability, and his devotion to the responsibilities he unselfishly undertook throughout the course of his life.

He contributed richly to an era in the life of New Haven which is gone but which lives on in the happy memories of those who experienced it.

His brother, Charles McQueeney, the able and respected managing editor of the New Haven Register, has written a memorable column about his older brother which will deeply move not only those who knew Joe McQueeney personally, but all who have an insight into human nature and an appreciation of what is truly important in life.

I wish to pay my respect to the memory of Joseph McQueeney and to express my sorrow and sympathy to his widow and to his family for the very great loss which they have sustained.

Mr. President, I ask unanimous consent that this column, which appeared in the New Haven Register-Journal Courier on Saturday, April 18, be printed at this point in the RECORD.

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

Sadness cloaked its veil over our family during the past week. Death struck unexpectedly and took the oldest member of the brood, our big brother. He was just that for a long while, from our childhood days as a matter of fact. And from the time he was a young man, he was not only big brother to us, but also played the role of father—and played it well—following the death of our pop. We owe much to him, especially for his wise counsel down through the years. Often it was, in our youth, that we sought his advice and never once do we recall that he failed us. Many times after listening to him we decided to do it our own way, only to find that we would have been better off it we had done as he suggested. As a growing lad, whenever we were short of funds, Joe was always an easy touch. On occasion we forgot to make repayment, but he never complained. We feel certain that when he gave us a loan, he sort of kissed it goodby. We also can recall the many times when we were the dudes of State Street, all dressed up in his best. He was always

a pretty dapper fellow and when we were his size, we must admit we looked pretty good in a suit or topcoat belonging to him. He'd blow his stack as he watched us emerge in his best, admonishing us to "take it off" but he'd soon relent with a warning "it's all right tonight, but remember, this is the last time I want to see you in anything of mine." We looked good in his ties too, and he could talk himself blue in the face trying to dissuade us from wearing them. It was all talk to no avail. Anytime we wanted to add a little something to our getup, his tie rack was one of our favorite targets. Other male members of the family also took advantage of him in this respect. It was, in a way, a tribute to his fine taste.

In his youth he was very active in the activities at Yale Hall down Franklin Street way. There, he and other neighborhood kids worked with Richard (Pop) Lovell, later going over to Jefferson Street when the new Boys' Club was erected. He was one of the real sparkplugs in the new but growing Boys' Club. It wasn't too long after its start in the new location that Mr. Lovell had fine teams afield, especially in football. Our big brother, along with Bill Cronin, comanaged the teams for several years keeping a sharp eye on the financial aspects. Our eyes used to pop when he'd come home from a Sunday afternoon game, carrying a bag full of money, money received as a guarantee from the rival team or taken up in a collection among the fans. He and Cronin would sit at our family table counting the money and making out reports to be handed to Mr. Lovell. They'd turn over sizable sums every week, for the Boys' Club teams in that era were always a top attraction. We remember too that as a Boys' Clubber, he tried his hand at acting. He had an important role in something called Officer 666. We vividly remember mom taking us down to the Jefferson Street gym to watch our hero and we were real proud of his performance. As we reflect on it now, there was plenty of ham on the stage that night but we weren't aware of it. We thought he turned in a magnificent performance. Broadway was flourishing at the time and Hollywood was in its infancy, but neither put in a hurried call for him or any other member of the cast.

Some years ago we saw our first Shubert show as his guest. He asked us to "Sinbad," starring Al Jolson. He took us to the old Hyperion on occasion, or the old Poli Palace for a special TMA benefit. A fight fan in his early days, he also paid our way so that we could be with him at some of the bouts at the Arena or the old Nutmeg Stadium on River Street. We can't explain it, but we have long had the feeling that we were something special to him. He was always very proud of any accomplishment of ours and never hesitated to tell us when he thought our Saturday Journal was good or that someone had spoken to him about it. He was proudest whenever anyone mentioned his kid brother on the Register. He picked us to be best man at his wedding and he acted in the same capacity at ours. He was loyal to his family and his job and most devout in his practice of his religion. We feel strongly that if ever a guy had made it up there, he's the one. We can envision him in reunion with mom and pop, bringing them up to date on all that transpired since they went. We hope he has told them how much we miss them. We know we're going to miss him just as much.

DEMONSTRATIONS AT OPENING OF NEW YORK WORLD'S FAIR

Mr. BREWSTER. Mr. President, I should like to go on record in protest of the intemperate and disrespectful treatment afforded President Johnson Wednesday last, at the opening of the New York World's Fair, by a handful of mischievous demonstrators. These people, in my opinion, seem to have "redoubled their efforts when they have forgotten their aim."

Let us hope that the failure of the so-called stall-in was due to the realization by many of those involved that such plans were indeed rooted in folly. Had such a massive demonstration materialized, it might have generated, as the New York Times observed, "animosities and bitterness that could have done untold harm."

There is a well-known phrase from the fertile mind of Benjamin Franklin that seems to the point in this matter.

A little neglect,

He wrote—

may breed mischief; for want of a nail the shoe was lost; for want of a shoe the horse was lost; for want of a horse the rider was lost.

It may be added, however, that too many nails driven into the hoof will equally bring the horse up lame. The contest is lost either way.

The protests in our country during recent years by our shamefully oppressed minority groups were motivated by acute suffering, bitter neglect, and real grievances. These problems have been brought into the glaring light of national debate, and the concern of our Congress and our administration is now sincerely involved in attempting to rectify these wretched discrepancies.

But, Mr. President, I must deplore the current rash of militant action by a small group of misguided citizens. Some of these people seem to have developed a ravenous appetite for anarchy, a total defiance of law and order which has not and will not be tolerated in America.

It is especially unfortunate that this militancy is being accelerated around the Nation when this body of laws has before it a civil rights bill that is being fought for by men of good will and sober principle. This bill was passed by the House overwhelmingly and I am certain that, when given the opportunity, the U.S. Senate will also pass the bill. President Johnson has given it his unqualified support, and the distinguished Senator from Minnesota is now attempting to lead the bill to its inevitable passage.

I support this bill, Mr. President, but I wanted at this time to caution the extremists. This is a time of coming together, of working together toward the same goal. Let us argue and debate, but let us remember that we must do so with reasonable attitudes and moderate actions, for the good of all our citizens.

The Baltimore Evening Sun of last night contains an editorial entitled "Opening Day," and the Washington Post of this morning carries a similar editorial, entitled "The Stall-in Failure." I ask unanimous consent that both editorials be printed in the RECORD following my remarks.

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

[From the Baltimore (Md.) Evening Sun, Apr. 23, 1964]

OPENING DAY

For whatever reason, the threatened massive snarl of traffic at the opening of the World's Fair failed to develop. The reaction must be one of relief, particularly for supporters of the Federal civil rights bill. On the other hand, opponents of the Negro demands for equal treatment can take no satisfaction from yesterday's events. For one thing, the type of tactics adopted by the militant splinter civil rights forces in New York would have played into the segregationists' hands if successful. For another, the principal civil rights groups still mounted sit-in and other more orthodox demonstrations to show their dissatisfaction with the slow pace of desegregation.

Although the stall-in on major roads leading to the fairgrounds did not materialize, isolated attempts were made to hinder subway traffic. In at least one of the encounters several demonstrators emerged with bleeding heads. Fingers holding subway doors open were rapped with night sticks. Demonstrators blocking entrances to several exhibits at the fair were dragged by their heels—down a flight of stairs in several instances—by private guards. There is insufficient evidence, at least for the moment, to sustain any charge of police brutality. A lesson may nonetheless be drawn from the experience.

Yesterday may well have been opening day not only of the fair but also of spring and summer civil rights demonstrations throughout the Nation. Leaders of the major civil rights organizations probably could not stop them even if they wanted to. The scuffles in the subway, the bumping of demonstrators down steps, the atmosphere of tension created by the belligerent threats of the most militant civil rights groups are not a necessary part of the demonstration process nor of proper measures to preserve order and the public's safety. Restraint on both sides will not be easy to maintain in the crisis of conscience which faces the United States this spring of 1964. But it must be maintained, by authorities and demonstrators alike and equally, if the extremists of both races are not to guide the course of events for the coming months.

[From the Washington (D.C.) Post, Apr. 24, 1964]

THE STALL-IN FAILURE

The country can be much relieved over the failure of the New York stall-in to disrupt seriously the opening day at the World's Fair. But even though the demonstrators did not succeed, the effects of their effort long will be weighed seriously by thoughtful people.

This whole disorder must be distinguished from the demonstrations involving protest against specific abuses. It was essentially an effort to make the community aware of the total position of the Negro people by inflicting undiscriminating injury, pain, and inconvenience upon other citizens. No one can doubt the ability of a very small minority to inconvenience very greatly the entire population of so complicated and delicate an organism as a large metropolitan center. But a minority that turns to this kind of reprisal is itself employing a kind of blind and undiscriminating racial hatred. The face of racism is no prettier when it is antiwhite than when it is antiblack. The Negro leader who mobilizes his community in such an effort is trying to arouse and not seeking to diminish racial hatred.

Such is the patience and understanding of the Negro rank and file that these methods are not likely to enlist mass support as long as the hope of the Negro for a fair deal still survives. The appropriate answer to these extremists on the part of the white community is a renewed effort to show that these hopes are going to be realized. It would be tragic indeed if these misguided disorders alienated the great support that has risen in this country for an end to discrimination.

One of the most alarming aspects of this resort to lawless methods is the reluctance of

even conservative Negroes to condemn them. The fact that such extreme steps can gain support from any Negro followers only suggests the degree of racial consciousness that generations of discrimination have fostered in the Negro. For more than 100 years, we have been telling the Negro that he is different from the rest of us, that he must live, eat, drink, and go to school separately. We have beseeched him to accept the notion that he is different. We have belabored him into an awareness of his racial identity. There now is a danger that he may have been made so race conscious as to follow unthinkingly even the most misguided Negro leaders as long as they speak in the name of and act for the Negro race.

That danger must be faced. It is a danger that discrimination and despair could multiply. It is a danger that can be diminished only by divesting our laws, our economic practices and our social institutions of racial consciousness. We must move more swiftly toward an end to discrimination, not because of the New York stall-ins, but in spite of them.

ADDRESS BY SENATOR TALMADGE AT SENATE BREAKFAST

Mr. STENNIS. Mr. President, the Senator from Georgia [Mr. TALMADGE] delivered an excellent address before the Senate breakfast on April 22, regarding training our youth in principles and patriotism.

As always, the address of the Senator from Georgia was forceful and worthy. I believe it should be preserved and given wide circulation.

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

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

My friends, Edmund Burke believed that the character of the next generation can be predicted, and is in fact determined, by the prevailing sentiments and behavior of the youth today.

This is more than just the expression of a philosophical principle. It is indeed a warning and a challenge to all who are concerned with the future of young pople. And to me it is a reminder of the wisdom that we find in the 22d chapter of Proverbs, the sixth verse: "Train up a child in the way he should go, and when he is old, he will not depart from it."

My friends, lately I have become increasingly concerned about the morality and discipline of our young people. I wonder if the American people, in the rearing of their children, aren't straying from the teachings of their fathers, if they aren't becoming unmindful of the fact that "children are the heritage of the Lord" and, therefore, must be instructed according to His word.

Judging from the number of recent national magazine articles and widespread publicity dealing with the moral conduct, or misconduct, of our youngsters, it appears that this is a matter of growing concern throughout the country. And it should be.

The moral fabric of a nation is only as strong as its weakest fibers.

Certainly the situation is not as dismal or hopeless as some would have us believe. I will not endeavor to paint such a picture this morning.

However, neither is it all bright and rosy. In my opinion, things are far from what they should be with growing numbers of our children.

I am aware that such a charge as this usually brings an angry outcry proclaiming that "we are not all bad." This, of course, is true. We have in America, in our high schools and colleges, a vast and praiseworthy army of fine young men and women who are the products of good homes and Christian training.

We are proud of them, and we place great trust in them. I certainly would not go so far as the California school superintendent who branded a certain class of so-called delinquents as "the cult of the slob."

On the other hand, I cannot subscribe to the theory that errant young people of today are only misunderstood and really act no differently than those of any previous generation.

Nor can I believe that boys and girls of today are the unfortunate victims of unhappy circumstances and uncertain times and, therefore, not responsible for what they think and do.

Certainly, this is a complex and insecure age in which we live. But I think the problem which I wish to discuss with you this morning is much more than merely a symptom of this period in our history.

My friends, I fear that standards of morality have been greatly lowered. I see signs that the value of restraint and individual responsibility has fallen to what could be an all-time low.

If this is true, it could be a great tragedy, and I contend that it is one for which we have sown the seeds and which is now beginning to bear a bitter fruit in our children.

Somewhere at some time, something has gone amiss when we see in a respected national magazine a symposium on the merits and demerits of chastity. The matter is treated as though it were no more than the vestige of an outmoded virtue.

Recently Newsweek magazine devoted its entire cover story to morals on the campus. The article stated, and I quote: "chastity remains a virtue for most of today's 4½ million college students; but for a significant—and growing—minority the question has become academic."

No, all is not well with our children when we read of organized gangs of teenagers roaming the streets in search of a fight or a party to crash, or when we see that the final whistle at a football game is often the signal for mayhem.

All is not well when our city streets are unsafe after dark, and when our parks must be vacated at sundown by law-abiding citizens and their families.

The number of crimes and acts of violence perpetrated by persons under 18 years of age increases each time the statistics are compiled.

Somewhere along the line, the training of our youth has gone sour when they think it is great sport to wreak havoc in a cemetery by tipping over tombstones * * * when the height of pleasure is achieved in the desecration of a church * * * when policemen are hired for high school dances to see that drinking doesn't lead to disorder * * * when teenage pregnancy occurs much more frequently than illegitimate birthrates show.

Authority, whether it be in the police, in the school or in the home, has become the object of ridicule. In many young circles, you are considered a square if you adhere to the rules of established order or acquiesce to the commands of your elders.

Unfortunately, much of today's unruly or abusive conduct by young people is dismissed as only boyish behavior, and in one form or another, such showingoff happens all the time.

This is true. It does happen over and over again.

Yes, these things occur every day, and this is exactly what I am talking about. This is what I am concerned about. It goes directly to the point I wish to make.

When children are not taught respect and obedience, when the doctrine of responsibility is not instilled in them in the home, when despairing and apparently helpless parents allow their offspring to do pretty much as they please, how can they be expected to act responsibly and honorably outside the home?

If children are allowed to disobey their parents with impunity and act in such a belligerent and disrespectful manner as to undermine authority in the home, how can these young people be expected to respect any authority outside the home?

If they can scorn their adults, can they not also thumb their noses at the law and trample on the rights and property of others?

They can and they do.

"Boys will be boys," we are told by the apologists. So we forgive and forget. We absolve them of all responsibility because they are young and exuberant and strong-willed.

Boys will be boys, but soon they will be men, and all men must learn that ours is an ordered society and all of us must at one time or another bend our will to established authority.

Otherwise, there would be chaos and anarchy.

We also hear the explanation that young people today have too much time on their hands, and consequently they are idle because they don't have enough to do.

There is idleness all right, and it is true that this certainly can—and often does—lead to waywardness. But—this is not because there isn't enough to do. The fact is that too many young people today aren't given enough to do.

Virtually everything is done for them, with the car keys and spending money thrown in as a bonus.

Here is what a William County, Va., police chief says about idleness and teenagers:

"Always, we hear the plaintive cry of the teenager: What can we do? Where can we go? The answer is, Go home; hang the screens; paint the woodwork; rake the leaves; mow the lawn; shovel the walk; wash the car; learn to cook; scrub the floors; repair the sink; build a boat; get a job; help the minister, priest, or rabbi, the Red Cross or the Salvation Army; visit the sick; assist the poor; study your lessons; and then when you are through—and not tired—read a good book.

"Your parents do not owe you entertainment. Your village doesn't owe you recreational facilities. The world doesn't owe you a living. You owe the world something. You owe your time and energy and talents, so that no one will be at war or in poverty, or sick and lonely again. In plain simple words grow up, get out of your dream world, quit being a crybaby, start acting like a man or a lady."

"An idle soul shall suffer hunger," the Scriptures tell us, and I am of the same mind as the poet who said that "nothing is so certain as that the evils of idleness can be shaken off by hard work."

Perhaps the theory most commonly advanced to "explain" the unrest of our young people is the fact that these are troubled times and the future is uncertain. This leads to fear and insecurity which for some reason is supposed to be an excuse for rebelliousness and defiance.

If youth is unhappy and afraid and insecure, then I agree with J. Edgar Hoover that the blame must be placed with their elders. Writing recently on the training of children, Mr. Hoover said that they aren't being taught how to live in a free society. Said he: "These are the unhappy youth. Their arrogant defiance of authority is a pitiful pose that seeks to conceal the tragic fear and insecurity which they feel. This fear, this insecurity exists because we have failed to prepare them to meet the personal demands and responsibilities of life in our American republic."

What is the key to such preparation? It is self-discipline, and this can be practiced only after discipline is learned from others.

Boys and girls must be given standards of acceptable behavior.

And, as Mr. Hoover points out, these standards must be enforced to the strictest degree.

Love and affection are not synonymous with indulgence. A well-adjusted and responsible individual is not the product of a weak and inconsistent upbringing, or vacillating enforcement of disciplinary standards.

We naturally look to our churches for moral guidance, but virtue cannot be taught from the pulpit alone. Nor should the burden fall upon our schools.

This is the primary duty and responsibility of parents. Moral training must begin in the home. It must continue in the home. It must be strict and unrelenting until the boy becomes a man and goes out to make his own way in the world.

The training of a child is properly based upon the law of God. His law is our law and He has commanded us to make it the law of our children.

Let us endeavor to restore to their rightful positions of importance the Christian home and the family altar. I am convinced beyond a doubt that as these institutions decline, so will delinquency, immorality, and irresponsibility increase.

What is needed is a revival of the God-loving and God-fearing spirit which guided the lives of our Founding Fathers. And, when all of us have rededicated ourselves and our teachings to His principles, we will be able to say with certainty and great pride that our children will give only of their best to the future.

We will know that our children will be honorable and upright citizens.

My friends, I know of no better expression of the hopes and desires a father has for his son than the prayer of the late General of the Army Douglas MacArthur:

"Build me a son, Oh Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishbone will not be where his backbone should be; a son who will know Thee—and who will know that to know himself is the foundation stone of knowledge.

"Build me a son whose heart will be clear, whose goal will be high; a son who will master himself before he seeks to master other men; one who will learn to laugh, yet never forget how to weep; one who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor, so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength.

"Then, I, his father, will dare to whisper: 'I have not lived in vain.' "

ARBOR DAY

Mr. HRUSKA. Mr. President, we Americans observe many holidays and days of commemoration each year, but one holiday is unique in that it proposes for the future rather than reposing on the past. That holiday is Arbor Day. The trees planted on Arbor Day are sources of increasing pride and pleasure as each year passes.

Nebraskans are particularly aware of the fruits of this day since Arbor Day was founded in our own Nebraska City by one of our notable citizens, J. Sterling Morton, this country's third Secretary of Agriculture. We, in Nebraska, chose April 22 to observe this important holiday because that is the anniversary of the birth of J. Sterling Morton.

The importance of planting trees was first recognized by the pioneers, who first viewed the potential of our great plainslands as the bountiful provider for our Nation. Recalling their journey through the forests of our eastern lands, these hardy pioneers longed for the cooling shade of a tree after a long arduous day working the soil.

Trees brought new comforts to the lives of these plainsmen. Log cabins replaced sod huts. The forward-looking partnership of nature and man produced many new benefits. One of the prime benefits that Nebraska has gained is the windbreak groves that soften the sweeping winds of the plains States. The founding of Arbor Day added further impetus to the windbreak plantings.

Nebraska has maintained the lead in windbreak plantings to this day. A recent publication by the American Forest Products Industries entitled, "Nebraska Forest Facts" gives an interesting insight into the extent of tree planting in Nebraska. For example, it discloses that since the beginning of tree planting in Nebraska, almost 380,000 acres have been planted. This is an area of over half the size of Rhode Island. Today, there are over 1 million acres of trees in Nebraska, nearly 1 acre for each citizen.

The valuable lesson of forward-looking cooperation with nature holds great promise for the future. Large tracts of land are leveled to provide new living, traveling, and working space for our increasing population. Great quantities of lumber are used to erect buildings to house this increase. Much of the land in our cities and suburban areas are found to be a small replica of the plains which our pioneers found in the Midwest. Once sheltered land is found bereft of trees and shrubbery.

As we all know, great forests across our Nation have been consumed or destroyed. Just recently we have had occasion to see the passing of some of our ancient redwood trees to make way for a modern highway. This consumption must be countered by our awareness of the need for replacement.

Arbor Day is an annual reminder of what we must do to prepare for the future and a day which presents the opportunity to enjoy the past and present blessing of its offspring. On this one day we propose to preserve and heighten these blessings—we perform our part of a fruitful bargaining—going into our forests, our plains, and our lawns to plant a living memorial to stanch partners in our future, our trees.

Mr. President, I ask unanimous consent that the chapter entitled, "Tree Planting" from Nebraska Forest Facts be printed in the RECORD.

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

TREE PLANTING

Early in Nebraska's history, the State earned the name "The Tree Planter's State." In 1869 Nebraska passed a tax exemption law favoring tree planting. On January 4, 1872, the State board of agriculture set aside April 10 for the planting of trees and proclaimed it Arbor Day. More than 1 million trees were planted on the first Arbor Day ever observed in the United States.

In 1873 Congress passed the Timber Culture Act, which gave title to a quarter section of land to any person who planted at least 40 acres of trees spaced not more than 12 feet apart.

In 1884 Prof. Charles Edwin Bessey came to the University of Nebraska as professor of botany and horticulture. While studying the Nebraska sandhills area, he noticed that there was always moisture a few inches under the surface of the soil. This convinced him that trees could grow well in the sandhills country and he urged the U.S. Department of Agriculture to make experimental plantings on some of the federally owned land in the State.

In 1891 the U.S. Department of Agriculture furnished planting stock for experimental planting on private lands in Holt County. The plantation, however, was forgotten until 1901 when William L. Hall of the U.S. Department of Agriculture, Bureau of Forestry, investigated forest conditions in Nebraska. He visited the plantation and reported that the trees were 18 to 20 feet high and recommended that additional experimental plantings be made.

Hall's plea fell on receptive ears, and on April 16, 1902, President Theodore Roosevelt proclaimed the Nebraska Forest Reserves. The reserves include two units—one of 90,000 acres between the Dismal and the Middle Loup Rivers, the other 110,000 acres near the Niobrara River further north.

The first beds in Bessey nursery, which were to provide the seedlings for the plantings, were seeded in the fall of 1902. The first seedlings were planted in the new forest reserves in 1903—70,000 jack pine from Minnesota. It is interesting to note that these 70,000 seedlings have since matured and are now marked for a proposed post and pole sale.

The establishment of a forestry school at the University of Nebraska in 1902 also stimulated interest in tree planting and forestry, though the school was discontinued in 1915.

In 1904 the Kincaid Act was passed, providing distribution of free trees to farmers and ranchers west of the 100th meridian.

The Clarke-McNary Act of 1924 provided for distribution of tree seedlings to private landowners at cost. The Prairie States Forestry Project from 1935 to 1942 provided for the planting of windbreaks and shelterbelts.

In 1961, 6,019 acres in Nebraska were planted in trees; of these 4,984 acres were windbreak plantings (table 1). Of the remainder, 875 acres of forest planting were made on privately owned land, and 160 acres on publicly owned lands—nearly all of the latter on the Nebraska National Forest.

Since tree planting in Nebraska began, it has been estimated that nearly 380,000 acres of trees have been planted. Nearly 327,000 acres were windbreak plantings. Of the 53,000 acres of forest plantings that have been made, nearly 20,000 acres were on private lands. Thirty-one thousand acres were federally owned, mostly in the Nebraska National Forest, and about 1,600 acres in other public (non-Federal) ownership.

Nebraska's acreage of wind-barrier plantings is larger than any other State. Kansas is second in area with 214,000 acres, and North Dakota is third with 157,000 acres.

Assuming an average of 8 acres of windbreaks to the mile, Nebraska's acreage of wind-barrier planting is equal to 40,867 miles—enough to circle the earth at the equator 1.6 times.

Nebraska has three tree nurseries—the Bessey Nursery at Halsey, owned and operated by the U.S. Forest Service, and private commercial nurseries at Arlington, in Washington County, and at Fremont in Dodge County.

CIVIL RIGHTS AND CIVIL DISOBEDIENCE

Mr. HUMPHREY. Mr. President, the struggle for the fulfillment of constitutional rights for all Americans has often been shrouded in confusion—confusion about which methods are proper and lawful in the quest for equal rights, and which methods subvert the very foundations of the Constitution we seek to preserve.

I believe that all of us can improve our moral and legal perspective of the civil rights issue, Mr. President, if we read the following article published in a recent issue of Presbyterian Life. This article was written by Harrison Tweed and Bernard G. Segal, cochairmen of the Lawyers' Committee for Civil Rights Under Law, and by Herbert L. Packer, professor of law at Stanford University.

The article entitled "Civil Rights and Disobedience to Law: A Lawyers' View," is one of the best-informed and most thoughtful discussions I have read on this troublesome problem, and I ask unanimous consent to have it printed in the RECORD.

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

CIVIL RIGHTS AND DISOBEDIENCE TO LAW: A LAWYER'S VIEW

(By Harrison Tweed, Bernard G. Segal, and Herbert L. Packer)

One of the most troubling aspects of the current crisis in race relations is the frequency with which it seems the law is being violated by those active in the struggle on both sides.

This is a serious matter because no one can doubt that this country must solve the civil rights problem not by a resort to lawlessness and disorder but by reliance upon the administration of the law through due process in the courts and fair enforcement by the appropriate authorities.

Thus the spectacle of repeated violations of law, actual or apparent, by those who are pressing the fight for civil rights is deeply troubling to many thoughtful persons who reject the notion that the end justifies the means and who insist that those who work for good ends must remain morally accountable for the methods they use to work toward those ends.

What is the difference, these people ask, between the southern Governor who violates the law by standing in the schoolhouse door to prevent the court-directed entry of Negro pupils, and the Negro demonstrator who violates the law by participating in a sit-in at a segregated lunch counter in a southern city that has an ordinance making it illegal for him to do so? Is there a meaningful distinction between these two cases? And what can be said about the position of an eminent clergyman who attacks segregation by taking part in a demonstration that ends in his arrest on the charge of having wrongfully trespassed on another's property; or the people who delay the construction of a hospital by physically obstructing the movement of men and materials at the construction site during a protest against discriminatory hiring practices by the builder of the hospital? These and many similar instances that continue to recur require careful thought if we are to be clear about the bounds within which the struggle for civil rights may legitimately proceed.

In this article we shall not venture into the deep waters of philosophic speculation about the moral justifiability of disobeying an unjust law. Our concern is with the legal issues involved, and our purpose is to call attention to some aspects of the legal system that are often overlooked in discussions of this subject, to the detriment of clear thinking about it.

Let us start with a relatively easy case. On the one hand we have Governor Wallace vowing to "stand in the schoolhouse door." On the other hand we have a Negro demonstrator who sits at a lunch counter in Greenville, S.C., that is required by local law to be segregated. We think that these two cases are easy to differentiate; but there are obviously erroneous answers to the problems. It is no answer to say that in one case the objective is "bad" and in the other it is "good." Orderly social living would be impossible if people only obeyed laws they happened to like. And it is not much more helpful to say that in the first case the law being disobeyed was constitutional, while in the second case it was not. Whether a law is constitutional involves a prediction as to how a court will decide the question. We know now that laws and ordinances directing racial segregation in places of public accommodation are unconstitutional. The Supreme Court, to whom belongs the power of final decision, has so held. But we did not know it before the Court so held, although it may not have required great learning in constitutional doctrine to enable one to guess the outcome. The point is that Negro demonstrators who staged sit-ins before those laws and ordinances were held unconstitutional appeared on the surface to be engaging in conduct just as defiant of law as that of Governor Wallace in Tuscaloosa and of Governor Barnett in Oxford. The distinction between the cases plainly involves something more than a differences in accuracy of predicting the course of judicial decision.

The crucial difference lies in the fact that the Negro demonstrators were not violating any court order, but rather laws which had not been tested, which the Negro demonstrators in good faith believed were invalid, and which they were determined to challenge through the processes of law. Under our system a person is entitled to challenge the validity of a law being applied against him by resisting its enforcement in court on a plea of invalidity. That kind of lawful resistance to law is a cornerstone of our liberties. A free society would be doomed unless it provided the citizen with means for asserting the invalidity of laws and other official acts as measured against the fundamental law of the Constitution. When the law being challenged provides criminal penalties, as these segregation laws do, the challenger runs the risk of going to jail if his challenge is not ultimately upheld by the courts. In the face of that danger, it is a courageous and commendable act for a man to defy a law in order to attack its validity through the processes of law. That is what the Negro demonstrators against segregation laws have done, and we should honor them for it.

The conduct of Governor Wallace and of Governor Barnett stands in sharp contrast to this kind of lawful resistance to law. Both sought to resist the execution of Federal court decrees ordering their respective State universities to admit Negro students. We may assume that both of them believed that the Federal court decrees were unconstitutional, that desegregation by law is an invasion of the rightful sphere of the States. But that belief, if it existed, was not accompanied by a determination to challenge desegregation through the processes of law. Quite the contrary. Both Governor Wallace and Governor Barnett did everything they could to avoid submitting their dispute about the validity of the law they were resisting to the orderly and due processes of law. Instead, they did everything they could to delay and defeat the execution of the court orders without involving themselves in a legal contest; and they acted after the validity of the desegregation orders had been fully and unsuccessfully challenged in the courts.

Governor Wallace's brief show of defiance at Tuscaloosa was evidently calculated to avoid subjecting himself to being held in contempt of the Federal court's order. His evident purpose was to harass by diversionary tactics, not to contest by law. His conduct was, simply and literally, lawless. The Negro demonstrators, on the other hand, were disobeying laws they believed to be invalid in order to invite rather than to evade a lawful resolution of their contentions. There may have been no other way to contest the validity of segregation laws. Defiance of a court order, however, is both unnecessary (since other means are available to test its validity) and subversive of the orderly processes of government. Such conduct by one who is sworn to uphold the law is particularly deplorable.

It is of course true that it does not require a multiplicity of sit-in cases to establish the legal proposition that State and municipal segregation laws are invalid. In the case of many sit-ins, freedom rides, and other demonstrations against segregation laws and other forms of discrimination, a somewhat different issue is presented. The purpose of mass demonstrations such as those that took place in Birmingham, Ala., last spring was not primarily to provide an opportunity for court attack on segregation but rather to dramatize the contentions of the Negro community, to focus public attention on the pattern of racial inequality, and to bring pressure on the white community to alter their ways. Inevitably, these demonstrations appeared to involve violations of laws other than the admittedly invalid segregation ordinances. Demonstrators were arrested for such offenses as holding a parade without a permit, disorderly conduct, and trespassing upon private property. The same pattern of demonstration, disorder, and resulting arrests has taken place in many northern cities.

Now, of course, there is nothing invalid about a statute or ordinance that prohibits disorderly conduct, or trespass, or that imposes reasonable requirements on the holding of public meetings in the interest of maintaining order. That is to say, there is nothing invalid about such a statute or ordinance on its face, as lawyers say. Many people leap from that fact to the erroneous conclusion that conduct in violation of such an ordinance necessarily is unlawful and should therefore be condemned. That conclusion overlooks the well-established proposition of law that a statute or ordinance that is valid on its face may be administered in an unfair way and may consequently be invalid as applied. For example, let us assume that it is unobjectionable for a city to have an ordinance requiring persons wishing to use public thoroughfares or parks for a parade or a meeting to obtain a license to do so from the chief of police. Such an ordinance may be used so that traffic will not be disrupted at inconvenient hours, or so that there will not be a conflict between two or more groups seeking to use the same location for a meeting at the same time, or for some other valid and nondiscriminatory municipal purpose. Such an ordinance can be valid on its face; that is to say, in its normal application it presents no problems, as opposed to an ordinance that requires segregation of the races, which has no valid application at all and is therefore invalid on its face.

Now let us suppose that the chief of police uses the ordinance to deny access to public facilities to Negro groups but not to whites. There is no question but that the ordinance is then being applied in an invalid manner to deny to the Negro groups the rights of speech and assembly to which they are entitled under the Bill of Rights. They are

caught in a familiar dilemma. If they stand on their rights, they are disobeying the local law; if they obey the local law (and do not parade without the license that they cannot get), then they are deprived of rights to which they are constitutionally entitled. That dilemma is dissolved by decisions of the Supreme Court holding that people may not be punished for violating a local law which, however fair on its face, has been applied in a way that violates their constitutional rights.

Of course, it is not always easy to tell when people's constitutional rights are being violated by the application of local laws and when they are not. For example, suppose that it is perfectly clear that the holding of a public meeting on a controversial issue is going to provoke an outbreak of disorder, and the authorities therefore try to prevent the meeting from taking place. Are civil rights demonstrators justified in going ahead with a meeting even though they know that the result is likely to be violence? Perhaps it would be more prudent for them to abstain, but our American tradition of protection for free speech suggests that they may assert their right to go ahead and hold the meeting despite the threat of violence. It is the duty of law-enforcement authorities to protect freedom of speech by making arrangements for the safety of those who urge unpopular causes. Needless to say, that ideal is often not realized in practice, and never more obviously than in the failure of law-enforcement authorities in the South to protect the rights of Negroes and others who demonstrate for civil rights. In an extremity, the police may stop a meeting in order to protect the participants from violence and to prevent a general eruption of disorder. But that reserve power should not be used as an excuse to do nothing in advance to protect the rights of the speakers or demonstrators. It would be a strange legal system that held those who violently interfere with the freedom of others equally accountable with those who are their hapless victims. And our system is not in any ultimate way open to that reproach, whatever the views to the contrary of State and local police, prosecutors, and judges.

One of the most difficult questions in the civil rights area that the Supreme Court has to face is whether segregation by private owners of facilities open to the public-at-large may be enforced by criminal prosecutions for trespass in the absence of any State law or policy requiring or favoring segregation. The Court has on its current docket cases that may force it to deal with the question. And the question was put dramatically not long ago when a group of Protestant clergymen, including Dr. Eugene Carson Blake of the United Presbyterian Church, were arrested for criminal trespass while accompanying a group of Negroes who sought admission to a segregated amusement park in Maryland. We do not, of course, know how the Supreme Court will deal with the legal question that underlies this case, or, indeed, whether it will deal with it. Whatever the ultimate verdict, it seems that Dr. Blake and his colleagues were well within the justifying principles that we have been discussing in this article. It is perfectly true as a general proposition that you may be subjected to criminal prosecution for going upon another's property against his will. There is nothing illegal on their face about laws that protect private property rights by penalizing people who willfully violate those rights. But it is fairly open to question whether the State may back up a private preference for segregation, at least when the premises in question are normally open to the public-at-large, by lending the aid of its criminal process to enforce the will of the would-be segregator. To put it another way, the State's criminal trespass law may be invalid as it is applied to the case of the public facility whose owner seeks State aid in enforcing segregation. Valid or invalid, it seems entirely appropriate, until the question is finally decided for those who have a good faith belief that the law is being invalidly applied in these circumstances, to challenge the law by acting as Dr. Blake and his colleagues did. If the courts were finally and definitively to rule against the argument that the trespass laws were being invalidly applied in this situation, continued defiance of the law would not have the justification that can presently be made for it. Then Dr. Blake and Governor Wallace would indeed be in the same boat insofar as the lack of legal justification for their conduct is concerned. Continued resistance to law that has been fully and fairly settled, whatever the appeal to conscience or to history may produce in the way of an answer, is no part of the American tradition and is in the deepest sense subversive of the legal process. But as matters stand today, whatever judgment men of the world might reach on prudential grounds about this sort of social protest, it cannot be labeled as lawless.

We do not want to leave the impression that the mere fact that demonstration is carried on in behalf of civil rights can serve as a legal justification for it. There is much civil rights activity that merits the condemnation of all who prize the ideal of liberty under law. When valid laws are broken simply to create sympathy for the civil rights position or, even less defensibly, simply to dramatize the contentions of the demonstrators, it seems clear that important values are being unjustifiably sacrificed. The demonstrators who were convicted of breach of the peace for camping in Governor Rockefeller's office could offer no justification of the kind we have been discussing for the violation of law. The law they violated was not invalid, either on its face or as applied to them. Other instances of civil rights demonstrations that have involved totally unjustifiable violations of law come also to mind. Last summer's blockade of the approaches to Jones Beach in New York by demonstrators lying down in the road can hardly be condoned, even assuming the correctness of the demonstrators' view that Negroes were being discriminated against in employment there. The same is true of the demonstrations that led to a halt in construction work on the Downtown Medical Center in Brooklyn, N.Y. The distinction between peaceful picketing and interference with the rights of others is not always an easy one to draw, as the history of labor relations in this country demonstrates; but both of these incidents violated well-accepted standards of behavior in labor disputes.

Even when demonstrations may not in themselves involve illegal conduct, there is a question of judgment involved if they are used indiscriminately. Primary reliance should be placed, we believe, upon quiet and orderly processes of conciliation and negotiation to resolve specific civil rights disputes. Demonstrations which expose their participants to situations that may involve violations of law should be a last resort.

Disobedience to law is always prima facie unjustifiable. It can be justified, as we have shown, particularly in situations in which obeying the law defeats the enjoyment of constitutionally guaranteed civil liberties. But the burden is always on the person who claims that his violation of law is legally justifiable. And that burden applies just as strongly in the court of public opinion as it does in a court of law, a fact that makes it incumbent on proponents of the great struggle for civil rights to go about their important task with a keen awareness of the value of preserving the respect for law upon which any social order must ultimately depend.

GENERAL ASSEMBLY STATEMENT—1960

"Affirming that some laws and customs requiring racial discrimination are, in our judgment, such serious violations of the law of God as to justify peaceable and orderly disobedience of these laws.

"Believing that current student demonstrations against racial segregation, while in some cases conflicting with local laws or customs, seem to be consistent with our Christian heritage, the Federal Constitution, and the moral consensus of our Nation;

"The 172d general assembly assures students of our common cause with those who for the sake of conscience participate in such responsible nonviolent demonstrations; [and] Urges them to continue to recognize the dangers to the civil order inherent in conflict with established authority."

(This article was written by the authors in their individual capacities and not as representatives of the Lawyers' Committee.—THE EDITORS.)

GOVERNMENT'S HIDDEN DIMENSION

Mr. HUMPHREY. Mr. President, the distinguished junior Senator from Maine [Mr. MUSKIE], has made a rich contribution to the literature on American federalism. I am sure that all Senators and others who read the CONGRESSIONAL RECORD will be grateful to have this excellent, articulate, and thoughtful exposition of the Federal system placed in the RECORD, so that more of us can benefit from the wisdom and perception of the Senator from Maine [Mr. MUSKIE].

I ask unanimous consent to have the article, entitled "Government's Hidden Dimension," which was published in the Saturday Review of April 18, 1964, printed in the RECORD.

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

GOVERNMENT'S HIDDEN DIMENSION: A U.S. SENATOR SEES IN FEDERALISM A NEGLECTED SOURCE OF NATIONAL STRENGTH AND STABILITY

(By EDMUND S. MUSKIE)

It is one revealing commentary on the image of the United States that our friends abroad are so quick to congratulate us on the stability of our institutions in time of crisis and so ready to condemn us for our deliberate speed in dealing with critical issues both foreign and domestic. Few really understand that the basis of our stability is the cause of our deliberation.

An assassin can rob the Nation of a beloved leader. But the constitutional structure of government remains inviolate, held together by procedural threads stoutly woven into the fabric of our system and tested by time and experience. The madman's bullet may damage the national psyche. Even so—to quote Lyndon B. Johnson's quiet estimate of his own first 100 days—"the peoples' part was well done."

Let foreign princes marvel at how swiftly a new President may apply his own spurs to an onery National Legislature. Americans have accepted our scheme of succession without qualm or question since John Tyler first subjected "the wisdom and sufficiency of our institutions to a new test" by deliberately establishing that the Vice President becomes President in fact and not merely an acting caretaker on the death of an incumbent. So once more "the great Federal Establishment has moved on with the business of state," as the Washington Post said recently, "steadying in the wake of calamity to all the demands that crisis has made upon it."

But stability and effective constitutional government are not all that is expected of the United States. Throughout the world

as well as at home querulous voices are raised whenever our Government fails to act decisively on a point of international conflict, or when domestic pressures "are permitted" to condition foreign policy, or when the Nation "fails" to scrub away the tarnish of civil wrongs from its own image.

Our critics overlook the fact that America's governmental institutions are stable because they are pluralistic, because they are democratic, because they are counterbalanced and constitutionally inhibited. For the same reasons, they are sometimes slow—at least by comparison with authoritarian regimes. If we have only begun to resolve the promise of civil rights for all and the problems of the aged, of urban expansion, of education, of poverty, of unemployment, and all the rest—if the product of our federalism is still imperfect—it is not for lack of recognition. The problem of meeting common needs today is more procedural than philosophic. The issues are when and how, not whether.

There are, of course, many elements of stability in the American constitutional system: the checks and balances based upon a separation of powers among the legislature, executive, and judiciary; the bicameral legislature; the practice of judicial review by the Supreme Court; congressional control of appropriations; constitutional limitations upon the powers of the Central Government; and even custom and tradition.

But far and away the most powerful and pervasive force for stability and continuity in our system of government, beyond the Constitution itself, is the division of governmental powers and jurisdictions between the National Government and the States. Under the U.S. Constitution, the States are indestructible organs of local government that exist and function in their own spheres. Without this kind of democratic decentralization the future of our democratic institutions, subjected to increasing pressure from centralizing forces within and totalitarian forces without, might well be placed in jeopardy.

Despite the critical importance of our multisovereign Federal system, it is precisely this aspect that is so poorly understood. For non-Americans, it is easily the most incomprehensible facet of the American constitutional system.

Our Constitution is honored throughout the world as a model charter of representative government and democratic freedoms, but its role as a vehicle for apportioning sovereignty between the Federal Government and a State is but dimly perceived. It strikes the "average" European or Asian as anomalous in the extreme that our powerful Central Government should feel itself compelled to bicker with State officials about the enforcement of U.S. laws—or that the Supreme Court should find it necessary to arbitrate conflicts between the authority of "political subdivisions" and the authority of Washington.

If the precise nature and functioning of our multisovereign system is an esoteric subject for our neighbors overseas, it is equally true that most Americans today only vaguely sense an even more significant complication—namely, that the whole interplay of these relationships has been profoundly altered today from many of their original concepts. Mutations of far-reaching consequences have occurred and continue to occur throughout the whole structure.

Only 2 months before his death, President Kennedy sought to focus public awareness on the importance and meaning of this quiet revolution. "The problems of government," he said, "are becoming more and more complex, and the relationships between State and Federal Government more and more interdependent * * * but the more important point is to recognize that we are allies under the Constitution. * * * Too often it is suggested that the Federal Government and the State governments are competitors. Instead we must work closely together for the benefit of our country which we all seek to serve."

It is necessary to recognize the changing patterns of this alliance not only to understand American federalism today but also to draw valid conclusions about its vitality and its importance for the future.

The Constitution does not define the term "federalism," nor does it describe precisely what its framers had in mind regarding the boundary between the Central and State governments. In fact, the Constitution does not use the word "Federal," nor does the preamble go further than to say that the Founders hoped to "establish a more perfect Union."

The Union they founded was one of semiautonomous States under a National Government that exercised "enumerated" and carefully circumscribed powers. The powers retained by the States were not enumerated although it was implied (and later explicitly stated in the 10th amendment) that those powers not specifically given to the Central Government would be retained by the States or the people.

Debate since the adoption of the Constitution (and even before) has centered primarily around two opposing concepts of the proper balance between Federal and State powers. One doctrine would restrict the National Government to its enumerated powers. The other would supplement these powers with authority implicitly delegated throughout the Constitution and with inherent powers deriving from the national character of the Central Government. Strict construction on the one hand to preserve the State powers has been opposed on the other by a viewpoint giving full freedom to the Central Government to pursue constitutional ends even at the expense of State prerogatives. The history of federalism has been, largely, a history of conflict between these interpretations.

Roughly speaking, the dividing line between the older approach of "strict construction" and the newer philosophy of national preeminence was the Civil War and the adoption of the 14th amendment. The implications of that amedment, as it has turned out, were enormous, but its practical effect remained negligible for almost 60 years.

It is sufficient for our purposes to recall that from 1865 to 1930 the emphasis of constitutional struggle shifted more toward the protection of property rights against the monopolies of public power, and that during the past 30 years it has shifted again increasingly toward promoting the use of Federal authority to preserve and enhance individual rights and welfare.

Certainly the most fundamental and dramatic changes in American federalism have taken place since 1900 and, principally, since the 1930's. Considering that for almost 150 years prior to the present generation the emphasis of constitutional law in the United States has been upon preservation of State powers and limitation of the Federal, it should come as no surprise to find large areas of opinion today that cling to the astringent approach to Federal powers. In fact, the constitutionality of many Federal powers under the 14th amendment and the commerce clause is still debated by many who draw sustenance from an era of constitutional law when States rights theories such as interposition and nullification seemed more plausible than they do today.

The scope of the constitutional revolt of the 1930's, and the rapidity with which traditional concepts of federalism were altered in favor of the Central Government to meet the exigencies of the great depression persuaded many people that federalism, as a technique of government in the United States, would rapidly fade away.

Prof. Harold J. Laski, writing under the title "The Obsolescence of Federalism" in 1939, expressed the belief that while it is a suitable technique of government during periods of capitalistic expansion, federalism is a luxury that contracting capitalism cannot afford. Federalism has failed and is dying, he said, not only in the United States but also in Canada, Australia, Germany. To explain this failure, he argued that "* * * it has become clear the true source of decision is no longer at the circumference, but at the center, of the State. For 48 separate units to seek to compete with the integrated power of giant capitalism is to invite defeat in almost every element of social life where approximate uniformity of condition is the test of the good life."

In more typically American terms, other critics of traditional federalism found their strength in the heritage that endowed promotion "of the general welfare" with an overriding moral as well as constitutional importance. They recognized that, after 140 or more years of national growth, the problems of the "general welfare" required solutions that were in many ways as foreign to the expectations of the Founding Fathers as were the problems themselves.

But the critics of federalism have committed a fundamental error. They have judged it in the light of its controversial dimensions—the historic spheres of Federal powers, State powers, and judicial interpretation—in which the weight of supremacy has clearly shifted in favor of the central government. But these changes in jurisdiction, sovereignty, and prerogatives have had little effect on the powers of the States to govern freely in the interest of their citizens.

The vitality of the Federal idea in America has not only survived the crisis in political and economic philosophy of the last three decades; it has also asserted itself in a broad new dimension that has given rise to the greatest growth in State powers and functions in the history of the Nation.

A typical example: In the decade from 1950 to 1960, the nondefense expenditures of the Federal Government increased by the relatively modest amount of $6.4 billion—a growth of about 24 percent. State expenditures during the same period increased by $19.3 billions, from $13.2 billions in 1950 to $32.5 billions in 1960—a growth of 146 percent, or more than six times the growth rate of the Federal Government.

This explosion in the functions and powers of local government is one of the most fascinating and challenging developments in modern U.S. history. Yet it has taken place with so little fanfare and public attention that it remains an area of relative mystery to most Americans. It represents an annual expenditure of immense proportions and involves the States and the Federal Government in joint enterprises of vital national significance. By comparison with more sensational developments in Federal-State relations, however, it has received very little public notice.

This largely unknown and unexplored area of government is what might well be called federalism's "hidden dimension."

Functioning almost as a fourth branch in meeting the needs of the people, this dimension is directly involved in such matters as highways, housing, urban renewal, planning, education, public welfare, hospitals, airports, public health, unemployment compensation, agricultural extension, water and air pollution, and sewage treatment facilities. Yet it has no direct electorate, operates from no set perspective, is under no special control, and moves in no particular direction. It operates sans legislature, sans executive branch, and sans judiciary. It is represented by no policymaking body (although it is developing its own sacred cows). We're not

certain even of its cost. Some estimates range as high as $14 billion annually.

The principal framework of this structure is the system of Federal "grants-in-aid." Although traceable back to ante bellum days, the technique of quasi-contractual relationships between the Federal and State governments for Federal aid to State-run programs of social and economic development has grown primarily since 1911. Over the years, Congress has enacted some 73 such programs. Only 14 have been terminated; 59 are still on the books. Grants-in-aid to State and local governments during fiscal year 1964 will cost an estimated $10 billion—an almost fourfold increase over the estimated cost 10 years ago of $2.7 billion.

It was in 1962 that the U.S. Senate authorized creation of a Subcommittee on Intergovernmental Relations to undertake serious exploration of this Government within government.[1] In fulfillment of our warrant to explore the whole area—to give definition and identity to the hidden dimension, to understand what it is, its potential, and in what direction it is moving—our subcommittee prepared a voluminous intergovernmental relations questionnaire. It was designed with the help of numerous experts to probe deeply into significant areas relating not only to grants-in-aid but to apportionment, conservation of resources, metropolitan area problems, assignment of tax sources, tax coordination, and payments in lieu of taxes. Its distribution to all governors, State attorneys-general, State budget officers, to 250 State legislative chieftains, 800 school boards, 1,900 county officials, 1,600 city managers, 900 mayors, and 400 academicians and other experts evoked responses ranging from dismay over its length and complexity to heartening demonstrations of closely reasoned collaboration.

The Northern Virginia Sun, one of the more responsible suburban dailies to emerge in recent years, greeted the subcommittee's field inquiries as an opportunity for local officials "to show their stuff." Said the Sun: "If these echelons of government have the capacity to clean away the deadwood of decades and grapple imaginatively with the huge dilemmas of city, town, and county, Congress will be only too happy to hear it."

In showing their stuff, our respondents inevitably raised more questions than they answered. Still, the returns to date from more than 460 State and local officials have given Congress a massive and informed cross-section of grassroots opinion on a scale never before attempted and with a wealth of detail that illuminates broad issues bearing directly on the future of federalism.

General attitudes are always difficult to gage, especially on the basis of multi-itemed questionnaires. But given an awareness of such pitfalls, a careful assessment of the aggregate returns clearly suggests that our participating States and local officers fall into four groups.

The first include all those who reject the present system of Federal-State cooperation and yearn to reestablish firm distinctions between the enumerated powers of the Federal Government and the reserved powers of the States. Numbering approximately 11 percent of the total, this small but articulate group approached the issues raised in our inquiry with a strong allegiance to the concepts of State powers that prevailed in the United States until the mid-1930's.

Closely, allied to this group were those whose intellectual inclinations placed them among the States righters but whose pragmatic bent persuaded them that some abridgment of traditional State prerogatives and powers, some collaboration with the Federal Government, is desirable and necessary. This group, in general, was far less willing than the first to eliminate or reduce the present degree of Federal involvement at State and local levels.

Most within this classification, comprising 43 percent of the whole, accepted the grants-in-aid device as a means of solving certain common problems, and they did assign a role, albeit somewhat restricted in scope, to the National Government in a number of complex problems facing metropolitan area residents.

The third group accounted for approximately 33 percent of the total. Here we find most of the Governors, State budget officers, some academicians, and a scattering of urban area officials. This group declined by and large to enlarge upon their ideological views but expressed general satisfaction with present methods and trends of cooperative federalism.

The fourth group constituted some 13 percent of the total and included, among others, a significant number of schoolboard members and academicians. In the main, this category adopted a fairly consistent pro-Federal stand in their answers. They strongly supported greater use of the grants-in-aid system; they opposed assumption by the States of certain taxing and financing functions now exercised by the Federal Government. And they assigned to Washington a major role in helping to solve the problems confronting the Nation's metropolitan areas. Over and over again in the responses from this group appears the theme that the State and local governments are unable to cope with the more pressing domestic problems confronting America in the 1960's.

The extremes at both ends of the scale, i.e., the traditional States righters and the nationalists, comprise less than a quarter of all the respondents. For this reason, both may be considered atypical. By combining the reluctants with the positives and reexamining their responses to certain key questions, it is possible to sketch the broad outlines of what might be called the majority's implicit consensus about what our Federal system is and what it may become. To join these middle groups to be sure, blurs the ideological distinctions that separate them, but they are in fact joined by their acceptance of certain practical solutions to common problems.

Extended review of the answers to those questions on which there was agreement among the two middle categories enabled us to piece together the following composite theory of how federalism works and can work in America in the 1960's:

1. Theory and ideological differences aside, the dominant view of Federal, State, and local governmental relations is one that pictured the entire system as integrated in practical matters but with each level attempting to maintain its separate institutional identity and sources of power.

2. The practical functions of government are not neatly parceled out among the three levels; several governmental functions may be undertaken jointly at each governmental level with the result that significant and continuing responsibilities may be exercised by all.

3. Decisionmaking in the intergovernmental process is shared fairly equally among various public bodies in the three echelons, thus preserving a basic principle of our traditional federalism.

4. The administration of programs of common concern are joint undertakings. Such devices as joint boards, joint inspection, the sharing of specialized information and use of another level's technical personnel, reveal the benefits of this collaboration among equals. Competition rather than collaboration, however, is produced when administrative regulations are unilaterally imposed without full consultation with another level's officials and without recognition of the merit of some administrative practices or other jurisdictions.

5. The Federal grant-in-aid is and will continue to be an inescapable and important feature of contemporary intergovernmental relations. It provides a necessary means whereby the three levels of Government can collaborate to fulfill common purposes. If not encumbered with excessive administrative redtape, it can also serve to strengthen State and local governments, since it utilizes the existing institutional framework for administering these activities of common concern.

6. Representative, responsive, and responsible State governments are vital for the proper functioning of American federalism. They collect a sizable proportion of total revenues, directly administer several important governmental services, provide assistance to their local units of government, and serve as crucibles for the development of improved policies and techniques.

7. When properly empowered, financed, and aided, county and municipal governments singly and in voluntary association with one another can meet many of the challenges that ubiquitous urbanization has created.

8. Intergovernmental relations should be viewed primarily as a network of functional, financial, and administrative arrangements that seek to advance the commonweal. Parity with respect to the power positions of the various levels is indispensable for successful collaboration in this area. Inequality undermines the voluntary stimulus that is so essential for any full-fledged cooperative endeavor.

9. Every level has a fundamental duty to preserve the interlevel balance, but a primary responsibility for maintaining this balance rests with Congress. Its past enactments constitute the greatest single force shaping the Federal system under which we live, and its future actions will exert no less an impact.

In the final analysis, the tensions existing within this composite view of American federalism, created by the commingling of conflicting ideals within the confines of a practical solution of shared problems, augur well for the future of our system of intergovernmental relations. American federalism has always been a bold attempt to reconcile stridently conflicting ideas.

And it is most illuminating to note how the protagonists in this debate change sides from time to time, from one historical epoch to the next. None of the great geographical sections of America, nor the major political parties, nor the principal segments of political opinion (liberals or conservatives), nor even the economic interests of the country have pursued consistent policies where Federal-State relationships are concerned. The remarkable ease with which these groupings have shifted positions at various periods of history on this subject provides a dramatic confirmation of the dynamism of the Federal system and its vitality for the future.

If nothing else, it should illustrate the futility of political platitudes and the danger of shibboleths. Certainly, labels and slogans tend to lose their meaning when we realize that in the crucible of practice, the ideological tenets of General Motors 10 years ago may well be labor's central argument 10 years hence. It is certainly historical fact that the States rights dogma of yesterday's liberals is the staple of the conservative case today.

Thus, it seems to me, we do not validly reflect the fundamental vitality of American federalism to argue that it is dead because it is changed or that it will die because of its advocates. The system's real test lies in

[1] The subcommittee of the Senate Government Operations Committee consists of the author, as chairman and Senators SAM J. ERVIN, JR., of North Carolina; HUBERT HUMPHREY, of Minnesota; and ABRAHAM RIBICOFF, of Connecticut, Democrats; and Senators KARL MUNDT, of South Dakota and CARL T. CURTIS, of Nebraska, Republicans.

how effectively it is meeting the needs of the American people today. It cannot be measured against an abstract formulation of the past or of the future.

President John F. Kennedy understood this very well. "It is the best system yet devised," he said shortly before his death, "but we have to make it work * * * in a common effort to reduce unemployment, and to eliminate poverty among our people; to make our urban centers a better place in which to live; to guarantee equal opportunity in all fields; to conquer mental retardation and mental illness; to keep this country strong; to keep it in a position where it can fulfill its responsibilities to all the free world."

History may one day include among the greatest achievements of the New Frontier the powerful momentum evoked by its young leader to harmonize the rational design of the founders with the kind of pragmatic action necessary to exercise all those specters that still haunt our own society—and the world. In meeting this challenge President Kennedy summoned us to begin anew; President Johnson has committed us to continue. The quest embodies our best hope for achieving a yet more perfect union.

FROM PULPIT TO POLITICS

Mr. HUMPHREY. Mr. President, too often many Americans make the unfortunate charge that politics is and should be left to the politicians, the charge that "you can't fight city hall," that there is little or nothing that the "ordinary citizen" can do to affect governmental policy.

I find it especially refreshing, Mr. President, to read the kind of story I now call to the attention of all Senators. Bob MacGregor, a young Presbyterian minister in Minneapolis, decided in 1961 that he was one American who could not stand in the midst of pressing social and political problems without contributing his talents to the political process.

He is now serving a second term on the Minneapolis City Council. The story of his decision to become an active part of American politics should be an inspiration to all of us. I ask unanimous consent to have the story of Bob MacGregor, entitled "The Pastor Enters Politics," which was published in the April 1 issue of Presbyterian Life, printed in the RECORD.

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

FAMILY LIFE SUFFERS, BUT MINNEAPOLIS ZONING IMPROVES WHEN THE PASTOR ENTERS POLITICS

(By Janet Harbison)

Big, handsome Robert MacGregor is an ordained minister who set out to spend his life as a pastor. His wife, Mari, set. out to be a pastor's wife. Both MacGregors, brought up in the Minneapolis-St. Paul area, went to Macalester College, where Bob captained the football team. They spent the first 3 years of their married life in Princeton, while Bob attended seminary. Their first child (they now have three) was born there. After Bob got his B.D., they were happy to receive a call back to Minneapolis to the Andrew Church.

"I wanted a church with a lot of problems," Pastor MacGregor says. "Andrew is the oldest Presbyterian church in Minneapolis. It's an inner-city church, in a changing neighborhood, not too far from the University of Minnesota campus. It's plagued with all sorts of problems, the kind you inevitably get in such a situation."

MacGregor started trying to cope with all the problems of the Andrew Church in the fall of 1957. By 1961, he found himself running for office, a candidate for the Minneapolis City Council. To the surprise of many, Bob won, and began to devote most of his time to being an alderman. He had already resigned his pastorate at the behest of Presbytery when he announced his candidacy, even though his congregation wanted him to stay on. Thus, for a few hectic months, MacGregor was unemployed.

How had the pastor come to enter politics? What has happened to him since he won that first election? The answers to these questions provide some insights into what can come about when the church takes seriously its mandate to become involved with people where they live.

As a young pastor, MacGregor tried to help his parishioners cope with the difficulties of crowded urban life and was drawn inevitably into civic action, taking part in groups like the University District Improvement Association. Almost everything in the area needed improving—housing, schools, control of the awarding of liquor licenses, offstreet parking—if the area were not to slip relentlessly into decay. The churches in the neighborhood have a long history of efforts at bettering conditions. The basic trouble was that the whole city of Minneapolis had "archaic zoning," as MacGregor puts it, and had allowed a hodgepodge type of growth. To get a decent zoning ordinance required citywide cooperation.

"The current alderman in the district was not too receptive," Bob recalls. "Freeways were slicing up the area, and nobody was doing a thing about it. Eventually a nonpartisan group called Citizens Organize for Responsible Government (CORG, for short) was started. Members were known locally as the 'do-gooders,' and I became involved in their work. After awhile, they approached me and asked me if I would run for alderman. I didn't exactly jump at the chance. But after some hard thinking and prayerful consideration, I decided to run."

People around Minneapolis tend to attribute the zoning ordinance finaly adopted by the city late in 1963 in large part to this decision. Several years of patient organizing, learning to know the government of the city and how it operated, cultivating forces in favor of civic improvement all over the city—plus a second election campaign even rougher than the first—came between. MacGregor is the first to say that "anything that gets accomplished requires hundreds of people." But much that has lately been done in Minneapolis about zoning, civil rights, and a number of other questions has been instigated by the pastor who entered politics.

SOME CHURCH PEOPLE RAISE QUESTIONS

"I called in the session and asked permission to make the first campaign, which they unanimously granted. The congregation approved, too," says Alderman MacGregor. "But many church people didn't. That was the hardest thing—the reaction of some church people. They talk about me as a 'former minister.' And some of the more conservative people are angry because I caucus with the Democrats." (The Democratic-Farmer-Labor Party is strong in Minnesota, and its ideas correspond better with the things Bob is fighting for, he thinks, than those of the Republicans. His father, a bank official in St. Paul, is a Republican.)

Bob finds that people have a certain image of what a minister should be and do, and have certain preconceived notions. Sometimes his colleagues among the 13 councilmen consider him a bit of an anomaly. "You ought to go back in the ministery; you don't belong down here," they may say. Or sometimes, when Bob has been expressing his mind on a question with a certain amount of vigor, it will be, "You, a minister, talking like that? Have you lost your principles?"

"My being a minister is a convenient hook on which to hang attacks on me," Bob says.

Being a public servant has changed life for Alderman MacGregor—and for Mari, too. "In city government, you're so close to the people. The phone is ringing all the time. At every local affair, they want the district alderman present. As soon as they hear I'm at an affair, they all come up with some complaint or other. Home life is hard to come by—I'm out about every night.

THE PHONE NEVER STOPS RINGING

"A few of the phone calls we get are most difficult on Mari," he goes on. "People tell her what a misfit I am and that I am being duped by the Communists on certain zoning or urban renewal issues. The ultraright groups are most difficult to work with, and mince no words. When I have supported an urban renewal project and stand up to speak, they have their people dispersed in the audience to boo and heckle. Once I got on an elevator with a group of ladies who were opposing the new zoning ordinance as an unwarranted interference of government, and something that they felt was financed by the Communists. They turned to me, shook their fingers, and said I was being led astray by the Communists and fellow travelers. They said I used to be a Christian until I got on the council and started taking illegal liquor money. [The last accusation is particularly humorous, since Bob has been a target of the very liquor interests whose money he allegedly took. They have often tried to get him removed from the committee of council which grants liquor licenses.]

"We receive numerous calls from people I really can't help as an alderman, but can do more good for as a clergyman. They need someone to counsel and listen to them about their financial, marital, and neighborhood problems. The councilman is the elected official closest to the citizen and easiest to reach by phone. If something goes amiss at any echelon of government, the councilman is usually the first to hear from the irritated taxpayer."

Since manses don't go with seats on the council, the MacGregors have had to buy a house. The salary for a city councilman is low; the presumption is that he's most probably something like a lawyer, with a practice on the side. And of course, the MacGregors have to bend over backward not to take any favors from anybody. Hence, public service hasn't exactly put them on easy street.

By the time MacGregor's second campaign came around, "I'd made a lot of enemies," he says. "It was a bitter, hard campaign. I'd irritated the liquor interests which had dominated city politics for years. The firemen and the policemen had tried to get their salaries written into the new city charter. Salaries don't belong in a city charter, and I opposed them. So the firemen and policemen campaigned against me. The slum property owners were against me, I had won their enmity by my position on zoning. Also, the land speculators were against me. So anyone who wanted to run against me could raise a lot of money for his campaign without any trouble."

Bob's opposition in this campaign, which culminated in his election to a second term in July 1963, didn't spare the horses. All sorts of accusations were made against MacGregor—that he was a despoiler of the property of old ladies, that he was the guilty party in depriving the public of a park to build a freeway (which had been voted before he ever came on the city council). These are mild samples. "There are very few rules in campaigning," says MacGregor.

"We were a little disturbed by all this," he goes on. "I'm a sensitive person. This is the kind of thing I find hard to take. But

just during this time I began to understand my faith a little more. Especially I got a lot out of Paul's writings—the things he says about his own persecution and hardships. But also, I began to understand that when you are attacked, it is, partly at least the result of your own foolishness; you can't think you're right, and nobody else is, when you're in politics. This sort of thing may be God's way to keep people humble."

MacGregor ran the second time because he had started a number of things which had not yet come to fruition, "and I knew I'd be a frustrated man if I didn't carry through."

The comprehensive zoning ordinance, and a mayor's commission on human relations designed to coordinate the work of the 28 groups in Minneapolis concerned with civil rights and allied questions, are among the things Bob went back to fight for, and has had a strong hand in, as proponent and drafter. He currently serves on such committees and projects of the council as: finance, ordinance and legislation, licensing, zoning, the board of public welfare, the health department, workhouse, hospital, and relief practices—almost the gamut of things, aside from sewers, with which city councils are occupied. Wrestling daily with these problems, Bob has developed some convictions about city government.

"I started out as a naive person in politics," MacGregor says now, "and I came to recognize several things. One is the importance of the minority. It can serve to temper legislation, to make the majority think. And it's amazing how frequently the minority's position is sustained later on." (Minneapolis folk recall that when Bob first became an alderman, he was virtually alone in advocating a coherent zoning program.)

"I have been supported by thinking of the minority of the first-century Christians," the young official goes on. "Later on, they were sustained. Nobody was supporting me at the start of the civil rights thing, and then gradually many came around.

"Now, Minneapolis is a city of churches. It's a clean town, as towns go, with a lot of homeowners, and many church people in public positions. The city attorney is a Presbyterian elder; so is the city engineer. But even in the cleanest town, the churches ought to be on their guard. There are always unwholesome elements waiting to zero in. The church should be involved in local politics and local government. It should be represented because, you know, unless somebody is paying attention, the citizens can be unaware of what's happening until it's too late."

As for Robert MacGregor, he set out to be a pastor, and that's the direction in which he is still heading: "My first concern is still the church, and I hope to go back into full-time church work." Almost every Sunday finds Bob filling a pulpit somewhere in the Minneapolis aera.

In the meantime, as Mari perceptively remarks, "Bob can be free, and say what he wants, because he isn't absolutely interested in reelection."

AN OUTSTANDING LABOR LEADER—WILLIAM A. BOYLE, PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA

Mr HUMPHREY. Mr. President, the United States is fortunate in having a well-organized, responsible, and effective organized labor movement. One of the outstanding labor leaders is Mr. William A. Boyle, president of the United Mine Workers of America.

Mr. Boyle understands the needs and the aspirations of the working people of our country. He went to work in the coal mines of Montana as a very young man. He became active in union organization during the time that he was a coal miner. He became president of his own local union and was elected president of District 27 in 1940. The New York Times, Tuesday, March 24, published an excellent biographical item on the life and work of Mr. William Anthony Boyle.

It is because Mr. Boyle so fully and honorably represents the union movement of our country that I ask unanimous consent to have this article printed in the RECORD.

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

[From the New York Times, Mar. 24, 1964]

COAL MINERS' LEADER—WILLIAM ANTHONY BOYLE

WASHINGTON, March 23.—In 1948, John L. Lewis, president of the United Mine Workers of America, brought a young Montanan, William Anthony Boyle, to Washington to be his assistant. Mr. Lewis liked Mr. Boyle's style—for one thing because Mr. Boyle was not afraid to tell Mr. Lewis what he thought. The Jovian Mr. Lewis had long before attained the status of legend among the miners and was not always favored with candor by his associates.

When Mr. Boyle came east to take on his assignment, Mr. Lewis is said to have told him: "Be anonymous."

Mr. Boyle took his advice seriously. He developed a reticence that continues today when he has been president of the union officially since early 1963 and the union's head in fact for nearly a year before that.

Mr. Boyle was in the spotlight today when his union signed its first contract with the Bituminous Coal Operators Association since 1958.

The completion of the talks makes Mr. Boyle, who is 56 years old, the first miners' president other than Mr. Lewis to negotiate a new agreement with the mine owners since 1919.

Mr. Boyle's slow emergence from the shadows has been made difficult by more than his own reticence. Mr. Lewis, who is president emeritus of the union and still comes almost daily to its baronial offices in what was once the University Club here, was for years the colossus of the American labor movement.

BORN IN MONTANA

Mr. Boyle is a proud man with a hot temper. But if he has resented the inevitable comparisons with Mr. Lewis he has never shown it.

His own progression through the union hierarchy has been steady and it was evident years before he was tapped for the $50,000-a-year presidency that he was in line for the job.

Mr. Boyle was born December 1, 1907, in a cabin at a since-abandoned mining camp nearing Bald Butte, Mont. For official purposes he uses the initials W. A.; his friends and family call him Tony.

The Irish Boyles have been coal miners almost as long as anyone can remember—first in the mines of England and later Scotland, where Mr. Boyle's father, James, went underground at the age of 9.

Mr. Boyle went to work in the soft coal mines at Montana soon after he was graduated from high school. When work was slack he earned a living as a hard rock miner.

He soon became active in the union and held all the local offices there were before he was elected president of district No. 27 in 1940. His youngest brother, Richard, holds the district post today.

When Mr. Boyle came to Washington, he took on many difficult and unpleasant assignments. Operating always behind the scenes, he did troubleshooting for Mr. Lewis. He became an expert at contract interpretation and was the final judge of whether locals could call strikes.

TACKLED UNION PROBLEMS

When Mr. Lewis relinquished the presidency of the union to Thomas Kennedy in 1960, Mr. Boyle was Mr. Kennedy's natural successor as vice president.

For much of his term, Mr. Kennedy was a sick man and Mr. Boyle, with Mr. Lewis' advice, did the work of running the union. When Mr. Kennedy died on January 19, 1963, Mr. Boyle became the union's 11th president and the first from west of the Mississippi.

To put it bluntly, Mr. Boyle inherited a problem. The union was wealthy but its membership shrinking.

Dwindling output and mechanism had combined to reduce the membership in the mines from a peak of 700,000 in 1923 to 130,000. The union's catchall district No. 50 outnumbered its parent nearly 2 to 1.

Mr. Boyle has attacked his union's problems with a grim and ferocious energy. He works virtually all the time. Lately he has been demanding more ambitious Government programs to aid the depressed coal mining regions, extension of Federal mine safety regulations to small mines and a curb on imports of residual oil, which he says are costing miners jobs.

There is no evidence, however, that he plans to reverse the union's policy of accepting mechanization.

If the slight, sandy-haired union president has any relaxation, it is his family. When he and his wife, Ethel, have a spare moment they are likely to head for Billings, Mont., where Mr. Boyle's two brothers, Richard and John, and his daughter, Antoinette, her husband, Daryl Ingebregson and their son, Daryl Jr., live. The boy, who is 6 years old, is the joy of his grandfather's life.

NATIONAL INTERRELIGIOUS CONVOCATION ON CIVIL RIGHTS—APRIL 28, 1964, AT GEORGETOWN UNIVERSITY

Mr. HUMPHREY. Mr. President, I invite attention of Senators to the fact that on April 28, Tuesday of next week, at 8 p.m., the three major religious faiths will sponsor the National Interreligious Convocation on Civil Rights in the fieldhouse at the Georgetown University. The sponsoring organizations are the National Council of Churches, the Commission on Religion and Race, and equivalent Catholic and Jewish organizations.

This convocation will feature addresses by Dr. Eugene Carson Blake of the Council of Churches, Rabbi Yuri Miller and Archbishop Shehan. The chairman of the convocation will be Archbishop O'Boyle of Washington, D.C.

The program will also consist of music and religious ceremonies in behalf of civil rights. The fieldhouse will, I understand, seat over 3,500 people. There is already an overflow crowd coming to Washington from all sections of the country. Over 1,000 clergymen will attend the convocation in addition to thousands of lay persons.

This should truly be a most historic affirmation in behalf of human rights and in support of the pending civil rights legislation.

After the convocation the National Council of Churches will sponsor a daily civil rights prayer service at 9 a.m. at the Lutheran Church of the Reforma-

tion at 212 East Capitol Street NE. Prominent clergymen from the Nation will conduct the daily services which will continue until the civil rights bill is enacted.

This convocation and the daily prayer service was announced at a recent press conference and the sponsors of these events look forward to welcoming all those who are interested in this important ceremony.

PETROLEUM PINCH: MORE SMALL OIL FIRMS QUIT AS COMPETITION MOUNTS

Mr. CARLSON. Mr. President, the independent oil companies have for many years been responsible for an impressive record in oil exploration and development in Kansas and many Midwestern States.

As a result of sagging crude oil prices, increased cost of production and competition from large major companies, hundreds of these companies are being forced to cease operations and liquidate their assets.

At a recent meeting of the Independent Oil Producers from Kansas, Oklahoma and Texas, which was held in Oklahoma City, several methods of assisting the independent operators were considered.

George Bruce, president of the Kansas group, suggested that Kansas, Texas and Oklahoma producers shut down production for a 10-day period in order to restore recent price cuts; however, this suggestion was not approved by Texas and Oklahoma. The representatives of the three States did agree to push for a Federal study of oil imports and their influence on domestic crude prices. The group also agreed to ask Interior Secretary Udall to review offshore leasing of oil development rights and to consider bringing offshore oil production under market demand proration systems practiced by some States.

Recently there appeared in the Wall Street Journal, issue of April 8, a very excellent article entitled "Petroleum Pinch." I ask unanimous consent that this article be printed at this point in the RECORD.

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

PETROLEUM PINCH: MORE SMALL OIL FIRMS SELL OUT AS COMPETITION MOUNTS, PROFITS SUFFER—DRILLING COST RISE, CRUDE SAG SQUEEZE INDEPENDENTS; BIG CONCERNS ARE EAGER TO BUY—JUSTICE DEPARTMENT STEPS IN

(By James C. Tanner)

In recent days M. H. Robineau, president of Frontier Refining Co. in Denver, has quietly passed the word in the oil industry that his concern, with an annual volume of $44 million, is up for sale. The reason, according to Mr. Robineau: "I've been in this business 40 years but I've got to be realistic. It's getting murderous for the independent refiner."

In deciding to sell out, Frontier is joining a growing list of independent oil companies who are giving up the struggle. With crude oil prices sagging, production costs climbing and major companies intensifying their fight for customers, the squeeze on many smaller oil companies has become too much to withstand. "Many independents are operating in the red—those making a profit, like ourselves, are an exception," notes Mr. Robineau. In the past 3 years, oil company mergers have run at a $1 billion annual clip (based on selling prices) and many industry officials look for the figure to go even higher this year.

In most cases the independents are having little trouble finding buyers. For some of the same reasons that the independents feel compelled to quit the business, fully integrated major oil companies are ready to take them aboard. Rising real estate and construction costs, for example, often make a merger or purchase of a smaller company a less expensive way for a big firm to establish a strong regional marketing setup than to go out and build their own chain of stations.

EXPLORATION COSTS SOAR

The same holds true of finding crude oil. Exploration costs have soared to such an extent that major firms often regard acquisition of independents as a cheaper way to get oil than by hunting for it themselves. The steep rise in drilling costs points up what firms face in oil exploration. Last year, according to the trade publication Petroleum Engineer, the average deep oil well cost $695,984 to drill, a 6-percent increase from 1962 and 27 percent above the $550,000 average of 1953. Yet, only one in nine expensive wildcat wells ever strikes oil.

Mergers are increasing in many industries, of course, largely reflecting company efforts to diversify. But the trend seems more pronounced in the oil industry and can generally be traced to a different reason: A cost-price squeeze.

"Since 1957 the prices which the company can obtain from its domestic oil have declined approximately 6.5 percent while operating costs have increased approximately 20 percent," says Lawrence S. Reed, president of Houston-based Texas Gulf Producing Co. The company's stockholders this month will vote on a proposal to sell its assets to Sinclair Oil Corp. Directors of Texas Gulf, big independent with interests in Libyan and Peruvian operations and with large U.S. reserves of oil and natural gas, decided to recommend sale of the company for $250 million rather than continue the "increasingly costly and discouraging" search for oil and gas.

"For many, it's become more profitable to sell than to continue in business," comments Minor S. Jameson, Jr., executive vice president of the Independent Petroleum Association of America. Though the cost-price squeeze, low production allowables by States and declining rates of return are the immediate factors bringing the sellouts, Mr. Jameson says the independent oilman's woes are more basic. The growing worldwide surplus of petroleum, a slackening in the rate of growth in U.S. oil consumption, an upheaval in gasoline marketing policies and the "increasing intrusion" of the Federal Government into the economic affairs of the industry are at the root of the oil merger trend, he declares.

A DROP IN MEMBERSHIP

As an indication of the extent of such consolidations, the Texas Independent Producers and Royalty Owners Association reports the number of oilmen in the State has dropped to 6,200 from 6,600 in the past 5 years. "Even more significant is the growing number of operators who have pulled in their horns on drilling and exploration but are not yet on the drop-out list," adds an association official.

The merger trend hasn't escaped the attention of Government officials. The Justice Department, in fact, currently is trying to break up one combination—the $385 million sale of assets of Honolulu Oil Co. to Pan American Petroleum Corp. and Tidewater Oil Co.

Now in Federal court in San Francisco, the case is being watched closely by much of the industry because of pretrial remarks made by Government attorneys. "What we * * * propose to show," said the attorneys in a brief, "is that the acquisition is part of a trend which, if not stopped, threatens an undue restriction in the number of independent producers and independent refiners by concentrating ownership of domestic production in the hands of 20 or so large integrated oil companies."

Oilmen don't dispute the trend though they dispute Justice Department conclusions that it may be unduly restrictive on the independents. Sell-outs will continue to climb, says one oil company executive, adding: "The only limiting factors are the Justice Department—and the supply."

OLD BREAKUP PLAYS A PART

Ironically, much of the motivation for today's consolidations on the marketing side dates back to the Government-enforced dissolution of the old Standard Oil combine a half century ago. It left some powerful oil companies with only regional markets—a pattern they are trying to break. And, many have found, a quick, painless way to market their brands coast-to-coast is by acquisition.

Standard Oil Co. of California chose this way to break into five southeastern States formerly outside its marketing area, with the 1961 acquisition for $170 million of Standard Oil Co. of Kentucky.

Now, Humble Oil & Refining Co., chief domestic subsidiary of Standard Oil Co. (N.J.), is following the same route by proposing to buy the west coast refining and marketing facilities of Tidewater Oil for $329 million. Humble three years ago began an effort to push into the far west by building its own stations. It so far has 800 in this region—250 of them in California. With the acquisition of the Tidewater facilities, Humble would pick up 3,900 additional stations, bringing its U.S. total to about 34,000.

"It's hard to justify any big advertising program in an area unless you've got at least 5 percent of the market," says one oil industry executive, putting his finger on the major problem of trying to enter a market by building up from scratch. With the purchase of the Tidewater facilities, "Humble will become a big factor on the west coast in one fell swoop" notes a competitor. "It would have taken years to do it any other way."

WANT MORE CRUDE

In today's fiercely competitive atmosphere, oil companies want not only to have their own outlets for their refinery production but also to be self-sufficient in crude oil supplies. Many integrated oil companies are deficit refiners; that is, they process more crude oil than they are able to produce and have to buy much of the crude from independent producers.

E. L. Steiniger, chairman of Sinclair Oil, says that purchase of Texas Gulf Producing's vast oil reserves will help "to enable the company to compete on more equal terms with competitors now more favorably situated." Following the Texas Gulf acquisition, Sinclair will be able to produce about half of its refinery requirements compared with about 43 percent now, says Mr. Steiniger.

Just getting 100 percent of their crude oil needs now is not enough for many companies, one oil executive contends. "Most would like to have double the reserves they need now, as a floor for future growth," he says. "That's why everybody has been trying to make a deal with Superior Oil Co."

Superior is one of the few independent domestic producers large enough to go abroad in the search for oil. But for some time it has been unable to find markets for all its foreign petroleum and in late January plans

were announced to sell its Venezuelan subsidiary to Texaco, Inc., which has extensive refinery facilities, for about $125 million.

Much of the glow of foreign crude is beginning to rub off as market competition worsens and governments abroad get more fickle about such matters as oil royalties. This has played a role in intensifying interest in obtaining more U.S. crude as insurance in case oversea supplies are cut off.

Not all the sellouts, of course, can be blamed on a sag in profits by independents. Many independent companies do well despite industry problems, often because they have themselves pursued an active policy in acquiring smaller firms. But the fierce bidding for properties often pushes the price high enough to make a sellout more attractice than continuing in business. Shell Oil Co., which has been wanting to expand in the Southeast, last month bought the refining and marketing properties of El Paso Natural Gas Products Co., a subsidiary of El Paso Natural Gas Co., for $37 million, though El Paso by no means was a poverty case. Its 1963 net income, according to W. S. Noel, president, varied little from the $3,563,283 earned in 1962. "We thought it was a good sale for us to make," he says.

CARL T. CURTIS—A QUARTER OF A CENTURY OF DEDICATED SERVICE

Mr. HRUSKA. Mr. President, earlier this month, on April 4, my distinguished and beloved colleague, Senator CARL T. CURTIS, was accorded a standing ovation by 2,200 of his fellow Nebraskans and fellow Republicans at the annual Founders Day banquet in Omaha's Civic Auditorium, marking his 25th anniversary in the Congress.

The honor came as a complete surprise to him. He confided to me later that he was a little perplexed as I recited to the audience a few of the many milestones in CARL's long record of dedicated and devoted work in behalf of Nebraska and the Nation.

When I invited him to join me at the speaker's stand, he was almost literally overcome by the spontaneous outpouring of appreciation and affection expressed for him by those attending the Founders Day banquet.

The distinguished minority leader was our featured speaker that evening, and he can attest to the tremendous enthusiasm of the testimonial for Senator CURTIS.

His Nebraska colleagues in the Congress presented Senator CURTIS with a token of our appreciation for the privilege of serving with him. We gave him a watch with this inscription:

From the congressional delegation to its dean—Senator CARL T. CURTIS, in recognition of 25 years of distinguished service to Nebraska and the Nation.

Some weeks ago, Mr. President, the chief of the Washington Bureau of the Omaha World-Herald, Mr. John Jarrell, prepared an article for that newspaper's Magazine of the Midlands in which he took note of Senator CURTIS' quarter of a century in the Congress. I ask unanimous consent to have printed in the RECORD excerpts from my remarks concerning Senator CURTIS at Nebraska Founders' Day and the text of Mr. Jarrell's article published in the Omaha World-Herald Magazine of the Midlands.

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

EXCERPTS FROM THE REMARKS OF SENATOR ROMAN L. HRUSKA, NEBRASKA REPUBLICAN FOUNDERS DAY BANQUET, CIVIC AUDITORIUM, OMAHA, APRIL 4, 1964

This fine civic auditorium has always been a source of great pride to all Omahans. But it now holds a special meaning for Vicki and me because of the honor so warmly and generously accorded us here just about a year ago tonight. We shall never forget the thrill of that evening and the kindness which so many of you here again tonight showed to us. It will always be a source of great inspiration and encouragement in the work in which we are engaged.

Tonight the memory is especially vivid because we have with us, as we did a year ago in this same room, my colleagues in the Nebraska delegation in the Congress.

It is both a pleasure and an inspiration to work as a part of this team. No delegation in the Congress pulls together in harness better than Nebraska's and that is not just my judgment—anyone in Washington would tell you the same thing.

I want to say a special word about the dean of our delegation, CARL CURTIS. You know CARL has completed a quarter of a century of consecutive service in the Congress, 16 years in the House and 9 in the Senate.

If you were to look only at the headlines, perhaps you would think that he was pretty well occupied with the Bobby Baker mess. But I can tell you that his position as the ranking Republican on the Rules Committee takes a relatively small part of CARL'S time.

He is widely recognized as a leading expert in tax legislation, running from his long and distinguished service on the House Ways and Means Committee through his present membership on the Senate Finance Committee. With my amendment to limit meat imports, it was mighty comforting to see CARL as a member of that committee. He has been an outspoken leader in this fight for many, many months, long before it became the critical issue it is today.

He really should be five or six Senators, because CARL has several other topflight committee assignments. He is on the Senate Investigating Subcommittee which investigated the Billie Sol Estes and TFX matters; he is a member of the Space Committee and the very important Joint Committee on Atomic Energy.

But, with this very heavy load, CARL CURTIS, as he has throughout his 25 years, continues to work for Nebraska. He has been a real leader in resource development, in farm legislation—particularly in the effort to find new and better uses for our agricultural products—in all the things for which Nebraskans stand and in which they believe. We have a spirited and dedicated fighter in CARL T. CURTIS.

CARL, since this is the first Founders Day we have had since your 25th anniversary in the Congress in January, we take this occasion to salute you and to thank you.

We take this occasion to express our admiration and our respect. We tell you here and now of the esteem and the admiration which have become so firmly seated in the hearts of the tens of thousands of Nebraskans with whom you have worked and the millions of Americans whom you have served since you were first sworn in as a Member of the Congress in 1939.

(A standing ovation followed.)

[From the Sunday World-Herald magazine, Dec. 29, 1963]

CARL CURTIS REACHES A MILESTONE—A QUARTER CENTURY OF PUBLIC SERVICE

(By John Jarrell)

WASHINGTON.—When he first ran for Congress, he heard a radio announcer say—erroneously, as it turned out—that he had been defeated. In his seventh campaign, he went to bed trailing his Democratic opponent. Ten years ago, he announced his retirement from politics.

But next Friday, CARL T. (for THOMAS) CURTIS will celebrate a quarter century of consecutive service in the Congress of the United States, the first 16 years in the House of Representatives, the next 9 in the Senate.

Only one Nebraskan, George Norris, served longer than this small-town lawyer from Minden who stood in the well of the House of Representatives January 3, 1939, and took the oath of office. Mr. Norris was a Senator and Representative for 40 years.

When the newly elected Mr. CURTIS, then 33, swore to uphold and defend the Constitution, Franklin D. Roosevelt was midway through the second of his four terms as President. Newspapers that day featured the convening of the 76th Congress, reported that the New Deal President would face stiff opposition from a House where there was a resurgence of Republican strength.

Speaker William B. Bankhead, in fact, predicted broad revision of many controversial laws that the Roosevelt administration had driven through in earlier years.

A WIDE RANGE

The newspapers on January 3, 1939, carried the usual wide range of stories.

The Duke of Windsor was not, it was reported, returning to England to visit his mother, Queen Mary, who was ailing. A 23-year-old mountain climber was the first to scale the east face of 14,235-foot Longs Peak, in Colorado, in wintertime. Nebraska's then 2-year-old Unicameral Legislature was convening that same day in Lincoln, with three in the race for Speaker—A. L. Miller of Kimball, W. H. Diers of Gresham and Edwin Schultz of Elgin.

The previous Saturday, there were 7,000 skaters—and, someone estimated, 35 hundred dogs—on the ice at Omaha's Fontenelle Park lagoon. Two high school students crashed a White House party on a scavenger hunt dare and got autographs of FDR, his wife and son, John. And 160 ships of the U.S. fleet left Caribbean bases for Panama Canal defense exercises.

That was the world at the beginning of 1939 when CARL CURTIS was administered the oath by Speaker Bankhead, dead these last 24 years.

Eight times Mr. CURTIS was elected to the House, and twice the voters of Nebraska have sent him to the Senate.

Rather short, rather stocky, the mild-mannered and modest Mr. CURTIS, while he may not stand out in a crowd, is a terror on the political hustings. Take a look at the imposing list of the men he has vanquished in 10 elections to Congress:

Two incumbent House Members; two former Representatives; one man later to be elected a Representative; an incumbent Governor, a former Governor and two Nebraskans who later were elected Governor—to say nothing of assorted mayors, State chairmen and others who decided to test the CURTIS strength.

FELLOW MINDEN RESIDENT

By a strange quirk of political fate, on four occasions in his congressional races, Mr. CURTIS has been thrown against a fellow resident of Minden (population 2,383 in the 1960 census).

Eight years before he first ran for Congress, at age 25, he took his first fling at elective office—as a Democrat.

His family had been Democrats and while he'd voted for Herbert Hoover for President in 1928 and for Republicans for Governor, he considered himself a Democrat, and in 1930 he sought the office of Kearney County Attorney on that slate. He won, served a 4-year term and in 1934 was defeated for reelection.

Some Democratic partisans had questioned his party loyalty, and CARL himself says he wasn't quite comfortable there anyhow. In 1936 he affiliated with the Republicans—"and that was when the Republican Party was at its lowest point," he says. It was the year Alf M. Landon carried two States in his quest for the Presidency.

By 1938, Mr. CURTIS decided the time was ripe to make the race for Congress. Minden was then in the old Fourth District, and a Democrat, Charles Gustav Binderup, occupied the House seat to which he first had been elected in 1934. He and Mr. CURTIS were fellow townsmen.

When he came home that day in 1938 and told Mrs. Curtis—Lois—that he would like to run for Congress, it took her about 30 seconds to say, "Let's try it."

Two others also sought the Republican nomination, Howard W. Churchill, of Fairfield, and E. E. Jackman, of Grant.

In 1938, communications were not what they are today. On the day of the primary, it rained hard; the list of candidates for office was long, tabulation was slow. There were few radio stations.

That night, no returns were available in Minden, so Mr. and Mrs. CURTIS drove to Hastings to see if they could get news of the voting. They could not, returned home and went to bed.

OUT OF HIS SYSTEM

Next morning the nervous young candidate was up early, and tuned in the Clay Center radio station for the 6 o'clock news.

The announcer transposed the vote of Mr. CURTIS and Mr. Jackman, calling the Jackman total 11,144 and reporting CURTIS received 9,709 votes.

CARL sat down on the edge of the bed and said to his wife:

"Well, I'm glad I got it out of my system. But I'm glad I tried."

Just then the telephone rang. It was Randy Ryan, manager of the Clay Center radio station, calling long distance. Had Mr. CURTIS heard the broadcast? He had, the candidate replied. It was all a mistake—the tabulations were reversed and it was CARL CURTIS who had been nominated, reported Mr. Ryan. The gloom in the CURTIS household lifted quickly.

In November Mr. CURTIS went on to defeat Congressman Binderup, 59,794 to 42,957, and his congressional career was launched.

In 1940 a former Republican Congressman, Fred G. Johnson, of Hastings, challenged him and lost. But in 1942 there was a new complication.

As a result of the 1940 census Nebraska lost a congressional seat, dropping from five to four members. Oren Copeland, a fellow Republican, and CARL CURTIS were thrown into the same district. CARL won, and in November won again.

The loser in the November election was an educator named Ralph Brooks, and he was destined in 1958 to be elected Governor of the State.

TIME TO BOW OUT

It was rarely easy sledding, but Mr. CURTIS is an indefatigable campaigner. Most years he had opposition both in the primary and general elections.

In 1950 he had what he terms "a real scare." His opponent in the general election was Clarence Miles, a popular mayor of Lincoln, and through much of the night Mr. Miles was ahead. In the early hours of the morning, as the rural vote was tabulated, Mr. CURTIS took the lead.

Another time he defeated Frank Morrison, now the State's two-term Democratic Governor.

But after 8 elections and 16 years in Congress, with two tough campaigns every 2 years, he decided it was time to bow out.

"Planning your life 2 years at a time is hard on family and finances," he observed to a reporter when he announced that he would not be a candidate for reelection. That was March 1954.

Fate was shortly to intervene. The very next month the State's junior Senator, Dwight Griswold, died of a heart attack after serving only 15 months.

The senior Senator, Hugh Butler, urged Mr. CURTIS to reconsider his decision and to seek the senatorial post. Other friends did the same. After some soul searching he got into the race.

So did three other prominent Republicans: the then Governor, Robert Crosby; Dave Martin, the Republican State chairman, later elected to Congress, and State Senator Terry Carpenter, a former Member of Congress.

TOP CAMPAIGNER

Before the primary, Senator Butler, Mr. CURTIS' close friend and adviser, died. This was a blow, for Hugh Butler was the State's great political power.

But a month later Mr. CURTIS was the victor in the primary, 21,000 votes ahead of Governor Crosby, his nearest rival. In November he went on to defeat former Gov. Keith Neville by more than 92,000 votes, and the following January he entered the Senate. In 1960 he was reelected with ease. He had a 107,000 majority.

He's regarded as one of the best campaigners Nebraska ever produced. He starts his planning early, lines up his team and works out details to the last dot of an "i," the last crossing of a "t."

He makes as many public appearances as he can, speaking to groups large and small. When there is a half hour unscheduled, he walks up and down the streets of Nebraska towns and cities shaking hands.

"I'm CARL CURTIS," he will tell people, and explain what he's running for. "I'd like your vote."

When he runs into a heckler or an unfriendly smartcrack artist, as every politician does from time to time, he doesn't argue. He merely smiles and moves on, hand outstretched to the next person.

Lynn E. Mote, who was Senator Butler's administrative assistant and served until October in the same capacity with Senator Curtis—he's now in private industry—went through two Senate campaigns with him.

From long habit, he still refers to Mr. CURTIS as "the boss."

"One year, after adjournment, we drove 10,000 miles in 7 weeks," he recalled. "We covered the State. With the boss, it was all day, every day. He was out of bed before 6 a.m. and it usually was midnight when we finished up. I'm 10 years or so younger but he wore me out.

"When we were driving from town to town, he'd be dictating into a portable transcriber, making notes or listing people he wanted to drop a letter to."

CREDIT TO HIS WIFE

Hard campaigning is something he's always practiced. In that 1938 campaign he spoke in 164 towns. He made his first speech in the general election campaign when the mercury stood at a blistering 107, his last one just before election when it was below freezing.

Ask him about campaigning and he is quick to credit his wife with a large share in its success. Except when the children were small she has always participated.

"She meets people well," says Mr. CURTIS. "She sees to it that I have clean shirts, that my suits are pressed and that I take my vitamins."

She is "a game contestant," adds the Senator.

The CURTIS of today sounds in many respects like the CURTIS who took his seat in Congress a quarter century ago at the age of 33.

In an early speech after his arrival in Washington, he said:

"We cannot continue to increase our national debt. We cannot squander our way to prosperity."

He says he believed it then, and he believes it now.

But if he hasn't changed in his philosophy, he has changed in appearance. He weighed 190 pounds when he arrived in Washington, a good deal of heft for a short man to carry.

Now he weighs 157, and for a good many years he has tried to keep his weight in that neighborhood. And like so many Americans, he has to watch his diet carefully to do it.

The other day he looked back over the two and a half decades he's been in Congress.

"My daughter hadn't reached her third birthday when we came to Washington," he said. "Now she's a mother. My son wasn't born—now he's finished college and is in the Navy."

MOST EXCITING DAY

The daughter, Claramae, is Mrs. James Hopkins. The son, Tom, is in the Naval Officer Candidate School at Newport, R.I.

But it doesn't seem like 25 years, he said.

The most exciting day of the quarter century?

"Probably the first day," he said. "Not, of course, in terms of events, but it was an emotional sort of day, taking my seat as a Member of the Congress of the United States."

The most dramatic moment, though, was when Gen. Douglas MacArthur, just fired by President Truman from his command in Korea, addressed a joint session of Congress in 1951. That was the famed commander's "old soldiers never die, they just fade away" speech.

Mr. CURTIS recalls when President Roosevelt addressed a joint session of Congress on his return from Yalta. He was obviously a dying man.

"The fire and sparkle and gleam in his eyes were gone," Mr. CURTIS remembers. "He was failing right before us."

The worst 2 days I ever lived through were on December 8 and 11, 1941, when Congress declared war on Japan and Germany

From the time he took office in 1939, Mr. CURTIS had advocated "strict and absolute neutrality" for the United States. He used that phrase repeatedly in speeches. He thought the Roosevelt administration's policies were leading the Nation into war.

"I had opposed what I considered Roosevelt's policies of intervention," he said, "but I had no desire not to go along with the declaration of war. We had been attacked. We had to defend ourselves. So I voted in favor of going to war. But I felt that it would be a tremendous ordeal, and that our country would never be the same."

He wept as he cast that December 8 vote favoring the declaration of war.

BASIN STUDY PLAN

The tragic day that President Kennedy was assassinated, only a few weeks ago, form the most unexpected and shocking experience of Mr. CURTIS' quarter century on Capitol Hill.

"It was difficult to realize the truth of the report," he said. "I was stunned to think that such a terrible crime had been committed. Deep sorrow and regret were followed by an awareness that the American people were one and were united in a time of crisis."

He is proud that he introduced the legislation calling for a Missouri Basin study that later led to the Pick-Sloan plan. He was then a member of the old Flood Control Committee of the House.

His legislative specialty, however, has been taxes. He was the fifth-ranking Republican on the tax-writing House Ways and Means Committee when he left that body, and he serves now on the Senate Finance Committee.

He has said on many occasions: "I'm proud to be called a conservative."

He was the first Senator to publicly declare himself for his conservative friend from Arizona, BARRY GOLDWATER, for President.

His present term doesn't end until January 1967. No one doubts that in 1966, he'll be walking Nebraska streets again, hand outstretched, telling the voters, "I'm CARL CURTIS and as you may know, I'm running for reelection to the Senate. I'd certainly like to have your vote."

And if he runs true to form, he'll get most of them, too.

Mr. HRUSKA. Mr. President, I ask unanimous consent that at a later time, as other Senators join briefly in similar comments with regard to the 25th anniversary of Senator CURTIS' service in Congress, they may be placed in the same part of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, it is a great pleasure for me to join other Senators today in paying tribute to one of our hardest working colleagues, the junior Senator from Nebraska [Mr. CURTIS], as he proceeds into his 26th year of service in the U.S. Congress.

It is my particular pleasure to be associated with CARL CURTIS on the Senate Finance Committee—of which he has been a member for the past 5 years—and in that capacity I have grown to know him better, not only as a fine person and a gentleman, but as a particularly capable member of the committee, whose depth of knowledge of tax matters and ability to quickly and accurately analyze some of the more complex issues which come before us is a source of inspiration to all who work with him.

There is no question that the people of Nebraska are as fully aware of the great talents and abilities displayed daily here in the Senate by CARL CURTIS as we are, or they would not have returned him to Washington to represent them for the past 25 years.

I am proud and honored to serve with CARL CURTIS in the Senate. In congratulating him on his fine record in Congress for over 25 years I also wish to congratulate the fine people of Nebraska for the good judgment they have displayed each time the name of CARL CURTIS has appeared on the ballot.

Mr. MUNDT. Mr. President, I am happy that the Senator from Nebraska [Mr. HRUSKA] has called attention to this important anniversary in the career of the senior Senator from Nebraska [Mr. CURTIS].

I shall read with great interest the material which has been placed in the RECORD.

It so happens that the Senator from Nebraska [Mr. CURTIS], former Representative Jensen of the Council Bluffs area, and I took the oath of office together in January of 1939. We arrived together in Congress with what one might call hometown pride down Omaha way, because we all lived within a 250-mile circle of each other of that distinguished metropolis, Council Bluffs—and Exira. So the three of us watched each other during these 25-odd years.

The Senator from Nebraska [Mr. CURTIS] has had a distinguished career in the House of Representatives, serving there on the important Ways and Means Committee. He came to the Senate bringing a great abundance of background, training and knowledge, and of seniority, where he now serves on the equally important Finance Committee of the Senate.

In the business of Government, the problem involved in the spending of people's money and raising taxes to make the spending possible are two of the most significant tasks before Congress.

I join other Senators in saluting a distinguished colleague with a mighty fine quarter-century record in both House and Senate.

Mr. SIMPSON. Mr. President, I should like to associate myself with the remarks of Senators on this side of the aisle, and to observe further the great service which the Senator from Nebraska [Mr. CURTIS] has rendered with respect to his assignment on the Committee on Rules and Administration.

He has brought solace and comfort to the people of America. It is fitting and proper that this tribute be paid him now.

Mr. AIKEN. Mr. President, I congratulate the people of Nebraska for having enjoyed the services of the Senator from Nebraska [Mr. CURTIS] for a quarter of a century as their representative in Congress. I also wish to congratulate the Senator from Nebraska [Mr. CURTIS] for having such a good constituency as he has in the State of Nebraska—one instance, I believe, where the representative has really represented the people who sent him to the Congress.

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

Mr. AIKEN. I am glad to yield.

Mr. MANSFIELD. Mr. President, I join other Senators in extending best wishes, congratulations, and felicitations to the distinguished Senator from Nebraska [Mr. CURTIS] on the 25th anniversary of his service in the House and Senate.

It was my pleasure and privilege to serve with the Senator in both bodies. While we disagreed on occasion, I should like the Senate and the people of Nebraska to know that I have a high regard for his diligence, his attendance to his duties, his sense of responsibility, and for the service which he has given to his State and the Nation.

The Senator from Nebraska is well known outside the limits of his State because he has views which leave no one in doubt as to where he stands. His views are usually supported by research and study of the particular subjects in which he is interested.

Again I wish to congratulate the distinguished Senator from Nebraska on his 25 years of service to the people of Nebraska and the people of the Nation.

Mr. AIKEN. Mr. President, I believe one reason why the Senator from Nebraska has been able to endure 25 years of service in Congress and still remain in full vigor has been his sense of humor, which he frequently shares with the rest of us. There is nothing like a sense of humor to enable one to endure 25 years in Congress and still do good work.

Mr. STENNIS. Mr. President, I wish to join with the sentiments and tributes being addressed to the Senator from Nebraska. I treasure him as a personal friend and associate, as well as a very valuable Member of the Senate. His penetrating mind and analytical processes and disposition are very valuable indeed. I join in appreciation for that fine sense of humor that he always has, at his own expense, but one had better look out, or he will be a victim of it too.

Mr. AIKEN. And that does not always appear in the RECORD.

Mr. THURMOND. Mr. President, I join my colleagues in the Senate in paying tribute to the distinguished Senator from Nebraska [Mr. CURTIS]. Senator CURTIS is one of the ablest Members of the Senate. He is a great patriot. He has the vision to understand communism. He has the courage to take steps to overcome and overpower it in every way possible.

He is a fine Christian gentleman. I value his friendship very highly. He has rendered great service to America. I only wish more Members of Congress had his great ability, his loyalty to his country, and his great integrity and character.

Mr. PROUTY. Mr. President, the distinguished junior Senator from Nebraska has reached a significant anniversary in his public life.

He can now look back on 25 years of service in the Congress of the United States.

Those of us who know CARL CURTIS admire his tenacity of purpose and his courage in exposing evil in all places—high or low.

The Senator from Nebraska is one of the great guardians of the public purse and he would spend a dollar of the taxpayer only for desirable and necessary objectives.

His leadership on five important committees is well known and deserving of the highest praise.

CARL CURTIS is a fine public servant and Nebraska and the Nation have been true beneficiaries of his service.

Mr. JORDAN of Idaho. Mr. President, it gives me much pleasure to join with my colleagues in honoring Senator CARL T. CURTIS today as he completes his 25th year in the Congress. I have known CARL for a good many years, and have always had a greal deal of respect for him as a man and for his many capabilities. However, even my previously high regard for him has deepened since I have gotten to know him even better as a colleague here in this great body.

He is a man of keen intellect who has a probing mind for facts and details. He is an exceptionally honorable and trustworthy man among many honorable and trustworthy men. He has boundless energy and courage unsurpassed. He knows that hard work never hurt anyone and conscientiously performs his duties as U.S. Senator with dispatch. Over the years he has earned a well-deserved reputation for himself as an excellent investigator and interrogator on Senate committees. The latest example the Senate has seen of his talents along these lines has been in the recent Rules Committee investigation. The Senate it-

self and the people of this country are indebted to him for the diligence with which he has carried out his duties in this investigation.

I commend the people of Nebraska for their foresight in returning him to the Congress of the United States for these 25 years. And I commend Senator CURTIS for the service he has given the people of Nebraska and all Americans during those 25 years.

Mr. BOGGS. Mr. President, I am very happy to join my colleagues in paying tribute to my good friend, the very able Senator from Nebraska, CARL CURTIS.

Senator CURTIS has served the people of the "Cornhusker State" since 1939 when he was first elected to the House of Representatives. In 1954, he was elected to the Senate of the United States and reelected in 1960.

I was privileged to serve with Senator CURTIS in the 80th, 81st, and 82d Congresses and now here in the Senate. His guidance and counsel have been of tremendous help to me and have always been so graciously given.

Senator CURTIS was a member of the important Ways and Means Committee when he served in the House and here in the Senate he serves with distinction as a member of the important Senate Finance Committee.

I am glad to have this opportunity to wish my colleague well in his 26th year of faithful and dedicated service to the people of Nebraska and to this Nation.

Mr. CASE. Mr. President, Senator CARL CURTIS has been an effective and able spokesman for his State in his quarter-century of public service. It has been a privilege to be associated with him in both the House and the Senate. I congratulate him warmly.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes, to present my tribute to the junior Senator from Nebraska [Mr. CURTIS], on the 25th anniversary of the commencement of his service in Congress.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, there was a time, much earlier in my life, when a quarter of a century seemed to be an eternity. However, as the years have passed, the span of that period of years seems to have shrunk in significance, and it now seems but a short time, indeed.

Nevertheless, Mr. President, in the annals of the public service of an individual, 25 years is indeed an extended period of time. It reaches great significance when that quarter of a century has been consistently and constructively devoted to outstanding public service by the individual concerned.

Such is the case with the junior Senator from Nebraska [Mr. CURTIS]. All of us have known him for a good many years. We have respected him for all those years. I cannot add any luster to the record he has made, nor will my words add appreciably to the tributes already paid him by others.

During those many years of service, during which I have served with him in one capacity or another in the Congress, first in the House of Representatives, and thereafter in the Senate of the United States, I have gained a great deal of confidence and stimulus from the integrity of his service and from the keen perception he has brought to the duties which have been his.

I know of no one who exceeds him in zeal for doing his duty and fulfilling his responsibility as a public servant. No one could successfully accuse him of ever shrinking from meeting a responsibility; no one could ever successfully accuse him of ever being deficient in the performance of his duty. On the contrary, he has performed with outstanding integrity and ability his duties in both the House of Representatives and the Senate.

Governing all his actions has been, first of all, a zeal to serve faithfully in the offices to which he has been elected; and he has served in those offices with credit to himself, with pride to his State, and with tremendous and unusual benefit to the Nation.

This quarter of a century of service is one which should bring pride and satisfaction to him—although whether it brings pride to him is perhaps a question, inasmuch as he is not a prideful man, and does not seek to enhance the importance of his position. But I am sure this long period of faithful and devoted service must bring real satisfaction to him, as it does to his friends.

So, Mr. President, on this 25th anniverary of the commencement of the great contributions and service by the junior Senator from Nebraska to his State, his country, and the people with whom he has been and is associated, I join other Senators in congratulating him, in thanking him for the opportunity of serving with him, in thanking him for the benefit and assistance he has been to me, and in congratulating the American people and our system of freedom and opportunity for the benefits of his service and for the contributions he has made.

Mr. KUCHEL. Mr. President, in its history the State of Nebraska has sent many men of honor and courage to the U.S. Senate, but none whose honors shine more brightly than the person of the distinguished Senator from Nebraska, CARL CURTIS.

His friends and his fellow Senators, as he concludes a quarter of a century of honorable service to the people of his Nation and of his State, we greet him and wish him Godspeed for many years of health and happiness in public service in the days ahead.

It can be truly said that in his tenure of office in the legislative branch of the American Government, CARL CURTIS, has become intimately acquainted with the problems in the field of fiscal responsibility and Federal tax policy.

On numerous occasions he has risen in the Senate Chamber to demonstrate his point of view on tax legislation, and on matters of appropriations.

Senator CURTIS has demonstrated his zeal as a member of the Committee on Government Operations, particularly in recent weeks and months. I know firsthand that his membership on the Committee on Rules and Administration has been helpful in endeavoring to make the Senate function better. He serves upon the Committee on Aeronautical and Space Sciences, and he graces the Committee on Atomic Energy.

This man from Nebraska has worked hard during all of his service in the Senate to help to make American Government function. Beyond all that, on several important occasions he has served his country overseas in various important international conferences—in at least one of which I was privileged to serve with him.

It is a great thing when a public servant and a friend celebrates an important milestone in his governmental career, and those who know him rise and salute him. That I am honored to do this day, along with other Senators with whom he serves.

In saluting him, I also pay my respects to his wife and family, and bid all of them Godspeed for the future.

Mr. CARLSON. Mr. President, I wish to associate myself with the remarks made by other Members of the Senate in regard to the 25 years of outstanding and dedicated service of our colleague, CARL CURTIS.

It was my privilege to serve with him in the House of Representatives for several years. He represented the first Congressional District in Nebraska, which adjoined the sixth Congressional District of Kansas, the district I represented for 12 years. Our problems were similar and therefore, we had an opportunity to be closely associated in many projects and programs in behalf of our congressional districts.

Senator CURTIS has been and is one of the Nation's leaders in the conservation of natural resources and the control of water runoff in our Nation. He has sponsored many programs for the construction of reservoirs to impound water for beneficial uses. These projects are resulting in great economic gains to areas in Kansas and Nebraska.

I like to think that I am partially responsible for getting CARL CURTIS started in public service, where he has served with such great distinction. In the recess period of the 75th Congress, CARL CURTIS drove down from Minden, Nebr. to my farm in Concordia, Kans. I was out in the wheatfield operating a combine, and CARL drove out to the field. He mentioned he planned on making the race for Congress in the first district and asked for some advice, as I was serving my second term in the House. We sat down in the shade of a truck and discussed campaign procedures. CARL went back to Nebraska, started his campaign and won the election—and has won ever since.

I am confident that he will be serving not only Nebraska, but the Nation, for years to come.

Mr. TOWER. Mr. President, I join other Senators in extending my congratulations to the Senator from Nebraska on completing 25 years in Congress. Twenty-five years is a long time.

I was a lad of 13 when Senator CURTIS came to Washington.

It is a great joy and a privilege to those who are relatively new in Congress to serve with seasoned statesmen like CARL CURTIS. He is a man of great wisdom, a man who is always knowledgeable in depth on the issue to which he addresses himself, a man who states his case not only lucidly and eloquently, but forthrightly and with conviction.

I have never known CARL CURTIS to flinch from supporting an unpopular position if he believed that position to be right. He has the kind of courage that I think few may equal, but rarely do any excel.

He has the kind of integrity that is laudable in a public servant. He has served the people of his State and his country with great distinction for 25 years.

We look forward to a yet greater period of service from CARL CURTIS, and extend to him the hope that he will be present with us for at least another 25 years.

Mr. FONG. Mr. President, I am pleased and proud to add my warm felicitations and congratulations to the accolades and tributes tendered to my friend and colleague, the junior Senator from Nebraska, CARL CURTIS.

To serve in the Congress of the United States for a quarter of a century as CARL CURTIS has is a truly remarkable record.

It is eloquent testimony to a good and faithful public servant who has served his nation and his State so outstandingly that he has been returned to office time and time again.

Those of us who have served with CARL CURTIS wholeheartedly concur with the judgment of the people of Nebraska. We endorse their choice.

Like them, we know CARL CURTIS is a solid citizen, whose feet are on the ground and whose head is not in the fleeting clouds and whose eyes look ahead to new, wider horizons.

We know he is a man of the highest integrity and ability. We rely on his counsel, for he brings to the problems and issues the meticulous and orderly thought processes of a lawyer.

We know he is a man uncompromisingly devoted to constitutional government.

It is indeed fortunate that CARL CURTIS chose to devote 25 years in the service of America.

Such a distinguished record deserves unstinting tribute. I am happy to salute my able friend CARL CURTIS on this occasion.

Perhaps these tributes to him will inspire consideration of a certificate, or service pin, or medal to be awarded Members of Congress with long tenure as an expression of a grateful nation.

Mr. BENNETT. Mr. President, as one who came to the Senate without any previous experience in the other body, I am always interested in the special contribution that men can make who have been fortunate enough to have this privilege. For Senator CARL CURTIS, who is marking his 25th year of continuous service in Congress, the other body was a wonderful prep school.

I have been particularly impressed with the training he received in the tough House Ways and Means Committee, which makes his service on the Senate Finance Committee unusually effective. Even though by the accident of seniority I outrank him in the Senate and on the Finance Committee, I envy him for the depth of experience on which he can draw when the committee meets to work on difficult revenue and social security problems. I also envy him for the fact that he can look at these problems through the eyes of a good lawyer with years of practical legal experience.

All these are a part of a great capacity he has developed in 25 years of legislative service. But this is not the whole story. He uses them to give expression to a personal philosophy in which deep religious conviction is blended with a great devotion to the principles of personal freedom, as expressed by our constitutional form of government, and a great sense of personal dedication.

The people of Nebraska and of the United States are fortunate to have had a man like CARL CURTIS working on their problems for a quarter of a century. I am sure the people of his State realize and appreciate this and that they will see to it that he stays here for many more years, during which the extent of his contribution and the richness of his value will continue to increase.

It is a great privilege to be in the Senate while CARL CURTIS is here, to work at his side, and to call him friend.

Mr. ALLOTT. Mr. President, I wish to add my voice today to those of my distinguished colleagues in tribute to a man whose 25 years in the Congress of the United States has established a pattern of devotion to his senatorial oath, and as a result to his country, that has seldom been excelled. I refer, of course, to my colleague from my neighboring State of Nebraska, Senator CARL CURTIS.

I have never known a more dedicated man than CARL CURTIS. His dedication of mind and purpose, his around-the-clock interest in and attention to his senatorial duties, plus his keen intellect, has made of him one of the most invaluable Members of Congress during his 25 years of service.

I am always particularly delighted at an opportunity to listen to CARL CURTIS as he engages in floor debate. Nothing, to me, is more enlightening or helpful, in matters of complex legislation, than to watch and hear his agile mind probe and thrust in an effort to bring the issues of controversial matters into sharper focus. To those of us who listen to him, his colloquy is invariably not only enlightening but enjoyable. I must admit, however, that I am glad that Senator CURTIS and I must often find ourselves of the same general philosophy, for, to any floor debate opponent, CARL CURTIS is a formidable adversary.

It has been a privilege and a pleasure for me to have served with Senator CURTIS for almost 10 years of his 25 years in the Congress, and I am most grateful to him for the benefit of his counsel on many matters where he was more expert than I.

I can only say, in closing, that the people in my neighboring State of Nebraska are to be congratulated for having provided this Nation with the type of leaders who represent them in this body. Both CARL CURTIS and his senior colleague ROMAN HRUSKA are sound men, in the highest tradition of this body, and it is an honor to call them friends and colleagues.

Mr. CURTIS. Mr. President, it would be quite inappropriate for me to associate myself with the remarks which have been made here. That I shall not do. I rise for the purpose of expressing my very deep gratitude to my senior colleague [Mr. HRUSKA], and to all the other Senators who have been far too generous in their remarks about me.

I wish the RECORD to show that I deeply appreciate the kindness shown to me by these remarks.

The PRESIDING OFFICER. Is there further morning business?

ANALYSIS OF SECTION 602 OF THE CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, about 2 days ago the distinguished Senator from Alabama [Mr. SPARKMAN], was addressing the Senate on the subject of the civil rights bill, particularly with reference to the hearing requirements under title VI.

I participated in that discussion in an effort to explain the provisions of section 602 of title VI. Section 602 is the implementing section to the general policy laid down in section 601.

The distinguished Senator from Vermont [Mr. AIKEN], asked some very pertinent questions relating to the coverage or the scope of the cutoff of Federal funds as outlined and authorized in title VI under the procedures laid down in section 602.

This matter has been given considerable study since that time.

I indicated, during the debate, when the Senator from Alabama was addressing the Senate, that I would be prepared to bring to the attention of the Senator a more detailed analysis of the application of section 602 of title VI. I also indicated to the Senator from Vermont that I would, at the same time, do the same thing with reference to what, for the lack of a better phrase, can be described as pinpointing the cutoff of Federal funds; that is, whether they would be cut off throughout a State, with reference to a program covering the whole State, or with reference to a program covering the whole State, or with reference to a particular project or a particular area.

In cooperation with the Department of Justice, I have prepared two statements dealing with the hearing requirements and the cutoff of funds.

HEARING REQUIREMENT IN TITLE VI

Section 602 provides that compliance with any requirement adopted pursuant to section 602 may be effected by a cutoff of funds or by other means authorized by law, "after a hearing." The nature of the hearing required will depend on the

circumstances and the compliance action proposed.

The first step, in all cases, will be advice to the appropriate person or persons and a reasonable effort to secure voluntary compliance. Obviously, no hearing is required in connection with such efforts at voluntary compliance. It is only after the agency has determined that compliance cannot be secured by voluntary means that the occasion would arise for any formal compliance action which requires a hearing.

One typical form of compliance action would be a referral to the Department of Justice for legal action. Such action might be a suit for desegregation of public schools or public facilities under title III or IV of H.R. 7152. Or it might be a suit to enforce the terms of a grant or loan agreement. In such a case a formal agency hearing on the record would serve no purpose, since the facts would be tried de novo in the court proceeding. All that section 602 would require in such case would be notice to the prospective defendants of the proposed referral for litigation, so as to give them one further opportunity to comply voluntarily.

Similarly, reliance to achieve compliance might be placed on available procedures under State law or municipal ordinance. A formal hearing on the record would not be required before a referral was made to such an agency.

In this connection it may be noted that section 5 of the Administrative Procedures Act excludes, from its procedural requirements for hearings, "any matter subject to a subsequent trial of the law and the facts de novo in any court." 5 United States Code 1004.

If the compliance action involves a cutoff of funds—i.e., a refusal to grant or continue assistance, or a termination of assistance—section 602 requires an express finding of noncompliance by the particular recipient and section 603 provides for judicial review. The primary purpose of the hearing requirement appears to be to insure that an adequate record will be made for purposes of judicial review—see CONGRESSIONAL RECORD, February 7, 1964, pages 2501–2507. Accordingly, in cases where assistance will be terminated on an express finding of failure to comply with a nondiscrimination requirement adopted by the agency, a more complete type of hearing, including an adequate opportunity for the recipient to present evidence and argument, would be required, so as to establish a full record on the issue of compliance on the basis of which a reviewing court could determine whether the agency's action was supported by substantial evidence.

Section 602 makes it clear that such a hearing must be held prior to the taking of final agency action. Nothing in section 602 requires that more than one hearing be afforded. Accordingly, in a situation where action is recommended at one administrative level and finally taken at a higher level, it would be necessary to afford only one hearing, which could be afforded either prior to the initial recommendation, or at some later stage prior to the taking of final action.

The requirement of a hearing prior to the cutoff of funds adds substantially to the procedural protection afforded recipients of Federal assistance. Many Federal grant and loan statutes contain no provisions for such hearings. For example, the Hill-Burton Act, authorizing grants for hospital construction, provides for a Federal hearing to the State agency, prior to any refusal or termination of a grant, 42 United States Code 291h(a), 291j(a), but makes no provision for a hearing to the hospital which actually receives the grant. Grants to State employment services may be revoked by the Secretary of Labor upon notice in writing to the State stating wherein the State has failed to comply with its approved plans; no provision is made for a hearing (27 United States Code 49h). The School Lunch Act, 42 United States Code 1751, makes no provision for hearings; the regulations under it allow a State agency or a school "opportunity to submit evidence, explanation, or information" prior to a cutoff of funds (7 CFR 210.18). Lending agencies, such as the Small Business Administration, are typically under no statutory or other obligation to afford any form of hearing before refusing a loan, or before terminating a loan for breach of any condition stated in it. The various statutes authorizing research grants by NIH, AEC, and other agencies typically contain no provision for hearing prior to either refusal or termination of a grant; a typical statutory provision is that of 42 United States Code, 1891, which simply authorizes the heads of certain agencies to make grants for the support of basic scientific research "where it is deemed to be in furtherance of the objectives of such agency."

Many other examples could be given of grant and loan statutes which presently contain no provision for hearing prior to a refusal or termination of funds. Section 602 would require hearings in all such cases, where the refusal or termination was based on a finding of failure to comply with a nondiscrimination requirement adopted pursuant to title VI of H.R. 7152.

PINPOINTING CUTOFFS UNDER TITLE VI

Section 602 of H.R. 7152 authorizes, as a means of achieving compliance with title VI, the cutoff of funds—that is a refusal to make or continue a grant or loan, or a termination of such grant or loan. The intention has been made very clear that:

> Fund cutoff is the last resort, to be used only if all else fails to achieve the real objective—the elimination of discrimination in the use and receipt of Federal funds. (CONGRESSIONAL RECORD, Apr. 7, 1964, p. 7059, Senator PASTORE; see also H. Rept. No. 914, pt. 2, pp. 25–26.)

It follows—and has also been made clear—that if a cutoff of funds is necessary, that cutoff:

> Should be pinpointed * * * to the situation where discriminatory practices prevail as Secretary Celebrezze stated in his testimony. By this means, the effect upon cutting off of funds will be limited to the county or immediate area where racial inequality exists. (H. Rept. 914, pt. 2, p. 26.)

The same point was made in the Senate in the following colloquy on April 7, 1964:

> Mr. RIBICOFF. By way of further amplification of the question raised by the distinguished Senator from Mississippi, may I ask the distinguished Senator from Rhode Island whether it is not correct to say that if a State was administering a program and there was discrimination in one part of that program, under appropriate rules and regulations it would be possible to disallow the expenses and the allotment that would go to that section of the program where the discrimination was taking place, but to allow the expenses and allotments to areas where there was no discrimination.
>
> Mr. PASTORE. Under the broadness of the statute, that would be correct. (CONGRESSIONAL RECORD, p. 7060.

Section 602 provides that any compliance action "shall be consistent with the achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken." It would not be consistent with the objectives to cut off funds any more broadly than was necessary to remedy these particular situations where discrimination was occurring.

Adequate procedural devices are available to achieve this pinpointing. Some examples will illustrate the range of possibilities.

First, under many programs grants or loans are made directly to local entities. For example, grants for school construction under Public Law 815 are normally made to the local educational agency, that is, the school board or other authority responsible for public schools in a county or other school district. Under section 602 cutoff of funds would be authorized only on a finding that the particular school board was not complying with the nondiscrimination requirement imposed pursuant to section 602. A similar pattern is followed in most aid to education programs.

Second, under other statutes the grant is made to a State but administrative machinery now exists by which any cutoff can be pinpointed to a particular noncomplying institute. For example, the School Lunch Act, 42 United States Code 1751 et seq., provides for payments by the Secretary of Agriculture to States in accordance with agreements between the Secretary and the State, 42 United States Code 1756. It further provides that the Federal funds, and State matching funds, will be disbursed to eligible schools in accordance with agreements, appoved by the Secretary of Agriculture, between the State and each such school, 42 United States Code 1757. The Secretary's regulations provide that:

> Any State agency or any school may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the department or the State agency. 7 C.F.R. 210.18.

They also provide machinery by which the Secretary may determine that a school is not entitled to reimbursement on any claim or portion of a claim submitted by it, or that a school is obligated to refund any overpayment received (7 CFR 210.15(c)). Alternatively, if the Secretary disagrees with any such determination made by the State agency, he

may assert a claim against the State agency for the amount improperly paid (7 CFR 210.15(a)). In short, the Secretary of Agriculture, under the procedures established by the existing regulations, can disqualify an individual school from further participation in the program, and has effective means by which to disallow or recover payments to individual schools. These procedures would afford ample power by which the Secretary could require a cutoff of funds to a particular noncomplying school without jeopardizing funds payable to complying schools.

In fact, of course, a cutoff of funds would seldom appear necessary under the school lunch program in view of the availability of suit under title IV of H.R. 7152 as an alternative means of achieving compliance.

Third, the authority conferred by section 602 to terminate, or to refuse to grant or continue, assistance clearly includes the power to make a partial or conditional termination or refusal. Thus it would appear appropriate, in any case where grants are made to States which are disbursed by local agencies or offices, for the Federal agency to specify in its regulations or in a grant agreement, procedures by which a partial or conditional cutoff would be made in cases where a particular local agency or office had failed to comply with title VI. For example, the Federal agency could provide that the grant would be reduced by the amount normally distributable by the noncomplying local agency or office, or could enter a conditional order advising the Senate that unless it acted by a specified date to achieve compliance by the noncomplying agency or office, its grant would be cut off in whole or in part.

The foregoing are intended as suggestive; under particular programs, other procedures may be possible and appropriate.

All of the foregoing suggestions assume that the State itself is endeavoring to comply with title VI, and that noncompliance is limited to a particular locality or situation. If the State itself refuses to agree to comply with title VI, or issues instructions or policies which are in violation of any requirement adopted pursuant to that title, there may be no alternative available except a statewide cutoff.

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

Mr. HUMPHREY. I yield.

Mr. AIKEN. There seems to be a no more appropriate time than the present for clearing up another matter which has been unclear to some of us up to this time. It deals with title II, section 201(a)(1), which reads as follows:

> (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

That is the definition of a place of public accommodation.

Mr. HUMPHREY. That is correct.

Mr. AIKEN. As I understand, from talking with some of leaders in the House who piloted the bill through the House, the restriction to five rooms or more for rent applies only to transient guests and does not apply to a person who is boarding schoolteachers or school children, or perhaps employees of a local bank, for example.

Mr. HUMPHREY. The Senator is eminently correct. It applies to transient guests.

Mr. AIKEN. With that interpretation by the Senator from Minnesota, who is in charge of the bill in the Senate, it seems to me that the objection which I had raised earlier has been overcome in the House bill. In other words, no authority is given to the Federal Government to invade the home to tell a homeowner whom she can or cannot take into her home as a boarder.

Mr. HUMPHREY. So long as the guests are not transients; that is correct.

Mr. AIKEN. As long as they are not transients. I understand. If she has more than five rooms——

Mr. HUMPHREY. That does not apply.

Mr. AIKEN. If she has more than five rooms and does extensive catering to transients, she would come under the law.

Mr. HUMPHREY. Yes.

Mr. AIKEN. But if she has more than five rooms but does not cater to transients, and operates a regular boarding house, than the five-room limitation does not apply.

Mr. HUMPHREY. The Senator is correct.

Mr. AIKEN. That is the interpretation that I hoped the Senator would put upon title II. I believe, if I may say so, Mrs. Murphy is adequately protected.

Mr. HUMPHREY. Yes; and so is Mrs. Olsen. I thank the Senator.

INEFFICIENT UTILIZATION OF PERSONNEL TO ADMINISTER THE MILITARY ASSISTANCE PROGRAM IN ADVANCED WESTERN EUROPEAN COUNTRIES

Mr. MORSE. Mr. President, the Comptroller General of the United States has issued a report under date of March 6, 1964, entitled "Inefficient Utilization of Personnel To Administer the Military Assistance Program in Advanced Western European Countries—Department of Defense."

The burden of the report is that large military aid offices are being maintained in Europe, even though military aid to those countries has almost disappeared. This is a good answer to Secretary McNamara's claim that $1 billion in military aid is not enough.

I invite the good Secretary's attention to the fact that the Comptroller General finds great waste in the administration of the military aid program, and this is his latest finding. The entire report belongs in the RECORD, including the reference to the opinions of American Ambassadors in those countries as to whether the military aid staffs are too large. Also, it will be noted that the report states that those military missions continue to prepare military aid plans even though no more grant aid is supposed to go there.

Mr. President, I ask unanimous consent that the report be printed at this point in the RECORD.

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

REPORT TO THE CONGRESS OF THE UNITED STATES ON INEFFICIENT UTILIZATION OF PERSONNEL TO ADMINISTER THE MILITARY ASSISTANCE PROGRAM IN ADVANCED WESTERN EUROPEAN COUNTRIES, DEPARTMENT OF DEFENSE

(By the Comptroller General of the United States, March 1964)

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 2, 1964.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE:

Enclosed is our report on the inefficient utilization of personnel to administer the military assistance program in advanced Western European countries. Comments on our report by the Department of Defense and our evaluation of the comments have been classified as "secret" and are contained in a supplementary report. The supplementary report also contains a classified summary of comments from the U.S. Ambassadors or Embassies in the countries covered by our review.

In our opinion the Department of Defense has not made a determined effort to phase down the staffs of the Military Assistance Advisory Groups in Western European countries to the extent warranted by the reduction in the scope of the grant aid programs in these countries. We found that in 1962, when the value of grant aid deliveries to eight of the countries covered by our review was $190 million, the Military Assistance Advisory Groups in these countries were staffed in total with approximately 345 U.S. personnel or 56 percent of the level maintained to administer programs during the peak year of 1953 when the value of grant aid deliveries was $2.3 billion. The marked disparity in the value of decreases in deliveries and the assigned staff strongly indicates that maximum staff reductions have not been made. We believe that this disparity resulted from the failure of the Department of Defense to eliminate functions no longer required and to realine responsibility for the remaining functions by transferring these functions to other U.S. personnel in existing organizations and by reorganizing the Military Assistance Advisory Groups on an austere basis.

The failure to eliminate or reduce the Military Assistance Advisory Groups' functions and to make appropriate reductions in the number of personnel assigned, as the military assistance programs were accomplished or reduced, has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many Military Assistance Advisory Group personnel.

Upon completion of our review, we proposed to the Secretary of Defense that consideration be given to the elimination or deactivation of the eight Military Assistance Advisory Groups. We proposed also that, in those instances where some of their func-

tions are still considered essential, appropriate consideration be given to centralizing the responsibility for performing such functions or that they be assigned to other U.S. personnel in existing organizations in Europe.

The Department of Defense furnished us with comments in response to our findings and proposals for corrective action by letter dated July 25, 1963, classified secret. The Department of Defense has informed us that a worldwide review is now being made of the missions and functions of Military Assistance Advisory Groups to determine the feasibility of reducing U.S. representation abroad. We believe that immediate personnel reductions can be made by eliminating or reducing functions now being performed by these groups. We intend to make a follow-up review at a later date, and at that time we will examine into the adequacy of the Department of Defense's action to reduce or eliminate the staffs of the Military Assistance Advisory Groups in the countries involved.

Copies of this report are begin sent to the President of the United States, the Secretary of State, and the Secretary of Defense.

JOSEPH CAMPBELL,
Comptroller General of the United States.

INTRODUCTION

The General Accounting Office has made a review of the continuing need for eight individual Military Assistance Advisory Groups (MAAG's) to administer military assistance program (MAP) functions in advanced Western European countries (France, Norway, Denmark, the Netherlands, Belgium/Luxembourg, Italy, the United Kingdom, and Germany). The review was directed primarily toward examining into whether the functions being performed by the MAAG's were essential and whether the maintenance of MAAG's in each of the countries is the most economical and effective means of administering residual MAP functions in view of the virtual phaseout of additional U.S. grant aid assistance, improved recipient country military and economic capabilities, and U.S. balance-of-payments deficits. Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67). The scope of our review is shown on page 60.

The Department of Defense (DOD) commented on the findings contained in this report by letter dated July 25, 1963, classified "secret." The essence of the comments, which are unclassified, are presented on pages 56 and 57 of this report. A separate supplement to this report, classified "secret," contains the full text and our evaluation of the comments.

Military assistance valued at more than $12 billion had been programed for Western European countries from 1950 through June 30, 1963. The annual deliveries of military assistance to these countries had been phased down from a high level in 1953 of about $2.3 billion to a level in 1962 of $191 million. Undelivered balances from prior years' programs of about $421 million, and the proposed fiscal year 1964 program of $85 million, consist primarily of limited amounts of major items of high value, such as missile systems, advanced aircraft, and naval vessels.

Military Assistance Advisory Groups have been established in each country to administer the military assistance program and to assist the host governments in developing the military strength and posture needed to support their North Atlantic Treaty Organization (NATO) commitments and to provide for internal security.

A list of the principal U.S. officials responsible for the administration of the military assistance program for selected European countries is attached as an appendix.

HIGHLIGHTS

In view of the remarkable economic and military improvements and the virtual discontinuance of grant aid in advanced Western European countries, the purpose for establishing Military Assistance Advisory Groups to administer the military assistance program in each country has been almost completely accomplished. Nevertheless, we found that in 1962, when the value of grant aid deliveries to eight of the countries covered by our review was $190 million, the MAAG's in these countries were performing many of the same functions and were staffed in total with approximately 345 U.S. personnel or 56 percent of the level maintained to administer MAP programs during the peak year of 1953 when the value of grant aid deliveries was $2.3 billion. The marked disparity in the value of decreases in MAP deliveries and the assigned staff strongly indicates that maximum staff reductions have not been made. We believe that this disparity resulted from the failure of the Department of Defense to eliminate functions no longer required and to realine responsibility for the remaining functions by transferring these functions to other U.S. personnel in existing organizations and by reorganizing the Military Assistance Advisory Groups on an austere basis. The failure to eliminate or reduce the MAAG's functions and to make appropriate reductions in the number of personnel assigned, as the military assistance programs were accomplished or reduced, has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many MAAG personnel.

The functions assigned to the MAAG's at the time of our review consisted of a relatively small number of basic functions and a large number of ancillary functions or responsibilities subordinate to, and in some instances unrelated to, the basic purpose of the MAAG's. The basic functions for which the MAAG's were established were to (1) provide technical assistance and advice, (2) develop and monitor training activities, (3) observe the utilization of MAP-furnished material, (4) plan and program material requirements, (5) monitor the supply of spare parts, (6) maintain end-item supply records, (7) arrange for the declaration of excess MAP property and process the redistribution or disposal of the excesses, and (8) arrange for the transportation of material. Responsibilities related to the promotion of military assistance sales are being assigned to the MAAG's as grant aid is discontinued in Western European countries. In addition to the basic functions, the MAAG's perform ancillary functions stemming from their own administration and support, and other ancillary functions, as assigned by the Department of Defense or Headquarters, U.S. European Command (USEUCOM), in furtherance of the missions of the U.S. commander in chief, Europe (USCINCEUR).

Our review of the MAAG's records and discussions with the MAAG's official disclosed that the basic MAP functions and almost all the ancillary functions and responsibilities were either unnecessary, of questionable need, or already being performed to a greater or lesser extent by other U.S. personnel in existing organizations in Europe. Therefore, upon completion of our review, we proposed to the Secretary of Defense that consideration be given to the elimination of the nonessential functions of the MAAG's and the transfer of those functions still considered essential to other U.S. organizations in Europe. We proposed also that consideration be given to the deactivation of the eight MAAG's we reviewed as the functions were eliminated or transferred.

In response to our proposals, DOD advised us that a worldwide review was being made of the missions and functions of MAAGs to determine the feasibility of reducing U.S. representation abroad and that, pending the results of this review, DOD did not accept our proposal relative to elimination of the eight Western European MAAG's. DOD advised us further that in order to maintain MAAG personnel strengths at an austere level, consistent with essential MAP operations, USEUCOM had conducted periodic manpower surveys and management studies. DOD stated that these review actions had already resulted in significant manpower reductions in the eight MAAG's. Also, DOD stressed a number of considerations which would influence its decision as to the continued need for individual MAAG's, including the value of close personal contacts and the roles and missions which the MAAG's may assume to an increased extent.

Although the number of personnel assigned to the MAAG's had been reduced, our review indicated that the manpower surveys and management studies conducted in Europe were basically inadequate in that they failed to question whether functions being performed were actually required and failed to consider whether intangible factors, such as the value of close personal contacts, warranted the continuation of traditional MAAG organizations.

A Department of State official prvoided us with documentation which showed the comments of the ambassadors or the embassies on the continued need for the MAAG's. These comments which were made after reviewing our draft report sent to DOD are contained in the classified supplement to this report.

We believe that immediate personnel reductions can be made by reducing functions which are no longer necessary, of limited value, or already being performed to a greater or lesser extent by other U.S. personnel in Europe. We believe also that even greater personnel reductions will result now and in the future through the elimination of the triservice organization of the MAAG's we reviewed, the elimination of the remaining functions as they are determined to be no longer essential or are capable of being performed as effectively and economically by other organizations in Europe, and the eventual deactivation of the MAAG's when the tangible and intangible factors no longer warrant the retention of an individual organization.

DOD has informed us that a worldwide review is now being made of the missions and functions of MAAG's to determine the feasibility of reducing U.S. representation abroad. We intend to make a followup review at a later date, and at that time we will examine into the adequacy of the DOD actions to reduce or eliminate the staffs of the MAAG's in the countries involved.

BACKGROUND

Foreign assistance legislation authorizes the furnishing of military assistance to friendly nations and international organizations in order to promote the peace of the world and the foreign policy, security, and general welfare of the United States and to facilitate the effective participation of such nations in arrangements for individual and collective defense. The Foreign Assistance Act of 1961, as amended, further provides that the President shall regularly reduce and, with such deliberation as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military

equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

Because of the rapid economic recovery of Western European countries, and in recognition of continued U.S. balance of payments problems, the United States has virtually discontinued additional grant aid military assistance to Belgium/Luxembourg, Denmark, France, Germany, Italy, the Netherlands, Norway, and the United Kingdom, except to fulfill prior U.S. commitments and limited training.

From the inception of the grant aid program in 1950 through fiscal year 1963, the United States had programed military material and training valued at over $12 billion to assist the following Western European countries to improve and augment their military forces.

[Amount in millions]

Belgium/Luxembourg	$1,242.6
Denmark	625.1
France	4,158.2
Germany	900.4
Italy	2,294.5
Netherlands	1,218.3
Norway	816.6
United Kingdom	1,037.1
Total	12,292.8

A considerable amount of the grant aid military assistance provided was programed and delivered to the above Western European countries early in the 1950's, and deliveries had been drastically reduced in recent years, as shown in the following summary:

[Value of deliveries, in millions]

Calendar year:	
1950	$266
1951	668
1952	1,660
1953	2,278
1954	1,511
1955	1,065
1956	1,391
1957	954
1958	494
1959	688
1960	355
1961	266
1962	191

Responsibilities for administration of the military assistance program

Under the direction of the President, the Secretary of State is responsible for the continuous supervision and general direction of the assistance programs, including but not limited to determining that there shall be a military assistance program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

The Secretary of Defense has primary responsibility for (1) the determination of military end-item requirements, (2) the procurement of military equipment in a manner which permits its integration with service programs, (3) the supervision of end-item use by the recipient countries, (4) the supervision of the training of foreign military personnel, (5) the movement and delivery of military end-items, and (6) the performance, within the Department of Defense, of any other functions with respect to the furnishing of military assistance.

The Assistant Secretary of Defense (ASD) International Security Affairs (ISA), has been delegated to act for the Secretary of Defense in military assistance matters and is responsible for all military assistance activities of the Department of Defense, including the supervision and coordination with other governmental agencies in the area of military assistance.

The Director of Military Assistance acts for the ASD, ISA, in all military assistance matters and activities of the Department of Defense, including the supervision and administration of the military assistance program and its presentation to the Congress.

Under the direction of ASD, ISA, the U.S. commander in chief, Europe, has been delegated the authority to present and justify military assistance plans and program and budget data; supervise the activities of MAAG's; direct and supervise the execution of approved programs; provide and arrange for necessary technical and administrative support; and provide such other assistance as may be requested.

Under the military command of USCINCEUR, the chief of MAAG in each host country is responsible primarily for—

1. Making recommendations to USCINCEUR concerning military assistance in the host country.

2. Developing military assistance plans and programs in cooperation with the chief of the U.S. diplomatic mission and other U.S. governmental agencies in the mission and for submitting them to USCINCEUR.

3. Observing and reporting on the utilization of material furnished by, and personnel trained at the expense of, the United States.

4. Administering military sales transactions in accordance with current instructions.

5. Providing appropriate advisory services and technical assistance to the host country on military assistance.

6. Working directly with the military departments and appropriate military area commands in arranging for receipt and transfer of military assistance material, training, and services in the host country.

7. Providing liaison with the host country with respect to weapons production and offshore procurement matters.

8. Providing such services as may be requested with respect to the mutual weapons development program.

9. Advising and assisting in the development of refined reimbursable military assistance programs or requests for both material and training assistance required; receiving formal reimbursable military assistance programs or requests; reviewing such programs or requests against appropriate military department policy and providing appopriate comments through established channels to the respective military department; receiving official pricing and availability data and other information from the military departments, together with terms and conditions applicable to sales; processing and submitting letters of offer for country acceptance; and receiving country acceptance of the offers and firm orders and forwarding them to appropriate military departments.

The MAAG's included in this review have the primary mission of assisting host governments in developing the military strength and posture needed to support their NATO commitments and to provide for internal security. In carrying out these missions, the chiefs of MAAG's are the representatives of the Secretary of Defense with respect to the MAP in the country to which they are accredited; operate under the military command of the commander in chief, Europe; and are under the supervision of the U.S. diplomatic mission to the extent provided by law and in accordance with Executive orders and such instructions as the President may from time to time promulgate.

In each of the countries included in this review, the United States has executed a bilateral agreement with the recipient country which includes provisions for the right of entry of U.S. personnel to administer the military assistance program and for the payment by the recipient country of U.S. administrative expenditures incurred within the country in connection with assistance furnished under the agreement. The recipient countries do not reimburse the United States for salaries of civilian and military personnel and basic allowances of military personnel assigned to Military Assistance Advisory Groups.

MAAG staffing and operating costs

As of January 1, 1963, the following MAAG's were authorized a total of 219 officers, 176 U.S. enlisted men, 70 U.S. civilians, and 114 local nationals.

	Officers	Enlisted men	U.S. civilians	Local nationals	Total
Belgium/Luxembourg	21	17	8	19	65
Denmark	18	22	4	9	53
France	22	17	13	17	69
Germany	74	26	20	32	152
Italy	37	48	10	10	105
Netherlands	19	20	4	9	52
Norway	22	22	7	16	67
United Kingdom	6	4	4	2	16
Total	219	176	70	114	579

Approximately $4 million in appropriated funds and the equivalent of at least $2.3 million in local currency contributed by host countries were expended during fiscal year 1962 for costs associated with the maintenance of the MAAG's, including military and other salaries, MAAG administrative and support costs, and support costs for U.S. dependents in Europe.

FINDINGS

Inefficient utilization of personnel to administer the military assistance program

Inefficient utilization of personnel by the Department of Defense to administer the military assistance program in advanced Western Europe countries has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many MAAG personnel. Our review disclosed that, in eight Western European countries where the military assistance program had been virtually completed, DOD continued to maintain Military Assistance Advisory Groups as originally organized to administer a grant aid program for these countries which exceeded $2 billion in 1953.

Although DOD has made reductions in the number of personnel assigned to each MAAG, we believe that substantial savings could be realized, dollar expenditures overseas could be reduced, and more effective utilization of trained personnel could be achieved by a determined effort on the part of DOD to eliminate those functions no longer required and to administer the remaining functions in the most economical and effective manner. In our opinion a reevaluation of the need to retain many of the functions now being performed by the MAAG's, the transfer of required functions to other U.S. personnel in existing organizations in Europe, and a reorganization of the MAAG's in these countries could result in substantial reductions in the present staffs of these MAAG's and lead to the deactivation in the near future of some of the MAAG's covered by our review.

Inadequate reduction in Military Assistance Advisory Groups

The Department of Defense has not made a determined effort to phase down the staffs

of the MAAG's in Western European countries to the extent warranted by the reduction in the scope of the grant aid programs in these countries. Although reductions have been made in the staffs of these MAAG's, considerable manpower is still being utilized to administer military assistance programs which have been virtually completed. For example, grant aid deliveries in 1953 to 8 of the countries we reviewed (deliveries were not made to Germany until 1956) were valued at about $2.3 billion, and 617 U.S. personnel were assigned to the MAAG's. In contrast, deliveries in 1962 to these same countries were valued at only $190 million, yet 345 U.S. personnel were assigned to the MAAG's. The imbalance in MAP deliveries and MAAG's personnel is illustrated further in the following schedule:

	Grant aid military assistance delivered (millions)		Authorized or assigned U.S. personnel	
	1953	1962	1953	1962
Belgium/Luxembourg	$285	$18	93	46
Denmark	82	14	53	44
France	945	37	162	52
Italy	400	65	90	95
Netherlands	195	12	73	43
Norway	140	26	73	51
United Kingdom	231	18	73	14
Total	2,278	190	617	345

In Germany, about 84 percent of the $900 million in grant aid military assistance furnished was delivered in 1956, 1957, and 1958. Deliveries in 1961 and 1962 totaled only $3 million. Notwithstanding the drastic phase down of military assistance to Germany, U.S. personnel assigned to the MAAG were only reduced from an authorized strength of 262 in June 1958 to a strength of 120 on January 1, 1963.

We recognize that the ratio of MAP deliveries to assigned MAAG staff would not necessarily be fixed because administrative personnel requirements are not equally variable. On the other hand, the marked disparity in the value of decreases in MAP deliveries and the assigned staff strongly indicates that maximum staff reductions have not been made. We believe that this disparity resulted from the failure of DOD to eliminate functions no longer required and to realine responsibility for the remaining functions by transferring these functions to other U.S. personnel in existing organizations and by reorganizing the MAAG's on an austere basis.

The functions and activities of the eight European MAAG's included in our review were still being performed within a triservice organization where about 55 percent of available manpower was utilized on general supervision, administrative matters such as personnel administration, communications, and security, and various housekeeping functions.

Unnecessary expenditure of appropriated funds and adverse effects of such oversea expenditures on international balance of payments

The cost of maintaining the eight MAAG's we reviewed is over $6.3 million annually. About $4 million of these costs involve the use of appropriated funds, and the balance is contributed in the form of local currency by the host countries. The appropriated funds are used primarily for military and civilian pay and allowances as well as for travel costs incurred by U.S. personnel en route to the host country. The contributed local currency is used for salaries of local nationals as well as most other administrative and housing costs associated with the operation of the MAAG's.

During fiscal year 1962, the costs of operating the MAAG's reviewed were as follows:

	MAAG costs		
	Appropriated funds	Local currency contributions	Total
Belgium/Luxembourg	$355,539	$369,758	$725,297
Denmark	353,361	171,613	524,974
France	464,358	370,492	834,850
Germany	1,042,123	450,677	1,492,800
Italy	774,110	503,728	1,277,838
Netherlands	336,879	203,670	540,549
Norway	551,602	103,677	655,279
United Kingdom	125,649	136,702	262,351
Total	[1] 4,003,621	2,310,317	6,313,938

[1] Consists principally of $3,280,000 for military pay and allowances. The balance is primarily U.S. civilian salaries and a small amount of MAAG support costs.

A significant portion of the appropriated funds being expended unnecessarily through the continued performance of unnecessary, questionable, and transferable functions by MAAG personnel is being spent overseas and consequently contributes to the problem of international deficits being experienced by the United States. We recognize that the entire $4 million being expended annually for the maintenance of MAAG's is not contributing to the problem inasmuch as an undetermined portion of the pay and allowances is being spent by MAAG personnel and their dependents in post exchanges, commissaries, and other U.S.-sponsored activities which emphasize the marketing of U.S.-produced products. However, should DOD make significant reductions in the numbers of MAAG personnel by reducing the functions being performed by the MAAG's, we believe that a major portion of the funds appropriated for the operation of the MAAG's and presently being expended overseas could be eliminated. We believe that this elimination would have a beneficial effect on the international balance of payments.

Ineffective utilization of skilled personnel

The retention of high ranked and highly skilled military personnel to administer military assistance programs which are virtually completed has resulted in the ineffective utilization of manpower. At the time of our review, about 579 personnel, including 219 officers, were authorized to eight individual MAAG's in Western European countries to administer the military assistance program. Of the 219 officers authorized, 8 were general officers, 32 were colonels, 75 were lieutenant colonels, 77 were majors, 26 were captains, and 1 was a lieutenant.[1] An analysis of the qualifications of these officers disclosed that many had received advanced training at the Army War College, at the Command and General Staff College, and in the branch of service to which assigned. A high percentage had also received specialized training at schools on matters such as military assistance, language, aviation, and the management and command of missiles and missile units.

With the phaseout of grant aid and the attainment by recipient countries of a high degree of self-sufficiency in operating and maintaining MAP-furnished equipment, we believe that there is no longer a need for the MAAG's to perform many of their present functions and that the remaining essential MAAG functions do not warrant the assignment of officers possessing the rank, training, and experience of those assigned to the MAAG's at the time of our review. Accordingly, we believe that the assignment of personnel to perform MAAG functions which are no longer necessary, of questionable need, or susceptible of being performed by other U.S. personnel in existing organizations result in the ineffective use of manpower which could be effectively used to fill other military manpower requirements.

Need to eliminate or realine responsibility for functions of the MAAG's

The eight MAAG's in Europe were almost wholly involved at the time of our review in performing functions which were either unnecessary, of questionable need, or susceptible of being performed as effectively with attendant savings in support costs by other U.S. personnel located in Europe. In view of the virtual discontinuance of military grant aid and in view of the remarkable economic and military improvements in the countries involved, the basic purpose for maintaining the MAAG to administer the military assistance program in each country has been almost completely accomplished. Nevertheless, triservice MAAG organizations are being maintained and are performing many of the same functions they were performing 10 years ago when equipment valued at $2.3 billion was provided as grant aid and when the countries were dependent upon the United States for a major part of their economic and military support.

Functions and activities of European MAAG's reviewed

The functions and activities of the eight European MAAG's selected for our review consisted of a relatively small number of basic functions for which the MAAG's were originally established. The functions primarily involved (1) the planning and programing of equipment, material, and training to be provided as grant aid and (2) observing, advising, and assisting the recipient countries as necessary to assure the effective and proper use of the aid provided. Responsibilities related to the promotion of military assistance sales were being assigned to the MAAG's as grant aid was discontinued. In addition to the small number of basic functions, the MAAG's were performing a large number of ancillary functions or responsibilities subordinate to, and in some instances unrelated to, the basic purpose of the MAAG's. The ancillary functions performed by the MAAG's consisted of their own administrative and support activities as well as other functions assigned to the MAAG's as the representatives of DOD and USCINCEUR.

The U.S. European Command conducts periodic manpower surveys and identifies all principal MAAG functions and activities and that portion of manpower assigned to each. An analysis of the most recent USEUCOM surveys of the eight MAAG's covered in our review disclosed that only about 40 percent of the time of assigned MAAG personnel was utilized directly on the primary military assistance functions, while about 60 percent of their assigned time was spent on administrative and support activities—such as personnel administration, communications, security, and other housekeeping functions—and on general supervision and other ancillary functions. Following is a consolidated summary of MAAG manpower effort expended in each functional area according to the most recent survey available at the time of our review.

[1] These ranks are in terms of Army and Air Force grade structures, but naval officers were also assigned to the MAAG's.

Function of activity	Total personnel (approximate)	Percent of manpower	
		Range	Average
Administrative and support	316	45.5–64.6	53.5
General supervision and other ancillary functions	48	5.6–11.6	8.1
Technical assistance and advice	67	2.0–17.7	11.3
Training activities	54	2.8–15.6	9.1
Observation of end-item utilization	33	1.5– 6.9	5.5
Planning and programing of material	17	.4– 7.6	3.0
Spare parts supply	15	.3– 5.5	2.5
Military assistance sales	12	.2– 5.6	2.1
End-item supply records	11	.1– 4.1	1.8
Excess property redistribution	11	.3– 6.4	1.8
Transportation of MAP material	7	2.7	1.3
Total	[1] 591		100.0

[1] Varies slightly from total personnel as of January 1, 1963, because dates of USEUCOM surveys varied from March 1962 to August 1962.

The above functions are described and evaluated below in terms of their need, duplication, or susceptibility of improved economy and efficiency through transfer or realinement of responsibility.

Administrative and support activities and general supervision and other ancillary functions

As shown in the above schedule, over 53 percent of the effort of personnel assigned to the MAAG's was spent on administrative and support activities. Administrative and support activities included personnel administration, internal security, MAAG housing, compilation of MAAG manpower survey data, protocol studies, and evacuation plans for noncombatant employees and dependents. In addition, about 8 percent of the effort of personnel assigned to the MAAG's was spent on general supervision and ancillary functions pertaining to other than MAAG administration and support. General supervisory efforts were limited to personnel at the MAAG chief and the Army, Navy, and Air Force section chief level who could not easily identify the time spent on specific functions because of the complexity of making prorations. The other ancillary functions included duties, such as providing services with respect to the mutual weapons development program, public information, international and cooperative logistics, disaster relief planning, peacetime military construction, and other functions, some classified. Most of these functions were unrelated to the basic purpose of the MAAG's or susceptible of being performed as effectively and economically by other U.S. organizations.

The time allocated to the administrative, support, and general supervision areas was understated because the following criteria were established in allocating time for the manpower surveys:

1. Leave time, pilots' proficiency flying, military duties and training, attendance at protocol functions, and extra duties should be absorbed in the primary functions performed by the individual.

2. Conferences, discussions, document research, preparation of internal procedures and instructions, trip reports, and secretarial assistance should be charged to the related function performed.

3. Where supervisors at branch chief level and below perform some functions directly, these should be indicated. The balance of their time, such as that spent in supervision, together with the time of secretaries and clerical assistants, should be prorated over functions performed by action personnel.

4. At MAAG chief and Army, Navy, and Air Force section chief levels, the time of individuals should not be identified to specific functions because of the complexity of making such prorations.

5. Projects, activities, and reports not specifically related to the basic functions should be charged in an overall category without specific identification.

Our detailed review and analysis disclosed that about 316 of the 591 man-years of effort in the eight MAAG's at the time of our review was being spent preparing correspondence, travel orders, and duty rosters; controlling classified material; performing commercial transportation services for personnel assigned or attached to the MAAG; maintaining correspondence files; providing internal messenger service; reproducing publications, forms, and other material; distributing publications; maintaining personnel records, assigning personnel, and preparing payrolls; providing personnel services, including those relating to passports and visas, local permits, and other services for dependents; preparing MAAG budgets and processing funding documents; performing disbursing functions; planning and coordinating actions among two or more of the service sections of the MAAG; and in the supervision and administration of Army, Navy, and Air Force sections.

In summary, over 53 percent of the personnel assigned to the eight MAAG's in Europe are utilized for administrative and support purposes while only 8 percent of the personnel are utilized for general supervision and other ancillary functions, most of such functions being unrelated to the basic purpose of the MAAG's or susceptible of being performed as effectively and economically by other U.S. personnel in existing organizations. We believe that the time spent on administrative and support activities is excessive in relation to the few essential residual military assistance program functions identified in subsequent sections of this report. Much of the time spent on administrative and support activities of the MAAG's could be eliminated if the MAAG's performed only essential functions within an austere organization and the remaining functions were eliminated or transferred to, and absorbed by, other U.S. personnel in existing organizations deployed in Europe.

Technical assistance and advice

Our review of the MAAG's records and discussions with the MAAG's officials disclosed that most of the assistance and advice provided by the MAAG's were not technical in nature inasmuch as the MAAG's were acting primarily as an intermediary between the host country forces receiving such assistance and other U.S. organizations actually providing the assistance. At the time of our review, personnel assigned to the MAAG's were spending over 67 man-years of effort in this area. We believe that the effort devoted to this function was high in view of the self-sufficiency of these countries as indicated in our review, the small amount of technical assistance actually provided by the MAAG's, and the other U.S. personnel on hand to act as an intermediary between the host country and the other U.S. organizations providing technical assistance.

The MAAG's responsibilities include provisions for rendering technical assistance and advice to host countries which are required to properly introduce, utilize, and maintain equipment provided under the military assistance program. Such assistance and advice are provided to a limited degree by MAAG personnel. A large portion of such assistance and advice, however, are provided by technicians from the U.S. military departments or technical representatives under contract. The assistance and advice provided normally relates to the use, nomenclature, capabilities, technical characteristics, techniques of operation, maintenance, and tactical employment of equipment provided or to be provided.

We found during our review that U.S. personnel assigned to other U.S. or NATO agencies were on hand or available at the same time as the MAAG personnel for the purpose of performing inspections or providing any assistance that might be needed. MAAG personnel were generally using their time to (1) provide advice and assistance on minor operating problems brought to the MAAG's attention during visits to military units, (2) obtain information and assistance from other U.S. and NATO agencies, as requested by the host countries' armed forces, (3) initiate action to expedite the delivery of needed spare parts from U.S. or NATO sources, as requested by the host countries' armed forces, and (4) receive and forward technical publications and informational releases to the host countries. Following are summaries of our observations, among others, with respect to the technical assistance and advisory function of the MAAG's in the European countries involved in our review.

France: A review of documentation and discussions with MAAG personnel assisting the French Army disclosed that little actual advice and assistance were provided directly by the MAAG during fiscal years 1961 and 1962. In the majority of cases, it consisted of processing documents between the French Army and the United States or NATO agencies actually providing advice and assistance. We believe that the types of advice and assistance provided by the MAAG could be significantly reduced or eliminated because (1) the French have become highly self-sufficient in the operation and maintenance of MAP equipment, (2) most of the remaining $15 million in MAP hardware was scheduled for delivery by June 1963, and (3) much of the MAP equipment is obsolete and has been, or is being, replaced by the French with non-MAP equipment.

At our request, MAAG Army section personnel provided us with documentation which, in their opinion, was representative of the technical assistance provided during the 2-year period. We found that, of 289 actions taken, the MAAG directly provided technical advice and assistance in only 20 cases. For the most part, the Army section acted as an intermediary between the French Army and the United States or NATO agencies, as illustrated below:

1. During fiscal years 1961 and 1962, there were 71 technical questions posed, or requests for information made, by the French Army. The Army section was able to provide direct answers in only 20 of these instances, and all others were referred to other United States or NATO agencies for appropriate action.

2. During fiscal years 1961 and 1962, the Army section processed 132 actions dealing with supervision over technical matters or the initiation of followup actions on spare parts. In every case, the MAAG acted only as an intermediary between the French and the United States or NATO agencies which actually provided the advice or assistance.

3. During fiscal years 1961 and 1962, there were 86 letters prepared to transmit publications and informational releases to the French liaison group. This workload would be unnecessary if information was sent directly to the French by the responsible U.S. military organizations.

Although MAAG officials stated that most of the advice and assistance were provided in connection with advanced weapons which were recently furnished, the MAAG reports on visits in 1961 and 1962 to French advanced weapons units cited only a few instances where significant problems were brought to the attention of MAAG personnel or where advice and assistance were requested. Our review of these MAAG reports disclosed that the advice and assistance rendered during field visits generally pertained to minor operating problems.

We found that the assistance provided to the French Navy and Air Force was generally of the same nature as that being provided to

the French Army. Many of the MAP aircraft in the French Air Force have become obsolete and have been replaced by French-made aircraft, and the remaining MAP equipment requires little technical assistance from MAAG personnel. Much of the MAAG efforts in assisting the French Navy were related to the installation of one weapons system which was scheduled to be installed by July 1963. At the time of our review 10 contract technical services personnel (CTSP) were advising and assisting the French in the installation of the system under the supervision of a MAAG officer permanently assigned at the port where the system was being installed. In addition to supervising the CTSP, we found that this MAAG officer was requesting the MAAG to provide technical assistance and information on the delivery of equipment and material and that the MAAG, in turn, was forwarding most of these requests to other U.S. agencies for action. We have been advised by MAAG Navy personnel that little, if any, technical assistance will be required for MAP-furnished equipment after the system is installed.

Denmark: The efforts of the MAAG in Denmark have shifted from that of providing advice and assistance in connection with the establishment and improvement of basic maintenance and logistical systems to that of acting primarily as an intermediary between the Danish Armed Forces and the United States or NATO organizations actually providing the technical assistance. This shift is primarily a result of the attainment by the Danish Armed Forces of a high degree of effectiveness in maintaining and operating conventional and sophisticated equipment furnished by the United States under MAP.

As a result of a review of actions considered by the MAAG to be illustrative of technical advice and assistance provided to the Danish Armed Forces, we found the following actions to be typical of the role of the MAAG in this area:

1. Obtained from other United States or NATO agencies and forwarded to the Danes answers not known by MAAG personnel to questions posed and technical information requested by the Danish Armed Forces.

2. Performed followup actions on spare parts ordered from the NATO Supply Center by the host country armed forces.

3. Requisitioned or performed followup actions on requisitions for space parts from U.S. supply sources.

4. Transmitted to the Danish Armed Forces technical publications received by the MAAG through routine distribution from other U.S. agencies.

Interviews with MAAG personnel and our review of pertinent correspondence revealed that on-the-spot advice and assistance provided during field visits to the Danish Armed Forces were concerned primarily with minor operating and maintenance problems which normally were not brought to the attention of the MAAG. We were advised that other minor problems encountered were not reflected in reports on the field visits.

Norway: Our review of documentation and discussions with MAAG personnel in Norway disclosed that the technical assistance rendered by the Army section of MAAG during 1961 and 1962 was almost entirely in connection with a particular advanced weapons system. Nevertheless, we found that three CTSP were assigned to the locations of this advanced weapons system to advise and assist the Norwegian Air Force in matters pertaining to maintenance, supply, and operator training. These U.S. representatives prepare monthly or quarterly reports disclosing the results of their work and areas needing improvement. The reports are channeled through the MAAG to USEUCOM who may in turn forward them to other interested DOD agencies. Our review of the CTSP reports for the last 6 months disclosed that the efforts of MAAG have been largely concerned with encouraging Norwegian officials to implement recommendations made by the technical representatives. We believe that their encouragement could be provided by USEUCOM personnel during routine or special visits to the Norwegian Air Force.

Our review of the assistance provided the Norwegian Air Force showed that MAAG efforts were largely concerned with coordinating, rather than providing, technical assistance or services. For example, the fiscal year 1962 program included a request for two supply specialists from air materiel forces, European area (AMFEA), now the U.S. logistic support office in Europe, to update supply records at Bodo Air Base. AMFEA subsequently provided the assistance, even though the MAAG staff included five airmen with the required supply specialty skills.

The assistance the MAAG provided to the Norwegian Navy has been concerned primarily with periodic advice and assistance in supply procedures patterned after U.S. Navy systems. The need to continue this type of assistance is highly questionable inasmuch as a USEUCOM representative, in July 1960, stated that the Norwegian Navy had developed warehousing and recordkeeping techniques of a very high quality and that he had found the Norwegian Navy to be well versed on the essentials of supply operations.

Belgium and the Netherlands: We found that the MAAG's in Belgium and the Netherlands were rendering the same general types of assistance as we found being rendered by the MAAG's in France, Norway, and Denmark. By reviewing the MAAG's field trip reports for the 18-month period ended December 31, 1962, and other pertinent documentation and through discussions with MAAG personnel, we found that (1) the countries had attained a high degree of self-sufficiency in the operation and maintenance of sophisticated and conventional MAP equipment, (2) the MAAG is referring requests for technical assistance and information to other United States or NATO agencies for action, and (3) the advice and assistance provided by the MAAG on visits to Belgian and Dutch military units related to minor operating and maintenance problems which were not referred to in MAAG trip reports and normally were not brought to the attention of the MAAG.

Italy: At our request, MAAG personnel in Italy provided us with files which, in their opinion, contained representative examples of the type of technical assistance being provided. We reviewed over 400 actions and found that the great majority of the actions fell into the same categories of assistance we found in the other countries we reviewed. Although the volume of advice and assistance was much greater, most of the assistance was not technical in nature. Most of the advice and assistance that the MAAG offered during 1962 pertained to four weapons systems. At the time of our review, most of the advice and assistance provided by the MAAG pertained to one weapons system. About 30 MAAG personnel and 40 contract technical services personnel were providing on-the-spot assistance and training for this system. This assistance, however, was to be phased out shortly as the weapons system was being withdrawn.

United Kingdom: Little advice and assistance are required and provided by the MAAG in the United Kingdom as evidenced by the expenditure of less than one-half of a man-year for this function. The MAAG's limited effort in this area results from the discontinuance of grant aid and the internal self-sufficiency on the part of the United Kingdom with regard to matters normally handled by the MAAG.

Germany: The MAAG in Germany is rendering advice and assistance on equipment purchased from the United States even though the Germans have procured the services of appropriate technical personnel to assist in the installation, training, operation, and maintenance of this equipment. Nevertheless, the amount of MAAG effort expended in this area was relatively extensive. Again, as in the other countries we reviewed, our analysis of the assistance disclosed it to be more liaison than technical. The MAAG advised us that, even though Germany was procuring all of its military equipment, the rendering of advice and assistance on items procured not only assured the MAAG that Germany was properly utilizing the equipment and was a strong member of NATO but offered satisfaction to the customer and the opportunity for personal contacts which the MAAG considered necessary to insure future sales from the United States.

In addition to the above, MAAG personnel in each country reviewed consistently advised us that the major benefit of providing advice and assistance to the host countries is the opportunity to meet personally with host country military personnel and to keep them closely allied to the United States. Although we were not able to fully evaluate the merits of these assertions, we found that (1) for several years the United States has provided, and will continue to provide, grant-aid orientation training courses for the purpose of meeting personally with host country personnel and keeping them closely allied to the United States and (2) numerous other United States or NATO agencies have the opportunity for close personal contacts with host country personnel and are providing them with assistance. Moreover, we noted that this intangible factor had not been considered previously by the USEUCOM manpower studies and in DOD evaluations.

Following are examples of other U.S. personnel providing personal contact and/or assistance to host country personnel:

1. USAREUR provides personnel for or performs Nike equipment checkout tests, semiannual Nike operational readiness inspection, preannual service practice inspections of Nike units, semiannual Honest John operational readiness inspections, annual Army training tests of Honest John units, and annual safety inspections of advanced weapons units in some countries.

2. The NATO Maintenance and Supply Services Agency provides supply, maintenance, procurement, and technical assistance to all NATO countries and has an advanced weapons technical assistance team that visits missile sites quarterly.

3. Certain U.S. advanced weapons units located in the vicinity of comparable host country units provide assistance to French, Belgian, Dutch, and German units located in Germany. In most cases, the U.S. units are located considerably closer to the country units than the MAAG's.

4. U.S. personnel assigned to the NATO Allied Forces in Northern Europe (AFNORTH) have provided assistance when requested. AFNORTH is the NATO subordinate command for the United Kingdom, Norway, Denmark, and Northern Germany.

5. U.S. mobile training teams consisting of military specialists provide technical assistance as required.

6. U.S. CTSP are permanently assigned to military units to provide technical assistance as required.

Training activities

Grant-aid training being provided to the Western European countries included in this review has been substantially reduced from that furnished in prior years and is to be continued only on a limited basis in the future. At the time of our review, personnel assigned to the MAAG's estimated that

about 54 man-years were devoted to participating in the fiscal programing of training requirements and making administrative arrangements for students selected to attend courses. The MAAG's were also performing a number of duties pertaining to the utilization of the personnel trained. We believe that the 54 man-years of effort devoted to training is high in view of the activities being performed which appear to be serving no useful purpose and the extent of participation by the recipient countries and other U.S. personnel. We believe also that considerable manpower savings could be realized by eliminating the training activities serving no useful purpose, by programing training requirements on a centralized basis, and through the absorption of MAAG administrative and surveillance duties by existing U.S. organizations within the recipient countries.

The United States provided formal training in the United States and overseas to about 57,000 personnel in the countries included in this review from the inception of the MAP through June 1961. Additional on-the-job training assistance has been provided to many thousands of personnel by mobile training teams and contractor technical services personnel. The value of training provided from the inception of the MAP through June 1962 amounted to about $269 million.

Over the period of the MAP, many of the countries have built up their training establishments to a point of virtual self-sufficiency for the conventional-type equipment furnished under MAP. With the increased economic capability of the recipient countries, much of the training which they do not have a technical capability to provide will be purchased in the future with their own funds under military assistance sales arrangements. For example, during fiscal year 1963, virtually all the training for Germany was provided under such sales arrangements.

In line with the increased military and economic capabilities of the recipient countries, the United States generally has restricted future grant aid MAP training to (1) that required to provide an operational capability for advanced weapons systems recently delivered, or scheduled for delivery, and (2) that required to enhance the relationship between the recipient country and the United States, including orientation tours. For fiscal year 1964, training totaling $6.25 million has been programed.

With the concentration of training on that required for advanced weapons and orientation tours, the amount of effort needed to prepare fiscal programs and assure the effective use of trained personnel should be considerably less than was required at the time that large numbers of students were being trained in a wide range of subjects.

Our review of training activities disclosed that, to the extent the MAAG's are involved in preparing fiscal programs, implementing the programs, and monitoring the utilization of personnel trained at U.S. expense, the duties either were not essential or could be more efficiently and economically performed on a centralized basis or by other U.S. personnel deployed in Europe.

We found that MAAG's do only a limited amount of work in preparing fiscal programs. For example, in France, the Netherlands, Norway, Italy, and Denmark, where a total of 30 man-years were devoted to training activities, we found that the recipient countries selected courses to be attended from lists of available courses furnished to the MAAG's. The MAAG's consult to some extent with recipient country officials regarding their selections and refine the programs to come within approved dollar ceilings. MAAG personnel also attend a training conference at USEUCOM to further refine the fiscal program. Our review disclosed that few changes are made by the MAAG's in the selection of courses by the recipient countries.

After the training program has been approved, MAAG actions to implement it are primarily clerical in nature and consist of (1) notifying the recipient countries of the courses approved and the number of participants authorized to attend, (2) arranging for and assuring that participants have received security clearances, (3) administering English proficiency tests in some cases, and (4) preparing invitational travel orders and giving each group of participants a short briefing before its departure to attend the courses. Our review disclosed that few students selected by the recipient countries have been rejected because of improper qualifications. In some of the countries, we also found that English tests were not being administered since country personnel were considered proficient in the English language, and in other countries our tests disclosed that students were seldom rejected for lack of English proficiency.

After the courses have been attended, MAAG's monitor the utilization of personnel by (1) obtaining periodic reports on the assignment of each student, (2) maintaining records incorporating data from the reports, and (3) occasionally verifying the accuracy of their records during visits to recipient country units made for other purposes. Records submitted by the recipient countries show that students have almost always been assigned to duties related to the training received and the MAAG's have no knowledge of improper assignments.

As indicated above, MAAG's do not participate to a significant degree in selecting or influencing the courses to be attended, do not select the participants, do only a limited amount of work in preparing the fiscal programs, and are engaged primarily in making administrative arrangements that do not require a high degree of technical skill.

We could find no evidence that adverse conditions exist in any of the countries we reviewed to a degree that would require the constant presence of U.S. personnel to prepare fiscal programs or administer training activities. Accordingly, we believe that significant manpower savings could be realized by eliminating the need for MAAG participation in the limited grant-aid training programs contemplated for the future. This could be accomplished by (1) preparation of fiscal programs for Western European countries on a centralized basis with itinerant visits to the countries, as needed, (2) the use of available personnel at advanced weapons sites in the recipient countries to make periodic checks to assure the effective use of trained personnel on the basis of reports submitted by recipient countries, and (3) a transfer of MAAG administrative functions still considered essential to other U.S. organizations in the recipient countries.

In response to our findings and proposals for corrective action, DOD advised us that a worldwide review of the missions and functions was being conducted to determine the feasibility of reducing U.S. representation abroad. In January 1964, we were advised by DOD officials that, even though this review had not been completed in all the eight Western European countries we reviewed, DOD had taken steps to eliminate the training function in one of the MAAG's.

Observation of end-item utilization

Our review of MAAG records and discussions with MAAG officials disclosed that the MAAG's have continued to devote considerable efforts in making observations of MAP-furnished equipment and in providing advice and assistance to recipient countries to assure the effective and proper use of the aid provided even though (1) each of the countries has demonstrated a high degree of capability to effectively maintain and properly utilize the equipment furnished, (2) much of the equipment is approaching obsolescence and is being replaced by the host country with more modern equipment, and (3) other visiting and permanently assigned personnel provide advice and assistance and observe the maintenance and utilization of advanced and sophisticated weapons systems more recently furnished. Moreover, we found that the United States has sold its rights to equipment furnished to Germany and contemplates entering into negotiations to make similar sales to most of the other Western European countries. It is our understanding that sales of equipment on this basis eliminate the continued need for the United States to observe the utilization within the country and to provide the countries with advice and assistance regarding the equipment sold.

As a condition of eligibility for the furnishing of grant aid defense articles, foreign assistance legislation since inception has required that the recipient country agree to permit continuous observation and review by, and furnish necessary information to, representatives of the U.S. Government with regard to the use of such articles, as the President may require. The responsibility for performing the observations has been delegated to the MAAG's, as representatives of DOD, and the number of observations to be made has been left to the discretion of the MAAG's. For the MAAG's included in this review, the most current manpower estimates indicate that about 33 man-years were being used to perform these observations, as well as observations of the utilization of personnel trained at U.S. expense. MAAG efforts in monitoring the use of trained personnel are discussed on pages 34 and 35 of this report.

During the course of our review, we found no evidence of any consideration on the part of the MAAG or higher authority as to the continuing need for observations of MAP-furnished equipment even though MAAG personnel continually observed and reported that the recipient countries were effectively maintaining and properly utilizing the equipment provided, as illustrated below:

1. Reports prepared by MAAG personnel regarding their visits to French Army, Navy, and Air Force units during the 2-year period from mid-1960 to mid-1962 showed little evidence that equipment had been maintained or utilized improperly even though much of the equipment is obsolete or is approaching obsolescence and is being replaced by the French with non-MAP equipment.

2. Reports prepared by MAAG personnel regarding their visits to Norwegian Army, Navy, and Air Force units during the 16-month period ended October 31, 1962, disclosed that in all but a few instances the Norwegian Armed Forces were encountering no problems in maintaining and utilizing MAP-furnished material.

3. Reports prepared by MAAG personnel on their observations of the utilization by Danish military units of MAP-furnished material during fiscal years 1961 and 1962 disclosed virtually no instances in which the Danish Armed Forces were encountering significant problems in effectively maintaining and utilizing MAP-furnished material. Moreover, much of this equipment now being subjected to U.S. end-use inspections is to be replaced with non-MAP equipment as a result of a recent agreement between the United States and Denmark.

4. Reports prepared by MAAG personnel in Belgium, Italy, and the Netherlands on their observations of the utilization of MAP material during the 19-month period ended January 31, 1963, disclosed virtually no instances in which the countries' armed forces were encountering significant problems in effectively maintaining and utilizing MAP-furnished material.

5. The sale to Germany of U.S. residual rights to MAP equipment provided to Germany has now eliminated the MAAG's responsibility for observing the maintenance and utilization of equipment within the country.

In interviews with MAAG personnel, we were repeatedly advised that the recipient countries' armed forces had attained a capability to properly maintain and utilize MAP-furnished equipment. Some of the MAAG personnel were of the opinion that observations were being made more to comply with assigned responsibilities to make the observations than to fulfill an actual need. For example, many were of the opinion that little or nothing was actually being accomplished by observing much of the MAP equipment, particularly obsolete and conventional-type equipment, because conditions observed were generally known to the MAAG observers beforehand. In this connection, we found that some of the MAAG's have either discontinued or reduced in frequency the observation of certain military units. In Italy, for example, we were advised by the MAAG chief that the observation of conventional army units had been discontinued because the equipment was consistently found to be in excellent condition or was obsolete and observations were therefore no longer needed.

The MAAG's were making many observations of sophisticated weapons systems, such as Nike, Honest John, and certain types of aircraft, that have been on hand in the recipient countries for several years and have been declared operational. This equipment is normally operated as a unit or from a permanent site or base and therefore lends itself to ready observation and determination of proper maintenance, distribution, and utilization. There is a questionable need for MAAG's to observe the utilization of this equipment not only because of the apparent capability of the countries to maintain and operate it, but also because other U.S. personnel not assigned to MAAG's frequently visit or are permanently assigned to these advanced weapons units and are therefore in a position to perform any equipment observations that are necessary, as shown in the following examples:

1. Belgian, Dutch, and French units of an advanced weapons system are located in Germany where U.S. contract technical services personnel and other U.S. personnel are permanently assigned to each of these units. In addition, we found that these units are frequently visited by USAREUR and other U.S. personnel, and comparable U.S. units located in the vicinity of these units have been designated as counterpart units to assist the Belgian, Dutch, French, and German units.

2. Italy has contractor technical services personnel permanently assigned to some of its advanced weapons units, as necessary. In addition, the units are frequently visited by U.S. personnel other than those assigned to the MAAG.

3. Denmark and Norway have U.S. contract technical services personnel assigned to certain advanced weapons units, and several U.S. Army, Navy, and Air Force personnel are assigned to AFNORTH, a NATO organization having among its responsibilities the observation of NATO units in Denmark and Norway.

In view of the NATO countries' subsequent increased capability to properly maintain and operate certain advanced weapons equipment and in recognition of the increased capability of NATO countries and NATO subordinate commands to test and supervise certain advanced weapons units, USEUCOM has decreased substantially the frequency of observations of these units by the Commander in Chief, U.S. Army, Europe (CINCUSAREUR). Despite USEUCOM's recognition of the increased self-sufficiency of the advanced weapons units, USEUCOM only changed the responsibility of CINCUSAREUR and did not change the end-item observation responsibilities of the MAAG's.

Substantial economies could be effected and skilled manpower could be made available for other necessary military functions by eliminating the MAAG's responsibilities for end-item observations. The conduct of the minimal essential observation of end-item utilization could be assigned to other U.S. personnel visiting host countries' units, or assigned on a centralized basis. The benefits accruing from this action should be proportionate to the extent that duplication exists in the manner in which the observation of end-item utilization is presently conducted.

Planning and programing of material

MAAG's included in our review have continued to prepare and revise individual long-range military assistance plans and annual programs for equipment and supplies even though grant aid is limited to meeting existing commitments in some countries and is to be provided only to a limited extent in others.

MAAG responsibilities for the planning and programing of equipment and supplies include (1) preparation of long-range plans, (2) preparation of current year military assistance programs, and (3) refinement of plans and programs as necessary. The most current manpower estimates indicate that the eight MAAG's reviewed spend about 17 man-years of effort in connection with planning and programing functions. Existing administrative guidance of USEUCOM provides that a country 5-year military assistance plan is developed principally to produce the best possible statement of funding requirements to be included in annual military assistance programs.

In view of the improved financial capability of European NATO countries and in accordance with foreign assistance legislation, the United States has established a policy that new commitments for grant aid military equipment will not be offered to the Western European countries included in this review.

Although virtually no additional grant aid is to be provided to the eight Western European countries, we were advised by the MAAG's that they are continuing to prepare military assistance plans. In France, the plans were being prepared in the same detail and on the same basis as though grant aid were to continue, whereas, in other countries, the plans were being updated and revisions were being made as necessary. We were also advised that recent changes in planning procedures may result in additional workload because of a requirement to prepare plans in greater detail.

Since future plans and programs for Western European countries are almost entirely limited to the remaining material that the United States is committed to furnish as grant aid, we believe that the plans and programs could be prepared on a consolidated basis at a centralized point with considerable savings in manpower. Preparation of plans and programs on this basis would involve relatively few types of items, and the volume of activity should be relatively small.

Spare parts supply

Almost all the MAAG efforts to monitor undelivered grant aid spare parts to support MAP-furnished equipment are no longer essential to protect U.S. interests or to assist the recipient countries because (1) virtually all grant aid spare parts support has been completed and (2) the countries are considered to be reasonably capable of determining requirements for spare parts to support the end items furnished under MAP.

The MAAG's included in this review have estimated that about 15 man-years were being used to (1) provide assistance and advice to country authorities in the preparation of requisitions, (2) edit requisitions for material and publications needed to maintain MAP-supplied end items, and (3) maintain such records as required to perform these duties.

Performance of functions such as above is desirable so long as there is a continuing program to provide grant aid spare parts and a recipient country has not demonstrated an adequate capability to determine its spare parts requirements. In the countries we reviewed, however, this is not the case. For example, the United States has been phasing out grant aid spare parts support to European countries over a period of several years and has now completely discontinued the programing of spare parts support to all the countries included in this review except for (1) the Thor missile in the United Kingdom where such support will continue until October 1964 and (2) a declining amount of grant aid spare parts support to Norway until December 1964.

In Norway, our review of available documentation and discussions with MAAG officials indicated that the Norwegians have effective internal controls to assure that requisitions submitted are accurate. Additionally, in the 24-month period ended October 31, 1962, a limited number of visits made by MAAG personnel to Norwegian Air Force supply installations to review country stock levels and controls over the receipt, storage, and issuance of MAP-furnished material disclosed that Norwegian supply practices were considered to be acceptable at all but one installation. The problems encountered at the one installation were not resolved by the MAAG but were referred instead to AMFEA.

In the other countries we visited, we found that most of the spare parts that the United States has agreed to supply have been placed on order and either have been received or are scheduled for delivery in the near future. Accordingly, there is virtually no need to continue to edit requisitions or assist in their preparation, and these residual duties should further diminish and eventually terminate as undelivered spare parts are received by the countries. Moreover, in several countries, we were advised that the MAAG's performed either extremely limited or no editing functions because (1) the country had the capability to determine its requirements for spare parts or (2) the MAAG's did not have technical information needed to meaningfully edit requisitions.

MAAG officials in several of the countries advised us that they were performing a number of functions associated with undelivered grant aid spart parts. As spare parts are delivered, these functions will terminate. Moreover, our analysis disclosed that there is no essential need for the MAAG's to be involved in these residual functions, as illustrated by the following examples:

1. MAAG Air Force officials in France and MAAG Army officials in the Netherlands were attempting to resolve funding problems in connection with grant aid credits established at the NATO Supply Center (NSC) in prior years even though this was a matter which could be resolved directly between the recipient country and NSC.

2. The MAAG in France was acting as an intermediary to follow up on the status of undelivered spare parts at NSC even though the United States and France had liaison personnel stationed at NSC who were available to assist the French in resolving any problem areas.

3. In Denmark, MAAG efforts were devoted primarily to requests to expedite undelivered spare parts. We believe that this is a function which could be handled by direct communications between the country and the supply source.

On the basis of our findings, we believe that there are few MAAG efforts related to the monitoring of undelivered spare parts that contain any degree of essentiality and

that the few residual duties that may be required should terminate in the near future.

Military assistance sales

The most current manpower estimates available at the time of our review indicated that 12 man-years, or slightly over 2 percent of the total effort of the eight MAAG's, was devoted to the substantial sales of U.S. military equipment to host countries. Military assistance sales to the countries included in our review amounted to over $2.1 billion as of June 30, 1962.

Although it appears that this function is significant enough to warrant continuation of the duties being performed by the MAAG's, continuation of these duties would require only a small part of the MAAG staffs. Furthermore, the retention of a MAAG to perform this function would be highly questionable if the other MAAG function were eliminated or transferred, especially in view of the other U.S. organizations already participating in the program or capable of assuming the duties assigned to the MAAG's.

Current planning guidance provides that much of the military equipment, training, and other services to be provided by the United States in Western Europe in the future will be furnished through military assistance sales arrangements in order to (1) provide each country with the equipment and services needed to fulfill country commitments to NATO and, consequently, strengthen NATO overall and (2) curtail the gold outflow from the United States resulting from the current deficit in the balance of payments between the United States and certain Western European countries.

Although the amount of effort relating to military assistance sales vary among the MAAG's we reviewed, we found that MAAG responsibilities consisted of providing assistance to identify required equipment for which there is a sales potential in Italy and Germany as well as performing certain administrative functions in all the countries, such as item research, preparing letters of offer, and procedural liaison with service departments.

Although sales to Western European countries have been substantial, the MAAG's have participated in these sales arrangements only to a limited extent. This limited participation is demonstrated by the following tabulation, which shows the amount of effort estimated by MAAG personnel to be expended on duties related to military assistance sales at the time of our review.

Country:	*Estimated man-years*
Belgium/Luxembourg	0.52
Denmark	.09
France	1.26
Germany	7.52
Italy	1.82
Netherlands	.28
Norway	.20
United Kingdom	.78

The greatest sales efforts in any of the MAAG's we reviewed were being made in Germany. In this country, the approximate dollar level of sales is based on government-to-government agreements and is directly related to the annual cost of maintaining U.S. forces in Germany. The MAAG has the mission of assisting the Germans to develop reimbursable military assistance programs.

We were advised that a primary mission of MAAG, Germany, is to increase the strength of NATO by encouraging the sale of U.S. military equipment to Germany. We reviewed selected MAAG files on complete and incomplete sales contracts with Germany to determine the extent the MAAG actually influences or participates in military assistance sales. We found that actions taken consist primarily of performing functions, such as (1) obtaining prices and technical information on equipment available for sale, (2) preparing offers of sale, (3) arranging equipment demonstrations and meetings with sales representatives of U.S. manufacturers, (4) participating in contract negotiations, (5) processing acceptance of sale, (6) making administrative arrangements for training under military assistance sales, and (7) providing information related to military assistance sales to the Office of the Secretary of Defense and other interested U.S. agencies as required. We were also advised by MAAG personnel that benefits were derived by the United States through influence exerted during personal contacts with German personnel.

In Italy, the approximate dollar level of sales is also based on government-to-government agreements and is related to the level of U.S. defense expenditures in Italy.

In Belgium, Norway, Denmark, and France, we found that the MAAG's do not have the specific mission to assist the recipient countries to determine defense requirements eligible for sale to these countries. While the duties being performed vary by country, we found that less than a total of 3 man-years of effort was being devoted in these four countries to sales activities and, that these efforts consisted principally of functions, such as (1) obtaining information on availability, price, configuration, and capability of equipment, (2) arranging meetings between U.S. manufacturers' reprsentatives and host country representatives, (3) arranging equipment demonstrations, (4) commenting to higher headquarters on the desirability of selling certain critical equipment to the host country, (5) preparing letters of offer, (6) processing purchase orders, (7) screening requests for publications, and (8) making arrangements for training of country personnel on a reimbursable basis.

The MAAG in the United Kingdom is not involved to a great extent in military sales because the United Kingdom maintains its own procurement office in the United States.

With the exception of the MAAG's in Germany and Italy, we could find no clearly defined sales responsibilities for the MAAG's. Instead, we found that the MAAG's participated in the sale programs only as requested by the host countries or by other U.S. organizations. Nevertheless, MAAG personnel were of the opinion that they were contributing to military assistance sales, and that intangible benefits were being realized through their personal contacts with recipient country officials.

MAAG's in Germany and Italy are concerned to a limited extent at this time with the international logistics program, which involves the assessment of logistic systems with a view to improving logistic readiness through cooperation between the United States and its allies. As part of this program, the MAAG's also perform a limited amount of work which deals with the mutual improvement of United States and allied logistics readiness through sales and standardization of military equipment and the joint use of logistics facilities. In connection with these programs, we found that the MAAG's were participating to some extent with other U.S. agencies having primary responsibilities. So far as we could determine, MAAG efforts related to these programs were neither extensive nor time-consuming.

While we recognize that it appears to be desirable to continue MAP efforts similar to those being performed by the MAAG's, particularly in Germany and Italy, we believe that the function could be performed with only a small part of the MAAG staffs and that the limited efforts expended at the time of our review would not warrant the continuation of a complete MAAG mission overhead structure.

End-item supply records

The MAAG's in each of the countries we reviewed were maintaining inventory records of major equipment items furnished under MAP. The records no longer served their primary or intended purpose and were generally unnecessary inasmuch as the host countries had developed reliable inventory records that were available to serve other MAP purposes. In prior years, there had been a need for MAAG's to maintain inventory records of major items of equipment so that, in the preparation of military assistance grant aid programs, the United States would not have to place sole reliance on recipient country records for which assurance of reliability had not been established. MAAG records, however, are no longer needed for programing purposes inasmuch as future grant aid of any substance is not planned for Western Europe.

Several of the MAAG's advised us that the records they maintained were used to schedule observations of the maintenance and utilization of equipment in the countries. We found that in some MAAG's the records could not be used for this purpose because they did not show the location or condition of the equipment. For example, MAAG inventory records in Italy, Norway, and France did not show the location of Army equipment.

We were advised also that the records were used to answer internal inquiries, determine excesses, and eventually serve as a basis for the sale of U.S. residual rights to MAP-furnished equipment on hand in the countries. We found that all of these purposes could be served by using either inventory records kept by the countries or other information available to the United States. For example, at the MAAG's we reviewed, we were advised by MAAG officials that records of inventory balances were maintained by the recipient country, that these records were considered to be accurate, and that information shown on the records were made available to U.S. personnel as needed. Additionally, the United States maintains independent records showing (1) the value and quantities of equipment delivered to the recipient countries and (2) the value of redistributable and disposable excess MAP property reported by the recipient countries.

MAAG's in several countries were already relying to a considerable extent on country inventory records. For example, in Italy and Belgium, MAAG records were not kept for any Air Force equipment except aircraft and missiles and, in the Netherlands, the MAAG had not kept independent records of Air Force equipment for more than 2 years. On the other hand, we found that pursuant to recent instructions the MAAG in the Netherlands was in the process of establishing records of Navy equipment provided under MAP even though they were not considered to be necessary because of the availability of reliable records kept by the Netherlands Navy. Similarly, the MAAG's in Italy, the Netherlands, Belgium, and Norway relied on recipient country reports for ammunition inventory data.

Personnel assigned to the MAAG's included in this review have estimated that 11 man-years, or less than 2 percent of the total effort of the eight MAAG's, were being expended in keeping equipment inventory records current. We believe that this is an unnecessary use of manpower considering the availability of accurate inventory data kept by the recipient countries. Moreover, we found that, to a considerable extent, MAAG records are compiled on the basis of information submitted by the recipient country and that recorded balances are adjusted on the basis of country inventories without systematic verification by the MAAG's; therefore, it is doubtful if the MAAG records are any more reliable than those maintained by the country.

In view of the limited MAAG need for equipment inventory information and the availability of reliable records kept by re-

cipient countries, we believe that the maintenance of inventory records by the MAAG's could be discontinued.

Recovery, redistribution, or disposal of excess MAP property

The most recent manpower estimates available at the time of our review indicated that 11 man-years, or less than 2 percent of the total effort of the eight MAAG's, were being expended in connection with the recovery, redistribution, or disposal of excess MAP property. We found that the MAAG's duties were primarily clerical in nature and did not require the assignment of MAAG personnel in the recipient countries for their performance. Moreover, sales by the United States of residual rights to MAP-furnished equipment which have been consummated or are to be negotiated with European countries would eliminate the need for any additional U.S. efforts to recover, redistribute, or dispose of excess MAP property.

Grant-aid MAP material no longer needed by the recipient country for the purpose for which furnished is required by statute and bilateral agreements with recipient countries to be returned to the United States unless the President consents to other disposition. Accordingly, the recipient country is required to notify the United States of all grant aid MAP material no longer needed in the furtherance of MAP. This policy no longer applies in Germany where the United States has sold its rights for their residual value and where title to the property is now vested with Germany. The United States is now entering into negotiations in an attempt to make similar sales to the other countries included in this review.

At the time of our review, the functions performed by the MAAG's generally consisted of (1) encouraging the host country to identify and declare excess MAP property, (2) preparing excess property declarations for submission to higher authority, (3) advising the host country of the disposition to be made of the property (4) preparing shipping documents for transfer of the property, and (5) acting as an intermediary between the host country military elements and U.S. agencies responsible for the inspection and redistribution or other disposition of the excess property.

Our review disclosed that MAAG efforts to encourage recipient countries to declare unneeded items to the United States as excess have not been aggressive or extensive. In some cases, potentially excess items noted during visits to installations have been brought to the attention of the recipient countries; however, MAAG's have generally relied on the recipient countries to take the initiative in reporting excesses. In April 1962, DOD expressed a policy of not pressing the countries to declare items as excess unless a bona fide redistribution requirement was known to exist. We believe that this objective could effectively be achieved by itinerant visits from U.S. agencies having knowledge of the types and amounts of material needed for redistribution.

Our review of the remaining MAAG efforts regarding redistribution and disposal of excess property disclosed that the MAAG's acted principally as intermediaries in transmitting excess declaration and disposition instructions and were also engaged in routine clerical activities of the type that could be performed by agencies of U.S. major military commands located in Western Europe having primary responsibilities for the redistribution or disposal of excess MAP material.

In January 1964 we were advised by DOD officials that, although the worldwide review of the missions and functions of the MAAG's being conducted by DOD was not completed in all the eight Western European countries we reviewed, DOD had taken steps to eliminate this function in one of the MAAG's by transferring the remaining responsibilities to USCINCEUR.

Transportation of material

The principal duties of the MAAG's involving the transportation of material consist of the preparation of shipping documents and observations of deliveries of MAP-furnished and other material. In some cases the MAAG also acts as a Military Sea Transport Service (MSTS) representative. Our review indicated that there is no essential need for the MAAG's to perform these duties since they are (1) of questionable need, (2) capable of being performed by other U.S. personnel in existing organizations, (3) required only to support U.S. personnel stationed in the recipient countries, (4) not directly related to military assistance matters, and, (5) being performed as a convenience to other U.S. organizations. In the eight MAAG's included in this review, an estimated 7 man-years, or over 1 percent of the total effort of the eight MAAG's, were used to accomplish these functions.

Our review in six MAAG's disclosed that the amount of MAP equipment observed and inspected on delivery varied considerably. For example, we were advised that observations were performed by the MAAG in Italy for all shipments, including material sold to Italy under military assistance sales arrangements; in Norway and France, these functions were performed for about 65 percent of the shipments; and in the Netherlands, Belgium, and Denmark, the functions were performed in only a relatively few instances. In those cases where MAAG observers were not present, we found that representatives from recipient countries were inspecting and receipting for material. We believe that the need for the MAAG's to observe MAP deliveries is questionable in view of the significant reductions in the amounts of material being shipped to the countries covered by our review. Furthermore, other U.S. personnel in existing organizations are capable of performing any remaining essential duties related to the transportation of MAP material and, of performing any necessary checks on the inspection and receipt of material by recipient countries' representatives.

In addition to their responsibilities for transportation of MAP material, the MAAG's (1) also provide transportation services with respect to household effects, automobiles, and other commercial cargo for assigned personnel, (2) have also been directed to observe the offloading of material produced under the weapons production and mutual weapons development programs, including Hawk missiles in Italy and the Netherlands and Bullpup and Terne missiles in Norway, and (3) have been appointed as MSTS representatives, under cross-servicing agreements, in several countries, including Italy, Norway, and Denmark. These duties consist of such functions as assisting in making administrative arrangements in connection with the berthing and loading of vessels.

Our analysis of MAAG effort in connection with the transportation of MAP material disclosed that, with the possible exception of observing offloading of ammunition and other hazardous cargo, the effort does not require special military or technical skills. We believe that any functions the MAAG's now perform that can be considered essential could be performed by other U.S. personnel located in the recipient countries.

AGENCY COMMENTS; CORRECTIVE ACTION TO BE TAKEN

Upon completion of our review we proposed to the Secretary of Defense that he consider the elimination or deactivation of the eight MAAG's in the Western European countries covered by our review to (1) overcome the present performance of unnecessary or duplicated functions, (2) eliminate unnecessary expenditures, and (3) reduce the number of U.S. personnel and their dependents assigned overseas. We further proposed that, in those instances where some of the MAAG's functions are still considered essential, appropriate consideration be given to centralizing the responsibility for performing such functions at USEUCOM, or assigning responsibility for these functions in the interests of economy and efficiency to the various other U.S. personnel in organizations existing in Europe.

The Department of Defense furnished us with comments in response to our findings and proposals for corrective action by letter dated July 25, 1963, classified "secret." A separate supplement to this report, classified "secret" contains the full text and our evaluation of the comments. DOD's position, stated in unclassified terms, in essence is that—

1. Periodic manpower surveys and management studies have been conducted by the unified commands and evaluated by DOD. Under existing survey and review procedures, staffing levels have been, and will continue to be, reduced to the minimum required to discharge DOD responsibilities.

2. The General Accounting Office proposal minimizes or discounts valid considerations which will influence DOD decisions on retention or elimination of MAAG's including (a) a number of intangible benefits, such as close personal contacts, which would be lost, (b) potential unfavorable effects on the U.S. balance-of-payments position, particularly if country contributions were to be lost through the centralization of MAAG functions, and (c) roles and missions which the MAAG's may assume to an increased extent.

3. DOD is conducting a worldwide review of missions and functions of MAAG's to determine the feasibility of reducing U.S. representation abroad. The purpose of this review is to consider reductions, by consolidation or elimination, with the objective of reducing our dollar payments abroad, where this can be achieved without serious impairment to basic U.S. policies and programs.

4. Pending the results of this review, DOD does not accept the General Accounting Office proposal relative to elimination of the eight MAAG's, without consideration of other alternatives or full assessment of the U.S. benefits deriving from their presence in the NATO countries.

In January 1964, we were advised by responsible DOD officials that the worldwide review of the missions and functions of the MAAG's to determine the feasibility of reducing U.S. representation abroad was underway but had not been completed. Therefore, the results of the reviews in all the eight MAAG's included in this report were not known.

CONCLUSIONS

Our review indicated that eight individual MAAG's in France, Norway, Denmark, the Netherlands, Belgium/Luxembourg, Italy, the United Kingdom, and Germany were considerably overstaffed to perform the relatively few essential functions that remain as a result of the virtual completion of military assistance grant aid, accomplishment of military assistance program objectives in Europe, and the attainment of a high degree of military and economic self-sufficiency in the countries involved. Nevertheless, DOD had not adequately phased down the MAAG staffs or their functions commensurate with reductions in the military assistance programs and the attainment of tactical and logistic competency on the part of the European military forces involved.

Our review of the periodic manpower surveys and management studies referred to by DOD disclosed that they have not been directed to an examination of the essentiality of the MAAG functions being performed. In some cases, the surveys have commented on the reduced workloads of MAAG's resulting

from the virtual phaseout of grant aid military assistance, increased country self-sufficiency in maintaining and utilizing U.S.-furnished equipment, and the capabilities of existing U.S. agencies to absorb functions being performed by the MAAG's. We could find no evidence, however, that the personnel reductions recommended by their studies were based on elimination of unnecessary functions. As shown in this report, the MAAG's are continuing to be staffed on the basis of their performance of functions which are not necessary and we found no indication in the manpower surveys that the need for these functions was ever questioned. With regard to DOD's contention that consideration should be given to a number of intangible factors in deciding on retention or elimination of MAAG's, we agree that they should be evaluated in arriving at a proper decision. We noted, however, that these intangible factors had not been considered previously in the USEUCOM manpower studies and in DOD evaluations.

The failure to eliminate or reduce MAAG functions and to make appropriate reductions in the number of personnel assigned, as the military assistance programs were accomplished or reduced, has resulted in the unnecessary expenditure of millions of dollars overseas; the ineffective utilization of highly skilled, highly trained personnel; and the continued but unnecessary support overseas of the dependents of many MAAG personnel. We believe that immediate personnel reductions can be made by eliminating or reducing functions now being performed by the Military Assistance Advisory Groups. Since DOD has informed us that a worldwide review is now being made of the missions and functions of MAAG's to determine the feasibility of reducing U.S. representation abroad, we intend to make a followup review at a later date, and at that time we will examine into the adequacy of the DOD actions to reduce or eliminate the staffs of the MAAG's in the countries involved.

SCOPE OF REVIEW

We obtained estimates of the amount of time expended by MAAG personnel on each of their principal assigned functions and evaluated documentation considered by MAAG personnel to be representative of the work performed on these functions. We also interviewed MAAG personnel to determine the extent, nature, and essentially of their duties.

We made detailed reviews in France, Denmark, and Norway. We also made selective reviews in the Republic of Germany, Italy, the Netherlands, Belgium, and the United Kingdom to the extent deemed necessary to confirm conditions observed in our detailed reviews and to properly consider any significant differences in duties or missions.

We visited United States and NATO organizations in Europe to ascertain the type and extent of support rendered by them to the recipient countries, to determine whether their duties duplicated those performed by the MAAG's, and to evaluate the feasibility of transferring residual MAAG functions to these organizations.

Our field work was completed in March 1963.

APPENDIX

List of principal U.S. officials responsible for the administration of the military assistance program for selected European countries

	Tenure of office	
	From—	To—
DEPARTMENT OF DEFENSE		
Secretary of Defense: Robert S. McNamara	January 1961	Present.
Deputy Secretary of Defense:		
Cyrus R. Vance	January 1964	Present.
Roswell L. Gilpatric	January 1961	January 1964.
Assistant Secretary of Defense (International Security Affairs):		
William P. Bundy	November 1963	Present.
Paul H. Nitze	January 1961	November 1963.
Director of Military Assistance:		
Gen. Robert J. Wood	September 1962	Present.
Gen. Williston B. Palmer	November 1959	August 1962.
Deputy Director of Military Assistance: William M. Leffingwell	January 1960	Present.
Commander in Chief, U.S. European Command:		
Gen. Lyman L. Lemnitzer	November 1962	Present.
Gen. Lauris Norstad	November 1956	October 1962.
Deputy Commander in Chief, U.S. European Command:		
Gen. John P. McConnell	October 1962	Present.
Gen. Earle G. Wheeler	March 1962	October 1962.
Gen. Charles D. Palmer	October 1959	February 1962.
Chief, MAAG, Belgium/Luxembourg:		
Maj. Gen. W. T. Thurman	August 1963	Present.
Maj. Gen. Frank E. Rouse	August 1962	August 1963.
Maj. Gen. Tom V. Stayton	September 1959	August 1962.
Chief, MAAG, Denmark:		
Rear Adm. W. T. Nelson	August 1963	Present.
Brig. Gen. William M. Gross	March 1960	August 1963.
Chief, MAAG, France:		
Maj. Gen. Herbert G. Sparrow	August 1962	Present.
Maj. Gen. Philip C. Wehle	August 1959	August 1962.

	Tenure of office	
	From—	To—
DEPARTMENT OF DEFENSE—continued		
Chief, MAAG, Germany: Maj. Gen. Victor R. Haugen.	August 1962	Present.
Chief, MAAG, Italy:		
Maj. Gen. Sory Smith	August 1963	Present.
Maj. Gen. Normando A. Costello	October 1961	August 1963.
Chief, MAAG, Netherlands:		
Rear Adm. Robert H. Speck	September 1963	Present.
Rear Adm. Goldsborough S. Patrick	June 1961	September 1963.
Chief, MAAG, Norway:		
Rear Adm. J. D. Black	August 1963	Present.
Rear Adm. Joshua W. Cooper	March 1960	August 1963.
Chief, MAAG, United Kingdom: Maj. Gen. Romulus W. Puryear.	August 1962	Present.
DEPARTMENT OF STATE		
Secretary of State: Dean Rusk	January 1961	Present.
Ambassadors:		
Belgium: Douglas MacArthur II	February 1961	Present.
Denmark: William M. Blair, Jr	March 1961	Present.
France: Charles E. Bohlen	September 1962	Present.
Germany:		
G. C. McGee	April 1963	Present.
Walter C. Dowling	November 1959	April 1963.
Italy: C. Frederick Reinhardt	April 1961	Present.
Luxembourg:		
William R. Rivkin	November 1962	Present.
James Wine	April 1961	October 1962.
Netherlands: John S. Rice	March 1961	Present.
Norway: Clifton R. Wharton	March 1961	Present.
United Kingdom: David K. E. Bruce	February 1961	Present.

SPRING CLOTHESPIN INDUSTRY OF VERMONT

Mr. PROUTY. Mr. President, yesterday morning I received notice from the Tariff Commission that it had concluded its proceedings under section 225(b) of the Trade Expansion Act of 1962. Under that section the Commission determines if domestic industries which earlier had been found to have been injured by tariff concessions should have their products reserved from further trade negotiations on the grounds that there has been no improvement in the condition of the industry.

A peculiar thing happened in the case of an industry important to Vermont—the spring clothespin business. Of the six Commissioners voting, three found that there had been improvement in the conditions of the industry—three found that there had not been such improvement.

The last page of the release noted that:

Each item in the foregoing tabulation for which the Commission finding (by majority vote) is indicated as "not improved" shall be reserved, pursuant to section 225(b) from the forthcoming trade agreement negotiations for the reduction of duty or other import restriction or elimination of duty. All other items * * * may be subject to negotiation.

The spring clothespin people, having a split vote on the question of the state of their industry now face the possibility that the President will choose to negotiate import liberalizations on spring clothespins.

Mr. President, it seems unfortunate that section 330(d) of the Tariff Act of 1930, which permits the President to adopt the findings of either three Commissioners as his own, should be a possible basis for allowing these products to go on the negotiable list when there has been no affirmative finding by the Tariff Commission that further trade concessions for these products will not cause irreparable harm.

The fate of this industry now hangs on the decision of the President, acting on the advice of the Special Representative for Trade Negotiations and the Trade Expansion Advisory Committee. None of these parties have gone through the extensive factfinding proceedings which brought the Tariff Commission to the conclusion that they could not agree. None of these parties is bound to justify a determination in terms of irreparable injury to the industry. And, what is more surprising still, in spite of our determined efforts to write effective legislation to aid areas of inordinately high unemployment, not one of these parties is bound to consider whether or not this industry is located, for the most part, in designated area redevelopment areas.

Mr. President, it seems to me that it would be prudent, in any situation where the Tariff Commission is unable to agree on an industry's ability to withstand further trade relaxations, to give the industry the benefit of the doubt—a presumption of inability to brave the onslaught from new trade liberalizations—particularly when, as here, the industry is an amalgam of small businesses located in areas of substantial unemployment.

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

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.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 513, proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, to amend the language on page 54, after line 7, by adding a new title.

The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may speak today from the desk of the senior Senator from Arkansas [Mr. MCCLELLAN].

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

Mr. THURMOND. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor, and that when I begin my speech it will not be counted as another appearance.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 166 Leg.]

Allott	Gruening	Mundt
Anderson	Hayden	Muskie
Bartlett	Hickenlooper	Neuberger
Beall	Holland	Pastore
Bennett	Hruska	Pell
Boggs	Humphrey	Prouty
Brewster	Inouye	Proxmire
Carlson	Jackson	Ribicoff
Case	Johnston	Saltonstall
Church	Jordan, Idaho	Simpson
Cotton	Kuchel	Smith
Curtis	Lausche	Sparkman
Dirksen	Mansfield	Stennis
Dodd	McGee	Talmadge
Douglas	McGovern	Thurmond
Ellender	McIntyre	Walters
Fong	Metcalf	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gore	Morse	

The PRESIDING OFFICER. A quorum is present. The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Illinois [Mr. DIRKSEN] with the understanding that I do not lose my right to the floor, and with the further understanding that when I commence my speech, it will not constitute another appearance.

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

AMENDMENT NO. 516

Mr. DIRKSEN. Mr. President, on behalf of the distinguished majority leader [Mr. MANSFIELD] and myself, I submit an amendment in the nature of a substitute for the Talmadge amendment now pending before the Senate, which I believe bears No. 513.

This amendment also deals with jury trials. We had some discussion with various Senators, and, I am frank to say, with the Department of Justice. This amendment would seem to be agreeable. I trust it will be agreeable to everyone when it is finally called up for a vote. I anticipate that it will not be called up until either Monday or Tuesday of next week, unless the distinguished majority leader has other plans.

Mr. MANSFIELD. Mr. President, there should be some debate on this most important subject. Speaking as a Senator from the western part of our Nation, I say that this is a most significant amendment. It should be given thorough consideration and debate. I would hope that at some time early next week we will be able to come to a vote, perhaps on Tuesday, or thereabouts.

Mr. DIRKSEN. That would be quite agreeable. We shall have this amendment reproduced so that copies will be available.

Mr. President, I send the amendment to the desk and request that it be read for the information of the Senate.

The legislative clerk read the amendment, as follows:

An amendment in the nature of a substitute for the amendment No. 513 of Mr. TALMADGE.

By Mr. DIRKSEN (for himself and Mr. MANSFIELD):

In lieu of the language of the amendment substitute the following:

On page 11, strike out all the language from the beginning of line 15 to the end of line 17.

On page 55, after line 1, insert the following new section:

"SEC. 1105. Criminal contempt proceedings; penalties; trial by jury.

"In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is before a jury, the procedure shall conform as near as may be to that in other criminal cases."

On page 5, after line 24, insert the following new section:

"SEC. 102. Section 151 of the Civil Rights Act of 1957 (41 Stat. 638) is amended by striking out the third proviso to the first paragraph thereof, and inserting in lieu thereof the following:

"*Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is before a jury, the procedure shall conform as near as may be to that in other criminal cases."

Mr. MANSFIELD and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, is it to be my understanding that the amendment is now the pending business?

Mr. STENNIS. Mr. President, will the Senator yield? The Senator recognizes, does he not, that the amendment now before the Senate is the Talmadge amendment?

Mr. DIRKSEN. This is a substitute.

Mr. STENNIS. Is it proposed by the Senator to substitute this amendment for the Talmadge amendment?

Mr. DIRKSEN. Yes.

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

Mr. MANSFIELD. Mr. President, will the Senator withhold that suggestion?

Mr. STENNIS. Yes.

Mr. MANSFIELD. Mr. President, is the amendment proposed the pending business?

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

Mr. THURMOND. Mr. President, a point of order.

Mr. STENNIS. Mr. President, I do not wish to yield the suggestion of the absence of a quorum.

Mr. MANSFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Does the Senator from South Carolina yield for the suggestion of the absence of a quorum?

Mr. THURMOND. Mr. President, I yielded to the distinguished Senator from Illinois [Mr. DIRKSEN]. I understood he wanted to make an insertion in the RECORD or make some remarks. I did not know he intended to offer an amendment, or I would not have yielded. I wish to make the record clear on that point.

Mr. MANSFIELD. Mr. President, I wish to make the record clear. When I approached the distinguished Senator from South Carolina to ask him to yield, I did not say it was for an insertion in the RECORD. I think it is pretty well known among the 100 Members of the Senate that the majority leader and minority leader have been working on an amendment, and that we were going to propose it. As a matter of courtesy, I asked the Senator from South Carolina if he would yield to the Senator from Illinois, the minority leader. As always, the Senator from South Carolina agreed to extend this courtesy to the leadership.

Mr. THURMOND. I would not have considered yielding—and I think the majority leader and minority leader knew

this—in order that they might offer another amendment. I assumed the Senator wanted me to yield to make an insertion in the RECORD, just as I intended to yield to the Senator from Oregon, who has some remarks to make on another subject. If other Senators had remarks to make, I would also yield to them. I want the RECORD to show that this was deception. I would not have yielded for that purpose.

Mr. MANSFIELD. The Senator cannot stop us from offering the amendment. This amendment was offered, and was made the pending business. If the Senator wants to suggest the absence of a quorum, he can do so. In so doing he would lose the floor, but I will waive that point.

Mr. THURMOND. I wanted to say——

Mr. MANSFIELD. But there was no deception.

Mr. THURMOND. I did not yield for the purpose of having any amendment adopted.

Mr. MANSFIELD. No; not adopted.

Mr. THURMOND. As I said, I was doing a courtesy to the Senator from Illinois to permit him to make some insertions in the RECORD. That is all I yielded for. After this time I will not yield the floor for another such parliamentary maneuver. I realize that the amendment could be offered sooner or later, but I do not think a Senator has the right to take advantage of my yielding to him in order to offer an amendment.

I suggest the Senator offer it at some other time, at the conclusion of my remarks or some other time, but not at this time. I object to making it the pending business, if the Senator is going to offer it. The clerk of the Senate has read it. I will not have any objection if he wishes to submit it, provided it is not made the pending business, but I object to taking advantage of my having yielded by offering an amendment. I have yielded to other Senators. I am always glad to yield to the distinguished majority leader, or to the distinguished minority leader, who is always very courteous. I am willing for him to submit the amendment, but not to make it the pending business in the course of my speech. I did not yield with any such contemplation. I thought I was rendering a courtesy. I do not want to be taken advantage of.

Mr. MANSFIELD. The Senator is not being taken advantage of, because had we desired to do so, we could have obtained the floor in our own right and offered the substitute and had it made the pending business; but in view of the statement made by the distinguished Senator, and in view of his allegation that there has been some deception or subterfuge involved in this, I would suggest that he suggest the absence of a quorum and do so on the basis that he does not lose the floor and that it does not interrupt the continuity of his speech.

Mr. THURMOND. I ask the Senator from Illinois, if he wants to offer the amendment, if he will not wait until an appropriate time, until the conclusion of my remarks or some other appropriate time, and not have it made the pending business. When I yielded to him, I thought he was going to place some insertion in the RECORD, which I did not object to. I realize that other Senators could have obtained the floor before I did. I realize that the majority leader could have offered the amendment. But I do not think it appears right. I think it would be better if the distinguished Senator from Illinois, who is always very courteous, would be willing to have the amendment offered at the conclusion of my address or at some other appropriate time. The amendment will not be considered any sooner, anyway. I understand that it is to be considered next week.

I ask the Senator from Illinois if he would not agree that the amendment be made the pending business at a later time.

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

Mr. THURMOND. I yield.

Mr. DIRKSEN. Frankly, I did not talk with the distinguished Senator from South Carolina. The majority leader talked with him. When I came into the Chamber I thought it was fully understood that the purpose in yielding to me was for the offering of the amendment. I am sorry if there was any misapprehension about it. I shall be more than delighted to withhold any request to make the amendment the pending business, and merely let the amendment be submitted as a substitute for the amendment offered by the distinguished Senator from Georgia.

Mr. THURMOND. I thank the distinguished Senator from Illinois.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. If this amendment is offered at this time, and the request to make it the pending business is delayed, will that request later on be subject to unanimous-consent or to further debate?

Mr. THURMOND. Mr. President, it would be the same situation now or later, on that point.

Mr. PASTORE. It might make a great deal of difference.

The PRESIDING OFFICER. It would be temporarily laid aside for consideration at a later time.

Mr. PASTORE. In other words, the amendment itself is not offered?

Mr. DIRKSEN. Oh, yes, it is.

The PRESIDING OFFICER. It is offered, but it is not the pending business. It will be laid aside for consideration at a future time.

Mr. PASTORE. Will that request be subject to unanimous consent or to further debate?

The PRESIDING OFFICER. It will not be subject——

Mr. PASTORE. It will happen automatically?

Mr. DIRKSEN. What was the last ruling of the Chair?

The PRESIDING OFFICER. The amendment can be laid aside temporarily for consideration at a later time.

Mr. DIRKSEN. It requires, however, no unanimous consent——

The PRESIDING OFFICER. No unanimous consent.

Mr. DIRKSEN. To reinstate the amendment for consideration?

Mr. PASTORE. It happens as a matter of course.

Mr. DIRKSEN. That is correct.

The PRESIDING OFFICER. It can be called up by the Senator from Illinois at any time.

Mr. MANSFIELD. Mr. President, it could be called up at any time; now, even?

The PRESIDING OFFICER. It is now the pending question. At the present time, it is the pending question, unless a request is made by the Senator from Illinois that it be temporarily laid aside and called up at a later time. But, as of now, it is the pending question.

Mr. THURMOND. Mr. President, the amendment of the Senator from Georgia [Mr. TALMADGE] is the pending question, as I understand, because this matter has not been taken up.

The PRESIDING OFFICER. The amendment of the Senator from Illinois takes precedence, unless there is a unanimous consent request made by the Senator from Illinois to change the situation.

Mr. THURMOND. In view of the statement of the Senator from Illinois that he would not ask for it to be made the pending business, I ask him to withdraw his request that it be made the pending business at this time.

Mr. MANSFIELD. Mr. President, if the Senator from South Carolina will yield, I should like to make a unanimous-consent request to the effect that at the conclusion of the speech of the distinguished Senator from South Carolina, the Dirksen-Mansfield amendment be made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, I object.

Mr. THURMOND. Mr. President, I request that the amendment of the Senator from Illinois not be made the pending business now, as he said he would a few moments ago.

Mr. DIRKSEN. First, I must make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. I assume I should ask that the amendment be temporarily laid aside, without prejudicing the other amendment in the nature of a substitute.

The PRESIDING OFFICER. If the amendment offered by the Senator from Illinois is temporarily laid aside under the regular order, another Senator could offer another substitute amendment to the amendment of the Senator from Georgia [Mr. TALMADGE]. However, the Senator from Illinois, by demanding the regular order, could call up his amendment.

Mr. DIRKSEN. However, another amendment could be offered.

The PRESIDING OFFICER. Another amendment could be offered in the interim.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. SALTONSTALL. If another amendment is offered, unless it is a substitute amendment, it becomes an amendment in the second degree and would not be in order; is that not correct?

The PRESIDING OFFICER. Another amendment would have the same degree as the Dirksen-Mansfield amendment.

Mr. MANSFIELD. Mr. President, if the Senator from South Carolina will yield——

Mr. THURMOND. I am glad to yield to the Senator from Montana, under the same conditions as heretofore stipulated.

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

Mr. MANSFIELD. Mr. President, it seems to me we are confronted with a highly unusual procedure. As I recall, when the amendment was offered by the Senator from Georgia [Mr. TALMADGE], it was read and made the pending business, with no objection from any Senator. Now, as the leadership attempts to offer a substitute, questions are raised which are a little out of the ordinary. I hope that Senators will recognize the fact that any Member of this body on any side of this question should be accorded the usual courtesy, that when an amendment or a substitute to an amendment has been offered and read, it should be considered in line with the regular order of procedure.

So once again I renew my request.

Mr. THURMOND. When the Senator from Georgia [Mr. TALMADGE] offered his amendment, he was the scheduled speaker. He did speak. He offered his amendment at the time he began his speech—or shortly thereafter. That is quite different from a Senator coming into the Chamber after one Senator has obtained the floor on the opposing side, and asking him to yield to him with the contemplation of insertions in the RECORD—because that is the only way I have yielded; I am trying to accommodate Senators and to be courteous—and then offering an amendment. I realize it could have been offered earlier. Other Senators might have been ahead of me. The amendment can be offered at the conclusion of my address. I do not believe it is proper, under the present circumstances, to offer it now. The way it has been done I do not believe it is courteous to ask a Senator to yield, as I was asked to yield, so that this amendment could be offered. I hope the Senator from Illinois will withdraw his request that his amendment be made the pending business. I hope the Senator from Illinois will proceed to withdraw the amendment altogether, or not ask that it be made the pending business, and let me complete my speech on the Talmadge amendment.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield at that point?

Mr. THURMOND. I am glad to yield to the Senator from Montana, with the usual stipulation.

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

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader, I should like to suggest that the situation remain as it is, and to state to the Senate that at the conclusion of the speeches by the distinguished Senator from Oregon and the distinguished Senator from South Carolina, it would be our intention, then, to propose to the Senate that the Dirksen-Mansfield substitute be made the pending business.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Minnesota, with the same understanding as before.

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

Mr. HUMPHREY. Do I understand correctly that during this interlude no change will be forthcoming in reference to the pending business, the Talmadge amendment? If an amendment were to be offered to it, it would be an amendment in the second degree and it would preclude, as I understand it, the offering of the amendment by the Senator from Illinois and the Senator from Montana.

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

Mr. RUSSELL. Mr. President, will the Senator from South Carolina yield to me?

Mr THURMOND. Mr. President, I yield to the Senator from Georgia [Mr. RUSSELL], on the same conditions as before.

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

Mr. RUSSELL. Mr. President, I believe the Senator from Minnesota is unduly suspicious, because no one is planning in any way to take advantage of the leadership in this matter. The Senator from South Carolina did not feel that this amendment should be offered on his time, and I believe he is perfectly within his rights in making that suggestion. I know of no other amendment intended to be offered. I have not seen the amendment offered by the leadership. No one has discussed it with me. I do not know what it involves. Certainly, insofar as those of us who are supporting the amendment offered by my colleague and others is concerned, we are standing on that amendment and not trying to rule out any other amendment.

The Senator well knows, in the position in which we stand today, that if it were offered, with the leadership having the right of recognition, it could be disposed of quite readily. The Senator from South Carolina is trying to make his speech within the period specified in the germaneness rule. He is trying to speak on the pending amendment. I hope Senators will let him proceed and make his address without undertaking to deprive anyone of his rights. The leaders are entitled to recognition whenever the Senator from South Carolina yields the floor.

Mr. THURMOND. Mr. President, I am now pleased to yield to the Senator from Montana, with the usual understanding, that I do not lose my right to the floor.

Mr. MANSFIELD. Mr. President, first, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The Senator has the right to do that.

Mr. MANSFIELD. So far as the Senate is concerned, I have unlimited confidence in its good faith. The distinguished minority leader and I anticipate no difficulty whatever, after the Senators from Oregon and South Carolina have completed their speeches, in offering to make the substitute the pending business.

Mr. THURMOND. I thank the majority leader for his characteristic courtesy. I now yield to the Senator from Minnesota, with the understanding that I do not lose my right to the floor.

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

Mr. HUMPHREY. The Senator from Minnesota is not at all suspicious. The Senator from Minnesota was merely inquiring about the parliamentary situation. That is a customary procedure in the Senate, as customary as moving that the Senate stand in recess, or a parliamentary inquiry. I wish the record to be clear that with respect to courtesy, the Senator from South Carolina obtained recognition by the Chair and then suggested the absence of a quorum. Under ordinary circumstances, he would have lost the floor. He retained it as a matter of courtesy. Courtesy prevails among all the Members of this body. I do not wish it to appear that courtesy is all on one side.

Mr. RUSSELL. I thank the Senator from Minnesota for his courtesy.

Mr. THURMOND. When I suggested the absence of the quorum I said that I made the request by unanimous consent, with the understanding that I would not lose my right to the floor and that it would not terminate my address and that it would not be counted as another appearance on my resuming my speech. I had previously conferred with the Parliamentarian, and he had said that I would have the floor after the quorum call had been completed.

I am sure the Senator from Minnesota would not have tried to take me off the floor anyway. I have always found him very courteous.

Mr. HUMPHREY. I fully agree with the Senator from South Carolina. He is always courteous. I merely tried to show that we always cooperate with one another. I have no objection to the Senator's proceeding now. I do not want it to appear that, somehow or other, when a Senator makes a parliamentary inquiry, to gain an interpretation of a situation that prevails in the Senate, he is suspicious of the opposition or of those who are opponents to a bill under consideration. I am not at all suspicious. These are times when the rules appear to be rather confusing. I try to cooperate with all other Members of the Senate.

Mr. THURMOND. Mr. President, I now yield to the Senator from Mississippi, with the usual understanding, that I do not lose my right to the floor, and so forth.

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

Mr. STENNIS. I commend the Senator from South Carolina for standing his ground on this matter. He was asked to be prepared to speak today on the

pending amendment when the Senate convened. He said he would make a speech that was germane on the pending question. He obtained the floor only for that purpose. The Senator from Minnesota was not in the Chamber, but it was the understanding that the Senator from South Carolina would suggest the absence of a quorum. He obtained the floor in full good faith. I believe that the leaders, after they understood the situation, did the gentlemanly thing and the senatorial thing. I commend them, too.

Mr. LAUSCHE rose.

Mr. THURMOND. I thank the distinguished Senator from Mississippi. I yield to the Senator from Ohio with the same understanding as previously.

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

Mr. LAUSCHE. Mr. President, I should like to direct a question to the sponsors of the new amendment, to ask them whether the amendment embodies identically the same language dealing with trials as was embodied in the 1957 act; or have additions or deletions been made?

Mr. MANSFIELD. Generally speaking, the answer is yes.

Mr. DIRKSEN. There are modifications.

Mr. LAUSCHE. There are modifications? Did the Senators have in mind the situation that in some instances we grant jury trials are granted in contempt cases, and in other instances they are not? Also, have they considered why there is a difference? If the essence of a wrong is an insult to the court, why should a jury trial be granted in one instance and not in another instance? Was that point discussed?

Mr. DIRKSEN. Not only was it discussed, but the finding of the Supreme Court in the past few weeks, in the Barnett case, in which the issue came up, was thoroughly discussed. It was discussed with the staff and others.

Mr. LAUSCHE. I was engaged in a discussion yesterday, in which it was pointed out that under the Landrum-Griffin Act, when someone insults a court by refusing to obey its order, he has the right of trial by jury. I wished to find out the reason for justifying no trial by jury in another situation, where the substance of the wrong is identical; namely, contemptuous conduct.

Mr. DIRKSEN. I merely point out that contempt in the presence of the court is one thing, and criminal contempt not in the presence of the court is quite another thing. That exception is carried in the amendment.

Mr. LAUSCHE. I shall examine it. I understand the difference quite thoroughly.

Mr. THURMOND. Mr. President, the distinguished columnist and magazine editor Mr. David Lawrence has raised a most pertinent and important point in his column of April 23, 1964, as printed in the Evening Star. This column is entitled "High Court's Law of the Land: Stall-in and Sit-in Reflect Confusion in United States on Limits on Demonstrations."

In this column, Mr. Lawrence raised the question as to how far these Negro demonstrations and acts of violence can be taken in the South and also how much they can be limited in the North, depending evidently not on the rule of law but rather on the well-known saying that it all depends on whose ox is being gored and how much. For instance, Mr. President, we have been told by some of the distinguished leaders of the proponents of the so-called civil rights legislation that there are such things as civil wrongs as well as civil rights. When the proposed stall-ins were announced for the New York World's Fair, we were told that the stall-in would be a civil wrong, evidently because the stall-ins were to take place above the Mason-Dixon line. Earlier, however, we had been told repeatedly—even by the U.S. Supreme Court—that a sit-in in the South is a civil right. In fact, as Mr. Lawrence points out in his column of last evening, the Court has ruled that to arrest or to eject sit-inners from southern restaurants and other private establishments is a direct violation of the 14th amendment, even where there is no State law prohibiting integration of the races in private eating establishments.

Mr. Lawrence points out further in his column that the New York City police must have violated the "law of the land"—if we are to be forced to take all Supreme Court decisions as being "the law of the land" rather than the law of the case as they should be noted—when they arrested and ejected the stall-inners and the sit-inners at the New York World's Fair this week. But, Mr. President, we have heard no cries from the distinguished proponents of this legislation to the effect that anyone's rights have been violated by the State of New York, as we heard when—as Mr. Lawrence points out in his column—local law-enforcement officers in Columbia, S.C., stopped demonstrations on the State house grounds which had been permitted to continue until it was reaching the point of violence. Mr. President, down South we have a word for all of this and the word is "hypocrisy." Mr. Webster defines "hypocrisy" as being an:

> Act or practice of feigning to be what one is not, or to feel what one does not feel; esp., the false assumption of an appearance of virtue or religion; canting simulation of goodness.

In order that Mr. Lawrence's very able assessment of the confusion and hypocrisy which has been brought about by recent Supreme Court decisions on sit-ins might be made available to all Members of the Congress, I shall read the full text of his column into the RECORD at this point. I ask unanimous consent that these remarks and Mr. Lawrence's column appear at an appropriate place in the RECORD.

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

HIGH COURT'S LAW OF THE LAND—STALL-IN AND SIT-IN REFLECT CONFUSION IN UNITED STATES ON LIMITS ON DEMONSTRATIONS

What's the difference between a stall-in and a sit-in? Did the New York City police violate "the law of the land"—as proclaimed by the Supreme Court of the United States—when demonstrators were arrested in and around the New York World's Fair?

These questions reflect the confusion that exists in the United States today as to what are the true limits of "street demonstrations" and just how far the exercise of the right of petition may go before it becomes a vehicle of violence.

But no matter whether one approves or disapproves of these demonstrations, the point has been dinned into the ears of many Americans that what the Supreme Court says is "the law of the land." Small wonder that the "civil rights" demonstrators decided on a stall-in as a mere supplement to the rights granted them in court cases in connection with sit-ins and marches.

The Supreme Court of the United States, for instance, on May 20, 1963, reversed the conviction of three Negroes and one white student who had been arrested for trespassing when they refused to leave a lunch counter of a store in New Orleans. There was no ordinance requiring segregation, but the mayor had issued a statement previously in which he said that "the community interest, the public safety, and the economic welfare of this city require that such demonstrations cease and that henceforth they be prohibited by the police department."

Speaking for the Supreme Court, Chief Justice Warren concluded that this statement by a city official was State action and thus constituted denial of "equal protection." The arrest of the sit-in demonstrators was, therefore, held to be unconstitutional. Justice Douglas, in a concurring opinion, insisted that a restaurant "has no aura of constitutionally protected privacy about it." Certainly the same can be said about the World's Fair pavilions.

In another case, decided on February 25, 1963, the Supreme Court reversed the conviction of 187 Negro students involved in a march around the State house in Columbia, S.C. The local police had permitted the demonstration to go on for about 45 minutes and made the arrests for breach of the peace only after the students refused to obey an order to disperse when a crowd had gathered in the area and traffic was being impeded. The Supreme Court, by an 8-to-1 vote, held that this violated constitutional guarantees of free speech, free assembly, and freedom to petition.

Demonstrators thus have been encouraged to block entrances and collect crowds that disrupt traffic—if only to gain notoriety or publicity for their cause. The right of any citizen to drive his automobile and stall it on a public highway is regarded by some Negro leaders as comparable to the court-approved right of sit-in demonstrators to block entrances to buildings.

Strictly speaking, the police should be able to arrest persons either for a breach of the peace or for performing acts which threaten a breach of the peace. But the Supreme Court has declared otherwise, and the supporters of the stall-in idea have every right to invoke the existing Supreme Court decisions in defense of their demonstrations in New York City. It is true that the New York State court issued an order enjoining the stall-in demonstration. The mere existence of an injunction, however, is not sacred in the eyes of the Supreme Court if the person who violates it claims his objective is to obtain constitutional rights. This is an extreme interpretation, but the Supreme Court has made it.

Two of the demonstrators at the New York Fair yesterday—James Farmer, national director of the Congress of Racial Equality, and Bayard Rustin, who was deputy director of the "March on Washington" last August—engaged in a sit-in that blocked entrances to the New York City pavilion, and were arrested. They arrived at the fair with many followers, and one of the leaders said: "I came here to court arrest."

Now ordinarily individuals would not take these chances, but they have been supported by recent Supreme Court decisions and by the voices of approval which have been raised in many quarters to the idea of demonstrations. Thus, for example, in the "March on Washington" there was a disruption of traffic and a heavy financial loss to merchants in the city of Washington, and to the city government, but the march nevertheless was applauded not only by much of the press but in speeches in Congress and elsewhere.

The danger of any demonstration involving hundreds of persons is one that poses a bewildering legal problem for the police. Shall they deal with a threatened demonstration and get a court order as a preventive, or must they wait until law and order have actually been disrupted and somebody has been hurt? The Supreme Court, for the time being at least, has decided things must reach the point of violence before the police can intervene.

U.S. FOREIGN AID HAS HELPED THE PRIVATE SECTOR ABROAD—WHY NOT GIVE THE SAME TERMS TO ALASKAN BUSINESSMEN IN DISASTER-STRICKEN AREAS?

During the delivery of Mr. THURMOND'S speech,

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alaska, with the understanding that I will not lose my right to the floor; that the resumption of my speech after such yielding will not count as another appearance; and with the further understanding that the remarks by the distinguished Senator from Alaska will appear elsewhere in the RECORD.

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

Mr. GRUENING. I thank the distinguished Senator from South Carolina for his unfailing courtesy.

Mr. President, many businessmen in the disaster areas of Alaska face the unhappy prospect of assuming new, huge debts to reestablish themselves in business while at the same time having to repay debts on business assets which have been destroyed in the Good Friday earthquake and resulting tidal waves.

The able Administrator of the Small Business Administration, Mr. Eugene Foley, has wisely seen the necessity for aiding the private sector of the Alaska economy and has offered to make disaster loans to refinance the old indebtedness of these stricken businessmen and to finance the reestablishment of the businesses involved. He has seen the need for generous terms and has offered disaster loans for 30 years at 3 percent interest per annum with a moratorium on the payment of interest for 1 year and a moratorium on the repayment of principal for 5 years.

Last week I suggested to Administrator Foley that we should be at least as generous with borrowers here at home as we have been with borrowers under our foreign aid program where we loan huge sums at three-fourths of 1 percent interest with a 40-year repayment and a 10-year moratorium on the repayment of principal.

Under the law governing the small business program, the Administrator can set the interest rate for loans at any rate from 0 percent to a maximum of 3 percent. I have asked the Administrator to equate our domestic loan program with that of our foreign aid loan program and set the interest rate on small business disaster loans in Alaska at three-fourths of 1 percent per annum. To do less is to act unjustly to our own citizens.

I have today renewed my request to Administrator Foley citing instances of direct loans by the United States to private industry abroad in sizable sums at three-fourths of 1 percent interest per annum, repayable in 40 years with a moratorium on the repayment of principal for 10 years.

I ask unanimous consent that the letter to Administrator Foley, in which the request is made, be printed in the RECORD at the conclusion of my remarks.

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

U.S. SENATE,
Washington, D.C., April 24, 1964.

Mr. EUGENE P. FOLEY,
Administrator, Small Business Administration, Washington, D.C.

DEAR MR. FOLEY: Yesterday at the meeting of the Federal Reconstruction Commission for Alaska you brought up my efforts to secure the same interest rate of three-fourths of 1 percent per annum on small business loans in disaster areas of Alaska as the United States has charged for development loans under the foreign aid program. You sought to distinguish these foreign loans from your domestic small business loans on the ground that the foreign loans were made directly to foreign governments and not to the private sector of the foreign economy.

After the meeting, when I informed you that you were mistaken, you said that if I could produce the evidence that some of these three-fourths of 1 percent loans were made to the private sector of the foreign countries, you would feel that you could modify your position from your declared intent of requiring the maximum interest rate prescribed by law (3 percent per annum) for small business loans made in the disaster areas in Alaska.

The evidence you desired is set forth in detail below.

In the first place, the foreign governments to which three-fourths of 1 percent loans are made are merely the conduits of those loans to the business and industrial sectors of those countries. True, many of those foreign governments—not having our American concept of free enterprise—may retain a part control or a nominal control of those industries and businesses or may own and operate them. But in essence loans to foreign countries to be used in the industrial sector of their economies produce precisely the same effects as loans by the Small Business Administration in the United States and are identical in nature with our loans—they help produce jobs for individuals, profits for stockholders, and economic wealth for the country.

If form rather than substance is the stumbling block to your modifying your stand, I could suggest a sizable loan to the State of Alaska or to the Alaska Development Corporation—the political equivalent of foreign governments—at three-fourths of 1 percent interest to be loaned to businessmen in the disaster areas of Alaska. But it is not necessary to resort to such a device since the evidence is abundantly clear that three-fourths of 1 percent loans are made in the foreign aid program directly to private industrial and business concerns, as I shall detail below.

Pursuing for a moment the economic effects of our three-fourths of 1 percent loans to foreign governments for industrial purposes, it is evident that when we gave (not loaned) for the development of fisheries resources $848,000 to Taiwan, $159,000 to Cambodia, $907,198 to Indonesia, $1,908,500 to Vietnam, $5,351,000 to Korea, $1,128,620 to India, $1,355,670 to Pakistan, $337,000 to Somali, $200,000 to Ivory Coast, $195,000 to Nigeria, and $151,971 to Peru, these dollars went directly to building canneries in those countries (canneries of exactly the same type as Pete Deveau of Kodiak, Alaska, is trying to rebuild and for which he is seeking a Small Business Administration loan) or to build fishing boats operated by individual fishermen (just like the fishing boats which were destroyed at Seward, Valdez, and Kodiak and for which Small Business Administration loans are now being sought by the fishermen of those Alaska communities).

But we do not have to rely on this obvious interpretation of what takes place in our foreign aid program for reasons why your position should be modified, for the foreign aid program is replete with instances of three-fourths of 1 percent per annum loans made directly to private concerns repayable in 40 years with a 10-year moratorium on repayment of principal.

Here are some examples of such three-fourths of 1 percent 40-year loans:

Afghanistan: Loan on March 23, 1963, of $2,625,000 to the Ariana Afghan Airlines, 49 percent of the stock of which is owned by Pan American World Airways (a private U.S. corporation) and the major portion of the remainder of the stock owned by private Afghanistan banks;

India: (a) Loan on June 28, 1962, of $17,900,000 to the Tata Hydroelectric Power Supply Co., Ltd., and the Andra Valley Power Supply Co., Ltd. (both private companies) for the Trombay Thermal Power Station;

(b) Loan on September 25, 1962, of $13,700,000 to the Tara Engineering & Locomotive Co., Ltd. (a private corporation) for expansion of a private truck plant;

(c) Loan on July 27, 1962, to NAPCO Bevel Gear of India, Ltd. (a private corporation) of $2,300,000 for expansion of privately operated precision gear plant;

Egypt: Loan on April 26, 1962, of $3 million to the Societe Misr Pour La Rayonna for the construction of a cellophane plant. This company was a privately owned company, but by nationalization decree of the Egyptian Government, a controlling interest in the company was nationalized;

Brazil: (a) Loan on March 6, 1963, to the Credito e Financiamento S. A. (a private corporation) of $4 million for the establishment of a development bank;

(b) Loan on March 11, 1963, to the Companhia De Carbonos Coloidois (a private corporation) of $2 million for a carbon black plant;

Mexico: Loan on June 30, 1962, to the Nacional Financiera, S. A. (a private corporation) of $20 million for supervised agricultural credit.

These examples among many illustrate my point that there is no justification for this double standard and that borrowers in the disaster areas of Alaska should at least be treated equally with foreign borrowers under our foreign aid program (who have suffered no disaster) and that you should exercise the authority you have under the law and lower the interest rate on disaster small loans to three-fourths of 1 percent per annum.

The act sets no minimum rate of interest, only a maximum rate of 3 percent per annum. In conversations with me you indicated that you had sufficient authority and discretion to set the interest rate at any rate up to 3 percent per annum.

It should be borne in mind that when, for example, the loan of $13,700,000 was made in India to the Tata Engineering & Locomotive Co., Ltd., on three-quarters-of-1-percent, 40-year-payment terms, there accrued no

economic benefit to the American economy. All benefits—assuming adequate tax laws and collections—flowed to the economy of India and every other country benefiting by our three-quarters-of-1-percent loan. On the other hand, small business loans in the disaster areas of Alaska will generate jobs and tax dollars and will relieve the taxpayers of Alaska and the United States of the necessity of welfare and unemployment compensation payments.

I therefore renew my request to you that you modify the terms of disaster small loans in Alaska so as to put the Alaska borrower on terms of equality with those in foreign countries to whom we loan American tax dollars at three-fourths of 1 percent interest per year, with a 10-year moratorium on repayment of principal.

With best wishes, I am

Cordially yours,

ERNEST GRUENING,
U.S. Senator.

IS AN AMERICAN PROTECTORATE IN ASIA WORTH WAR?

During the delivery of Mr. THURMOND'S speech,

Mr. MORSE. Mr. President, some days ago—almost 2 weeks ago, as I recall—I announced that I was at work on an analysis of international law principles vis-a-vis the unilateral military intervention of the United States in South Vietnam. I have completed that study; and at this time I propose to present my findings. This will be a major foreign policy speech, one of the more important foreign policy speeches I have made in my 20 years in the Senate. It is one that I wish had not been necessary to make, because in this speech I shall set forth my reasons for complete and total disagreement with my Government in connection with the conduct of what I call McNamara's war in South Vietnam. But, Mr. President, I desire to be constructive and to offer my criticisms of U.S. policy as constructive criticisms, and to do in this case as I have always done—offer affirmative proposals as substitutes for what I believe is a most unfortunate, most unwise, and completely unjustifiable American foreign policy in South Vietnam.

Mr. President, the war the United States is fighting in South Vietnam is a menace to the American people, for two reasons:

First, it is outside the legal framework of international law and American treaty obligations;

Second, it threatens to engulf the resources and manpower of the American people on the continent of Asia for an undefined time and purpose.

Either of these reasons alone is sufficient reason for the American people to draw back from the brink. These reasons together make it imperative that we draw back.

Most of this speech will deal with the legal problems of our intervention in Vietnam, although I shall refer also to the sheer stupidity of a unilateral American war in Asia.

HISTORY OF U.S. POLICY IN VIETNAM

One cannot review the history of American policy in Indochina, and later Vietnam, without concluding that the U.S. Government wanted France to stay there; and that when that failed, we took up where France left off.

We refused to sign the Geneva Agreement, which took France out of Indochina. Our refusal gave fair indication of our intention to stay on and carry out the French role there alone.

Mr. President, at the outset I wish to call the attention of the Senate to my opinion that our failure to sign the Geneva agreement is of tremendous significance in connection with the subsequent development of American foreign policy in Vietnam.

In 10 years time, we have effectively established a United States protectorate over South Vietnam. When our first choice of a local ruler proved totally inefficient, we encouraged his overthrow. I say "encouraged," because the extent of the American participation in the coup that overthrew Ngo Dinh Diem is still unknown. But it is widely known that not only were Americans in Saigon dissatisfied with the Diem government, but our officials also spread word that we would welcome a change in governments.

High administration officials said publicly that U.S. aid would be reduced unless the Diem government changed its policies. Ambassador Lodge told President Diem that we wanted his brother, Ngo Dinh Nhu, removed from his positions of office and influence. A resolution introduced in the Senate, with 22 cosponsors, called for an end to U.S. aid unless the Diem government changed its policies of repression.

When the coup finally came, we quickly welcomed and recognized the new government headed by General Minh. We resumed the aid that had been suspended in order to put pressure on Diem.

It mattered little that 3 months later, another coup deposed General Minh, and installed General Khanh. The Diem, Minh, and Khanh regimes have all ruled South Vietnam only because of heavy financial backing by the United States. When we found one hopelessly incompetent, we have brought about a replacement.

Today, South Vietnam does not run the war against the guerrillas. She does not make her own foreign policy or military policy. The United States does. The U.S. Air Force is fighting in South Vietnam. Its planes and men are providing the air support and air transportation for the government ground forces. Americans numbering at least 15,000 are fighting with the ground forces. When they are shot at, they shoot back.

If hot pursuit of guerrillas is undertaken into Cambodia, it is the Americans who authorize it and make possible its execution. Several weeks ago, or more, we had to apologize to Cambodia, because we were caught bombing a Cambodian village; we were caught dropping a shocking, inhumane firebomb on a Cambodian village. The village was burned, and 16 persons were killed. How were we caught? We were caught because our plane was shot down, and the precious life of the American pilot was snuffed out. This is an ugly picture, and it is a picture that will blot the history of this glorious Republic. Therefore, I will continue to plead that we correct this mistaken policy and that we change our course of action in South Vietnam.

As I have said, if action is carried into Cambodia, it is the Americans who authorize it and make possible its execution. If "hot pursuit" into Laos is undertaken, it will be on our say-so and executed by American military aircraft manned by the U.S. Air Force.

If the war is carried into North Vietnam, it will be done on American orders, not on General Khanh's orders, and it will be done by the U.S. Air Force alone.

South Vietnam has become a protectorate of the United States. We have made it one, in order to protect what we regard as American interests in southeast Asia.

U.S. POLICY IN INDOCHINA

Our intentions in this respect are clear, from the history of the French withdrawal. I refer Senators to the memoirs of Anthony Eden, who was British Foreign Secretary in 1954. His volume of memoirs covering this period is entitled "Full Circle"; and he writes as follows of the early months of 1952:

> There was a growing feeling in Paris, partly inspired by rumors of impending Chinese military intervention in Indochina, that Great Britain and the United States should give more help. The French complained that they could not be expected to defend the interests of the free world in Indochina singlehanded and at the same time make the contribution to European defense which was being demanded of them. Underlying this argument was the fear that, owing to her commitments in Indochina, France would find herself militarily inferior to a rearmed Western Germany in the proposed European army.
>
> These were the views with which the French Government confronted Mr. Dean Acheson and myself when we flew to Paris at the end of May for three-power discussions on the problems of Europe and southeast Asia. On the 26th, before the formal discussions opened, I had a long talk with Mr. Acheson at the British Embassy. He told me of the U.S. determination to do everything possible to strengthen the French hand in Indochina. On the wider question of the possibility of a Chinese invasion, the U.S. Government considered that it would be disastrous to the position of the Western Powers if southeast Asia were lost without a struggle. On the other hand, the Americans were determined to do nothing in that area which would provoke a third world war. Their present thinking was that deterrent action was the best course. At an appropriate moment there might have to be some form of warning to the Chinese. If the warning were ignored, Mr. Acheson believed that a blockade of the Chinese coast and the dislocation of her communications would have to be considered. I agreed generally with Mr. Acheson's approach, though I personally thought it unlikely that China would enter the war, and said so. The present state of affairs suited China very well and she would have nothing to gain by internationalizing the conflict. I told Mr. Acheson that Her Majesty's Government were strongly opposed to any course of action in southeast Asia which would be likely to result in a war with China. We both agreed that although possible means of deterring China should be examined, any provocative action must at all costs be avoided.
>
> On May 30, Mr. Acheson and I had a long and difficult conference with the French Prime Minister, M. Pinay, and the principal members of his Government. M. Pleven, the Minister of Defense, took the lead in present-

ing the French case, which confirmed our Ambassador's warning, and made depressing hearing. Mr. Acheson remained sympathetic but firm. There was no doubt, he said, that France's effort in Indochina was in the general interest. He pointed out, however, that the United States was already bearing a third of the cost. The French Ministers repeatedly argued that if further aid was not forthcoming, there would be grave parliamentary difficulties in France. These would prejudice the ratification of EDC and the continuation of French efforts in Indochina.

As we were driving away from the conference, Dean Acheson told me, more in sorrow than in anger, that if further aid were approved by Congress, the United States would be bearing about half the cost of the Indochina war, yet to hear the French talk, one would think that his Government were only supplying them with the odd revolver or two. I reflected that if the French really wanted American aid, they were going about it in the worst possible way.

When we held a further three-power meeting in London at the end of June, I learned that I had been wrong in doubting the French method. Mr. Acheson told me, before the talks began, that his Government had agreed to increase their aid to the French in Indochina by $150 million during the coming fiscal year. This was an increase of 40 percent, and generous by any standards.

By late 1953, a new American administration was in office, and the French position in Indochina had slipped still further. In December of 1953, the Vietminh, the Communist-led rebels against the French, had embarked on a new offensive, and Mr. Eden says of it:

The new offensive was no doubt intended to show the ineffectiveness of the French guarantee to Laos in the recently concluded treaty. It may not have succeeded in this purpose, but it did serve to arouse concern for the future of the French military position. This concern, and fears of Chinese intervention, were becoming particularly acute in the United States. On December 29, Mr. Dulles told a press conference that in the event of an invasion of Indochina, the American reaction "would not necessarily be confined to the particular theater chosen by the Communists for their operations." On January 12, 1954, after proclaiming the doctrine of instant retaliation, Mr. Dulles gave warning that Chinese intervention would have "grave consequences which might not be confined to Indochina." These admonitions did not seem to me on the mark. I did not believe that any Chinese intervention was imminent; there was no need for it. The Vietminh were doing well enough as it was. More practically, the view was already being canvassed in the American press that the United States should step in to help the French with sea and air power before the military situation deteriorated further.

But the French, Russians, and British were ready to sit down and discuss a political settlement in Indochina. "It was essential," continuing to quote the British Foreign Secretary of the time:

That the French should hold their ground militarily, in order that their bargaining position at Geneva should not be weakened. But I did not consider it to be in the best interests of France that the scale of the fighting should be increased, or that she should be encouraged to expend her straitened resources in trying to force a military decision. The Americans took a different view. On February 8, our Ambassador was told at the State Department that the U.S. Government was perturbed by the fact that the French were aiming not to win the war, but to get into a position from which they could negotiate.

At this time Mr. Bedell Smith, the American Under Secretary of State, was reappraising the situation with a small group invited by the President to consider the Indochina problem. He told our Ambassador that there was no intention of sending American troops into Indochina; the President would not do it even if he had the power. Yet the American Ambassador in Saigon had succinctly remarked that "the French would not be allowed to skedaddle unless China gave absolute guarantees." I did not see how this dual purpose was to be realized.

On March 29, in a speech to the Overseas Press Club of America, Mr. Dulles said that the imposition of the Communist system on southeast Asia "should not be passively accepted but should be met by united action. This might involve serious risks, but these risks are far less than those that will face us in a few years from now if we dare not be resolute today." I had no objection to strong American words, but I wanted to be sure that they meant what they appeared to say. We had been told that the United States was not prepared to intervene in Indochina in the only effective way, on land. It was important not to encourage the French by the offer of lesser means which could not succeed.

Meanwhile, the position of the besieged French garrison at Dien Bien Phu had deteriorated further. The American Government now approached the French and ourselves with a new proposal. This was to the effect that all the countries concerned should issue, before Geneva, a solemn declaration of their readiness to take concerted action under article 51 of the United Nations Charter against continued interference by China in the Indochina war. We were informed that the proposed warning would carry with it the threat of naval and air action against the Chinese coast and of active intervention in Indochina itself. This ad hoc coalition, comprising the United States, France, the United Kingdom, Australia, New Zealand, Thailand, the Philippines, and the three Associated States of Indochina, would simultaneously set about organizing the collective defense of southeast Asia.

Reports from Paris indicated that this idea had met with a lukewarm reception there. On April 5, President Eisenhower sent a message to Sir Winston Churchill urging him to fall in with the American plan and suggesting that Mr. Dulles might fly to London within a few days to discuss his proposal. This offer was accepted, but at the same time I warned Sir Roger Makins in Washington that he should say nothing at this stage which might commit us to the joint action proposed.

Secretary Dulles set out to London to discuss an American proposal for a joint Allied intervention in Indochina. From what has been written and related about the position of the United States, Secretary Dulles and Admiral Radford were advocating prompt American intervention of any degree necessary to save the French position. President Eisenhower, whatever his personal views of its wisdom, wanted congressional authorization and the participation of other countries. So Dulles and Radford both went to London to try to get participation from the British.

Mr. Eden writes that he summarized his own position in writing shortly before the Dulles visit:

I quote the British Secretary:

The U.S. proposal assumes that the threat of retaliation against China would cause her to withdraw aid from the Vietminh. This seems to me a fundamental weakness. There is a distinction between warning China that some specified further action will entail retaliation, which might be an effective deterrent, and calling upon her to desist from action in which she is already engaged. I cannot see what threat would be sufficiently potent to make China swallow so humiliating a rebuff as the abandonment of the Vietminh without any face-saving concession in return. If I am right in this view, the joint warning to China would have no effect, and the coalition would then have to withdraw ignominiously or else embark on warlike action against China.

Neither blockade nor the bombing of China's internal and external communications, which the U.S. Government appear to have in mind, were considered by our Chiefs of Staff to be militarily effective when these were discussed in connection with Korea. They would, however, give China every excuse for invoking the Sino-Soviet Treaty, and might lead to a world war. Nor should we commit British forces to operations in Indochina.

The British Foreign Secretary, Mr. Eden, also paraphrases the conversation he had with Secretary Dulles:

The battle at Dien Bien Phu had reached a crucial phase and American military authorities did not rate the French chances of victory highly. For these reasons, Mr. Dulles went on, the U.S. Chiefs of Staff had suggested 3 weeks ago that American naval and air forces should intervene in the Indochina war. He told us that some aircraft carriers had already been moved from Manila toward the Indochina coast. On reflection, Mr. Dulles had considered that the United States should not act alone in this matter and that before a decision to intervene were taken, two conditions should be met. First, there must be some assurance that the French Government were willing to grant the associated states real independence within the French Union, so as to provide the necessary political basis for effective resistance. Second, the U.S. Government must ascertain whether their allies, especially the United Kingdom, Australia, and New Zealand, took an equally grave view of the situation. For these reasons, although he no longer had in mind a warning declaration specifically directed against China, Mr. Dulles wanted to see the formation of an ad hoc coalition which might develop into a southeast Asia defense organization. He thought that this in itself would deter China from further interference in Indochina, and would strengthen our position at Geneva by giving evidence of our solidarity.

Eden's reply to the Indochina proposal of Dulles was as follows:

If there was to be any question of Allied intervention, military or otherwise, or of any warning announcement before Geneva, that would require extremely careful consideration. It was doubtful whether the situation in Indochina could be solved by purely military means and we must at least see what proposals, if any, the Communists had to make at Geneva. Accordingly, I told Mr. Dulles that, in my view, the communique which would be issued after his visits to London and Paris should not go beyond a warning that we would not allow the work of the Geneva Conference to be prejudiced by Communist military action. I was not convinced that any immediate mention should be made of any decision concerning collective security in southeast Asia, if that were agreed upon.

Our formal talks on April 12 and 13 added little to this initial conversation. I said that I could agree to no more than to engage in preliminary discussions on the possibility of forming a mutual security system

in southeast Asia. On the question of intervention, Mr. Dulles was convinced that Indochina was the place for such action, should it become necessary, provided that two requirements could be met. First, an unequivocal declaration by the French Government of independence for the associated states and secondly, the placing of the conflict on an international basis. This, he said, with the addition of outside air and naval support, would create the possibility of victory. Mr. Dulles added that he was confident that Congress would authorize the President to use U.S. air and naval forces, and possibly even land forces. I was not convinced by the assertion which Mr. Dulles then made, that the situation in Indochina was analogous to the Japanese invasion of Manchuria in 1931 and to Hitler's reoccupation of the Rhineland. I explained that the British chiefs of staff did not believe that Allied intervention could be limited to the air and the sea. I told Mr. Dulles that British public opinion, with the Geneva Conference in prospect, would be firmly opposed to any present commitment to become involved in war in Indochina. * * *

About this time, American opinion was being explored by Vice President Nixon. In his famous speech to the American Society of Newspaper Editors in New York City on April 16, 1954, he spoke not for attribution. According to the account in the New York Times of April 17, he said that if the French stopped fighting in Indochina and the situation demanded it, the United States would have to send troops to fight the Communists.

"We must take the risk of putting American boys in the fighting" if there was no other way. Those were the words of Richard Nixon in 1954.

I ask unanimous consent to have the New York Times story of April 17, and that of April 18 identifying the speaker as Vice President Nixon, reprinted in the RECORD at this point in my remarks.

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

HIGH AID SAYS TROOPS MAY BE SENT IF THE FRENCH WITHDRAW

(By Luther A. Huston)

WASHINGTON, April 16.—A high administration source said today that if France stopped fighting in Indochina and the situation demanded it the United States would have to send troops to fight the Communists in that area.

He said he hoped this country would not have to send troops but if it could not avoid it the administration would have to face up to it and would do it. As the leader of the free world, the United States cannot afford another retreat in Asia, he said.

The source of these statements does not hold press conferences and he is not the administration spokesman on foreign policy. Those were the reasons he gave for refusing to permit his name to be used, his remarks to be attributed to him or the time or place where his statements were made to be disclosed.

He has, however, a voice in the formation of policy. He said that if the situation required it he would support sending troops to Indochina.

EISENHOWER AID SILENT

The statement on possible U.S. armed intervention in the fighting came in answer to a question after the highly placed official had expressed the opinion that there was no reason why the French could not win in Indochina.

What prompted the question was his statement that while the Vietnam forces would continue fighting in event of a French withdrawal, Indochina probably would be Communist-dominated within a month of that act.

James C. Hagerty, White House press secretary, now in Augusta with President Eisenhower, would not say whether the statements made by the administration source reflected the views of the President.

"I have no knowledge of the story," said Mr. Hagerty. "I was not in Washington and I cannot comment on anything I did not hear."

Congressional reaction to the anonymous statement was scattered but to the point. Senators BOURKE B. HICKENLOOPER, Republican of Iowa; and HUBERT HUMPHREY, Democrat of Minnesota, said the administration official's comments on Indochina went far beyond the Eisenhower-Dulles policy as they understood it.

Senator MIKE MANSFIELD, Democrat of Montana and another member of the Foreign Relations Committee, asked that the official identify himself "so that Congress can question him to find out who and what he is speaking for."

Senator William F. Knowland of California, the majority leader, declined any comment on the statement, presumably because he was among those who heard it firsthand and felt bound to respect the official's desire to remain anonymous.

Adopting a phrase used only recently by President Eisenhower, the official remarked that "the United States, as the leader of the free world, cannot afford further retreat in Asia." He expressed the view that the Communist forces could be stopped "without American boys," but added "we must take the risk of putting American boys in the fighting" if there was no other way.

The source of some of the most provocative statements that have been made recently by any Washington official ranged wide in the field of troubled Asian affairs and showed an unusual familiarity with the subject. His auditors were impressed with his knowledge and ability to marshal his facts.

GENEVA PROSPECT SURVEYED

Among the statements he made were these:

The situation in southeast Asia is currently the most important issue facing the United States. It relates to a war we might have to fight in the future and that we might lose.

The main target of the Communists in Korea and in Indochina is Japan. Conquest of areas so vital to Japan's economy would reduce Japan to an economic satellite of the Soviet Union.

The Geneva Conference on Far Eastern Problems, opening April 26, will end in an impasse on Korea. The United States would come out where it went in at Geneva.

At Geneva, however, the United States has to take a position and try to sell it to the reluctant French and British.

The Geneva conference will not create a free, independent, and united Korea, but even so, Dr. Syngman Rhee, President of South Korea, will not move alone. He will continue to use the threat of unilateral action, however, as a strategic weapon.

Korea and Indochina, the source said, will be the two major items on the agenda at Geneva. The Allies will be for a free united and independent Korea, he declared, but the Communists cannot agree to that because they know that if an election is held they will lose.

What, then, will the South Koreans do? he asked. It is hard to be dogmatic, he said, but his guess was that President Rhee would not like it but would not take unilateral action that would reopen the war.

President Rhee is a complex man, both a conspirator and a realist, according to this thesis, who knew he could not win without U.S. support so would not move alone, but thought it unwise to announce he would not move alone. So long as the Communists are afraid President Rhee will act unilaterally, they will be forced to act differently at the Geneva conference table, the source said.

Indochina, he said, needs a Syngman Rhee.

The war in Indochina involves the future of France, of Asia, of Europe and, finally, the United States, he declared.

From the Communist point of view the war in Korea is about Japan, he continued, and so is the war in Indochina, which is essential to Japan's economic survival. Without trade with Indochina and Korea and with these countries under Communist control, Japan would become an economic satellite of the Soviet Union, which is the Communists' aim, he said.

But he saw no reason why the French forces should not win in Indochina with their greater manpower and tremendous advantage in materials.

The problem is not materials but men, he said, and they will not come from France, which is tired of the war; they must come from Vietnam, Cambodia, and Laos. But the French have been slow in training the native soldiers.

Even more difficult is the problem of giving the Indochinese the will to fight, he went on. He took issue with the view that if the French got out, the Indochinese would fight to keep their independence, saying Indochina would be Communist-dominated within a month if the French left.

So the United States must go to Geneva and take a positive stand for united action by the free world, he asserted, or it will have to take on the problem alone and try to sell it to the others.

There will be French pressure at Geneva to negotiate and end the fighting at any cost, he said, and the British position will be somewhat similar because of mounting Labor Party pressure and defections in the Conservative ranks. The British do not want to antagonize Red China, which they have recognized.

The United States is the only country that is strong enough politically at home to take a position that will save Asia, the official continued.

NEGOTIATIONS OPPOSED

He raised the question of negotiating to divide the territory, saying the United States could invite the Communists into the government or could negotiate to get the Communists to invite it in, but that negotiations in any form would end up in Communist domination of a vital new area.

Perhaps Communist intransigence about Korea would teach the French and the British the futility of negotiation and bring them over to the plan of united action put forward by Secretary of State John Foster Dulles, he suggested.

The United States completely opposes any suggestion that admission of Communist China to the United Nations be used as a bargaining point at Geneva, he declared. He stressed that it was important to contain Communist China in the area it now holds and that recognition of the Peiping Government, which admission to the United Nations would involve, would emasculate the containment policy.

The three things the United States must do, he said, are to keep up the program of aid to the French forces, encourage France to give real independence to Vietnam, Cambodia, and Laos, and try for a program of united action in Asia.

With regard to the view that it might be politically expedient to agree to negotiations with Red China, he said the answer was that if the United States left its policy to an uninformed public opinion, it would go down the long road to disaster. This country must take the long risks now, he said.

DANGER OF SUBVERSION

An alliance, however, will not meet the real danger in Asia, which is not aggression but internal subversion, he declared.

The free world must face the fact that a pact cannot be effective unless internal subversion can be stopped, he continued, and one way to do this would be to associate the United States with the legitimate aspirations of its friends and potential friends in the Far East.

These aspirations were termed threefold: independence from any foreign domination, recognition of equality, and peace.

U.S. information programs should be maintained and strengthened to carry assurance of this country's sympathy with those aspirations to the Asian countries. The source said he would oppose any curtailment of those programs or cuts in appropriations that would lessen their effectiveness.

All Asians want to be on the winning side and we must let them know that by joining with the United States they would be on the winning side, he said. The leaders making U.S. policy were pictured by him as competent, imaginative, courageous, and dedicated and he said the policies being formulated for Asia would win if public opinion supported them.

But with or without the support of public opinion, if the situation in Indochina requires that American troops be sent there to prevent that area from disappearing behind the Iron Curtain, the administration must face the issue and send the troops, he declared.

NIXON IS REVEALED AS AUTHOR OF STIR OVER INDOCHINA: VICE PRESIDENT TOLD EDITORS UNITED STATES MIGHT INTERVENE WITH TROOPS IF THE FRENCH QUIT—STATE DEPARTMENT DECLARES IT IS HIGHLY UNLIKELY FORCE WILL BE SENT TO ASIA

(By John D. Morris)

WASHINGTON, April 17.—Vice President Richard M. Nixon is the administration official who said yesterday that the United States might have to send troops to Indochina if the French quit fighting there.

The disclosure coincided with the development in Congress of much concern, considerable resistance, and some scattered support for the possible use of U.S. ground forces as a last resort in the crucial Far Eastern war, as suggested by Mr. Nixon.

Senator William F. Knowland, of California, the Senate majority leader, voiced agreement that troops should be sent, if necessary, to keep southeast Asia from falling into the hands of the Communists. He added, however, that he did not think it would be necessary.

Senator Knowland added that Congress and the people would not "be satisfied" with the development of another Korea situation in which this country would "assume 90 percent of the burden."

COOPERATION IS SOUGHT

He added he thought the time had arrived when all nations giving lipservice to the free world defense should take part in the collective security system, and in an allusion to the role of other United Nations members in the Korean war, he expressed the view that Americans would not care again to see "60 backseat drivers" holding back the use of the full military power of the United States. The United Nations has 60 members.

Elsewhere, questions arose as to the propriety of presenting so grave a possibility to the American people through an anonymous "high official," as the Vice President was identified at his own insistence in initial news accounts of his speech.

In the first official reaction to the Vice President's statement from the executive branch, the State Department announced that the dispatch of U.S. troops to Indochina was "highly unlikely."

Without accepting the identification of Mr. Nixon except as "a high Government official," the Department said his address "expressed full agreement" with policies previously set forth by President Eisenhower and Secretary of State John Foster Dulles.

"In regard to a hypothetical question as to whether U.S. forces should be sent to Indochina in the event of French withdrawal, the high Government official categorically rejected the premise of possible French withdrawal," said the State Department.

"Insofar as the use of U.S. forces was concerned, he was stating a course of possible action which he was personally prepared to support under a highly unlikely hypothesis.

"The answer to the question correctly emphasized the fact that the interests of the United States and other free nations are vitally involved with the interests of France and the associated states in resisting Communist domination of Indochina."

Vice President Nixon delivered his speech yesterday at the annual convention of the American Society of Newspaper Editors.

If France stops fighting in Indochina and the situation demands it, he said, the United States will have to send troops to prevent the Communists from taking over this gateway to southeast Asia. This was during a question period that followed his prepared speech, in which he discussed Far East problems.

Mr. Nixon spoke to the editors on the condition that his remarks would not be attributed to him. News mediums in the United States observed the stipulation in reporting the speech yesterday.

However, the account carried by the Times of London, was worded in such a way as to make it unmistakable that Mr. Nixon was the high official speaking, and France-Soir in Paris identified the Vice President as the speaker.

Representative Clare Hoffman, Republican, of Michigan, meanwhile attributed the speech to the Vice President in an interview with the Daily Star of Niles, Mich.

As a consequence, the editors' society made it known that there was no longer any restriction on publication of the speaker's identity. Mr. Nixon, for his part, made himself unavailable for questioning.

Among editors who heard the speech, the consensus was that Mr. Nixon was testing the reaction of the public and Congress.

REVIEW BY CONGRESS URGED

Senator Knowland voiced doubt that the public would react favorably to the establishment of such a policy in the absence of adequate arrangements for a joint defense force in the Indochina area.

Secretary Dulles is now seeking to establish a 10-nation alliance to guard Indochina and southeast Asia against new aggression.

"It is my belief," Senator Knowland said, "that prior to commitment of any armed forces—land, sea, or air—the President would and should come to Congress and lay the facts before it with his recommendations.

"I believe the reaction of Congress and the American people would to a considerable extent be influenced by what nations would contribute to collective action."

Congress and the people, he said, "would not be satisfied with having this country assume 90 percent of the burden as it did in Korea."

"Nor do I think that they would care to see 60 back-seat drivers restraining the use of our full military potential as they did in Korea," he added.

Mr. Knowland left no doubt that he referred to other members of the United Nations, and added:

"I think the time has arrived when those nations giving lipservice to free world defense should be willing to take part in the collective security system."

Senator Knowland expressed the belief that French withdrawal from Indochina was unlikely and that U.S. ground forces would not be required in any event.

There is ample manpower among the free nations of Asia "to meet the threat in southeast Asia if supported by the air and sea forces of other nations with the potential to do so," he asserted.

Senators LEVERETT SALTONSTALL of Massachusetts and BOURKE B. HICKENLOOPER of Iowa, Republicans, were among those registering outright opposition to the use of U.S. troops.

Mr. SALTONSTALL, chairman of the Armed Services Committee, said that "from the information that has been given me thus far, my opinion is that we should not send men into Indochina."

Senator HICKENLOOPER, a member of the Foreign Relations Committee, said he had no reason to change his past position against such action.

In separate interviews, Senators Ralph E. Flanders, Republican, of Vermont, and John F. Kennedy, of Massachusetts, Estes Kefauver, of Tennessee, and Hubert M. Humphrey, of Minnesota, Democrats, stressed the need for assurances that the United States backed complete independence for the three Indochinese states.

Senator Kefauver said he was "unalterably opposed" to sending troops.

Senator GEORGE SMATHERS, Democrat, of Florida, called on the administration to first "put our enemies on notice that if we are drawn into a war, we are going in with everything we have."

Senator Alexander Wiley, Republican, of Wisconsin and chairman of the Foreign Relations Committee, commented merely that "I don't think that [the dispatch of troops] will ever come to pass."

Among other complications caused by the anonymous nature of the speech, the U.S. Information Agency decided not to mention it in yesterday's broadcasts to foreign countries.

One reason, according to officials, was the awkwardness of quoting an anonymous source. But the main hitch, it was said, came from standing instructions to regard President Eisenhower's statement of February 10 as guiding policy on Indochina.

U.S. TECHNICIANS SENT

In his news conference on that day the President said he could not conceive of a greater tragedy for America than to get heavily involved now in all-out war in the Far East. No one, he asserted, could be more bitterly opposed to ever getting the United States involved in a hot war in that region.

Four days earlier, the Government had announced it was sending 200 technicians to help service U.S. planes being used by the French in Indochina. This precipitated protests in the Senate, and assurance was given by the Government that the technicians would be withdrawn in June.

On March 25, at another news conference, the President said the defense of Indochina was "of transcendent importance."

On March 29, Secretary Dulles announced: "Under the conditions of today, the imposition on southeast Asia of the political system of Communist Russia, Chinese Communist ally, by whatever means, would be a grave threat to the whole free community.

"The United States feels that that possibility should not be passively accepted, but should be met by united action. This might have serious risks, but these risks are far less than would face us a few years from now if we dare not be resolute today."

Mr. MORSE. Mr. President, British Foreign Secretary Eden's memoirs continue to outline the effort by Secretary Dulles to bring the United States into active participation in Indochina.

Mr. SPARKMAN. Mr. President, will the Senator from Oregon yield at that point?

Mr. MORSE. I am glad to yield.

Mr. SPARKMAN. From whom was that quotation made by Vice President Nixon?

Mr. MORSE. From the New York Times of April 17 and 18, 1954.

Mr. President, continuing with the quotation:

On the evening of April 23, we were assembled at the Quai d'Orsay for an official dinner, which was being given by the French Government for the NATO powers, when Mr. Dulles drew me aside. Then he told me that a telegram had arrived from General Navarre to the French Government, to the effect that only a powerful airstrike by the United States in the next 72 hours could save the situation at Dienbienphu. * * *

The French Air Force had heavy commitments on supply duties and had to give close tactical support to the garrison. They could not effectively interrupt the flow of Vietminh supplies from the Chinese border to the main depot, northeast of Dienbienphu. It was the bombing of this depot, dispersed over a wide area 8 miles square, which General Navarre now wished to see undertaken by the Americans. The French Air Force could then concentrate on attacking the enemy strongpoints in the Dienbienphu area. The French general staff argued that bombing by an outside force, apart from the material damage it would cause, would have a considerable effect on the morale of troops in the fortress and on French and native forces in Indochina generally. They told our general staff that the Americans had offered 60 B–29 aircraft, which would operate from Manila. Each sortie could drop approximately 450 tons of bombs and would operate from 20,000 feet. We were also told by the French that a U.S. Air Force general and 10 officers had visited Dienbienphu to study conditions and discuss the general situation.

On the following day, April 24, I discussed the situation further with Mr. Dulles and Admiral Radford, the Chairman of the American Joint Chiefs of Staff Committee. Mr. Dulles began by saying he was now convinced that there was no chance of keeping the French in the fight unless they knew "that we would do what we can within the President's constitutional powers to join them in the fight." The French had said that it would not be enough if we were to assure them that we would join them in defending the rest of Indochina, in the event of the fall of Dien Bien Phu. Unless we participated, by an airstrike, in the battle for the fortress itself, that would be "their last battle." Mr. Dulles wished to make it plain that there was no possibility of U.S. participation in the Dien Bien Phu battle, because the President had not the power to act with such speed and because it was perfectly clear that no intervention could now save the fortress, where the situation was desperate. I asked Mr. Dulles what measures he had in mind. Admiral Radford replied that there must be some military effort to assist the French without delay. He suggested that British participation might take the form of sending RAF units into Tongking from Malaya or Hong Kong. He also inquired whether we had not an aircraft carrier in the area. Neither he nor Mr. Dulles gave any more explicit account of the joint military action they contemplated. Admiral Radford went on to say that he thought it most likely that when Dien Bien Phu fell, the whole military situation in Indochina would get out of control within a few days. There might be riots in Saigon and Hanoi, and the whole population might turn against the French. The only way he saw of preventing this was to demonstrate that France now had powerful allies in the fight.

In reply to this, I said that the French had not painted anything like so desperate a picture to us. On the contrary, the French Government's line with Her Majesty's Ambassador that morning had been that the situation at Dien Bien Phu was very bad, but that they would fight on elsewhere if it fell. I asked Admiral Radford if he really thought that air intervention by the United States and the United Kingdom could decisively alter the situation. Had the Americans considered the effect on world opinion and how the Chinese would react? I said that I assumed they had not forgotten the Russo-Chinese alliance. It was possible that if we went into Indochina we should find ourselves fighting Vietnam as well as Vietminh, and in addition heading for a world war. Admiral Radford replied that he had never thought that the Chinese would intervene in Indochina, nor had they the necessary resources available. If they attempted air action, we could eliminate this by bombing the Chinese airfields, which were very vulnerable. At the end of our meeting, I told Mr. Dulles that he was confronting British opinion with about as difficult a decision as it would be possible to find. I would at once consult my colleagues.

Shortly after this, Maurice Schumann rang me up to say that both Laniel and Bidault were now strongly in favor of my returning to London, and hoped that I would urge my colleagues to agree to proceeding on the lines desired by Dulles. During the course of the evening, however, the French appeared to have second thoughts. Denis Allen sent me a message after my departure from Paris to say that Bidault was, on reflection, far from enthusiastic about the American proposals. If Dulles pressed the matter, it was probable that Bidault would advise Laniel not to accept American intervention.

From London Airport, I drove to Chequers to give the Prime Minister a full report on the situation. As happened so often in the years we worked together, I found that Sir Winston and I, though physically separated by hundreds of miles, had formed exactly the same conclusion. We agreed that it now seemed inevitable that the French garrison at Dien Bien Phu would be overwhelmed or compelled to surrender. I said that Mr. Dulles and Admiral Radford evidently feared that this would promptly be followed by the collapse of all French resistance throughout Indochina and, in order to avert it, favored some dramatic gesture of Anglo-American intervention in Indochina. They now recognized that this could no longer save Dien Bien Phu, but still wanted to rally French and Vietnamese morale and to prevent a general disintegration. Congress would be more likely to approve such action if intervention were to be on an Anglo-American basis. The Americans had therefore proposed that the United States and the United Kingdom Governments should give the French a joint assurance that they would join in the defense of Indochina, and that, as an earnest of this, they should be given immediate military assistance, including token British participation. I told the Prime Minister that I disagreed both with the American belief that such intervention could be effective and with the view that it could be limited to the use of air forces. I doubted whether intervention would have any substantial effect in rallying public opinion in Indochina, and I was certain that it would not be welcomed by nationalist opinion in southeast Asia generally. Militarily, I did not believe that the limited measures contemplated by the United States could achieve substantial results; no military aid could be effective unless it included ground troops. Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress.

Mr. President, I repeat this statement. This is a report on the attitude of the Prime Minister of Great Britain, Sir Winston Churchill.

Sir Winston summed up the position by saying that what we were being asked to do was to assist in misleading Congress into approving a military operation, which would in itself be ineffective, and might well bring the world to the verge of a major war.

We agreed that we must therefore decline to give any undertaking of military assistance to the French and Indochina.

The Dulles mission failed. Dulles failed to draw the British into a U.S. plan to start a major military operation in Indochina.

I say to my colleagues in the Senate that we cannot ignore that history. I express my view on the floor of the Senate today that the failure of Dulles to get the British to go along in starting a war in Indochina of a different type—an Anglo-American war—must be carefully considered when we try to figure out why the United States did not sign the Geneva agreements.

It is my view that we did not sign the Geneva agreements because we did not intend to go along. We have not gone along. Therefore, we stand here today in this ugly, shocking posture of the United States before the eyes of the world, engaging in a unilateral military action in McNamara's war in South Vietnam, unjustifiably killing American boys, with the military and the Secretary of Defense and the President of the United States trying to alibi it.

Mr. President, it cannot be alibied. It is wrong. We cannot act alone. We are not justified in acting alone. The unilateral military action, with all the potentialities of threatening the peace of the world, cannot be justified on the basis of the international law obligations that I shall shortly proceed to discuss in my speech.

I wished to draw this line in my speech at this point. In my judgment, the history of the U.S. operations in Indochina took a turn in London. So Winston Churchill and Sir Anthony Eden turned down Dulles' proposal to start an Anglo-American war in Indochina.

The rejection by Britain of joint action, and the coolness of the French Government effectively ended the plan pushed by Dulles abroad and by Nixon at home to put Americans into the fighting in Indochina.

But Dulles did not give up trying.

This record shows how we got ourselves into our present situation in Vietnam. It must be considered as part of the whole context of our actions today.

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

Mr. MORSE. I yield.

Mr. GRUENING. Is it the Senator's thought, in trying to make his speech early in the day, that the press of the United States would pay a little more attention to it than it has to some important utterances on this subject made by him on the floor of the Senate, which have hitherto been completely ignored?

Mr. MORSE. I say most good-naturedly to my friend from Alaska that I will leave that up to the press.

Dulles did not stop trying to get others to involve themselves with us in Indochina.

Eden tells us of the events during the Geneva Conference itself. The conference on Indochina had as participants Great Britain, France, Russia, China, the United States, Cambodia, Laos, the State of Vietnam, and the Republic of Vietnam.

Eden states:

I said that we must really see where we are going. If the Americans went into the Indochina war, the Chinese themselves would inevitably step up their participation. The next stage would be that the Americans and the Chinese would be fighting each other and that was in all probability the beginning of the third world war.

Meanwhile Mr. Robertson, U.S. Assistant Secretary of State for Far Eastern Affairs, whose approach to these questions is so emotional as to be impervious to argument or indeed to facts, was keeping up a sort of "theme song" to the effect that there were in Indochina some 300,000 men who were anxious to fight against the Vietminh and were looking to us for support and encouragement. I said that if they were so anxious to fight I could not understand why they did not do so. The Americans had put in nine times more supplies of material than the Chinese, and plenty must be available for their use. I had no faith in this eagerness of the Vietnamese to fight for Bao Dai.

Our American hosts then introduced the topic of the training of Vietnamese forces to defend their own country. Whatever the attractions of this scheme, they admitted that it would take perhaps 2 years to finish. The problem was what would happen meanwhile. When Lord Reading asked Mr. Dulles what he thought about this, he replied that they would have to hold some sort of bridgehead, as had been done in Korea until the Inchon landings could be carried out. Lord Reading commented that this meant that things would remain on the boil for several years to come, and Mr. Dulles replied that this would be a very good thing.

I was concerned at this time by developments outside Geneva which, it seemed to me, might endanger our admittedly slender chances of making progress in negotiation. On May 15 I was surprised to find reports in the Swiss morning papers of Franco-American discussions on the possibility of military intervention by the United States in Indochina. That this issue should have been resurrected at such a moment was startling. I at once asked Mr. Bedell Smith if there was any truth in these reports, and he told me he knew nothing about the matter. When M. Bidault came to see me later in the morning, I asked him if he could confirm the rumors, and he gave me a vague denial which largely reassured me. However, at the end of our meeting, M. de Margerie, his principal adviser on that occasion, led me to the window and said that he had a document which he had been instructed by M. Bidault to read to me. This contained the conditions for United States intervention in Indochina. I commented: "Then what the newspapers said is true." "Certainly," Margerie replied, "very much so." He gave me the conditions, which were for intervention either after the failure of Geneva, or earlier if the French so desired, and he emphasized that the American preference had been clearly expressed for the earlier date.

The sad, historic fact is that the American Secretary of State was at Geneva doing everything he could to get a war started in Indochina with American and British participation; trying to convince the French to stay in with such assistance.

That is in the background of McNamara's war in South Vietnam. That is in the background of the unfortunate and, in my opinion, unjustifiable killing of American boys in South Vietnam. It is not the most pleasant chapter of American history. Such facts stir up a rude awakening on the part of thinking Americans who too frequently come to assume falsely that their country can do no wrong.

I am proud to say that the total record of my country is a glorious one. But one cannot sit on the Committee on Foreign Relations and cannot serve in this body for 20 years without knowing that sometimes the record of the United States on some issues is not one that the sunlight of truth shines upon, or that our forefathers, who sacrificed so much to make us free, would be proud of.

This is one of those chapters. We are writing a continuing chapter in this story that will not be pleasant reading to American students in the year 2000, 2025, 2050, 2075, or the year 3000. It will also be regretted by many more Americans much sooner than that.

Eden reported to Churchill:

I myself fear that this new talk of intervention will have weakened what chances remain of agreement at this conference. The Chinese, and to a lesser extent the Russians, have all along suspected that the Americans intend to intervene in Indochina whatever arrangements we try to arrive at here. The Chinese also believe that the Americans plan hostilities against them. These reports could help to convince them that they are right, and I do not accept the U.S. argument that the threat of intervention will incline them to compromise.

On May 29, reports Eden:

As I reported to London at the time, the Americans seemed deeply apprehensive of reaching any agreement, however innocuous, with the Communists. Their delegation had recently been expressing concern about the contacts which they believed to be taking place between the French and Vietminh delegations, and seemed to fear that they would make a deal of their own. I saw no reason to worry about this. There were signs, too, that the bogey of intervention was once again with us. Sir Gladwyn Jebb reported from Paris on May 31 that the United States had practically reached agreement with France on the conditions for intervention, should the conference fail. Bidault confirmed to me on the same day that, if no agreement were to be reached at Geneva, American help was contemplated to the extent of three divisions.

But the conference did not break down. Instead it agreed on a settlement based on seven points that Dulles himself had worked out with Eden. As the conference came to an end, Britain and France both tried to get the United States to sign the Geneva accords. Of this effort Eden writes:

M. Mendes France's main purpose in these conversations, which he pursued with drive and skill, was to dispel Mr. Dulles' suspicion that there would inevitably be some departure by France from the seven points on which we had agreed in Washington. He described to us his negotiations with the Vietminh on the question of the demarcation line in Vietnam, and effectively demonstrated that at no point had his position diverged from the minimum terms which had been defined by the Americans and ourselves. He said that it would be of the greatest help to him if Mr. Dulles would come on to Geneva and give France full backing there; success or failure might depend on this. I did all I could to support Mendes France and to reinforce his request. I told Dulles that we were on a knife-edge, with an even chance of getting the sort of agreement we all wanted. His decision might well decide the issue.

Our combined arguments at first produced no impression. Mr. Dulles told us that after discussion with the President, it had been agreed that he should not return to Geneva. He reiterated his fears that, in the event, France would be compelled to depart from the seven points, and the United States would then have to dissociate herself from the resulting agreement. He said that even if the settlement adhered to the seven points faithfully, the United States still could not guarantee it. American public opinion would never tolerate "the guaranteeing of the subjection of millions of Vietnamese to Communist rule." Dulles concluded by saying that he did not want to put himself in the position of having to say "no" in public. To this Mendes France replied that the United States would not escape the dilemma by refusing to appear at Geneva. Since they were already represented at the conference, they would have to make a decision in any case. He repeatedly emphasized that Dulles' suspicions about a departure from the "seven points" were wholly unjustified; it was precisely because he wished to secure them that he was anxious for Dulles to come to Geneva.

I had already been warned by Bedell Smith that the U.S. Government could not associate themselves with the final declaration. The most they could do was to issue a declaration taking note of what had been decided and undertaking not to disturb the settlement. Since Dulles had been at least as responsible as ourselves for calling the Geneva Conference, this did not seem to be reasonable. I also feared that it might lead to serious difficulties at our final meeting, for the Chinese had indicated that they would insist upon signature of the final declaration by all the delegations. I thought that I had better have this out with Molotov before the meeting. I went to see him and we eventually agreed that, in order to eliminate the problem of signature, the declaration should have a heading in which all the participating countries would be listed.

Mr. President, the rationale given to the American people for our refusal to sign the Geneva agreement of 1954 was that we were not party to the war. That was nonsense, for our Secretary of State was there, doing everything he could to get us involved in intervention in Indochina.

By 1954, we were financing 75 percent of the French war effort in Indochina. From 1950 to 1954, we poured in more than $1.5 billion of our money for the French; we were already intervening with our money and our supplies. Russia, China, and Britain were far less involved in it than we were, if at all; but they signed the Geneva Agreement. If our reason for not signing had been valid, we should not have participated in the conference. But we did, because we wanted to have a hand in it; and, as Anthony Eden said, seven basic principles of the accords came from Dulles. Yet we refused to sign the agreement.

I repeat that, in my opinion, when this matter is studied from its four corners, it will be found that there is a clear

indication that at that very time, Dulles and Smith and Radford intended to have the United States become involved in Indochina; but they could not very well engage in unilateral action and also have us sign the Geneva accords.

So, Mr. President, why did not our representatives sign that treaty? Why did not South Vietnam sign it? I think the answer is that their refusal to sign it was based on the fact that the United States had already decided to step in to South Vietnam at least, and carry on where France had left off—to keep South Vietnam as a western protectorate and toehold in Asia.

By January 1, 1955, Secretary Dulles was denouncing the Geneva agreements as "a major setback."

GENEVA ACCORD, DECLARATION, AND U.S. POLICY STATEMENT

Mr. President, I ask unanimous consent to have printed at this point in the RECORD three documents relating to the conclusion of the French war in Indochina: the provisions of the Geneva agreement relating to Vietnam; the Final Declaration of the Geneva Conference; the U.S. Declaration on Indochina, made by Under Secretary of State Walter Bedell Smith; and the press conference statements of the time by President Eisenhower and Secretary Dulles.

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

DOCUMENT NO. 5—AGREEMENT ON THE CESSATION OF HOSTILITIES IN VIETNAM, JULY 20, 1954

Chapter I—Provisional military demarcation line and demilitarized zone

Article 1

A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Vietnam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached.[1]

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kilometers from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

Article 2

The period within which the movement of all forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed shall not exceed 300 days from the date of the present agreement's entry into force.

Article 3

When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank by the other party. The Joint Commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

Article 4

The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast.

All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Vietnam.

Article 5

To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies, and equipment shall be withdrawn from the demilitarised zone within 25 days of the present agreement's entry into force.

Article 6

No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorised to do so by the Joint Commission.

Article 7

No person, military or civilian, shall be permitted to enter the demilitarised zone except persons concerned with the conduct of civil administration and relief and persons specifically authorised to enter by the Joint Commission.

Article 8

Civil administration and relief in the demilitarised zone on either side of the provisional military demarcation line shall be the responsibility of the commanders-in-chief of the two parties in their respective zones. The number of persons, military or civilian, from each side who are permitted to enter the demilitarised zone for the conduct of civil administration and relief shall be determined by the respective Commanders, but in no case shall the total number authorised by either side exceed at any one time a figure to be determined by the Trung Gia Military Commission or by the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorised to do so by the Joint Commission.

Article 9

Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarised zone, of the Joint Commission, its joint groups, the International Commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorised to enter the demilitarised zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the military control of either side over any road or waterway which has to be taken between points within the demilitarised zone when such points are not connected by roads or waterways lying completely within the demilitarised zone.

Chapter II—Principles and procedures governing implementation of the present agreement

Article 10

The Commanders of the Forces on each side, on the one side the Commander in Chief of the French Union forces in Indochina and on the other side the Commander in Chief of the People's Army of Vietnam, shall order and enforce the complete cessation of all hostilities in Vietnam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

Article 11

In accordance with the principle of a simultaneous cease-fire throughout Indochina, the cessation of hostilities shall be simultaneous throughout all parts of Vietnam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Vietnam at 8 a.m. (local time) on July 27, 1954.

Central Vietnam at 8 a.m. (local time) on August 1, 1954.

Southern Vietnam at 8 a.m. (local time) on August 11, 1954.

It is agreed that Peking mean time shall be taken as local time.

From such time as the cease-fire becomes effective in Northern Vietnam, both parties undertake not to engage in any large-scale offensive action in any part of the Indo-Chinese theatre of operations and not to commit the air forces based on Northern Vietnam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping zone to another within 25 days of the present Agreement's entry into force.

Article 12

All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire Agreement shall have become effective, the number to be determined on the spot by the Trung Gia Military Commission, each party shall be responsible for removing and neutralising mines (including river- and sea-mines), booby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralisation in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the free movement of the personnel of the Joint Commission and its joint groups, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the commanders of the opposing forces;

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see article 24), the latter party's forces must provisionally withdraw three kilometres on each side of such route, but in such a manner as to avoid interfering with the movements of the civil population.

Article 13

From the time of the ceasefire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air-corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air-corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trung Gia Military Commission.

Article 14

Political and administrative measures in the two regrouping zones, on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Vietnam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present agreement.

[1] Map not printed.

(b) Any territory controlled by one party which is transferred to the other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to ensure that there is no break in the transfer of responsibilities. For this purpose, adequate notice shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trung Gia Military Commission. The transfer shall be effected in successive stages for the various territorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Vietnam shall be completed within the respective time-limits laid down in article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against persons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

Article 15

The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within 300 days, as laid down in article 2 of the present agreement;

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly instalments proportionate to the number of troops to be transferred;

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible;

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration;

(e) The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer;

(f) The Trung Gia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the disengagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below:

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it and the other party's provisional withdrawal from it, shall be completed within a period not exceeding 15 days after the date when the cease fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps[2] annexed to the present agreement.

In order to avoid any incidents, no troops shall be stationed less than 1,500 metres from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter:

Meridian of the southern point of Kebao Island.

Northern coast of Ile Rousse (excluding the island), extended as far as the meridian of Campha-Mines.

Meridian of Campha-Mines.

2. The withdrawals and transfers shall be effected in the following order and within the following periods (from the date of the entry into force of the present agreement):

Forces of the French Union

	Days
Hanoi perimeter	80
Haiduong perimeter	100
Haiphong perimeter	300

Forces of the People's Army of Vietnam

	Days
Ham Tan and Xuyenmoc provisional assembly area	80
Central Vietnam provisional assembly area—first instalment	80
Plaine des Joncs provisional assembly area	100
Central Vietnam provisional assembly area—second instalment	100
Pointe Camau provisional assembly area	200
Central Vietnam provisional assembly area—last instalment	300

Chapter III—Ban on the introduction of fresh troops, military personnel, arms, and munitions. Military bases

Article 16

With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and groups of personnel, the arrival in Vietnam of individual personnel on a temporary duty basis and the return to Vietnam of the individual personnel after short periods of leave or temporary duty outside Vietnam shall be permitted under the conditions laid down below:

(a) Rotation of units (defined in paragraph (c) of this article) and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present agreement during the withdrawal period provided for in article 2.

However, under the heading of individual personnel not more than 50 men, including officers, shall during any one month be permitted to enter that part of the country north of the provisional military demarcation line on a temporary duty basis or to return there after short periods of leave or temporary duty outside Vietnam.

(b) "Rotation" is defined as the replacement of units or groups of personnel by other units of the same échelon or by personnel who are arriving in Vietnam territory to do their overseas service there;

(c) The units rotated shall never be larger than a battalion—or the corresponding échelon for air and naval forces;

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter neither party shall introduce more than 15,500 members of its armed forces into Vietnam under the rotation policy.

(e) Rotation units (defined in paragraph (c) of this article) and groups of personnel, and the individual personnel mentioned in this article, shall enter and leave Vietnam only through the entry points enumerated in article 20 which follows;

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures of units, groups of personnel and individual personnel in or from Vietnam. Reports on the arrivals or departures of units, groups of personnel and individual personnel in or from Vietnam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of arrival or departure and the number of persons arriving or departing;

(g) The International Commission, through its Inspection Teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorised above, at the points of entry enumerated in article 20 which follows.

Article 17

(a) With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munition and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines, and jet weapons and armoured vehicles, is prohibited.

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war material, arms and ammunitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present agreement, during the withdrawal period provided for in article 2.

Naval craft may perform transport operations between the regrouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in paragraph (b) of this article, shall be introduced into Vietnam only through the points of entry enumerated in article 20 below. War material, arms and munitions to be replaced shall be shipped from Vietnam only through the points of entry enumerated in article 20 which follows.

(d) Apart from the replacements permitted within the limits laid down in paragraph (b) of this article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited.

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Vietnam of arms, munitions and other war material (as defined in paragraph (a) of this article) for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced.

(f) The International Commission, through its inspection teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this article, at the points of entry enumerated in article 20 below.

[2] Maps not printed.

Article 18

With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Vietnam territory.

Article 19

With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the regrouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

Article 20

The points of entry into Vietnam for rotation personnel and replacements of material are fixed as follows:

Zones to the north of the provisional military demarcation line: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen;

Zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

Chapter IV—Prisoners of war and civilian internees

Article 21

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of 30 days after the date when the cease-fire becomes effective in each theatre.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

Chapter V—Miscellaneous

Article 22

The commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present agreement are suitably punished.

Article 23

In cases in which the place of burial is known and the existence of graves has been established, the commander of the forces of either party shall, within a specific period after the entry into force of the armistice agreement, permit the graves service personnel of the other party to enter the part of Vietnam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The commanders of the forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

Article 24

The present agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarised zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Vietnam.

For the purposes of the present Article, the word "territory" includes territorial waters and air space.

Article 25

The commanders of the forces of the two parties shall afford full protection and all possible assistance and cooperation to the Joint Commission and its joint groups and to the International Commisison and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

Article 26

The costs involved in the operations of the Joint Commission and joint groups and of the International Commission and its inspection teams shall be shared equally between the two parties.

Article 27

The signatories of the present agreement and their successors in their functions shall be responsible for ensuring the observance and enforcement of the terms and provisions thereof. The commanders of the forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present agreement by all elements and military personnel under their command.

The procedures laid down in the present agreement shall, whenever necessary, be studied by the commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

Chapter VI—Joint Commission and International Commission for Supervision and Control in Vietnam

Article 28

Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

Article 29

An International Commission shall ensure the control and supervision of this execution.

Article 30

In order to facilitate, under the conditions shown below, the execution of provisions concerning joint actions by the two parties, a Joint Commission shall be set up in Vietnam.

Article 31

The Joint Commission shall be composed of an equal number of representatives of the commanders of the two parties.

Article 32

The Presidents of the delegations to the Joint Commission shall hold the rank of general.

The Joint Commission shall set up joint groups, the number of which shall be determined by mutual agreement between the parties. The joint groups shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the regrouping zones shall be determined by the parties whilst taking into account the powers of the Joint Commission.

Article 33

The Joint Commission shall ensure the execution of the following provisions of the Agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Vietnam for all regular and irregular armed forces of the two parties.

(b) A regroupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the regrouping zones and of the demilitarised sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavour to solve such disputed questions as may arise between the parties in the course of executing these provisions.

Article 34

An International Commission shall be set up for the control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Vietnam. It shall be composed of representatives of the following States: Canada, India, and Poland.

It shall be presided over by the Representative of India.

Article 35

The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States. The mixed teams shall be located at the following points: Laokay, Langson, Tien-Yien, Haiphong, Vinh, Dong-Hoi, Muong-Sen Tourane, Quinhon, Nhatrang, Bangol, Saigon, Cape St. Jacques, Tranchau. These points of location may, at a later date, be altered at the request of the joint commission, or of one of the parties, or of the international commission itself, by agreement between the international commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Vietnam, the demarcation lines between the regrouping zones and the demilitarised zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfillment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the inspection teams, &c.) They shall have at their disposal such modern means of transport, observation, and communication as they may require. Beyond the zones of action as defined above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

Article 36

The international commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfil the tasks of control, observation, inspection, and investigation connected with the application of the provisions of the agreement on the cessation of hostilities, and it shall in particular:

(a) Control the movement of the armed forces of the two parties, effected within the framework of the regroupment plan.

(b) Supervise the demarcation lines between the regrouping areas, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian internees.

(d) Supervise at ports and airfields as well as along all frontiers of Vietnam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personnel, and of all kinds of arms, munitions, and war material.

Article 37

The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

Article 38

The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the Commission.

Article 39

If any one inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation, the International Commission shall be informed; the latter shall study the reports and the conclusions of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

Article 40

When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

Article 41

The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 42. If the votes are divided, the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Vietnam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

Article 42

When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely;

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan;

(b) Violation by the armed forces of one of the parties of the regrouping zones, territorial waters, or air space of the other party; the decisions of the International Commission must be unanimous.

Article 43

If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 42, it shall submit a majority report and one or more minority reports to the members of the Conference.

The International Commission shall inform the members of the Conference in all cases where its activity is being hindered.

Article 44

The International Commission shall be set up at the time of the cessation of hostilities in Indochina in order that it should be able to fulfil the tasks provided for in article 36.

Article 45

The International Commission for Supervision and Control in Vietnam shall act in close cooperation with the International Commissions for Supervision and Control in Cambodia and Laos.

The Secretaries-General of these three Commissions shall be responsible for coordinating their work and for relations between them.

Article 46

The International Commission for Supervision and Control in Vietnam may, after consultation with the International Commissioners for Supervision and Control in Cambodia and Laos, and having regard to the development of the situation in Cambodia and Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

Article 47

All the provisions of the present Agreement, save the second subparagraph of article 11, shall enter into force at 2400 hours (Geneva time) on July 22, 1954.

Done in Geneva at 2400 hours on the 20th of July, 1954, in French and in Vietnamese, both texts being equally authentic.

For the commander-in-chief of the French Union Forces in Indochina:

DELTIEL,
Brigadier-General.

For the commander in chief of the People's Army of Vietnam.

TA-QUANG-BUU,
Vice-Minister of National Defence of the Democratic Republic of Vietnam.

U.S. DECLARATION ON INDOCHINA

(NOTE.—Following is the text of a statement made by Under Secretary Walter B. Smith at the concluding Indochina plenary session at Geneva on July 21:)

As I stated on July 18 [1] my Government is not prepared to join in a declaration by the Conference such as is submitted. However, the United States makes this unilateral declaration of its position in these matters:

DECLARATION

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations takes note of the agreements concluded at Geneva on July 20 and 21, 1954 between (a) the Franco-Laotian Command and the Command of the Peoples Army of Vietnam; (b) the Royal Khmer Army Command and the Command of the Peoples Army of Vietnam; (c) Franco-Vietnamese Command and the Command of the Peoples Army of Vietnam and of paragraphs 1 to 12 inclusive of the declaration presented to the Geneva Conference on July 21, 1954 declares with regard to the aforesaid agreements and paragraphs that (i) it will refrain from the threat or the use of force to disturb them, in accordance with article 2 (4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

In connection with the statement in the declaration concerning free elections in Vietnam my Government wishes to make clear its position which it has expressed in a declaration made in Washington on June 29, 1954 [2] as follows:

"In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the United Nations to insure that they are conducted fairly."

With respect to the statements made by the representative of the State of Vietnam, the United States reiterates its traditional position that peoples are entitled to determine their own future and that it will not join in an arrangement which would hinder this. Nothing in its declaration just made is intended to or does indicate any departure from this traditional position.

We share the hope that the agreements will permit Cambodia, Laos and Vietnam to play their part, in full independence and sovereignty, in the peaceful community of nations, and will enable the peoples of that area to determine their own future.

NEWS CONFERENCE STATEMENT BY THE PRESIDENT

I am glad, of course, that agreement has been reached at Geneva to stop the bloodshed in Indochina.

The United States has not been a belligerent in the war. The primary responsibility for the settlement in Indochina rested with those nations which participated in the fighting. Our role at Geneva has been at all times to try to be helpful where desired and to aid France and Cambodia, Laos, and Vietnam to obtain a just and honorable settlement which will take into account the needs of the interested people. Accordingly, the United States has not itself been party to or bound by the decisions by the Conference, but it is our hope that it will lead to the establishment of peace consistent with the rights and the needs of the countries concerned. The agreement contains features which we do not like, but a great deal depends on how they work in practice.

The United States is issuing at Geneva a statement to the effect that it is not prepared to join in the Conference declaration, but, as loyal members of the United Nations, we also say that, in compliance with the obligations and principles contained in article 2 of the United Nations Charter, the United States will not use force to disturb the settlement. We also say that any renewal of Communist aggression would be viewed by us as a matter of grave concern.

As evidence of our resolve to assist Cambodia and Laos to play their part, in full independence and sovereignty, in the peaceful community of free nations, we are requesting the agreement of the Governments of Cambodia and Laos to our appointment of an Ambassador or Minister to be resident at their respective capitals (Phnom Penh and Vientiane). We already have a Chief of Mission at Saigon, the capital of Vietnam, and this Embassy will, of course, be maintained.

The United States is actively pursuing discussions with other free nations with a view to the rapid organization of a collective defense in southeast Asia in order to prevent direct or indirect Communist aggression in that general area.

NEWS CONFERENCE STATEMENT BY SECRETARY DULLES

The Geneva negotiations reflected the military developments in Indochina. After nearly 8 years of war the forces of the French Union had lost control of nearly one-half of Vietnam, their hold on the balance was precarious, and the French people did not desire to prolong the war.

These basic facts inevitably dominated the Indochina phase of the Geneva Conference and led to settlements which, as President Eisenhower said, contain many features which we do not like.

Since this was so, and since the United States itself was neither a belligerent in Indochina nor subject to compulsions which applied to others, we did not become a party

---

[1] Not printed.

[2] Bulletin of July 12, 1954.

to the Conference results. We merely noted them and said that, in accordance with the United Nations Charter, we would not seek by force to overthrow the settlement. We went on to affirm our dedication to the principle of self-determination of peoples and our hope that the agreements would permit Cambodia, Laos, and Vietnam to be really sovereign and independent nations.

The important thing from now on is not to mourn the past but to seize the future opportunity to prevent the loss in northern Vietnam from leading to the extension of communism throughout southeast Asia and the Southwest Pacific. In this effort all of the free nations concerned should profit by the lessons of the past.

One lesson is that resistance to communism needs popular support, and this in turn means that the people should feel that they are defending their own national institutions. One of the good aspects of the Geneva Conference is that it advances the truly independent status of Cambodia, Laos, and southern Vietnam. Prime Minister Mendès-France said yesterday that instructions had been given to the French representatives in Vietnam to complete by July 30 precise projects for the transfers of authority which will give reality to the independence which France had promised. This independence is already a fact in Laos and Cambodia, and it was demonstrated at Geneva, notably by the Government of Cambodia. The evolution from colonialism to national independence is thus about to be completed in Indochina, and the free governments of this area should from now on be able to enlist the loyalty of their people to maintain their independence as against Communist colonialism.

A second lesson which should be learned is that arrangements for collective defense need to be made in advance of aggression, not after it is underway. The United States for over a year advocated united action in the area, but this proved not to be practical under the conditions which existed. We believe, however, that now it will be practical to bring about collective arrangements to promote the security of the free peoples of southeast Asia. Prompt steps will be taken in this direction. In this connection we should bear in mind that the problem is not merely one of deterring open armed aggression but of preventing Communist subversion which, taking advantage of economic dislocations and social injustice, might weaken and finally overthrow the non-Communist governments.

If the free nations which have a stake in this area will now work together to avail of present opportunities in the light of past experience, then the loss of the present may lead to a gain for the future.

TEXT OF FINAL DECLARATION

"Final declaration, dated July 21, 1954, of the Geneva Conference on the problem of restoring peace in Indochina, in which the representatives of Cambodia, the Democratic Republic of Vietnam, France, Laos, the People's Republic of China, the State of Vietnam, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America took part.

"1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos, and Vietnam and organizing international control and the supervision of the execution of the provisions of these agreements.

"2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos, and Vietnam. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos, and Vietnam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

"3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

"4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Vietnam prohibiting the introduction into Vietnam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel, or in instructors except for the purpose of effective defense of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

"5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Vietnam to the effect that no military base at the disposition of a foreign state may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other states if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign powers.

"6. The Conference recognizes that the essential purpose of the agreement relating to Vietnam is to settle military questions with a view to ending hostilities and that the military demarcation line should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Vietnam.

"7. The Conference declares that, so far as Vietnam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity, and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot.

"In order to insure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the member states of the International Supervisory Commission referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from April 20, 1955, onward.

"8. The provisions of the agreements on the cessation of hostilities intended to insure the protection of individuals and of property must be most strictly applied and must, in particular, allow every one in Vietnam to decide freely in which zone he wishes to live.

"9. The competent representative authorities of the northern and southern zones of Vietnam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

"10. The Conference takes note of the declaration of the French Government to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos, and Vietnam, at the request of the governments concerned and within a period which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

"11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the reestablishment and consolidation of peace in Cambodia, Laos, and Vietnam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity, and territorial integrity of Cambodia, Laos, and Vietnam.

"12. In their relations with Cambodia, Laos, and Vietnam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity, and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

"13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to insure that the agreements on the cessation of hostilities in Cambodia, Laos, and Vietnam are respected."

Mr. MORSE. Mr. President, I do not believe the United States wanted to put its name on the text of that agreement of July 21, 1954, because a few weeks before we had decided to back Ngo Dinh Diem as head of a government in South Vietnam. He was appointed Premier by the former Emperor, Bao Dai, on July 7.

If all the facts behind the American decision to put its full support behind Diem are ever published, they will show the heavy hand of the Central Intelligence Agency in that decision. It was a decision recommended and supported not through State Department channels, but through CIA channels.

A letter of October 21, 1954, from President Eisenhower to Premier Diem put our commitment in writing. It called upon Diem to make certain reforms. We do not talk about that any more. When Diem did not make the reforms that we believed were the minimum needed to make his government even look like a success, we dumped him. We got another boy, so to speak. In fact, we have gotten two other boys; and we have stopped talking about needed reforms as a condition of aid.

We no longer talk about freedom in South Vietnam, for there is little there. The United States is supporting a military Fascist dictatorship, as ruinous to human liberties and rights as vicious communism is, for there are no differences between police states, when it comes to human rights. Mr. President, that is not going to be pleasant reading for our descendants. When one is making history, sometimes it is easy to overlook what one is doing. Of course we are making history in our foreign policy in South Vietnam; and it is a history of

foreign policy, in connection with McNamara's war, that is completely out of line with the glorious chapters that comprise the overall volume of American history—so much out of line, Mr. President, that I wish we could tear out that part; I wish we could erase it. But, of course, we cannot. However, we do not need to continue to write it. So my plea is that we stop writing it. We need to keep faith with the man whom I consider the greatest leader in the field of foreign policy in this body during my many years of service here—a great Republican, a great chairman of the Senate Foreign Relations Committee, the incomparable Arthur Vandenberg.

The Senate has heard me say it many times. But I want it in the speech. It presents an opposing view to the policy of my Government in South Vietnam. This great tenet of Vandenberg's, which is a tenet affecting the whole philosophy of our foreign policy, is unanswerable. The advocates of expediency in foreign policy, which means the advocates of the policy of intellectual dishonesty, cannot answer it, for there is nothing practical about the expediency.

Vandenberg pointed out that there is no hope for permanent peace in the world until all of the nations of the world are willing to set up a system of international justice through law, to the procedures of which would be submitted, for final and binding decision, every issue that threatens the peace of the world. They would be enforced by an international organization such as the United Nations.

That great American ideal cannot be reconciled with American foreign policy in South Vietnam. They are poles apart. We have not even suggested that the South Vietnam issue should be taken to the United Nations. We have not even urged that an international peacekeeping organization ought to be set up in South Vietnam to keep the warring parties apart, as we participate in the Congo, Middle East, and Cyprus. This is one of the purposes of the United Nations Charter.

As far as our policy in relationship to our obligations under the United Nations in South Vietnam is concerned, it would appear that we think the United Nations Charter is a scrap of paper in respect to South Vietnam. But it is not. It is still a treaty binding upon all the signatories, including the United States, for we signed the charter. We have the same obligation today that we had when it was signed in San Francisco, and that we had when the charter was ratified by the Senate, and that we had when it became an international law treaty committing the United States to fulfillment of its obligations. We cannot square that with our record in South Vietnam.

I do not believe the United States wanted to put its name on the text of the treaty of July 21, 1954. A letter of October 21, 1954, from President Eisenhower to Premier Diem, put our commitment in writing, and as I said, set forth certain conditions for reform that the President made conditions precedent to U.S. support.

But the commitment was to Diem. This was the letter President Johnson referred to on March 24, 1964, when he said he found himself in the same place President Eisenhower found himself in 10 years ago. Unfortunately, this is just where we are—in the same place, and perhaps even less so.

I ask unanimous consent that the text of this letter be printed at this point in the RECORD.

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

LETTER TO THE PRESIDENT OF THE COUNCIL OF MINISTERS OF VIETNAM REGARDING ASSISTANCE FOR THAT COUNTRY, OCTOBER 25, 1954

(Released Oct. 25, 1954, dated Oct. 1, 1954)

His Excellency NGO DINH DIEM,
President of the Council of Ministers,
Saigon, Vietnam.

DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Vietnam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Vietnam have caused grave concern regarding the future of a country temporarily divided by an artificial military grouping, weakened by a long and exhausting war and faced with enemies without and by their subversive collaborators within.

Your recent requests for aid to assist in the formidable project of the movement of several hundred thousand loyal Vietnamese citizens away from areas which are passing under a de facto rule and political ideology which they abhor, are being fulfilled. I am glad that the United States is able to assist in this humanitarian effort.

We have been exploring ways and means to permit our aid to Vietnam to be more effective and to make a greater contribution to the welfare and stability of the Government of Vietnam. I am, accordingly, instructing the American Ambassador to Vietnam to examine with you in your capacity as Chief of Government, how an intelligent program of American aid given directly to your government can serve to assist Vietnam in its present hour of trial, provided that your government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied.

The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. MORSE. This letter was not a treaty; it was not a resolution of Congress carrying the weight of law. It was the promise of one head of government to ask Congress to do certain things if certain conditions were met by Diem.

Neither man remains in office. The conditions were not met. But the aid was sent anyway. Even after we helped remove Diem from office, American support continued.

Why? Because we have never regarded or treated South Vietnam as a sovereign country. We have regarded and treated it as our protectorate. We rule through local rulers, just as the French did. But the strings are pulled by American hands, and with American money.

Of course, our interest there is primarily military. With the French it was primarily economic, and still is. But the United States has put its trust in "reeking tube and iron shard" for so long we scarcely know how to deal with foreign countries and foreign problems in anything but military terms.

AMERICAN RESPONSIBILITIES UNDER GENEVA AGREEMENT

Not being a party to the Geneva Agreement, and South Vietnam not being a party to it, what possible right does the United States have to enforce it unilaterally? None. The United States has no rights under it at all. South Vietnam may have some, since her territory is governed by it.

We have claimed that the Geneva agreement has been violated by North Vietnam, and we have pointed to the 1962 report of the International Control Commission, which reported violations by North Vietnam.

But what about the 1957 report of the Commission which found that both North and South Vietnam had violated the Geneva Agreement, and what is more, that the United States had aided, abetted and participated in the South Vietnamese violations?

Take a look at the language of article 16 of the Geneva Agreement:

With the effect of the date of entry into force of the present agreement, the introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited.

I wonder if Secretary McNamara ever read it. Look at article 17:

With effect from the date of entry into force of the present agreement, the introduction into Vietnam of any reinforcements in the form of all types of arms, munitions, and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles, is prohibited.

Secretary McNamara can talk all he likes about violations of the agreement by North Vietnam but the United States and South Vietnam began violating the agreement on January 1, 1955, when we began our military aid program to South Vietnam.

Paragraphs 59 and 60 of the International Commission for Supervision and Control in Vietnam report of 1957 state:

59. In paragraph 27 of the fifth interim report reference was made to complaints received from the PAVN High Command regarding alleged violations of articles 16 and 17 of the Geneva Agreement. The Commission has not been able to carry out its investigation mentioned in that paragraph regarding the alleged construction of a new airfield at Nha Ban in South Vietnam, the reasons being alleged insecurity conditions in the area and the stand of the Government of the Republic of Vietnam, mentioned in paragraph 44 above. The PAVN High Command has also alleged the construction of two other airfields in South Vietnam. This is under investigation.

60. During the period under report, the Commission has received a total of 24 complaints alleging 76 specific instances of violations of articles 16 and 17 in South Vietnam.

In two cases where United States and Vietnamese military personnel were introduced into South Vietnam without any notification under article 16(f), the Operations Committee of the Commission came to the conclusion that there had been a violation of article 16. In one case where a U.S. military plane brought to Saigon a consignment of aircraft wheel tires the Committee concluded that there had been a technical violation of article 17. In the first two cases, mentioned above, the Commission asked the French High Command to show cause why a finding of violation of article 16 should not be given, and in the third case why a finding of violation of article 17 should not be given. The French Liaison Mission in its reply dated the 21st July has not denied the facts but has stated that due to lack of coordination between the various Vietnamese services, notifications were not given. The matter is under the consideration of the Commission.

In another case the Commission decided that there had been no violation as on the date mentioned by the PAVN High Command in its complaint, no U.S. plane had landed at Tourane and, in one more case, that the allegation had not been proved. In two cases the Commission declined to undertake any investigation as the allegations were too general. For the same reason the Commission just noted two complaints from the PAVN High Command. The other complaints are under inquiry. In some cases it has been found that team reports bear out the allegations made by the PAVN High Command of violations of articles 16 and 17. In such cases the party has been asked to explain why notifications as required under the agreement have not been given and why the procedure laid down in protocol 23 for the introduction of war material and military personnel has not been followed.

Paragraph 63 states:

63. One major case of a foreign military mission in South Vietnam came up during the period under report. On April 25, 1956, the Commission received a request from the French Liaison Mission and the Republic of Vietnam for grant of permission for the entry of 350 military personnel of the U.S. Army Service Corps into South Vietnam. It was stated that these persons would constitute a mission called TERM—Temporary Equipment Recovery Mission—whose duties would be to examine war material and military equipment lying in South Vietnam which was the property of the U.S. Government for the purpose of selecting material to be exported from Vietnam and to protect and preserve this material. The Commission was informed that the members of TERM would start entering South Vietnam by the last week of May 1956. The Commission informed the French Liaison Mission that the matter was under consideration and that, pending the decision of the Commission, no entry should be effected. In spite of this, 290 U.S. military personnel belonging to the TERM have been introduced into South Vietnam, thus facing the Commission with a fait accompli.

The Commission takes exception to this method of procedure adopted by the French Liaison Mission and the Government of the Republic of Vietnam. The Commission gave due consideration to the request of the Republic of Vietnam and communicated its decision on May 29, 1956. In this letter the Commission asked for assurances that the functions of TERM would be solely the selection of material for export from the country and that it would not be used for any other purpose. The Commission further asked for details regarding the mission, number, and names of personnel, their postings in the country and the tasks assigned to each one of them. Lastly, the Commission proposed certain conditions on acceptance of which the Commission would be prepared to agree to the entry of the TERM personnel. These conditions include submission of fortnightly progress reports on the work of TERM, submission of notifications regarding entry and exit of TERM personnel, right of the Commission and its fixed teams to control entry and exit, and the right of the Commission to conduct spot checks at any place where TERM personnel were functioning. The matter is being pursued with the authorities of the Republic of Vietnam, whose final acceptance of the Commission's conditions has not yet been received. The Commission has also received complaints from the PAVN High Command regarding alleged activities of certain U.S. military missions in South Vietnam as constituting violations of articles 16, 17, 18, and 19 of the agreement. The matter is under the consideration of the Commission which is awaiting the comments of the French High Command.

I ask unanimous consent to have the full text of this report printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, any aid to North Vietnam from China and Russia put together cannot come close to matching the aid we have given to the South Vietnam Government. In a sense, the United States is arming the rebels, too, because much of their equipment is captured from the Government forces.

I digress to say that the American people would be greatly surprised if they knew how much American equipment has been captured by the Vietcong. The briefings we have received, in which we have asked questions on this subject, always produce information that great quantities of American military equipment have been captured from the South Vietnamese by the Vietcong, which is being shot back at American boys.

That is why the American military officers who have communicated with me talk about the nature of this operation and point out that it really is not a war operation in the sense that our military proceeds to take the steps it would proceed to take if we were conducting an out-and-out war operation, giving the protection to American boys that they ought to have. That is why military officers who have communicated with me have pointed out that we are not fair to the American boys who are dying in South Vietnam. We are not giving them the military protection to which they are entitled. One of those officers said, "Senator, many times American boys are sitting ducks." We cannot give protection to Americans in helicopters, the way the military operations are being conducted. We cannot give them the protection they should have as we send them out in jeeps and other military vehicles along with the Vietnamese. They are greatly outnumbered. In those forays we not only lose precious American lives, but much American equipment, which gets into the hands of the Vietcong, who use it to fight back.

I think it is probably the strangest, most ludicrous, paradoxical, inexcusable American military operation in the history of the Republic.

From whatever angle one looks at McNamara's war in South Vietnam, he cannot justify it from the standpoint of desirable American policy. How long are we going to continue it? How long is it going to take for the American people to finally make clear that they want no more of it, as the French people finally made clear to the French Government they wanted no more of it?

The policy should change. We should participate with the United Nations, as I shall say in some detail toward the close of my remarks as I discuss the blueprint for action which I believe should be the substitute for our present foreign policy in South Vietnam.

Mr. Nixon is proposing that we expand the war into North Vietnam, which means beyond any question of doubt a proposal that our country become an out-and-out aggressor nation. Unbelievable. Fantastic. Yet there it is—an ugly reality.

Rationalizers and alibiers are trying to wave the flag into tatters to justify it. They cannot justify it. This is a sorry record of the history of American participation in the development of the unfortunate plight in which we now find ourselves, starting with the account of what happened prior to the Geneva accords.

Mr. President, I do not like to stand on the floor of the Senate and charge my Government with violating the Geneva agreement, but I am satisfied that we are violating it. Why did we never take our own complaints about violations to the signers of the Geneva agreement? They are the nations responsible for its enforcement, not the United States.

I am at a loss to understand the Secretary of State and other officials of the State Department, who give us the same kind of rationalization—that we are in South Vietnam because North Vietnam and possibly other countries are violating the Geneva treaty. We are not even a party to the Geneva treaty, and neither is South Vietnam.

But the Secretary of State does not have to be told that. He knows. He knows that if any country is violating a treaty and endangering the peace of the world, any member of the United Nations not only has the right but also the duty to take the offender before the United Nations for an accounting.

I said to the Secretary of State the other day, "Give me one reason for not going before the United Nations."

I have listened to weak, meaningless replies when one takes a look at the substantive problem involved. All I could get out of the Secretary of State was that he did not believe the United Nations would do anything about it.

I do not have to tell the Senate what my reply was: "Mr. Secretary, how will you ever know until you try."

I will tell the Senate why we have not taken it to the United Nations. We do not wish to do so because the United Nations would never support our policy, because we want to continue to treat South Vietnam as an American protectorate. What are we doing with a protectorate?

All I can hope for is that before it is too late the American people will become

fully aware of what their country is up to. Let me warn again—and I have raised this warning on the floor of the Senate before as I have discussed Mr. McNamara's war in South Vietnam—expand the war into North Vietnam and there will not be a person in Government who can be sure Red China will not come in. There will not be a person in Government who can be sure, if we make the stupid mistake of expanding the war into North Vietnam, that it will not provide a meeting ground for Khrushchev and the Red Chinese to get back together again. I do not know what facts anyone in the State Department or the Pentagon can point to which would indicate that Khrushchev will let the Western Powers take over southeast Asia.

I thought we learned our lesson from what happend in Korea. In the past 10 days I pointed out on the floor of the Senate that our leading military officials, except for General MacArthur, were very much concerned about the danger of the Red Chinese and the Red Russians coming in if we bombed beyond the Yalu.

That was when the old slogan was developed:

There is no substitute for victory.

There was also talk about privileged sanctuaries beyond the Yalta. General MacArthur wished to bomb beyond the Yalu against the orders of his Commander in Chief not to bomb beyond the Yalu.

We all know that President Truman took an unjustifiable castigation and a great deal of criticism on that score. It has now come out into the open. It is known that every high American military official in command at the time advised the Commander in Chief, the President of the United States, that if we bombed beyond the Yalu and Red China and Red Russia came in, they would control the air and massacre American soldiers by the thousands. At that time, we did not control the air, and they would have driven the American Air Force out of the skies. This contributes to a better understanding of why, during my service in the Senate, I voted for more money for air power than any President whom I have served had recommended.

But military power alone will not save us. I know that if the road that mankind is to walk is merely the road toward greater and greater armaments and power to kill, all civilized nations are through.

Why have we not taken our complaints about violations of the agreements to the signers of the treaty itself? They are the nations who are primarily responsible for its enforcement.

Was it because the United States has never really accepted the ousting of Western Powers from Indochina? Is it because we planned to stay in South Vietnam no matter what the Geneva agreement decided?

Certainly that is what the record indicates. There is not one single treaty or international law document that authorizes this country to involve ourselves in South Vietnam or to police the Geneva agreement. On the contrary, all our international legal obligations require us to stay out.

We have not even observed the declaration by Under Secretary Smith that we would refrain from the threat or the use of force to disturb the Geneva agreement.

That declaration at least set forth the theoretical duties we would undertake with respect to Vietnam.

U.S. RESPONSIBILITIES UNDER UNITED NATIONS CHARTER

Our declaration of July 21, 1954, said the United States would refrain from the use of force to disturb the Geneva Agreement "in accordance with article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in the international relations from the threat or use of force."

I call attention to the fact that we took note then of our obligation under the U.N. Charter not to use force in the conduct of our international relations.

Yet we did use force to disturb the Geneva Agreement. We armed South Vietnam. Today we have even brought in American forces. We are talking about using South Vietnam as a base from which the United States may attack North Vietnam.

How, Mr. Secretary of Defense and Mr. Secretary of State, does all that square with our obligation not to use force in international relations, except in our own self-defense

You say North Vietnam violated the agreements, too, maybe even first? Then why did we not complain to the members of the Geneva Conference and ask them to act? Or why did we not bring up the matter in the United Nations, as is implied from the Smith statement recognizing our U.N. obligations and saying that we would view any renewal of aggression as seriously threatening international peace and security?

We all know that anything that threatens international peace and security is a matter for the United Nations. It is not a matter for the U.S. Air Force, or the American Secretary of Defense, to handle as they see fit on a U.S. unilateral basis.

If the conflict in Vietnam is viewed as an aggression by North Vietnam, then we have no choice but to take the matter to the U.N. Every minute that we pursue the war in Vietnam, we are doing it in violation on the U.N. Charter.

What are the specific sections of the charter that are controlling? Article II states, in its paragraphs 3 and 4:

3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Our participation in the war in South Vietnam violates paragraphs, 3 and 4, and our open threat to make war on North Vietnam violates paragraph 4.

Mr. President, Nixon would take us to war. Nixon wanted to take us to war when he gave his speech to the editors in New York in 1954. Ten years later he is at the same gate trying to enter into an area of war.

To the everlasting credit of President Johnson, he has not yet proposed that we go into North Vietnam. As my colleagues in the Senate know, the senior Senator from Oregon stands shoulder to shoulder with President Johnson on the overwhelming majority of issues—well over 90 percent of the issues. I am sad that I must completely disagree with him on his South Vietnam policy. I believe he is following some very bad advice.

I find myself in some disagreement with him on certain phases of foreign aid. Yet, as a member of his party, I owe it to him to express my disagreement when I think he is wrong, because that is the best way to serve one's President. One does not serve the President well by being a yes-man or a rubberstamp.

I would much prefer to be with my President on this issue, but I cannot be with him on this program and fulfill what I consider to be my trust as a Senator from my State.

It is not only paragraphs 3 and 4 of article II of the charter that we are violating. I invite Senators to look with me at article 33, which reads:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

We have said ourselves that the war in Vietnam is a threat to peace. That is our rationalization for being in South Vietnam.

We say that is why the United States is in South Vietnam, but we are not establishing peace. The presence of the United States in South Vietnam is only expanding the war. Yet the charter says that "first of all" we must seek a peaceful solution.

Now let us look at article 34 for a moment. Article 34 provides:

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

And article 35 states, in paragraph 1:

Any member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34, to the attention of the Security Council or of the General Assembly.

Under articles 2 and 33, we are obliged to seek a peaceful solution of the South Vietnamese issue. We could ask for the Geneva Conference of 1954 to reconvene, or we could even seek to have the Southeast Treaty Organization try to settle it. The SEATO statement out of Manila on April 15 recognized that the security of South Vietnam, and all of southeast Asia is threatened by what it called Communist aggression. Why, then, did not SEATO members undertake to deal with it? Why did they not notify the U.N. of the threat? That is their duty under both SEATO and the U.N. Charter.

I will give Senators my opinion as to why they did not. The United States did not want them to. That would not be pleasing to the United States. This is a "hot one" for the United States to handle. Review again with me who "they" are.

New Zealand and Australia—if South Vietnam is vital to the interests of any area, it is vital to the area of New Zealand and Australia. But we do not find New Zealanders and Australians dying in Vietnam.

Pakistan, Thailand, and the Philippines—one would think that if South Vietnam were vital to any area, it would be vital to Pakistan, Thailand, and the Philippines. Yet we do not find men from those countries dying in South Vietnam.

Great Britain and France—France has made it very clear that she will not send her boys into South Vietnam to die. She has had enough. She tried it. She lost the flower of her manhood.

My account of the position of Great Britain preceding the Geneva Accords, when Dulles was trying to sell Great Britain with the idea that she should participate in a war in Indochina, is ample proof why we do not find Great Britain willing to go into South Vietnam.

But that does not excuse Australia, New Zealand, Pakistan, Thailand, the Philippines, Great Britain, and France, nor does it excuse the United States, from taking the issue to the United Nations. That is why I charge—serious though I know the charge is—that my country stands in violation of its obligations under the United Nations Charter.

Why is not such a threat the subject of peaceful means of settlement? Why are all these countries ducking, hedging, and evading their obligations under the United Nations Charter, along with the United States—although we are the worst actor, for we are actually in South Vietnam with troops on the basis of a unilateral military intervention?

We read in the newspapers this morning the most recent alibi of the State Department and the Defense Department. They cited figures to show that Britain has eight advisers in South Vietnam and that Australia has 30 men there, advising. But they are a long way from the combat zones.

Mr. Secretary of State and Mr. Secretary of Defense, the American people will not accept that kind of evasive answer to the question: Why are not the SEATO nations in South Vietnam, in keeping with their commitment?

We have not heard recently, but we shall hear it again, Secretary Rusk's standard alibi for our being in South Vietnam and other countries not being there: "The United States was invited in."

Mr. President, we were not invited in. Who invited the United States in? Our own puppet, the puppet we set up in the first place—Diem; and now, Khanh. I was aghast when the Secretary of State pulled that one out of the hat, for that is the same kind of unjustifiable alibi that Russia gives for being in East Germany, where she maintains a puppet government; namely, that she is in East Germany because her puppet asked her to come in.

The Secretary cannot "sell" that, because it is an insult to the intelligence of the American people. His duty is clear; his duty is to take the issue to the United Nations. Even by invitation, we have no legal right to take part in a civil war. If there has been an armed aggression against South Vietnam, then it is clearly and simply an issue for the United Nations.

So I say these SEATO members have an obligation to make it a subject of peaceful settlement at the regional level of SEATO and at the Geneva Conference level. These two levels are available, as is also the United Nations level.

I refer also to article 37 of the United Nations Charter:

> Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council.

"They shall," are the words used. As every lawyer in the Senate knows, those are mandatory words; they create an obligation and a duty. But we have not carried out that obligation and that duty. Let no one try to give me the excuse that we are not the only ones, for all of us know, as parents, that we had to deal many, many times with that sort of excuse, in the process of raising our children. Just because John or Mary has or has not done something, so we have said to our children, is no excuse for them.

Our signature is on the charter; we signed it; and we undertook the obligation and the duty carried by the words "they shall." But we have not carried them out. So I ask the Secretary, "When are we going to recognize those obligations?"

There have been those who have tried to confuse this issue and to mislead the American people into going along with the present unilateral action by the United States in South Vietnam, on the basis of the claim of self-defense. Of course, such a claim always strikes a sympathetic note with people—"He did it in self-defense"—even though lawyers know that self-defense is not necessarily a valid excuse for killing someone. In South Vietnam, we are not even acting in self-defense.

Mr. President, in my judgment, the self-defense argument is completely incompetent, irrelevant and immaterial, as we lawyers say, in the face of the obligations of the United States to take the South Vietnam problem to the United Nations. When are we going to recognize them?

U.N. AND SELF-DEFENSE

The article of the U.N. Charter relating to self-defense also requires examination. It is article 51. Article 51 states:

> Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

I wish to repeat the reading of part of the article, for it knocks into a cocked hat the alibi excuse about "self-defense." The article states:

> Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Mr. President, in that connection I stress the point that the words used are "shall be."

What is the burden of my argument on this point? The burden of my argument is that the United States has not taken the issue to the Security Council, if it wishes to make the claim that it has some right of self-defense in South Vietnam—although such a claim is, of course, a ridiculous one. But even if one wishes to make for a moment, for the purpose of debate, that absurd contention, I point out that the United Nations Charter states very clearly what our duty is; it states that we shall take the issue to the Security Council. However, we never have done so.

That neither of the two Vietnams separately, nor the country as a whole, is a United Nations member is not the real issue; the basic issue is the role of the United States in helping South Vietnam defend itself against rebel warfare, abetted from North Vietnam.

There is no self-defense for the United States here. Neither is there any treaty that calls upon us to defend South Vietnam.

Yet even if there were, we are obliged to undertake that action only until the United Nations has taken over the problem; and we must report to it any action taken in "collective self-defense."

Thus, Mr. President, I say that we stand in violation of this article, too, along with all the others.

Heretofore, I have been referring to the war as involving an aggression by North Vietnam. We have no legal basis of law or treaty for participating in it.

Neither do we have a legal basis for participating in it if it is viewed as a civil war. International law recognizes the right of revolution; hence, it does not recognize any right of outsiders to intervene in the fighting. But we have directly intervened in the fighting in South Vietnam. That also is a violation of article II of the charter.

I ask unanimous consent that excerpts from the article by Quincy Wright on this subject, which appeared in the American Journal of International Law in 1960, be printed at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Of course, Mr. President, Quincy Wright is one of the great scholars of international law. He is widely recognized as such, and he is rec-

ognized by international lawyers as among their great teachers. I have leaned heavily on him in connection with my work in the field of international law and in the preparation of this speech, as I have also leaned heavily upon the writings of another great expert in this field, Ben Cohen.

I am at a loss to understand why the State Department has been following a course of action so completely inconsistent with the great teachings of these recognized authorities on international law.

The United Nations Charter does not call for U.N. jurisdiction over domestic affairs of a nation. But article 34 makes it very clear that the Security Council does have the authority to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

So even if the Vietnam war is viewed as basically a civil war—which I think it is—the United Nations may determine whether it is a threat to peace, and if it finds it is, it may deal with it. When third parties enter the conflict—as the United States has, on one side, and possibly China and Russia, on the other side—it is a dispute that falls under several articles of the United Nations Charter, and requires us—and makes it mandatory that we do so—to take the issue to the United Nations, although we never have taken it there.

There is no getting away from the many provisions of the United Nations Charter that require the Vietnam issue to be handled by the United Nations, whether it is considered a foreign aggression or a civil war.

Are we prepared to say, in so many words, what our policy is already saying: The United States has no more interest than Russia has in working through the United Nations when we think our interests are at stake?

Are we interested in working through the United Nations only when the interests of other countries are at stake? We cannot possibly defend that premise. Yet we are following a course of action which subjects us to that criticism so far as our unilateral action in South Vietnam is concerned, in open defiance of our obligations under the United Nations Charter.

That is what Secretary McNamara's defense policy statements amount to so far as Vietnam is concerned. He is trying to foreclose diplomatic handling of the issue. He is trying to keep it a military issue, a military war, with a military solution.

That is why so many Senators take umbrage when I refer to it as MaNamara's war. But it it his blueprint, his basic policy, that the administration has accepted.

I hope the next time he goes to Vietnam he goes by way of Paris and talks to some of the French leaders, military and civil, who found out after 8 years that there was no such thing as a military victory for a Western power on the Asia mainland.

OUTLOOK IS STEADILY DETERIORATING

Everything I have said about the illegality of our war in South Vietnam will be even more true if we expand the war by attacking Laos and North Vietnam.

How policymakers who are bound to refrain from force in international affairs, except in self-defense, can keep repeating that such a thing is under study is beyond me.

Whenever we are briefed, neither the Secretary of State nor the Secretary of Defense has been willing to eliminate completely the possibility of an expansion of this war. And until they are willing to commit themselves against an expansion of the war, they deserve the criticism I make now—namely, that they are endangering the security of this country and the peace of the world. An expansion of the war into North Vietnam might very well bring in the Red Chinese and Russia. And I need not say that if that happens the holocaust is on.

It is highly dangerous for the United States still to be keeping a possible door ajar through which we can go into North Vietnam for an expansion of the war. It is the old threat that Dulles made so often in 1954.

We should be no party to it. We should assure the world that we have no intention of doing so. We should call upon the members of the United Nations to come in and help us to maintain peace in South Vietnam and to separate the two warring factions by means of United Nations operations.

The talk about the possibility of expanding the war into North Vietnam is a desperation move. It is the frantic act of throwing in a whole bankroll to draw one more card, when the pot has been lost by the cards already dealt.

Look at the history of that war.

For 8 years the French carried the burden, financed at the end largely by the United States. From 1946 to 1954, we put $2 billion into the French war effort.

In 1954, we were spending $800 million on it, and carrying 78 percent of the cost. Over a million casualties, military and civilian, had been suffered by all the parties in the conflict.

In 1955, when we had moved into South Vietnam in place of the French, it cost us $300 million a year to support the Diem government.

In 1961, conditions were so much worse that the annual rate of aid went up to $400 million, and our military help in the person of "advisers" was an unknown added cost out of our regular defense budget.

In 1964, the annual rate of aid is up to $550 million. McNamara went over there and promised them we would stay forever. "Forever," he said. He promised them also that we would pick up the check for the cost of the imposition of a draft in the amount of another $50 million. It is a bottomless pit, I say to the American taxpayers. It is a sinkhole for our money. We ought to stop it. The cost of the American Air Force and military advisers is probably much more than that.

Yesterday, President Johnson said our aid would be increased still more. It is difficult for me to understand to what possible use more aid could be put to in South Vietnam. Press reports indicate that South Vietnam has long since been saturated with American aid.

The ground troops and our uncontested air power together have not been able to destroy Vietcong bases in South Vietnam. Who can believe that air attacks alone are going to destroy them in Laos or North Vietnam?

Those air attacks would be nothing at all but the first installment on an American land war in Asia. Mr. Nixon was "talking it up" in 1954. It is no surprise that he is still talking it up now.

Remember that the prognosis offered by Secretary McNamara for the war in South Vietnam is "forever." Who is willing to guess how long it will take Americans to wipe out supply lines in North Vietnam, especially if China gets nervous about our presence and enters the fighting as she did in Korea, and Russia finds a basis for joining her and comes in, too? It is my position, Mr. President, that wisdom and duty both call for a peaceful settlement.

In all the pronouncements and publications of the State and Defense Departments on Vietnam, we proclaim that North Vietnam is committing aggressions that threaten the peace.

But we have not intervened to bring peace, to provide a peaceful settlement. Our intervention has not even brought freedom. It has brought a military dictatorship. To South Vietnam, American intervention has brought more fighting, more war, more death, more destruction, more terror, and less freedom. We have not taken people out of the fighting; we have only brought more people into it. McNamara now wants us to finance the draft in South Vietnam, to get men into the fighting. And the American taxpayer will pay for it.

The territory under full control of the Khanh junta is declining. Casualties inflicted on Government forces are higher than ever, despite the complete control of the air by the United States. Although Vietcong casualties are also said to be high, the estimate of 20,000 "hard core guerrillas" is the same as it was 2 years ago.

It is hardly any wonder that desperation measures to save our puppet government are being considered.

Aside from the illegality of our intervention, there is the even more serious question of what its objective is and how much it is going to cost.

What does "victory" mean in South Vietnam? Does it mean until rebels stop fighting the Government? If so, I predict that rebellion will never stop until the Americans leave. The United States is the best source of weapons they have. They are constantly capturing them from the retreating South Vietnamese. It is interesting also that at one time we decided we would arm some of the villages, particularly in the delta areas.

We tried to build up a sort of village minuteman or militiaman or civil patrol, and we supplied them with much equipment, only to learn that, strangely enough, much of the equipment seemed to get into the hands of the Vietcong.

That has been an oriental practice for a long time. Do Senators remember when Chiang Kai-shek was still on the mainland of China? We were pouring military aid to him at that time. Our intelligence reports at that time showed that much of the aid seemed to get into the hands of the Communists, without even being uncrated—and we know strange negotiations seemed to be carried on between the Communist rebels and the Chiang Kai-shek forces. Much of the military equipment got into the hands of the so-called Communist war lords and was used against the Nationalist forces. Finally, those forces were driven off the mainland of China.

Earlier in the Vietnamese war, when it was discovered that a good deal of American equipment which had been made available to the people of the villages, allegedly for their self-defense, was getting into the hands of the Vietcong, we learned, in one of our briefings, that the United States decided to go out, collect, and bring back and keep under its control as much of that equipment as possible. But there is a great deal of equipment there yet.

Moreover, the Vietcong seem to have been making steady progress since 1954. We have steadily raised the ante, both financially and militarily, but we are still losing. Yet the only proposals for change have been to escalate the war so as to involve other countries. If we escalate it into North Vietnam, we can look forward to an American war there that will bring in China in one way or another.

The illogic of our policy is that if we show any sign of success, the Chinese will step up their participation. Conversely, as the guerrillas show signs of success, we have stepped up our participation. This escalation on both sides can only lead to a disaster for the United States. It can only lead from being bogged down in South Vietnam to being bogged down in North Vietnam and then to being bogged down in China.

That is why the interest of the United States require a negotiated settlement or an international peace force, just as French interests finally required it.

I am greatly concerned about what military officials tell me would happen if we let the situation develop so that it became necessary, or we thought it became necessary, to put masses of American ground forces in Asia.

I am waiting to listen to the first high, responsible American official who will testify, under examination, that he thinks the prognosis is good for a ground victory by an American Army in China. All the briefings on that subject matter that I have received thus far in my many years in the Senate show that that is not the place to pick as a battleground with communism. I cannot think of anything that would be more awful than to continue the present course in South Vietnam until we get into a position where it will be said that we have no choice, that we cannot retreat, that we must not give the impression that we are backing out, but must go in deeper. The French did that. Military advisers tell me that the white man's army cannot win on the mainland of China.

That is why we all know, or should know that if we get into a war with China and with Russia, it will be a nuclear war. One of the most shocking experiences I had was at a briefing not long ago when there was talk to the effect that if we followed the objective of expanding the war in Vietnam we would have to use nuclear weapons.

I am convinced that with the first nuclear bomb—I care not what its size—dropped on North Vietnam or anywhere else in Asia, the holocaust will be on.

If anyone thinks the United States can start dropping nuclear bombs and not be held to an accounting by the nuclear powers that are against us, he has lost his mind. If we resort to the use of nuclear power in Asia, nuclear bombs will start dropping on both sides.

I do not have to tell Senators what they all know. The advisers tell them that both the Communist world and the free world have the power to destroy each other in the relatively short time of not too many days.

That is why the senior Senator from Oregon dares to talk on the floor of the Senate about morality. That is why the senior Senator from Oregon dares to suggest to his Government that, unless American foreign policy is built upon foundations of moral principles, it cannot be justified. A nuclear war, large or small, cannot be justified on moral grounds. And it will not be possible to keep it small. Such a war is immoral.

That is why I say, take it to the United Nations. Insist that the other signatories to the charter assume their obligations to enforce the peace. It is in our historic interest to do so.

Perhaps someday it will be a subject of historical study that will reveal the causes for an American obsession with Asia. It is an obsession that has not gripped our policy in any other part of the world so completely. It is an obsession about an area of the world that is completely beyond the perimeter of American defense, for South Vietnam is not within the perimeter of American defense. If we got into a war with Russia tomorrow, we would not keep one single American boy there. Why are American boys over there now?

I believe we should get out now, except for participating in the maintenance of a peacekeeping United Nations force and trying to bring the killing to an end.

Even in Cuba, during the missile crisis, we moved to internationalize our defensive action through the Organization of American States, and we immediately called the Security Council of the U.N. together to notify it of our proposed action in Cuba. What is more vital to the interests of this country than Cuba, just 90 miles away? Why is it that South Vietnam, 7,000 miles away, is consistently handled as a unilateral issue, when we recognize that Cuba, only 90 miles away, must be handled as an international issue?

Of course, it is said behind closed doors that there is no effective regional organization in Asia. That is the tribute our officials pay to SEATO in private.

But there is the Geneva Conference. And there is the United Nations.

Surely the Mediterranean is important to this country. When trouble broke out in Cyprus, we tried first to handle that issue through a regional organization—NATO. When that highly inappropriate mechanism did not work, we agreed to go to the United Nations.

So did we in the case of Suez. So did we in the case of the Congo.

Why did we in those cases and not in the case of Vietnam? I believe it is because of our heavy emotional commitment, which is turn led to our heavy financial and military commitment.

The stranglehold these commitments have on our policymakers is evident. Whenever President Johnson speaks of South Vietnam, he mentions the commitment of President Eisenhower in 1954.

Yet, President Johnson inherited many things from the Eisenhower and Kennedy administrations that he has sought to change. He inherited a 5-year-old railroad struggle. But he did not perpetuate it. He settled it. He inherited a chronic state of poverty and unemployment. But he is not perpetuating it; he is trying to change it.

He inherited a cold war confrontation with the Soviet Union. But he has not stood fast to keep it going; he has tried to alter it.

The Vietnam policy he inherited from the Dulles-Eisenhower administration is the most dangerous and illegal policy of all. Why should it be perpetuated? President Johnson may cry "peace, peace" but he will not bring peace until he changes what we are doing in Vietnam.

All this 10-year-old Vietnam policy has brought the American people is war by executive agreement. There is no treaty; there is not even a United Nations action under the treaty of the U.N. Charter, as there was in Korea. The only legal basis for a war in Vietnam would be the U.S. Constitution. But there has been no declaration of war under that, either.

No Member of Congress has proposed a declaration of war. The administration has not proposed a declaration of war. But we are making war.

Oh, of course, the political pitch is made that this is a confrontation with communism and as Americans we must all fall in line with whatever our military advisers say must be done about it. That is why Senators praise McNamara's patriotism. That way they hope to avoid having to go into the illegality of his policy.

I praise his patriotism, too. I praise his brilliance. But, in accordance with his policy on South Vietnam, I believe he has suffered a lapse of judgment.

In cloakrooms and behind closed doors, it is said that it is all right to go to the U.N. where the issue is not a direct one between the United States and a Communist power; the U.N. is all right for the Arabs and Cypriots and Congolese and to head off great power involvements; but in Vietnam the United States itself is directly and heavily involved and our prestige and our interests must not be jeopardized by the uncertainties of the U.N. which we cannot control.

I ask, What are the uncertainties of the U.N. compared to the uncertainties of continuing and escalating this war in South Vietnam? We do not control Vietnam, either; we do not control the rebels, we do not control the North Vietnamese, we do not control China. The United Nations, which we do not control, could not do any worse in this situation than we have done.

Neither Vietnam as a whole, nor its two parts, has membership in the United Nations. But that does not affect the capacity of the organization to deal with them.

I point to paragraph 6 of article III of the charter:

> The Organization shall insure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

Most recently, President Johnson has said he hopes to see "some other flags there," referring to SEATO members. The only legitimate right they have in Vietnam is in trying to settle the dispute by pacific means.

Otherwise, the only flag, other than the Vietnam flag, that has any right there is the United Nations flag. If it chooses, the U.N. can direct SEATO to handle military operations there on behalf of the U.N.

I ask President Johnson why the United Nations flag has not been invited into Vietnam.

I believe that should be a basic part of our foreign policy. I believe that when the peace is threatened anywhere in the world the United States should take the position that we will raise the issue before the Security Council and, if necessary, before the General Assembly, to have the United Nations carry out the clear obligations that the Charter makes mandatory upon the signatories thereto.

It is not the fighting flags of other nations that we need or should want in South Vietnam. I say to my President that what is needed is to send United Nations flag in, and have the signatories to the United Nations Charter jointly give support to the United Nations in establishing and maintaining a force in South Vietnam, aimed at maintaining the peace.

It would be difficult. It would have its ups and downs. But it is an entirely different psychological approach to the problem of South Vietnam. It is the difference between trying to establish peace and expanding war. It is the difference between an approach to peace and an approach to war.

In the absence of a U.N. action, in the absence of a joint SEATO action, and in the absence of a congressional declaration of war, men and planes fighting under the American flag have no business in South Vietnam. The longer they fight, and the more of them we send, the harder we will find it to end the conflict.

President Johnson and the American people have a challenge before them, not to make a bigger war in Asia, but to bring the United Nations into Asia. If he will turn his talents to that end, he will be acting in accord with the legal and foreign policy principles which the United States has long professed. He will be acting in accord with the United Nations Charter. And I believe he will be acting in the best interests of the safety of the United States.

Mr. President, I recognize full well that others as sincere and as patriotic and as dedicated to our country as I am, will thoroughly disagree with my views.

That does not relieve me of my responsibilities, as I see those responsibilities, to raise questions of international law in respect of American policy in South Vietnam.

I do not expect agreement from the very able and distinguished Secretary of Defense, although he will find me on the same side with him on many issues. However, I am irreconcilably opposed to his position in South Vietnam.

In fairness to him I believe I should say, as I close my speech, that I have just been handed a news ticker reference to him, which reads as follows:

> WASHINGTON.—Secretary of Defense Robert S. McNamara, replying to news conference questions, said today he was "pleased to be associated" with the operation of the war in Vietnam.
>
> "I don't object to it being called McNamara's war," he said, referring to a description used by Senator WAYNE MORSE, Democrat, of Oregon.
>
> The Pentagon chief added that "I have high regard for Senator MORSE, but not in this respect"—the Senator's continuing criticism of the role of the United States in Vietnam.

Mr. President, I understand the Secretary's view. We continue to agree to disagree. As long as this war, which I consider to be an unjustifiable war, a war which involves a violation by the United States of its Charter of the United Nations, a war which in my opinion is an unjustifiable killing of American boys in South Vietnam, is continued I expect to be against it in the Senate and in the country.

I close by saying I do not believe Congress can escape its obligation to take official jurisdiction over the subject matter. Congress ought to decide whether or not by official action—and the proper official action would be a declaration of war in South Vietnam, against which I would vote—it wants to support McNamara's war by officially declaring it to be that, as it only has the authority to do under the Constitution of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated March 14, 1964, addressed to me, and signed by David Stall and Alice H. Stall, in commendation of my stand relative to South Vietnam.

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

YOUR TOWN PRESS, INC.,
Salem, Oreg., March 14, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR WAYNE: We are moved to commend your wisdom and courage for the stand taken on South Vietnam. Surely, the U.S. policy formulations should be guided by someone other than Secretary of Defense and the CIA. Our involvement in that area has been too much by executive fiat without adequate reference to legislature and the people. As far as the moral basis for it all goes, this certainly dwindles as the truth of Diem regime became revealed and is hardly strengthened by the succession of one military strong man for another.

Education and retraining for industrial skills; medical needs; civil rights; our rate of economic growth—these are all problems of relevant and pressing concern. We know that you are conscious of this and take this opportunity of strengthening your commendable resolve.

Cordially yours,

DAVID STALL.
ALICE H. STALL.

EXHIBIT 1

SIXTH INTERIM REPORT OF THE INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM, DECEMBER 11, 1955, TO JULY 31, 1956

(Presented by the Secretary of State for Foreign Affairs to Parliament by command of Her Majesty, January 1957)

FOREWORD

The first five interim reports of the International Commission for Supervision and Control in Vietnam, covering the period from August 11, 1954, to December 10, 1955, were published as "Vietnam No. 1 (1955)," Cmd. 9461 (containing the first two reports); "Vietnam No. 2 (1955)," Cmd. 9499; "Vietnam No. 3 (1955)," Cmd. 9654; and "Vietnam No. 1 (1956)," Cmd. 9706. The present white paper contains the text of the Sixth Interim Report. This was received at the Foreign Office on October 2, 1956, and, in accordance with the procedure described in the Foreword to Command Paper 9461 of 1955 is now published after the distribution of copies to all members of the Geneva Conference of 1954.

2. After the publication of the Fifth Report, representatives of the two cochairmen of the Geneva Conference met in London to discuss the difficulties being experienced by the International Supervisory Commission as outlined in chapter VII of the report herein. As a result of this discussion the cochairmen sent messages on May 8, 1956, to the Government of France, jointly to the Governments of the Republic of Vietnam and of the People's Republic of Vietnam, and to the International Supervisory Commision. These messages were published in the white paper "Vietnam No. 2 (1956)," Cmd. 9763.

FOREIGN OFFICE, *January 1957.*

SIXTH INTERIM REPORT OF THE INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM, DECEMBER 11, 1956, TO JULY 31, 1956

Table of contents

INTRODUCTION

The International Commission for Supervision and Control in Vietnam has so far submitted five interim reports covering its activities from August 11, 1954, to December 10, 1955.

2. This is the sixth interim report of the Commission containing a summary of its activities from December 11, 1955, to July 31,

1956, and a review of the progress made by the two parties in the implementation of the agreement on the cessation of hostilities in Vietnam.[1] This report should be read along with the relevant chapters of the five earlier interim reports.

CHAPTER I—ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM

During the period under review, the International Commission continued to carry out the task assigned to it under articles 29, 34, and 36 of the agreement; namely, the supervision and control of the proper execution by the parties of the provisions of the agreement. The Commission held 58 meetings during the period under review for the transaction of its day-to-day business. The committees of the Commission; namely, the Operations Committee, the Freedoms Committee and the Legal Committee, continued their activities. Twenty-one mobile teams were sent out for investigation, reconnaissance, and control thus making a total of 153 since the Commission started its activities. The difficulties experienced by the Commission's fixed and mobile teams are described in subsequent chapters of this report.

2. As in the past, the Commission has continued to pay official visits to Saigon. The question of transferring the Commission's headquarters from Hanoi to Saigon still remains unsettled. The matter has been raised with the French authorities in the south as well as with the Government of the Republic of Vietnam but so far no satisfactory solution has been found. The Commission will continue to pursue this matter.

3. In accordance with the provisions of article 45, a coordination conference of the secretaries-general of the three Commissions of Vietnam, Laos, and Cambodia was held at Siem Reap in Cambodia on January 10 and 11, 1956. Questions of an administrative nature including the accounting procedure of the Commissions were discussed and satisfactorily settled.

CHAPTER II—PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE

4. In the month of September 1955 the Commission had made certain suggestions to the two high commands for the improvement of the administrative arrangements on the demarcation line and in the demilitarised zones. Mention was made of this in paragraphs 3 and 4 of the Fifth Interim Report. The initial reactions of the two high commands to the Commission's suggestions were also recorded in that report. The detailed comments of the two high commands on the Commission's suggestions were examined by the operations committee. The recommendations of the operations committee were carefully considered by the Commission. It was seen that the response of the parties fell into three categories:

Category I: Items which both parties had not accepted.

There was one such item; namely, the question of fixed market places. The Commission agreed to drop this suggestion.

Category II: Items which had been accepted by both parties.

These included: (1) The checking of movements of personnel by the check posts on the demarcation line; (2) the setting up of mobile patrols on either side to stop people crossing at unauthorised places in between the check posts; and (3) the provision of telephone communication between Mobile Team 76 and the P.A.V.N. Headquarters at HOXA. As both parties had accepted these suggestions, they were finalised by the Commission.

Category III: Items which had been accepted by one party and not accepted or partially accepted by the other party.

After considering the comments offered by the two high commands on this category, the Commission decided to convert the suggestions in this category into recommendations and the two high commands were directed to implement them. The recommendations under this category were:

"(1) That permits should preferably bear the photographs of the persons in whose favor they were issued to facilitate checking. In view of the practical difficulties, however, the parties were called upon to consider ways and means of providing photographs on permits. The Commission further added that permit holders should not be prevented from crossing the demarcation line on the ground that the permits did not have photographs;

"(2) That the people in the demilitarized zones should have the right of assembly and the right to hold public meetings organized for political purposes. However, as political sympathies were bound to be mixed and meetings were likely to create public excitement, public meetings organized for political purposes should be regulated without in any way restricting the right of assembly or association. Before a political meeting was held, adequate notice should be given by the organizers to the local authorities indicating the time and place where the meeting would be held. Intimation of such meetings should be given by the local authorities to Mobile Team 76;

"(3) That the parties be allowed to increase the police strength in the zone under their control for the proper maintenance of law and order and that the first increase should not be more than 50 percent of the present authorized strength. Any additional increase would require the approval of the central joint commission and in case of disagreement that of the International Commission; and

"(4) That Mobile Team 76 be advised by telephone in advance whenever the joint commission was considering any serious incident or threat of such an incident, so that the team could observe at the meeting and if the joint commission machinery failed to take necessary action, could report immediately to the Commission and take preliminary action to prevent or limit the incident in pursuance of the Commission's responsibility under article 36(b) of the agreement.

5. These recommendations were conveyed to the two high commands on February 24, 1956. So far the Commission has not received any reply regarding the implementation of the recommendations from the French High Command. The P.A.V.N. High Command has replied to the Commission's recommendations in April 1956. Of the four recommendations made by the Commission, the P.A.V.N. High Command has not accepted (2) and (3) and has not commented on (4). With regard to the increase of police strength in the demilitarized zones (recommendation No. 3) the P.A.V.N. High Command did not consider any such increase above the number fixed in the statute of the demilitarized zones was necessary and expressed the view that any additional reinforcement should be approved by both parties in the Central Joint Commission. With regard to organization of political meetings (recommendation No. 2) the P.A.V.N. High Command did not consider it necessary that modalities should be laid down for the regulation of such meetings.

6. The movement across the demarcation line and the entry into the demilitarized zones of persons not directly concerned with the administration of the zones are governed by articles 6, 7, 8, and 9 of the agreement and are closely regulated by a protocol signed by the two high commands in September 1954 (decisions Nos. 6 and 11). This protocol provides for the practical implementation of these articles including the establishment of a permit system. Different types of permits are prescribed for the crossing of the demarcation line and for the entry of persons into the demilitarized zones. These permits are, according to decision No. 11, to be issued by the joint subcommission in the demilitarized zone and have to be endorsed by the two parties represented therein.

7. However, the actual implementation of the provisions of decision No. 11 relating to the permit system has been far from satisfactory. The French High Command has since November 1955 unilaterally introduced certain innovations which have resulted in stopping the movement of permitholders across the demarcation line into the southern demilitarized zone. They are required, at the points of crossing on the southern side of the demarcation line, to deposit the permits issued by the joint subcommission in the demilitarized zone and to take temporary ones to move within the southern demilitarized zone. They are required to recross at the same point in order to collect the original permit even though Hien Luong Bridge has been accepted by both the parties as a common point of crossing. The Commission has received numerous petitions from the demilitarized zone in which objections to the new procedure have been stated.

8. The Commission considered the situation and made certain suggestions in a letter dated February 24, 1956, to the French High Command. The high command was informed that the Commission did not see any reason for changing the present system under which the permits for crossing the demarcation line were issued by the joint subcommission. The Commission further suggested that the check posts should have complete nominal rolls of all permitholders and the post at Hien Luong bridge should have master lists of all persons holding permits authorizing them to cross the demarcation line. The high command was also informed that it should not collect permits at the demarcation line, but that the Commission had no objection to the issue of additional authorization slips to the permitholders. The P.A.V.N. High Command has complained to the Commission that hindrances to the freedom of movement of the permitholders continue and that in many cases the French High Command has refused to renew the permits already issued and has been progressively reducing the number of permits. The Commission has again asked the French High Command in July 1956, to accept the suggestions made by the Commission in its letter of February 24, 1956. The high command was further informed that if no satisfactory reply was received within 3 weeks the Commission would consider whether it should not convert the suggestions into recommendations. According to the report received by the Commission from its team in the demilitarized zone, movement of the people entitled to cross the demarcation line into the demilitarized zone south has virtually come to a standstill during the last 8 months. The Commission is of the opinion that the freedom of movement guaranteed to the permitholders under article 9 of the agreement is being denied to them, and that no action has been taken by the French High Command to remedy the situation.

9. The Commission has received from the P.A.V.N. High Command during the period under report 29 complaints relating to 236 alleged incidents in violation of article 7, including 116 alleged incidents in violation of article 14(c) in the southern demilitarized zone. Out of the number of incidents referred to above, 154 pertain to the period under report. In reply the French High Command has forwarded to the Commission a letter from the Government of the Republic of Vietnam which denies the allegations and states that a few of the incidents were caused

[1] References to "articles" in the report are to the articles of this agreement. See "Miscellaneous No. 20 (1954)," Cmd. 9239, page 27, et seq.

by supporters of the north. The complaints are under inquiry. The Commission has not so far received any reply from the Government of the Republic of Vietnam with regard to 155 of the above alleged incidents.

10. In paragraph 41 of the Fifth Interim Report the Commission had made reference to Mobile Team 87 which was to investigate certain alleged violations of articles 7 and 14(c) in the demilitarized zones. It had been reported that the Commission had decided to send the team back to the field as the Government of the Republic of Vietnam had withdrawn its condition that liaison officers attached to this team should be in civilian clothes when the team operated in the southern demilitarized zone. However, soon after the Republic of Vietnam qualified this concurrence by stating that, should the presence of the P.A.V.N. liaison staff in uniform provoke any incident, the responsibility would be that of the international commission. The Commission informed the French High Command that it could not accept any responsibility for any incident that might occur as it was the duty of the high command concerned to assure full security to the team under article 25. Since the Commission was anxious to conduct the investigation as soon as possible, it proposed to the P.A.V.N. High Command that, as a special case, its liaison staff attached to Mobile Team 87 should wear civilian clothes. The P.A.V.N. High Command did not agree to this on the ground that the Commission itself had decided on November 8, 1955, that liaison officers in the demilitarized zones could wear uniforms if so desired by the high command concerned. In the meanwhile, the Republic of Vietnam laid down a few more conditions in the form of suggestions. These suggestions were not accepted by the Commission. At the beginning of March, the French Liaison Mission informed the Commission that the Government of the Republic of Vietnam could agree to the resumption of investigation by Mobile Team 87 provided the P.A.V.N. liaison staff was sent in civilian clothes. In view of this, the Commission requested the P.A.V.N. High Command to agree as a special case with respect to Mobile Team 87 to the wearing of civilian clothes by the P.A.V.N. liaison staff accompanying the team. The P.A.V.N. High Command again did not agree to the Commission's request for the same reasons as given before. It further requested the Commission to take up a firm stand toward the French High Command and demand that it withdraw the unacceptable condition of civilian clothes. On July 7, 1956, the Commission converted its suggestion into a recommendation that in the demilitarized zones and on the demarcation line the representatives of the high commands sent for liaison duties may be in uniform if so required by their high command. In view of this recommendation it is hoped that the team will be able to resume investigations before long.

11. The P.A.V.N. High Command had lodged a complaint with the Commission that on February 25, 1956, the representatives of the French High Command in contravention of article 7 permitted 150 persons amongst whom were 5 military officers to enter the demilitarised zone and attend a flag salutation ceremony on the demarcation line. An investigation conducted by the Commission revealed that, even though the representatives of the P.A.V.N. delegation had refused concurrence to the entry of these 150 persons into the demilitarised zone, the French High Command permitted their entry without authorization. The Commission, after investigation, has concluded that there has been a violation of article 7 of the agreement by the French High Command. The P.A.V.N. High Command lodged another complaint with the Commission that on the 17th and 25th of January 1956, the French High Command in contravention of article 7 permitted the entry of a number of persons into the demilitarised zone. The French High Command forwarded a letter from the Government of the Republic of Vietnam which admitted that there had been an infraction of the status of the demilitarised zone and stated that this was due to lack of liaison between the French representative on the joint subcommission and the local authorities. The Commission has sent a letter to the French High Command stating that the procedure for the entry into the demilitarised zone should be strictly followed.

12. The situation in the demilitarised zone has not shown any improvement since the Fifth Interim Report. If anything, the difficulties have increased. As mentioned in the foregoing paragraphs, hindrances to the free movement of the permitholders, numerous complaints about alleged infraction of the status of the demilitarised zone and article 14(c), inadequate implementation of the Commission's recommendations regarding the administrative arrangements in the demilitarised zone and the unsatisfactory functioning of the central joint commission and its subordinate agencies have largely contributed to this deterioration.

13. It has been the experience of the Commission that the central joint commission, through the agencies under it, has discharged its duties very unsatisfactorily. It has become increasingly necessary for the Commission to intervene and to take more active steps, even though under article 36 (b) its responsibilities are limited to supervision. It has also been found that the central joint commission did not meet for days together even though cases referred to it by the P.A.V.N. delegation were pending with it. It has not resolved the important questions described in the previous paragraph such as the question of freedom of movement of permit holders and it has failed to undertake investigations through its joint groups into a large number of incidents, as the French High Command did not agree to participate. Furthermore, the disputes which have arisen in the joint subcommission in the demilitarised zone from time to time have not been settled. Since the dissolution of the French High Command there have been no meetings either of the joint subcommission in the demilitarised zone or of the central joint commission. The P.A.V.N. High Command has therefore sought the Commission's intervention as its efforts to get the central joint commission to meet have yielded no results.

14. The cochairmen in their message dated May 8, 1956, to the French Government, invited them to discuss with the authorities of South Vietnam the question of the resolution of the practical problems with a view to reaching an arrangement which will facilitate the work of the International Supervisory Commission and the Joint Commission in Vietnam. They also requested that until the arrangements envisaged above were put into effect the French Government should preserve the status quo. However, the status quo maintained by the Government of the Republic of France has not included the continued functioning of the central joint commission and its agencies, with the result that the day-to-day problems in the demilitarised zone have remained unsolved.

15. The International Commission has, in a previous communication of May 2, 1956, to the cochairmen, emphasised the importance which it places on the work of the joint commission. The Canadian delegation, as indicated in its separate note of May 3, 1956, to the cochairmen, while not fully agreeing with the emphasis placed in this communication on the importance of the work of the joint commission, was in agreement that as a matter of urgency steps should be taken to insure that the tasks of the joint commission continued to be performed. The Commission is of the view that the joint commission is an essential part of the machinery for the implementation of the ceasefire agreement, and that its nonfunctioning adversely affects the execution of the agreement, particularly in respect of the administration of the demarcation line and the demilitarised zones. The Commission is, therefore, of the view that the joint commission and its agencies should resume their normal working.

CHAPTER III—DEMOCRATIC FREEDOMS—ARTICLES 14(c) AND (d)

Article 14(c)

16. The supervision of the implementation by the parties of the provisions of article 14(c) continues to be one of the major problems of the Commission. Under this article, the parties have undertaken to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties. During the period under review, the Commission received from the P.A.V.N. High Command 102 complaints alleging 281 incidents concerning violations of article 14(c) in South Vietnam. The Commission has also received through its petition boxes, through its fixed and mobile teams, and through the P.A.V.N. High Command a large number of petitions alleging reprisals in the south. These complaints and petitions contain allegations of a number of cases of arrest, detention, murder, massacre, and mass concentration of families of former resistance workers committed by the authorities of the south. During the period under review, the Commission received from the French High Command five complaints involving 18 incidents, including one alleged case of murder, alleging that the authorities of the north had committed reprisals against the former supporters of the French High Command concerning violation of article 14(c).

17. The Commission, as in the past, has forwarded the majority of these complaints and some of the petitions to the high command concerned for comments and reports of remedial action taken if the allegations were found to be true. The Commission is still seized with 143 complaints against the French High Command and 5 complaints against the P.A.V.N. High Command concerning alleged reprisals under article 14(c). During the period under review, the Commission decided to send out three mobile teams to make on the spot investigations into complaints of alleged violation of article 14 (c) in the south, under the terms of article 37 of the agreement. The following are the complaints along with the dates on which the concurrence of the party was asked for:

Number of the team, date when concurrence asked for, and task of the team

103. March 15, 1956, to investigate alleged violation of article 14(c) in the Province of Quang Nam (Duy Xuyen).

104. March 15, 1956, to investigate the massacre of three families at Gia Rai (Bac Lieu Province).

105. March 15, 1956, to investigate the alleged concentration of former resistance workers and their families in Thua Thiem Province.

In addition to these three cases, the Commission had decided to send out three other mobile teams during the period covered by the Fifth Interim Report. The following are the complaints and the dates on which the concurrence of the party was asked for:

Number of the team, date when concurrence asked for, and task of the team

85. August 27, 1955, to investigate alleged violation of article 14(c) in the Province of Chau Doc, South Vietnam.

87. September 8, 1955, to investigate alleged violation of article 14(c) in demilitarized zones (north and south).

93. October 4, 1955, to investigate alleged violation of article 14(c) in Huong Hoa, South Vietnam.

In addition to the above six cases where the Commission has asked for the concurrence of the high command concerned, the Commission has also ordered a mobile team investigation into two complaints from the P.A.V.N. High Command alleging murder and arrest in the Province of Quang Nam but the decision to send out this team has not yet been taken. In one other case, the Commission has directed one of its fixed teams in the south to undertake inquiries into an alleged murder.

18. The decision to send these teams was taken at various times by the Commission and the concurrence of the French High Command has asked for under the provisions of article 35. During the period under review, the Commission was not able to carry out these investigations as it was awaiting concurrence from the French High Command. Concurrence for Mobile Teams 93, 103, and 105 has been received in the month of July 1956. Mobile Team 103 concluded its preliminary inquiry on July 28, 1956, at Hanoi in the presence of liaison officers of both the parties and had not yet commenced its investigation in South Vietnam during the period under review. The Commission hopes that it will not meet with further difficulties and the teams will be able to carry out the investigations soon. The position as regards Mobile Team 87 has been explained in paragraph 10.

19. During the period covered by the Fifth Interim Report, the Commission had decided to undertake a mobile team investigation on a complaint from the P.A.V.N. High Command of alleged violation of article 14(c) in South Vietnam. The team (Mobile Team 90), however, was not deployed in view of the reply received from the French High Command on the P.A.V.N. High Command's complaint that the persons concerned had been released. On December 12, 1955, the P.A.V.N. High Command complained that the persons involved in its first complaint had been rearrested and asked for the despatch of the mobile team. This fresh complaint was forwarded to the French High Command on December 2, 1955, for its comments and in April the Commission drew the attention of the high command to its earlier decision to have a mobile team investigation. The Commission will take a final decision on receipt of a reply from the French High Command which is awaited.

20. The Commission has taken a final decision and made recommendations to the French High Command in one case which had been pending since April last year. In the month of April 1955, when Mobile Team 47 was conducting an inquiry in the Chi Hoa prison into alleged violations of article 21 by the French High Command, it came across 25 cases of prisoners arrested after the cease-fire who claimed that they were former resistance workers who had been detained for no reasons after cease-fire. The P.A.V.N. High Command subsequently sponsored 23 out of these 25 cases and alleged that they were violations of article 14(c) by the French High Command. The statements of these 23 prisoners were obtained by Mobile Team 47 and the Commission also obtained from the South Vietnam authorities dossiers in each case. These dossiers and the statements made by the prisoners were carefully examined by the Freedoms Committee and the Legal Committee of the Commission. After careful scrutiny of the committees' reports, the Commission declared that there was a violation of article 14(c) in 15 cases and has recommended the immediate release of the affected persons. In the other eight cases, the Commission was of the view that no violation of article 14(c) had been established. Out of these eight cases, in one case, the Commission decided that no further action was necessary and in the remaining seven cases, the French High Command was requested to arrange with the authorities concerned to proceed immediately with their judicial processes and submit the dossiers to the Commission, when completed, on receipt of which the Commission would review these seven cases to see whether the provisions of article 14(c) were violated or not. These findings and recommendations were communicated to the French High Command on June 7, 1956. The recommendations of the Commission have not yet been implemented. In another case, that of a former resistance member of Khanh Hoa Province named Tran Chau who had been arrested, the Commission decided that the case was covered by article 14(c) and recommended on June 26, 1956, to the French High Command that the person should be released forthwith. The Commission has not received any reply from the French High Command indicating that the recommendation has been implemented. The French High Command was also asked to show cause why a finding of violation of article 14(c) should not be given for the arrest and detention of a person who had taken part in the hostilities. The Commission has not received any reply to this show-cause notice although the prescribed time of 2 weeks has elapsed.

21. In February 1956, the International Commission received a communication from the Commander in Chief of the People's Army of Vietnam bringing to the Commission's notice the existence of an ordinance in South Vietnam—General Order No. 6 of January 11, 1956, issued by the President of the Republic of Vietnam—and complaining that this ordinance was in violation of article 14(c). The ordinance gave special powers to the Government to take extraordinary measures for detention or deportation for reasons of public security. The Commission examined the complaint of the P.A.V.N. High Command and on March 5, 1956, communicated to the French High Command its view that no law, regulation or order in either of the two zones could, in any way, supersede the obligations which the two parties have undertaken under the provisions of article 14(c) of the agreement on the cessation of hostilities in Vietnam. The French High Command was further informed that the Commission expected that any action taken under General Order No. 6 would be taken with due regard to the provisions of article 14(c) and if complaints were brought to the notice of the Commission regarding the application of this decree or any other law, regulation or order in either of the two zones, alleging the violation of article 14(c), the Commission would take steps to satisfy itself that there had been no reprisals or discrimination against persons on account of their activities during the hostilities and that their democratic liberties had not been infringed in violation of article 14(c). A copy of this communication was forwarded to the Commander in Chief of the People's Army of Vietnam pointing out that the Commission was always ready to deal with specific complaints regarding violations of the provisions of the cease-fire agreement. Subsequently the Commission has received a few specific complaints of action under General Order No. 6 which, in the opinion of the P.A.V.N. High Command, amount to violation of article 14(c). These cases are being pursued with the French High Command and in one case the Commission has ordered investigation by a mobile team. Concurrence for this Mobile Team 105 has been received. It has come to the Commission's notice that former resistance workers are being held in detention under Ordinance No. 6 although the ordinance was promulgated sometime after the arrests took place. The Commission has asked the French High Command for a clarification of how retrospective effect is being given to the ordinance. A reply is awaited.

22. It was pointed out in the Fifth Interim Report that the inability of the Commission to send out mobile teams for investigating alleged violations of article 14(c) was causing serious concern to the Commission. During the period under review the Commission was unable to send out any investigating teams to South Vietnam. As has been pointed out in paragraph 16 complaints and allegations regarding violation of article 14(c) have been very numerous and in some cases of a very serious nature. The Commission is not in a position to state whether these complaints are true or not as it has not been permitted to certify them through the machinery laid down in the agreement. The question of the degree of cooperation extended by the party concerned to enable the International Commission to carry out investigations will be discussed in fuller detail in paragraph 69 of this report.

Article 14(d)

23. In paragraph 12 of the Fifth Interim Report, the Commission had informed the co-chairmen that it was pursuing the question of residual cases under article 14(d) with the two parties. On October 22, 1955, the Commission had made suggestions regarding follow-up action on the residual categories, outlined in paragraph 33 of the Fourth Interim Report. The Freedoms Committee was charged with the task of holding discussions with the representatives of the two high commands with a view to arriving at a satisfactory settlement of this problem. Between January 7 and March 12, 1956, the committee held five meetings with the representatives of the parties. During the course of discussions, both parties accepted in principle the suggestions made by the Commission in its letter of October 22, 1955. No agreement has been reached, however, regarding the implementation in practice of the suggestions. During the course of the discussions, the representative of the P.A.V.N. High Command proposed that the best solution of the problem of article 15(d) would be to have complete freedom of movement between the two zones. The representative of the French High Command was not in favor of this proposal as, in his view, it went beyond the scope of the cease-fire agreement. Both parties were, however, willing to continue discussion of residual cases. In view of the developments in the south and the withdrawal of the French High Command from South Vietnam, the discussions with the two parties have been for the present held up. Thus, the Commission has not so far been able to resolve the question of residual cases mentioned in paragraph 33 of the Fourth Interim Report.

24. The question of investigating the complaint made by the French High Command in April 1955, that the seminarists of Xa Doai were not being permitted to move south was referred to in paragraph 15 of the Fifth Interim Report. Mobile Team F–44 which was sent to the seminary at Xa Doai was not able to interview the seminarists concerned as the religious authorities on religious grounds did not allow the team to enter the seminary and hold investigations there. The team had to return with the task unaccomplished. The P.A.V.N. High Command informed the Commission that the religious authorities were, however, agreeable to allow the seminarists to be interviewed outside the premises. The Commission in March 1956 informed the P.A.V.N. High Command that in its view the seminary would have been the most satisfactory place for conducting investigations but in view of the delay and the need to interrogate the seminarists immediately the investigations

need not take place at the seminary grounds but the seminarists should be produced before the Commission's team at Vinh. In reply the P.A.V.N. High Command informed the commission that the seminarists had stated that they did not wish to be interviewed by the Commission and that those who wanted to go south had been authorized to do so before July 20, 1955. The Commission did not accept these arguments and made a recommendation in June 1956 to the P.A.V.N. High Command that arrangements should be made to produce seminarists before the team at Vinh as soon as possible. In July 1956 the Commission asked the P.A.V.N. High Command to inform the commission whether or not it was prepared to produce the seminarists at Vinh within 15 days. The high command in reply informed the Commission that the seminarists would be returning from their holidays at the end of August and that the local authorities had been directed to make arrangements with the seminarists on their return. The investigation by Mobile Team F–44 has not yet taken place.

25. The P.A.V.N. High Command had in November 1955 alleged that a serious incident took place in Thu Dau Mot Province in South Vietnam where plantation workers approached the authorities for permits to go north. The P.A.V.N. High Command alleged that the authorities opened fire and killed one person and seriously wounded three. It also alleged that 40 persons were arrested and put in jail. The French High Command whose comments were invited admitted the occurrence of the incident but stated that there was no question of denial of facilities under article 14(d). It enclosed a letter from the South Vietnam authorities in which it was stated that the workers had demonstrated and that the police had fired in self-defense and to maintain order, and that the arrests were subsequently made for common law offenses and acts against the State. The Commission has decided to send a mobile team to investigate on the spot. The concurrence of the French High Command is awaited.

CHAPTER IV—PRISONERS OF WAR AND CIVILIAN INTERNEES

26. As stated in paragraph 10 of the Fourth Interim Report and paragraph 20 of the Fifth Interim Report, the parties continued to make claims against each other in respect of prisoners of war and civilian internees, particularly in cases where the replies received by them from the other party in the joint commission were not considered satisfactory. During the period under report 330 such claims were received from the French High Command and 834 from the P.A.V.N. High Command.

27. In its efforts to get the parties to clear their claims and counterclaims concerning prisoners of war, the Commission has been continually urging them to make further and more thorough investigations in invidual cases and thereby help the other party in knowing the ultimate fate of the prisoners concerned. Under a procedure introduced in July 1955, the parties have also been exchanging regularly, through the medium of the Commission, fortnightly reports of progress made on search requests of prisoners of war received from the other side in the Joint Commission.

28. In paragraphs 21 and 22 of the Fifth Interim Report, mention was made of the cases of 141 Vietnamese officers alleged to have been kept in detention in prisoner-of-war camps in North Vietnam after the cease-fire and it was stated that the Commission, on the basis of investigation carried out by Mobile Team 80, had come to the conclusion that the allegation of detention in prisoner-of-war camps after the cease-fire had not been proved, but as it felt that these 141 ex-prisoners of war, who worked in construction yards after their release, might not have been able to exercise their choice of zone of residence, it decided that their cases would be treated as residual cases remaining to be disposed of under article 14(d) of the agreement.

29. On receipt of further representations from the French High Command, concerning these persons, the matter was further examined by the Commission and it was suggested to the P.A.V.N. High Command in March 1956, that 89 of them should be informed by individual letters that facilities would be granted to them and to their wives and children dependent on them to proceed south in exercise of their right to choose their zone of residence if they so desired. The P.A.V.N. High Command replied on June 12, 1956, that it did not accept the Commission's findings that these persons had been under some restrictions. They further stated that these persons had been enjoying the same rights as any other citizen and had been working on their own free will in construction yards in North Vietnam. In view of this, the suggested procedure was not acceptable to the P.A.V.N. High Command. The P.A.V.N. High Command also wondered why the Commission had been induced to put up the request contained in its letter of March 10, 1956. The matter was again considered by the Commission in the third week of June and the P.A.V.N. High Command was again asked to adopt the procedure suggested by the Commission in March and report compliance, failing which the Commission would consider converting the suggested procedure into a recommendation. The P.A.V.N. High Command's reply has now been received and is being considered by the Commission.

30. During the period under review, the P.A.V.N. High Command informed the Commission that 57 German and Hungarian "ralliés" were being repatriated through China. One of the Commission's teams on the Vietnam-China border was instructed to ask the following questions to these persons: "Do you consider yourself a prisoner of war?" and "Are you being repatriated of your own free will?" The team was also instructed to obtain a list of all persons being repatriated. The team was satisfied from the replies to the two questions mentioned above that the persons concerned did not claim to be prisoners of war and that they were being repatriated of their free will. But the team was unable to obtain the names of these persons. The Commission asked the P.A.V.N. High Command to supply a list of their names, but the P.A.V.N. High Command refused to do so on the ground that their cases did not come under the Geneva Agreement and at the time of their repatriation, as had been stated by the team, these persons had informed the team that they did not want their names to be revealed.

31. The Commission has before it the cases of 26 deserters, who made applications either to the French High Command or to the commission for transfer to the French Union forces for repatriation to their country of origin. Some of these cases have been pending for a long time. The P.A.V.N. High Command has stated that these persons have changed their mind and are no longer desirous of being handed over to the French Union forces. The Commission has, therefore, suggested to the P.A.V.N. High Command that they be produced before the Freedoms Committee of the Commission so that the Commission might satisfy itself that they have in fact changed their mind. In reply, the P.A.V.N. High Command informed the Commission that one "rallié" handed over to the French Union forces in February 1955 had been sentenced to death and another "rallié" repatriated in March 1955 had been sentenced to 12 years' hard labour and 20 years of solitary confinement. The P.A.V.N. High Command, further, stated that in view of this attitude of the French High Command, it would not agree to the repatriation of any "rallié" through the French Union forces until such time as the assurance which had been previously asked for from the French High Command that no deserter handed over by the P.A.V.N. High Command would be punished for desertion, was given. The French High Command has been asked to offer specific comments on the two cases quoted by the P.A.V.N. High Command and its attention has also been drawn to the fact that these persons are entitled to the benefit of article 14(c) and should not be punished for acts connected with desertion.

32. It has, however, been made clear to the parties that the Commission does not deal with deserters under the agreement, but the Commission has expressed a hope that the procedure laid down as a result of discussion between the parties and the Commission for the repatriation of "ralliés," which was based on humanitarian grounds, would be continued and that the Commission was ever willing to offer its good offices in this regard.

33. In one case, however, that of ex-legionary Johann Vreckar, the Commission received several petitions from him of a conflicting nature and his wishes were not clear. The Commission, therefore, decided on February 9, 1956, that a mobile team (100) should interview Vreckar with the limited task of ascertaining whether he desired to be handed over to the French Union forces or not. No investigation into his status was to be undertaken. The P.A.V.N. High Command expressed its unwillingness to produce Vreckar before the Commission's team on the ground that he was a "rallié" and had clearly expressed his wish to be repatriated to the German Democratic Republic. The Commission reiterated its demand on several occasions that Vreckar should be produced before the mobile team. In July the Commission converted its request into a recommendation and asked that Vreckar should be produced before the team by July 13, 1956. The P.A.V.N. High Command, however, did not produce him within the time limit. On July 14, 1956, ex-legionary Johann Vreckar on his own came to the Commission's secretariat and was interviewed by the three Deputy Secretaries-General of the Commission. On being questioned about his wishes he stated that he did not want to be handed over to the French Union forces. The Commission has closed this case.

34. Regarding civilian internees the latest position is as follows:

	FUF	PAVN
1. Number released up to July 31, 1956 (excluding 93 mentioned in the 3d interim report, 67 mentioned in the 4th interim report and 79 mentioned in the 5th interim report), by	[1] 4	----
2. Number of recommendations for release made by the Commission during the period under report under art. 21 to	2	----
3. Number of cases in which recommendations for release made by the Commission under art. 21 (with dates of recommendations) have not so far been implemented by	[2] 13 [3] 6	---- ----
4. Number of cases under consideration on complaints against	111	6
5. Number of cases in which Commission has declared that release was inconsistent with art. 21 of the Geneva Agreement, against	12	----
6. Number of cases in which Commission has held violation of art. 21 and decided to take action under art. 43 of the Geneva Agreement, against	2	----

[1] Regarding one identity has been questioned, and it is being considered whether this release was under art. 21 or 14(c).
[2] Aug. 29, 1955.
[3] Dec. 9, 1955.

35. As mentioned in serial No. 5 above, there have been 12 cases where the French

High Command released civilian internees without handing them over to the P.A.V.N. High Command. The Commission has informed the French High Command that such releases are inconsistent with the provisions of article 21.

36. In the cases of 19 civilian internees (13 plus 6) referred to at serial No. 3 above, the Government of the Republic of Vietnam contended that their cases were not covered by article 21(b) as they were former members of the National Armed Forces and had been detained or punished under the military law applicable to them and could not, therefore, be considered as civilian internees. The Commission examined the legal aspect of the matter and after very careful consideration came to the conclusion, with the Canadian delegation dissenting, that, when it was clear that a person had been arrested and convicted because he had contributed to the political and armed struggle between the two parties in Vietnam, his case was covered by article 21, no matter under what law he was so convicted and no matter what his status was at the time of arrest and conviction. The benefit of article 21 could not be denied to a person if the reason for his arrest and conviction was that he had contributed to the political and armed struggle in Vietnam, and the fact that he was a former member of the armed forces of one party and had been arrested and convicted under military law of that party, could not exclude him from the definition of a civilian internee.

37. This decision was communicated to the French High Command but the Republic of Vietnam adhered to its own interpretation of article 21(b). The Commission has, in a letter dated June 6, 1956, reiterated its stand and requested the French Liaison Mission to urge the Government of the Republic of Vietnam to implement the recommendations made by the Commission and to release the persons concerned immediately, particularly in view of the appeal made to the parties by the cochairmen to give effective cooperation to the Commission. The French Liaison Mission has also been informed that if the Commission's recommendations are not implemented by the authorities concerned the Commission would consider taking action under article 43 of the agreement. The recommendations have not been implemented. The difficulties encountered by Mobile Team 47 which has been charged with examining complaints of violations of article 21 in South Vietnam, will be dealt with in paragraph 70 of this report.

38. The Commission would like to draw the attention of the co-chairmen to two cases coming under article 21—the case of Tran Quy Minh alias Hamaide Francois and the case of Nguyen Truong Sinh alias Tangavelou, which have been pending with the Commission since June and July 1955 respectively. In both these cases the Commission, after careful examination, arrived at the finding that they were civilian internees. On February 17 and 27, 1956, respectively, the Commission communicated to the French High Command these decisions and directed the French High Command to produce these two persons who were stated to be in custody in France, at Saigon so that their choice of zone in which they would like to go and live might be ascertained. In spite of protracted correspondence with the French High Command, the recommendations of the international Commission in these two cases were not implemented. In both the cases the French High Command claimed that as Hamaide Francois and Tangavelou were of French nationality their cases were not covered by article 21. The Commission, after examination informed the French High Command that article 21 applies to all civilian internees irrespective of nationality. The French High Command has informed the Commission on July 14, 1956, that Hamaide Francois was released in France on September 11, 1955, after a grant of free pardon. In the case of Tangavelou, the French High Command has informed that he has been released on probation in France and that he has submitted a petition for a reprieve which is being considered. In both these cases, therefore, the French High Command has rejected the considered findings and recommendations of the Commission. The Commission has recorded violation of article 21 in both these cases and has informed the French High Command that the Commission will take action under article 43 of the agreement.

39. The Commission views with concern cases of this nature where a party refuses to implement the recommendations of the Commission due to difference of interpretation of the agreement. If the Commission is to fulfill its tasks of supervision and control adequately, it is essential that the Commission's authority on interpretation must be accepted by the parties as final.

40. The case of Father Nguyen Quang Vinh, a Trappist monk of the monastery of Chau-Son, which was mentioned in paragraph 14 of the Fifth Interim Report, has been pending with the Commission since May 1955. The French High Command had alleged that Father Vinh was detained as a civilian internee by the P.A.V.N. authorities. The Commission has obtained from the P.A.V.N. High Command a complete dossier of the case in order to ascertain whether his case is covered by article 21. Father Vinh has been sentenced to penal servitude for life on allegedly common law charges. The Commission decided in April 1956 that the legal committee, acting as a team, should interview Father Vinh and also examine the dossier of his case. Father Vinh was, however, not produced before the Commission's team by the P.A.V.N. High Command. The Commission was informed on July 3, 1956, by the P.A.V.N. High Command that Father Vinh escaped from custody in the month of January 1956. The Commission has asked the legal committee to examine the dossier of the case and on the basis of the documents available to submit a report whether there had been a violation of any article of the Geneva Agreement.

CHAPTER V—BAN ON THE INTRODUCTION OF FRENCH TROOPS, MILITARY PERSONNEL, ARMS AND MUNITION—MILITARY BASES IN VIETNAM

41. Arrangements made for the supervision and control of the execution by the parties of the provisions of articles 16 to 20 of the agreement and additional measures taken by the Commission to discharge its special responsibility under article 36(d) have been referred to in the first five interim reports.

42. The mobile team arrangements made for the continuous control of introduction of war material and military personnel on the Vietnam-Cambodian border at Loc Ninh continued throughout the period under report, but Mobile Team 88, located at Phuc Hoa on the Vietnamese-Chinese border had to be withdrawn on January 25, 1956, due to the insistence of the P.A.V.N. High Command that further extension of the tenure of the team could not be given and that logistic support was to be discontinued. Another team with a new number 99 was established at Phuc Hoa on February 8, 1956. This team also had to be withdrawn on May 16, 1956, after the refusal of the P.A.V.N. High Command to implement the recommendations of the Commission. During the absence of the above mobile teams from Phuc Hoa, the mobile element of the Lang Son Fixed Team was given the additional task of controlling the area from Dong Dang. The mobile element visited Phuc Hoa on seven occasions.

43. However, the Commission has been of the view that continuous control by a mobile team at Phuc Hoa is essential, since the mobile element of the fixed team at Lang Son cannot assure the necessary supervision of most of the important lines of communication near the border between North Vietnam and China. The stand of the P.A.V.N. High Command has been that the maintenance of a mobile team for an undetermined period changes its character to that of a fixed team and that this is contrary to the provisions of article 35. The Commission after giving full consideration to the views of the P.A.V.N. High Command, has held, with the Polish delegation dissenting, that it has full authority under article 35 to keep mobile teams in operation in the zones of action for such periods as it considers necessary and that such mobile teams will not become fixed teams irrespective of the length of time they are kept in operation. The above decision of the Commission was communicated to the P.A.V.N. High Commands before withdrawing Mobile Team 88 and Mobile Team 99. The Commission has made it clear that the decisions to withdraw the teams were forced on the Commission because of the refusal of the P.A.V.N. High Command to implement the recommendations of the Commission and to extend the necessary cooperation to the teams. At the insistence of the Commission the P.A.V.N. High Command, though it has not accepted the Commission's interpretation of article 35, has, on July 19, 1956, agreed to the deployment of a new mobile team at Phuc Hoa. The Commission has, therefore, decided to send a new team to Phuc Hoa at the earliest date possible. The P.A.V.N. High Command has informed the Commission that the tenure of the team will be discussed later.

44. In addition to the airfields within the zones of action of the fixed teams which were being controlled, the Commission decided to carry out the reconnaissance of the important and uncontrolled airfields in Vietnam which could be used for introducing military personnel and war material. During the period under review, in the north the P.A.V.N. High Command gave concurrence to three controls and four out of five reconnaissance requested by the Commission and seven teams completed the tasks entrusted to them. Concurrence for the fifth reconnaissance was not received during the period under report. In the south, the Government of the Republic of Vietnam gave concurrence in 4 out of 10 cases where concurrence was requested. The four teams concerned completed their tasks. The reconnaissance of the remaining five airfields and the second reconnaissance of another airfield could not be carried out as the Government of South Vietnam did not give concurrence. In three cases where the Commission decided after reconnaissance to institute control, no control could be exercised. The Government of the Republic of Vietnam in connection with both reconnaissance and control referred to above, took the stand that there should be parity between the north and the south. The Commission did not accept the argument of parity and requested the authorities of South Vietnam to make immediate arrangements for the reconnaissance or control of the airfields concerned as the case may be. Compliance is awaited. During the period under review, the Commission completed four reconnaissances and three controls covering five airfields in the north and four reconnaissances covering four airfields in the south. Further reference is made in paragraph 73 below. During this period the Commission also carried out periodic reconnaissances of roads in North Vietnam. Six such reconnaissances were completed with the concurrence of the P.A.V.N. High Command. The seventh could not be completed due to bad weather conditions when the team was actually deployed.

45. Mention was made in paragraphs 31 to 35 of the Fifth Interim Report of the

problems of control of shipping in the Mekong River. The legal committee of the Commission has studied the question of the rights of shipping on rivers open to international navigation and their compatibility with the obligations of the parties under articles 16 and 17 and has come to the conclusion that the Commission has the right to stop ships for control purposes by its teams. The French High Command has been informed of this decision.

46. In order that the fixed teams might devote special attention to such places on the coast where there was possibility of war material and military personnel being landed, the Commission has, from time to time, carried out reconnaissance of the coast of Vietnam. The task has been completed with the following exceptions:

(a) Coastal area between Ha-Tien and Rach-Gia in South Vietnam. This could not be done due to the alleged conditions of insecurity prevailing in this area.

(b) The coast from Haiphong to Tien-Yen in North Vietnam. This could not be carried out due to the nonprovision of suitable sea transport.

47. The Commission, during the period under report, ordered reconnaissance of all offshore islands both in North and South Vietnam in view of complaints made by the parties about lightening of ships and in view of a case which came to the notice of the Commission. The French High Command in a letter to the Commission on December 16, 1955, alleged that there were a great number of places in the area of Haiphong, where lightening of ships could be effected. In January 1956 the Haiphong fixed team brought to the notice of the Commission an instance where a ship was lightened in the Baie D'Along before entering Haiphong. The captain of the ship freely gave the information to the team that his ship had anchored in the Baie D'Along for some time for offloading into barges approximately 1,000 tons of cargo there in order that the ship might be sufficiently light to enter Haiphong Harbor. The team checked the cargo of the ship and the lightened material in Haiphong port and found them to be general merchandise. On February 4, 1956, the PAVN High Command alleged in a letter to the Commission that numerous ships were anchoring off the Mekong estuary at nighttime and unloading war material into barges which brought them to the shore.

48. As a result of the allegations of the French High Command and the instance of lightening mentioned above, the Commission directed its teams early in February 1956 to carry out a reconnaissance of the offshore islands and submit the following information:

(a) Islands which are suitable for lightening of war material/military personnel.

(b) Their recommendations regarding the frequency of control.

The parties were also requested to indicate the places along the coast of North and South Vietnam where lightening could take place. In May 1956 the Commission also directed its naval advisers on the recommendations of the operations committee to reconnoiter Cap St. Jacques area in view of the P.A.V.N. High Command's complaint in order to determine the places where lightening could take place. The reconnaissance is underway. The Commission decided in June 1956 on similar reconnaissance of the Haiphong area by its naval advisers. Concurrence of the P.A.V.N. High Command for the proposed reconnaissance is awaited.

49. However, the Commission's teams have not so far been able to carry out any reconnaissance of the offshore islands in North Vietnam. The Commission has been pressing the P.A.V.N. High Command since March 1956 to provide necessary transport to the teams concerned, but the high command has not done so. The Commission hopes that the teams along the coast of North Vietnam will be able to begin this reconnaissance soon. In South Vietnam this task of reconnaissance was partially done. However, further reconnaissance was held up as the Government of the Republic of Vietnam in reply to the Commission's request to provide suitable sea transport to the teams concerned informed the Commission that it would not oppose the continuance of the reconnaissance of the coastal islands south of the 17th parallel provided similar reconnaissance was carried out of all the islands north of the 17th parallel. The Commission refused to accept such conditional cooperation and informed the French High Command that it took decisions in each zone on merits. It was also informed that the P.A.V.N. High Command had been requested to make available suitable transport to carry out reconnaissance of the offshore islands in the north. The Government of the Republic of Vietnam has now given its concurrence for the continuance of the reconnaissance of the offshore islands and the reconnaissance has been resumed.

50. The Commission's teams both in South and North Vietnam have been encountering difficulties in the performance of their normal duties. The difficulties faced by the Commission's teams in South Vietnam are mentioned in paragraphs 51 to 56 and those in regard to North Vietnam in paragraph 64.

51. The difficulties in respect of South Vietnam are: (a) time notice restrictions on team movements to certain areas and delays in certain cases in the provision of necessary sea and air transport; (b) lack of notifications due under articles 16(f) and 17(e) of the agreement; (c) restrictions on the exercise of spot-checks on ships and aircraft and failure in certain cases to make available the required documents. In paragraph 45 of the Fifth Interim Report the Commission had referred to the question of time notice restrictions. According to the instructions to the fixed teams and their mobile elements prescribed by the Commission, the fixed teams are required to give half an hour's notice before moving to any part of their zones of action and their mobile elements to give 2 hours' notice. Though this has been accepted by the two high commands, the Government of the Republic of Vietnam has been demanding on grounds of insecurity and other reasons 24 hours' notice and in some cases even 48 hours' thus restricting the movements of the majority of teams. The senior military advisers of the Commission discussed the situation with the representatives of the French High Command and on the basis of their report, the Commission rejected the various arguments advanced by the Government of the Republic of Vietnam and insisted that the teams should be taken out on control duties on giving notice as prescribed in the instructions to fixed teams and their mobile elements. With regard to Fixed Team Tan Chau, in which case the Commission had made an exception before, the operations committee after studying the problem came to the conclusion that it would appear that the security situation in the team's zone and sphere of acion was normal and that it considered that the team should now be able to carry out its duties effectively in accordance with the instructions laid down by the Commission. The French High Command has been informed accordingly and has been requested to provide the necessary facilities for the team to function fully. The French High Command has communicated to the Commission a letter from the President of the Republic of Vietnam dated July 12, 1956, which instructs the authorities in South Vietnam that the advance notices by the Commission's team could be reduced to 2 hours unless a visit to a region under the control of another province should require longer notice. But the restrictions on the movements of the teams still continue.

52. From 3 to 7 days advance notice has also been demanded before providing necessary sea or air transport to Fixed Team Cap St. Jacques for the purpose of carrying out its prescribed control duties. Sea and air transport have not been made available for weeks together in spite of requisition with the result that the team has not been able to carry out the control of the Camau Peninsula in South Vietnam for months. Longer notice than what is prescribed in instructions has also been demanded in the case of two other teams.

53. The second problem faced by some of the Commission's teams in South Vietnam is with regard to notifications to be given under article 16(f) and 17(e) before the introduction of military personnel and war material. Under article 16, military personnel can be introduced into Vietnam only by way of rotation, notification for which is required to be given to the Joint Commission and to the International Commission at least 2 days in advance of the arrivals or departures of such personnel. Under Protocol 23 signed by the two high commands, within 72 hours of arrivals or departures of military personnel a report is to be submitted to the Joint Commission and to the International Commission. A reference was made in paragraph 28 of the Fifth Interim Report to the visits of military aircraft including U.S. Navy planes to Saigon, without advance notification of these movements to the Commission's team. The Commission had informed the French High Command that advance notifications must be given in respect of all civil and military aircraft carrying military personnel and war material in accordance with the provisions of articles 16(f) and 17(e). However, according to the reports received from some of the teams, especially the Saigon Fixed Team, U.S. naval and military planes continued to enter and leave Vietnam without notification during the period under review. In a number of these cases these planes were seen bringing in and taking out United States and Vietnamese military personnel. In reply to the Commission's inquiry, the French High Command has stated that the U.S. personnel are either in transit or replacements for the MAAG (Military Aid Advisory Group) and that Vietnamese personnel are returning after attending training courses outside the country. In most cases notifications under articles 16(f) and 17(e) were not given. As regards the military transport aircraft as distinguished from their cargoes, the Commission decided on July 26, 1956, that these aircraft in themselves constituted war material in terms of article 17(a) and Protocol 23. The Commission has communicated the above decision to the French High Command and has informed it that the Commission will require advance notifications about the arrivals and departures of these planes in order to insure that they do not remain in the country and that they do not unload any war material. The Commission has indicated that it was preparing detailed modalities for the control of transit operations. In the last 6 weeks there has been an improvement in respect of notifications and in the majority of cases such notifications are being received by the team concerned.

54. In paragraph 35 of the fifth interim report, mention was made of the difficulties encountered by the Commission's fixed team at Saigon with regard to the control of Saigon airport and of the suggestions made by the Commission to the French High Command in this connection. As the situation did not show any improvement, the Commission reviewed the position and made certain recommendations to the party in April 1956. In spite of this, the team continues to encounter difficulties in the exercise of its control duties. It has not been permitted to go to the loading and unloading area and in a number of cases, in spite of the team's

request, foreign incoming aircraft were not brought to the parking area for the purpose of spot checking of their cargo. These aircraft taxied directly to the military section of the airport to which the team is not given access.

55. Manifests and other relevant documents of the aircraft were also not made available to the Saigon fixed team on numerous occasions on the ground that the local customs and other authorities had not received instructions to show them to the team.

56. In the harbor, the Saigon fixed team noticed instances where war material was brought in without notification; neither were manifests made available. There were also instances where war material was shipped out and notification was given either after the loading or after the departure of the ship. The team could not check the cargo. The team was also not allowed in some cases to carry out spot checks on ships in the harbor. The liaison officer told the team that the ships over which the team wanted to exercise control did not carry any war material and that there was therefore no need for the team to do its spot checking and that its request for manifests would be communicated to the higher authorities. As a result, in these cases the Commission could not satisfy itself that the incoming shipment did not contain war material. The French High Command has notified the Commission from time to time of war material introduced into South Vietnam during the period under report. However, prior approval of the Commission for such introduction was not obtained as required by protocol 23.

57. During the last 6 weeks there has been an improvement in the matter of production of manifests and other documents to the team both in the airport and in the harbor at Saigon.

58. Both the parties have contended that internal movements of war materials are not subject to control by the Commission. The Commission has considered this argument and, in order to satisfy itself that the movements are really internal, has suggested a method of control in the zones of action of the teams. The Government of the Republic of Vietnam has agreed to this suggestion subject to a reservation. The comments of the P.A.V.N. High Command are awaited.

59. In paragraph 27 of the Fifth Interim Report reference was made to complaints received from the P.A.V.N. High Command regarding alleged violations of articles 16 and 17 of the Geneva Agreement. The Commission has not been able to carry out its investigation mentioned in that paragraph regarding the alleged construction of a new airfield at Nha Ban in South Vietnam, the reasons being alleged insecurity conditions in the area and the stand of the Government of the Republic of Vietnam, mentioned in paragraph 44 above. The P.A.V.N. High Command has also alleged the construction of two other airfields in South Vietnam. This is under investigation.

60. During the period under report, the Commission has received a total of 24 complaints alleging 76 specific instances of violations of articles 16 and 17 in South Vietnam. In two cases where United States and Vietnamese military personnel were introduced into South Vietnam without any notification under article 16(f), the operations committee of the Commission came to the conclusion that there had been a violation of article 16. In one case where a U.S. military plane brought to Saigon a consignment of aircraft wheel tires the committee concluded that there had been a technical violation of article 17. In the first two cases, mentioned above, the Commission asked the French High Command to show cause why a finding of violation of article 16 should not be given, and in the third case why a finding of violation of article 17 should not be given. The French Liaison Mission in its reply dated July 21 has not denied the facts but has stated that due to lack of coordination between the various Vietnamese services, notifications were not given. The matter is under the consideration of the Commission. In another case the Commission decided that there had been no violation as on the date mentioned by the P.A.V.N. High Command in its complaint, no U.S. plane had landed at Tourane and, in one more case, that the allegation had not been proved. In two cases the Commission declined to undertake any investigation as the allegations were too general. For the same reason the Commission just noted two complaints from the P.A.V.N. High Command. The other complaints are under inquiry. In some cases it has been found that team reports bear out the allegations made by the P.A.V.N. High Command of violations of articles 16 and 17. In such cases the party has been asked to explain why notifications as required under the agreement have not been given and why the procedure laid down in protocol 23 for the introduction of war material and military personnel has not been followed.

61. During the period under review the Commission considered the question of introduction into South Vietnam of a number of landing ships (tank) mentioned in the team reports. The Commission decided that LST's were war material. It has asked the French Liaison Mission to explain why they were introduced without notification under article 17 and without following the procedure under protocol 23.

62. With reference to paragraph 30 of the Fifth Interim Report regarding necessary notification under articles 16(*f*) and 17(*e*) to the Central Joint Commission, the situation remains unchanged. The French High Command has not implemented the recommendations. In fact, the position has become more complicated due to the nonfunctioning of the Central Joint Commission after the disappearance of the French High Command on April 28, 1956.

63. One major case of a foreign military mission in South Vietnam came up during the period under report. On April 25, 1956, the Commission received a request from the French Liaison Mission and the Republic of Vietnam for grant of permission for the entry of 350 military personnel of the U.S. Army Service Corps into South Vietnam. It was stated that these persons would constitute a mission called "TERM"—Temporary Equipment Recovery Mission—whose duties would be to examine war material and military equipment lying in South Vietnam which was the property of the U.S. Government for the purpose of selecting material to be exported from Vietnam and to protect and preserve this material. The Commission was informed that the members of "TERM" would start entering South Vietnam by the last week of May 1956. The Commission informed the French Liaison Mission that the matter was under consideration and that pending the decision of the Commission no entry should be effected. In spite of this, 290 U.S. military personnel belonging to the "TERM" have been introduced into South Vietnam, thus facing the Commission with a fait accompli. The Commission takes exception to this method of procedure adopted by the French Liaison Mission and the Government of the Republic of Vietnam. The Commission gave due consideration to the request of the Republic of Vietnam and communicated its decision on May 29, 1956. In this letter the Commission asked for assurances that the functions of "TERM" would be solely the selection of material for export from the country and that it would not be used for any other purpose. The Commission further asked for details regarding the mission, number, and names of personnel, their postings in the country and the tasks assigned to each one of them. Lastly, the Commission proposed certain conditions on acceptance of which the Commission would be prepared to agree to the entry of the "TERM" personnel. These conditions include submission of fortnightly progress reports on the work of "TERM," submission of notifications regarding entry and exit of "TERM" personnel, right of the Commission and its fixed teams to control entry and exit, and the right of the Commission to conduct spot checks at any place where "TERM" personnel were functioning. The matter is being pursued with the authorities of the Republic of Vietnam, whose final acceptance of the Commission's conditions has not yet been received. The Commission has also received complaints from the P.A.V.N. High Command regarding alleged activities of certain U.S. military missions in South Vietnam as constituting violations of articles 16, 17, 18, and 19 of the agreement. The matter is under the consideration of the Commission which is awaiting the comments of the French High Command.

64. The difficulty that is being experienced by the Commission's teams in the north is with regard to obtaining suitable and modern means of sea or air transport for control purposes. Since June 1955 the Commission has been making efforts to get the PAVN High Command to provide a suitable seaworthy boat for Fixed Team Haiphong for controlling the coast between Do Son and Sam Son. It had informed the high command that in its view control could best be exercised by means of an amphibian aircraft. The high command informed the Commission, in reply, that a naval craft could serve the purpose equally well and that it was negotiating with the French for obtaining two LCT's. However, when the French High Command informed the P.A.V.N. High Command that it was willing to send four boats to Haiphong Harbor in one of its naval vessels, the latter did not accept the offer on the ground that it could not allow the French vessel to enter its waters. The French High Command, in a letter to the Commission dated December 16, 1955, to which reference was made in paragraph 47 above, requested the Commission's assurance that there was really effective control in the areas of Haiphong, Hong Gay, Cam Pha port and Pho Cac Ba, particularly with reference to the means of transport available to the team. This was examined by the operations committee of the Commission, and on its recommendation the Commission informed the French High Command that up to that time the control in the area in question had been as effective as possible with the transport facilities available to the team. The facilities consisted of vehicles only. The Fixed Team Haiphong did not have a boat to control part of its zone of action along the coast from Do Son to Sam Son once a week as prescribed by the Commission. Except for this, the control of the other areas within the zone of action of the team has been carried out by road as prescribed by the Commission in the instructions to fixed teams and their mobile elements. In the last week of July, Fixed Team Haiphong was provided with a boat and did two short trips within its zone of action. But the team has reported that in its opinion the boat does not fulfill all the requirements of the team for the purpose of its control duties. The matter is under the consideration of the Commission. The Tien Yen and Vinh teams have not been provided with the required sea transport.

65. The Commission's fixed teams both in North and South Vietnam have experienced difficulties from time to time in the course of their day-to-day working. These difficulties were often due to narrow interpretations placed by the liaison officers on the teams' instructions and to the differences of opinion which thereby resulted between the team and the liaison officers. Such difficulties were settled or are being settled by the teams themselves or by the operations committee of the Commission.

CHAPTER VI—COOPERATION OF THE PARTIES TO THE AGREEMENT

66. In chapter VIII of the Fourth Interim Report and in chapter VI of the Fifth Interim Report, the Commission recorded the degree of cooperation which it was receiving from the two parties, the extent to which they were fulfilling their obligations under the agreement and the difficulties which the Commission itself was experiencing in carrying out its tasks of supervision and control. These difficulties were brought to the specific notice of the cochairman, as the Commission felt that unless they were resolved and unless the parties were prepared to execute the provisions of articles 25 and 35, the Commission would not be able to discharge its responsibilities under the agreement. The Commission regrets to state that during the period under review, most of the difficulties which were described in earlier reports still confront the Commission.

67. The difficulties which the Commission has been experiencing concern either cases "where the Commission's activities are being hindered" or cases "where one of the parties refuses to put into effect the recommendations of the Commission." This distinction has been made in article 43 of the agreement itself.

Difficulties in South Vietnam—Cases where the Commission's activities are being hindered

68. The main difficulties in this category experienced in South Vietnam are those connected with the operation of the Commission's fixed and mobile teams and the implementation of articles 16 and 17 of the agreement.

69. The Commission decided during the period under review to send four mobile teams to conduct investigations under articles 14(c) and 14(d) in South Vietnam, in addition to the two teams which it had decided to dispatch during the period covered by the Fifth Interim Report. The Commission has not been able to obtain the concurrence of the French High Command for the conduct of these investigations, except in three cases referred to in paragraph 18. In one case, it has been stated by the Government of the Republic of Vietnam that for security reasons, no investigation is possible. The International Commission took up the matter with the French High Command as in its view the security conditions in the area appeared to be normal. Nevertheless, the concurrence has not been received. The Commission is pursuing these cases. As mentioned in previous reports, the Commission had to withdraw its mobile Teams 24 and 61 as the Government of the Republic of Vietnam had stated that the investigations could not be carried out on grounds of security and laid down conditions which were not acceptable to the Commission. The Commission has so far been unable to resume the activities of these teams. The Commission is of the view that unless the party concerned cooperates with it in the conduct of on-the-spot investigations and unless the Commission is in a position to carry out inquiries through its inspection teams as visualized under article 37 of the agreement, it will not be in a position to fulfill satisfactorily the tasks of supervision and control under the agreement.

70. The activities of mobile Team 47 which was investigating complaints of alleged violations of article 21 have come to a standstill because of the nonproduction by the Government of the Republic of Vietnam of dossiers and papers concerning the prisoners and in some cases of the prisoners themselves whom the Commission had decided to interview. In spite of protracted correspondence the authorities have produced neither the persons nor their dossiers. There are over a hundred such cases which remain to be settled. Amongst these are the cases of 16 alleged prisoners of war/civilian internees detained in Poulo Condore prison. The Commission informed the French High Command on June 5, 1956, that the concurrence of the authorities of the Republic of Vietnam should be obtained within 3 weeks failing which the Commission would decide what action it should take for nonimplementation of the recommendations of the Commission. No reply has been received to this demand. The Commission has, on June 6, 1959, made a final demand to the French High Command for the production of dossiers concerning the other cases stating that if they were not received within 3 weeks the Commission would declare the detainees as prisoners of war/civilian internees. No reply has been received so far.

71. Another major difficulty is the time notice restrictions placed by the authorities in South Vietnam on the Commission's fixed teams. These have been described in detail in paragraph 51. The Commission had made it clear that the existence of such time notices makes it impossible for its teams to carry out all their duties effectively. In spite of the repeated efforts of the Commission, during the period under review, movements of the teams continued to be restricted.

72. The provisions of articles 16 and 17 and protocol No. 23 have not been fully implemented by the French High Command. The notifications which the parties have undertaken to give under the provisions of these articles were not received regularly by the Commission. Thirty-six cases have been recorded where no notifications have been received by the Commission's team in Saigon and on 14 occasions the team actually saw military personnel deplaning at Saigon airfield. The Commission has repeatedly taken serious objection to the failure of the French High Command to give the required notifications under articles 16 and 17. On April 25, 1956, the French High Command informed the Commission that the Government of the Republic of Vietnam had indicated its consent to give the required notifications. As indicated in paragraph 53 above, notifications are being received in the majority of cases, since the last 6 weeks. However, there have been cases where no notifications were received. The difficulties of the team in exercising control in Saigon airfield have been dealt with in paragraph 54 above.

73. The Commission has been unable to conduct reconnaissance and control of the airfields in South Vietnam mentioned in paragraph 44. The details of the difficulties which arose in this connection have been described in that paragraph. The Commission has asked that immediate arrangements should be made for the reconnaissance and control of the airfields as the case may be. Because of this lack of cooperation, the Commission has not been able to supervise all airfields in the discharge of its statutory duties under article 36(d). The Commission has also not been able to complete the reconnaissance of part of the coast of South Vietnam as the particular means of transport required by the Commission was not supplied.

74. Arrangements have not been made for accommodating the mobile element of the fixed team at Tan Chau, decided upon by the Commission.

75. Apart from the cases which have been specified above, there are numerous other cases which are pending settlement for a long time as satisfactory replies have not been received from the French High Command. Correspondence is conducted for months together and the Commission is unable to settle cases because of lack of adequate replies.

Cases of nonimplementation of recommendations of the Commission

76. Apart from the hindrances in South Vietnam mentioned above, there are cases where specific recommendations of the Commission have not been implemented by the French High Command or where implementation has been delayed. The majority of cases concern recommendations made by the Commission regarding release of civilian internees from prisons in South Vietnam. Details of these cases have been mentioned in paragraphs 36, 37, and 38. In spite of repeated requests, 21 recommendations regarding release of civilian internees have not been implemented. In 19 cases, the authorities of the Republic of Vietnam have rejected the Commission's recommendations on the ground that the persons concerned were former members of the armed forces. Details of two other cases of nonimplementation have been mentioned in paragraph 38 above. As pointed out in chapter IV, the Commission gave very careful consideration to the legal aspect of the matter and confirmed its recommendations. In spite of this, the recommendations have not been implemented. The Commission views with great concern cases where the parties refuse to implement its recommendations on the ground that they interpret the provisions of the agreement in a different manner.

77. The Commission conveyed on February 24, 1956, its recommendations that notifications of import of war material and introduction of military personnel should be given in writing to the Central Joint Commission as laid down in articles 16 and 17 and for this purpose a Central Secretariat should be sent up. The French High Command has not accepted these recommendations.

78. Apart from the cases specified above, there are several other cases of nonimplementation and partial implementation of recommendations some of which are considerably old, such as, the recommendations made by the Commission a year ago as a result of investigations conducted by Mobile Teams 57, F–16, and 24.

Difficulties in North Vietnam—Cases where the Commission's activities are being hindered

79. There also exist cases in North Vietnam where the Commission's activities are being hindered. The case of Mobile Team F–44 has been mentioned in paragraph 24 above. This case, where the Commission has been experiencing a major difficulty, has been pending with the Commission since April 1955, and the Commission's repeated efforts to complete the investigation have not been sucessful so far. Various reasons have been given by the P.A.V.N. High Command for not arranging for the interview of the seminarists, including the reason of the reluctance of the religious authorities to allow the team to interview the seminarists inside the seminary. As already mentioned in paragraph 24, with a view to expediting the matter, the Commission has decided to interview the persons concerned at Vinh and has made a recommendation to that effect. This recommendation has not been implemented.

80. The Commission has not yet been able to complete the reconnaissance of part of the coast of North Vietnam as the P.A.V.N. High Command has not supplied suitable means of sea transport. The question of providing suitable sea transport to the teams at Vinh, Tien Yen and Haiphong was taken up with the P.A.V.N. High Command as early as June 1955. The teams at Vinh and Tien Yen have been without suitable means of sea transport. As stated in paragraph 64 above, a boat was given to the Haiphong Fixed Team in the last week of July 1956, but its adequacy is yet to be determined.

81. On January 1, 1956, the P.A.V.N. High Command took over the air services in North Vietnam which connect the Commission with its teams in the north, assuring the Commission that the services would continue to be as satisfactory as before. Since that date, however, the Commission has been experiencing difficulties in the maintenance of its team at Lao Kay as the air service between

Hanoi and Lao Kay has been functioning unsatisfactorily. The service to the teams at Tien Yen, Lang Son and Vinh has not met all the Commission's requirements. Under instructions from the Commission, the senior military advisers have examined how far the air services provided by the P.A.V.N. High Command fall short of the requirements of the Commission and have made proposals for the improvement of the maintenance of the teams by air in North Vietnam. The matter is under the consideration of the Commission. The difficulties mentioned in this paragraph relate to the maintenance of the teams in the north and do not concern their control duties.

82. Apart from the above cases, there are a few cases where satisfactory replies have not been received from the P.A.V.N. High Command as a result of which the Commission has not been able to settle some outstanding cases.

Cases of nonimplementation of recommendation of the Commission

83. One difficulty of a serious nature where the Commission's recommendation has not been implemented has been the withdrawal of the Commission's mobile team from Phuc Hoa. This has been described in paragraphs 42 and 43. In this case the P.A.V.N. High Command has refused to implement the recommendations of the Commission on the ground that it does not agree with the Commission's interpretation of article 35. As a result, the P.A.V.N. High Command refused to provide the necessary logistic and other support for the continued existence of Mobile Team 99. The team had to be withdrawn. In the meantime, the mobile element of the Lang Son team visited the area on seven occasions for control purposes. The Commission, however, is of the view that a team at Phuc Hoa on continuous duty is essential to control the area. At the insistence of the Commission the P.A.V.N. High Command has agreed to the deployment of a new team at Phuc Hoa; but it has not accepted the Commission's interpretation of article 35. As stated in paragraph 76, the Commission views with great concern cases where parties refuse to implement the recommendations of the Commission on the ground that they interpret the provisions of the agreement differently.

84. Under the cease-fire agreement the parties have, apart from the obligation to implement all the articles fully, accepted the obligation to afford full protection and all possible assistance and cooperation to the International Commission and its inspection teams in the performance of functions and tasks assigned to them by the agreement. Neither party has fulfilled in their entirety these obligations. As has been revealed in the preceding paragraphs, the degree of cooperation given to the Commission by the two parties has not been the same. While the Commission has experienced difficulties in North Vietnam, the major part of its difficulties has arisen in South Vietnam.

CHAPTER VII—CONCLUSIONS

85. The previous chapters of this report, and in particular chapter VI, have outlined the progress made in the implementation of the cease-fire agreement in Vietnam, the degree of cooperation received from the two parties and the difficulties which the International Commission is experiencing in carrying out its tasks of supervision and control.

86. Apart from these difficulties, developments of a serious nature have taken place in South Vietnam. The Commission had already pointed out in previous reports that the transfer of power from the French authorities in the South to the authorities of the Republic of Vietnam had created difficulties in the implementation of the agreement in South Vietnam, particularly in view of the fact that the Government of the Republic of Vietnam did not consider itself as bound by the Geneva Agreement, stating that it was not a signatory to that agreement. On April 5, 1956, the Commission received a letter from the High Commissioner for France in Saigon dated April 3, 1956, giving notice that the French High Command would withdraw completely from South Vietnam on April 28, 1956. The Commission thereupon decided to inform the cochairmen of this serious development and ask for directions as to the future working of the Commission. In their reply dated April 19, 1956, the cochairmen informed the Commission that they were considering the situation in Vietnam and that pending their final decision the Commission should continue in existence and carry on its normal activities.

87. The Commission interpreted the cochairmen's directive to mean that, pending a final solution of the problem, it should continue to deal with the French authorities in Saigon as hitherto, and that the entire machinery for the proper implementation of the cease-fire agreement would be maintained. As a result of the talks held with the French authorities regarding the interim arrangements, the Commission decided that the attention of the cochairmen should be drawn to the nature of these arrangements and to the fact that after April 28, 1956, the joint Commission machinery would not be functioning due to the withdrawal of the French High Command. Accordingly, a special message was sent to the cochairmen on May 2, 1956, with a separate note by the Canadian member, and instructions were sought as to the future working of the Commission. In this communication the Commission also informed the cochairmen that it would remain in being and subject to the difficulties mentioned by it, maintain its machinery for supervision and control. It requested the cochairmen to take steps to resolve the difficulties to enable the Commission to carry on normal activities.

88. The cochairmen of the Geneva Conference discussed the matter during their talks in London and on May 8, 1956, issued messages to the International Commission, to the Government of the French Republic, and a joint message to the Governments of the Democratic Republic of Vietnam, and the Republic of Vietnam. They strongly urged both the Governments in Vietnam to make every effort to implement the Geneva Agreements to prevent any future violation of the military provisions of the agreement and to insure the implementation of the political provisions and principles of the final declaration of the Geneva Conference. They further asked the parties to give the International Commission all possible assistance and cooperation in future in the exercise of its functions. So far as the political settlement is concerned, the cochairmen requested the two Governments to transmit their views about the time required for the opening of consultations on the organization of elections and the time required for holding of elections to unify Vietnam. They recognized that the dissolution of the French Union High Command had increased the difficulties of the International Supervisory Commission in Vietnam in carrying out the functions specified in the Geneva Agreements which are the basis for the Commission's activities and that these difficulties must be overcome. In their message to the French Government, the cochairmen invited the French authorities to discuss the question with the South Vietnam authorities in order to reach an arrangement to facilitate the work of the International Commission and the Joint Commission in Vietnam. Until these new arrangements were put into effect, the French Government was requested to preserve the status quo. In their message to the International Commission, the cochairmen appealed to the Commission to persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfillment of the Geneva Agreements with a view to the reunification of the country through the holding of elections under the supervision of an International Commission.

89. The Commission examined very carefully the three messages which the cochairmen had sent and on May 27, 1956, communicated to the cochairman its response to the appeal addressd to it. The Commission will, as stated in its message of May 27, 1956, persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfilment of the Geneva Agreement. It will continue to deal with the parties concerned on the basis of the status quo until arrangemetns that will facilitate the work of the International Supervisory Commission and of the Joint Commission in Vietnam envisaged in the cochairmen's message to the French Government "are put into effect." Discussions between the High Commissioner for France and the authorities of the Republic of Vietnam on the question of the future working of the cease-fire agreement and the relationship of the authorities of the Republic of Vietnam with the International Commission have just been concluded in Saigon.

90. In spite of the difficulties which it is experiencing, the Commission will, as directed by the cochairmen of the Geneva Conference, persevere in its efforts to maintain and strengthen peace in Vietnam on the basis of the fulfilment of the Geneva Agreements on Vietnam with a view to the reunification of the country through the holding of free nationwide elections in Vietnam under the suprevision of an International Commission.

G. PARTHASARATHI,
India.
B. M. WILLIAMS,
Canada.
J. GOLDBLAT,
Poland.

Hanoi, September 9, 1956.

EXHIBIT 2

EXCERPTS FROM ARTICLE ENTITLED: "SUBVERSIVE INTERVENTION" BY QUINCY WRIGHT, AMERICAN JOURNAL OF INTERNATIONAL LAW, 1960

Aggression means any use of, or threat to use armed force in international relations in violation of an international obligation. This offense is referred to in three articles of the United Nations Charter providing:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations (art. 2, par. 4).

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security (art. 39).

Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security (art. 51).

These articles prohibit "the threat or use of force," "aggression," and "armed attack" (which all seem to mean the same thing) for which a government de facto or de jure is responsible because of act or negligence. They imply that "threat to the peace or breach of the peace" becomes "aggression" when the responsible state has been identified. It is clear that they prohibit only the threat or use of armed force or an armed attack. They cannot be construed to include other hostile acts such as propaganda, infiltration or subversion. The latter, insofar

as prohibited by international law, come within the category of "subversive intervention." The distinction is important because there has been persistent effort to include subversive intervention in the concept of aggression by calling it "indirect aggression" and thus to justify military action by states or by the United Nations to stop it. It seems clear that such an interpretation would be contrary to the primary purposes of the United Nations to prevent "the scourge of war" and "to suppress acts of aggression or other breaches of the peace."

The charter makes it clear that any use of armed force by a state in international relations, which includes attacks against public ships on the high seas and across armistice lines, as well as across established boundaries, is forbidden unless necessary for defense against an "armed attack"; unless authorized by the United Nations when faced by a "threat to the peace, breach of the peace or act of aggression"; or unless invited by a state. The recognition in the charter of the "sovereign equality" of states clearly permits a state to use armed force in the territory of another state on the invitation of the latter, but this permission is subject to the conditions that the invitation, even if based on a preexisting treaty, is made freely by the government of the inviting state at the time the force is sent in, that the inviting government is in uncontested control of the state when the invitation is given, and that the forces are used only within the territory of the state issuing the invitation, unless that state is the victim of an "armed attack" from another state justifying "collective self-defense." International law does not permit the use of force in the territory of another state on invitation either of the recognized or the insurgent government in times of rebellion, insurrection or civil war. Since international law recognizes the right of revolution, it cannot permit other states to intervene to prevent it. The United Nations itself cannot intervene to stop civil strife, unless it concludes that such strife threatens international peace and security or violates an internationally recognized cease-fire line.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 167 Leg.]

Aiken	Gore	Morse
Allott	Hickenlooper	Mundt
Anderson	Holland	Muskie
Bartlett	Hruska	Nelson
Beall	Humphrey	Neuberger
Bennett	Inouye	Pastore
Boggs	Jackson	Pell
Brewster	Johnston	Prouty
Carlson	Jordan, Idaho	Proxmire
Case	Kuchel	Ribicoff
Church	Magnuson	Saltonstall
Cotton	Mansfield	Smith
Curtis	McCarthy	Stennis
Dirksen	McGee	Tower
Dodd	McGovern	Walters
Douglas	McNamara	Williams, Del.
Ellender	Metcalf	Young, N. Dak.
Fong	Monroney	Young, Ohio

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

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.

The PRESIDING OFFICER. The pending question is on agreeing to the modified amendment offered by the Senator from Montana [Mr. MANSFIELD], on behalf of himself and the Senator from Illinois [Mr. DIRKSEN], as a substitute for the amendment relative to jury trials, offered by the junior Senator from Georgia [Mr. TALMADGE], on behalf of himself and other Senators.

During the delivery of Mr. MORSE'S speech on South Vietnam,

Mr. DIRKSEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the distinguished minority leader with the understanding that the interruption will appear elsewhere in the RECORD, and without losing my rights to the floor.

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

Mr. DIRKSEN. Mr. President, in introducing the Mansfield-Dirksen amendment this morning, there was a technical mistake made as to line and page. In order to make it an exact substitute, I ask unanimous consent that it be corrected in that respect.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment as modified was ordered to be printed as follows:

AN AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR THE AMENDMENT NO. 513 OF MR. TALMADGE

In lieu of the language of the amendment substitute the following:

"SEC. 1101. CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY.—In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed 30 days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.

"SEC. 1102. Section 151 of the Civil Rights Act of 1957 (41 Stat. 638) is amended by striking out the third proviso to the first paragraph thereof, and inserting in lieu thereof the following:

"'*Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed 30 days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.'"

Mr. DIRKSEN. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the trial by jury concept is a cherished and revered institutional process in our society. Its history and heritage, recently reviewed in this Chamber, are well known to all. Equally cherished and revered, equally adorned by the vine of history and heritage, equally essential to any civilized society, is the power of the judiciary to resolve in a full and complete fashion the disputes of the litigants before it. The most severe and lethal attack on this mainmast of our society is the willful and contemptuous disobedience of the final order of the court. It is for this reason that willful and contemptuous acts of disobedience of court orders historically have been treated as attacks on the basic structure of the judiciary, and have been punished by the courts, without the assistance of a jury. It has always been considered one of the necessary incidents of the power of the courts to vindicate their own dignity, enforce their own orders, and protect themselves from insult in each case, without assistance. The cases on this power of the judiciary are legion, not only in the Federal Courts, but also in those of the several States. The Supreme Court has recently reviewed this history and this inherent power of the courts in United States against Barnett, decided but 2 weeks ago.

In facing this issue of the alleged conflict of these basic institutional processes of our jurisprudence, the proposed amendment of the distinguished minority leader and myself strikes a balance between these conflicting viewpoints, so that in cases arising under this act, when an order of the court has been willfully and contemptuously violated, the court will be able to fine such person up to $300 or imprison him for a period of up to 30 days, without a jury. The provisions of this amendment will extend to each and every title of this act under which a possible criminal contempt proceeding could arise. The Supreme Court in the recent Barnett case intimated that some upper limit should be established on the power to try a criminal contempt without a jury. It is for this reason that the upper limit of 30 days—$300—is extended to all titles of the bill, thus modifying the bill itself in this regard. It will, in addition, amend the existing law embodied in the Civil Rights Act of 1957, which provided a 45-day $300 limitation on the court in any criminal contempt arising out of voting cases.

I urge that the provisions of this proposed amendment be adopted by a vote in the not too distant future.

DALLAS AND THE STATE OF TEXAS

Mr. TOWER. Mr. President, I have received a copy of a letter from Mr. Robert D. Moore, of 3511 Eighth Avenue South, in Great Falls, Mont., that was addressed to the editor of the Dallas Morning News. I believe it carries a message that should be read by the Members of this Senate, as well as editors across our land. For that reason I shall ask to place it in the CONGRESSIONAL RECORD so that it too may become a part of history.

Mr. President, as Mr. Moore notes, the irresponsible attacks upon the city of Dallas and the State of Texas continue

from many quarters. The reasons are quite obvious to all who are knowledgeable in the ways of politics. Dallas is generally a conservative city, and at the same time a growing, dynamic, progressive city. It seeks to solve its problems by hard work and faith. Because of this Dallas, and indeed all of Texas, has come under attack from those who think a managed, well ordered society is the answer to the ills of the moment. By ignoring the fact that the assassin of our former President was an avowed, dedicated, and itinerant Marxist, and by constantly seeking to perpetrate the hoax that Texas and Dallas are hotbeds of hatred, the spreaders of this false story seek to reap political benefit. It is my hope that America will not be deceived.

Mr. President, I ask unanimous consent to place the letter in the RECORD.

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

GREAT FALLS, MONT.

EDITOR, DALLAS MORNING NEWS,
Dallas, Tex.

DEAR SIR: It is with growing dismay that I read and hear of the continuing attacks on the people of Dallas carried in the press and on TV and radio throughout the country. These attacks supposedly stem from the tragedy which occurred on November 22 and the aftermath of that event in Dallas. There are so many distortions of these events and their causes in the news media that one must wonder if he can even rely on the accuracy of the news today or if the news media are only tools of those wishing to promote—or destroy—a cause.

The fact that these events occurred in Dallas has made your city the object of the most vicious and unwarranted attacks I have ever seen. That these same events could have occurred in my town—or any other town—seems to escape even so-called level-headed thinkers. It has been said that the fact that an American President could be assassinated in this day and age is a sad commentary on our country and our people. In my opinion the fact that a city such as yours—made up of all kinds of people just like mine—could be crucified for this dastardly event is an even sadder commentary on the American people.

It seems quite obvious that the people of Dallas are being used as the brunt by those who wish to destroy the element in this country that disagrees with our trend toward socialism and all-powerful Federal Government. That the technique of slandering a complete city in order to accomplish an objective can be used by these people indicates their lack of even common scruples in accomplishing their purposes. That this technique can receive such widespread acceptance by our news media and by so many people who accept the news as fact, should be a cause of great concern to every American.

My purpose in writing you is to assure you—and through you, the people of Dallas—that there are many of us who realize the reasons for the vicious attacks on your fine city and who admire your courage in facing these attacks. It took me a long time to write this letter because I thought these attacks were only postassassination hysteria. I couldn't believe they would continue—that the rest of us would let them continue. However, it is now apparent that Dallas is being used in an attempt to impugn the motives of every one of us who favors government by the Constitution. This in face of the fact that a Communist shot the President.

Be assured that you have the support of a large segment of the people of this country. We only wish we could do more to share the burden unjustly forced upon you by some unscrupulous vocal people and groups—and so well served by the news media.

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.

ILLINOIS FEPC

Mr. TOWER. Mr. President, I have stated on many occasions that the fair employment practice title of this bill is particularly objectionable to me for a number of reasons.

I feel that it is unconstitutional for the Federal Government to invade this field of legislative activity, which the Constitution reserves to the States and the people.

I also have pointed out that enforcement of this FEPC provision would be virtually impossible outside of a police state in which the Federal Government took charge of all the hiring, firing, promotion, and demotion policies and activities of the formerly free business system of this Nation.

And I have pointed out the extreme difficulties this proposed FEPC would place upon private business—whether or not the individual business had a good record of equal employment.

Proponents of this radical title have told me that I overstate the case.

I do not believe I overstate the case. I think what has been said here and the colloquies that have been engaged in indicate that the case has hardly been overstated at all. The proponents feel that FEPC legislation would not require the private business to keep unnecessary voluminous records. They say there would be no additional heavy expenditures by free business in an effort to protect itself against abuses under an FEPC law.

Mr. President, I do not think that I overstate the FEPC case. I feel that the regulations, lawsuits, and Federal pressures placed upon private business by this title are utterly unacceptable in a free economy, particularly since these pressures can be placed upon any firm at any time in presuming the firm guilty until it proves itself innocent.

Therefore, I have sought out an example of what free business can expect from an FEPC law, and I would like to now discuss in some detail the situation involving the State of Illinois FEPC commission and the Motorola Co.

May I point out that in citing this situation I make absolutely no attempt to judge the merits of the position of either side in this case. I present only a number of documents and newspaper clippings concerning the case to illustrate the type of dispute business can find itself in under an FEPC law and the enormous difficulties facing any bureaucracy and judiciary in attempting to enforce an FEPC law.

First, I want to read an article from the New York Times of March 22, 1964, because it sets the stage by providing a brief, yet complete, summary of the situation.

The article is headlined "Dispute on FEPC Arises in Illinois—Decision by Negro Attacked in Motorola Case."

CHICAGO, March 21.—Political, business, and civil rights circles in Illinois are being jarred almost daily by repercussions over a finding in the case of a Negro who contends that he was denied a job because of his race.

National importance has been given to the decision by the Illinois Fair Employment Practices Commission, which has been cited as an example of the dictatorial power the proposed Federal civil rights bill could give Government in telling a private employer whom he may hire.

The subject has been made an issue in the Illinois gubernatorial campaign, with Republican candidates stressing the matter and Gov. Otto Kerner, a Democrat, who is seeking reelection, trying to allay criticism.

The controversy was touched off by a report by Robert E. Bryant, a Negro examiner for the FEPC, upholding the charge of a Negro applicant, Leon Myart, that Motorola, Inc., the radio and television company, had violated the State's Fair Employment Practices Act by refusing to hire him because of his race.

The examiner recommended in a ruling that requires confirmation by the employment commission, that Motorola cease giving applicants a standard ability test, devised by a professor at the Illinois Institute of Technology and used since 1949. The examiner considered the test to be unfair to "culturally deprived and disadvantaged groups."

MOTOROLA APPEALS RULING

Motorola denied discrimination and appealed the ruling to the full commission. The company's legal counsel said the appeal would be taken to the Supreme Court, if, necessary. The order was also challenged by the Employers Association of Chicago, representing 1,400 companies in the area.

Now, I should like to read an editorial from the Chicago Tribune of March 7, 1964, which sets forth that newspaper's view of the Motorola-Illinois FEPC case. The editorial is entitled—"The State Will Do Your Hiring":

A foretaste of what employers may expect if the equal employment opportunity provisions of the Federal civil rights bill become law has been provided here in Illinois under the State Fair Employment Practices Act. An agent for the Commission enforcing the act has just told Motorola, Inc., that the State hereafter assumes to direct its hiring practices.

Motorola has been giving job applicants a general ability test devised by a professor at Illinois Institute of Technology and used by at least one other large Chicago employer.

A Negro applicant charged that he was denied employment because of his race. The corporation said he failed the test. The claimant said he passed it. He did pass it on reexamination in the FEPC office, and the company was ordered to hire him. But the question of fact concerning the results of

the original test is less germane than the excursions of the examiner beyond that point.

This official, Robert E. Bryant, decreed that Motorola must abandon ability tests for job applicants for three reasons: (1) that the test was unfair to "culturally deprived and disadvantaged groups"; (2) that the questions did not take into account "inequalities and differences in environment"; and (3) that the standards for passing were based on those of "advantaged groups."

This may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinctions whatsoever among competing applicants and would therefore be meaningless. How, then, is the employer to develop any basis for making a choice in hiring?

The examiner's further dicta were not of a sort to reassure bedeviled employers. He said that "current circumstances and objectives" impose the demand that hiring personnel develop "general convictions of economic need" among minority groups and that executives "move positively" to achieve an unspecified balance in their work force.

As merit and ability demonstrated by testing is out the window, this would seem to be a prescription for reverse discrimination; i.e., that race, color, religion, or something else be given priority over judgments of a job applicant's prospective usefulness to his employer.

So here the doctrine is enunciated that a political appointee is going to dictate to business what standards of selection are to govern its employment policy. A businessman is not to be allowed to decide the choice of workers or associates best fitted to advance his business interests. In the name of rights, the employer's rights are canceled.

In our recent editorial discussion of the Federal fair employment section of the pending civil rights bill, we said that Government was intent on legislating itself into partnership with private business and dictating hiring, firing, and promotion policies. The ruling in Illinois demonstrates that once the snout is in the tent, the rest of the camel will quickly follow.

The Federal Commission is empowered to bring charges of unfair practice on its own motion, and without a complaint; to turn loose its agents and lawyers on a business, with power to examine books and papers and to question employers or executives; and to require that an employer keep records of who applies for a job, who gets it, who does not, and why.

All this is to be done under standards not prescribed, but vague and subjective in nature, according to what the agent thinks is discrimination and what he guesses may have been in an employer's mind. Under such ground rules, the harassment of business and industry could be unrestricted and unlimited.

Now, I should like to provide for the Senate a statement of the Motorola Co., explaining its position in this case:

MOTOROLA CO. STATEMENT ON FEPC CASE

APPLICATION OF COMPLAINANT

On July 15, 1963, Leon Myart, a Negro, applied for a job as analyzer at the employment office at Franklin Park. Myart filled out an application and took the general ability test No. 10. Among other reasons for not being hired, Myart failed test No. 10 with a score of 4—passing is 6 or more and on his application he admitted in writing an arrest for sodomy, which charge Myart never refuted. The interviewer conducted a regular interview and then rejected his application.

CHARGE AND HEARING

On July 29, 1963, Myart filed a charge of unfair employment practice with the Illinois FEPC. He claimed he was not employed because of his race. The FEPC investigated, filed a complaint against Motorola and public hearing was held on January 27, 1964, before Robert E. Bryant, a Negro Chicago attorney, selected as hearing officer by the FEPC. Myart claimed he had taken 432 hours of instruction in electrical courses at Chicago high schools and trade schools to qualify him for an analyzer position.

MOTOROLA REASON FOR REJECTION

Motorola introduced evidence to show:

1. Myart failed the general ability test No. 10 given to all hourly applicants.

2. Myart omitted some of his alleged education and work experience on the application so that the interviewer had no knowledge of this. Further, he showed no related industrial experience.

3. In the hearing Myart was asked 10 questions in the analyzer-phaser technical test given to all applicants for this job. Seven questions answered correctly is considered the minimum passing grade. Myart answered 1 question out of 10 correctly.

4. A former employer of Myart testified he was not rehirable.

5. Myart admitted in writing on his application that he had been arrested for sodomy and Motorola would not hire an applicant about whom there was a question of moral turpitude.

HEARING OFFICER'S DECISION

On February 26, 1964, the hearing officer Bryant issued his decision ordering Motorola to hire Myart as an analyzer and phaser and that Motorola cease using test No. 10 in its employment screening. On March 13, 1964, Motorola appealed this decision for public hearing before the full commission which must be accomplished in Illinois before the case can be appealed to a court of law.

Bryant's decision referred to three books on psychology which were not introduced in the hearing record and which Motorola had no opportunity to rebut. Bryant claimed that test No. 10 was discriminatory because it did not equate inequalities and environmental factors among the disadvantaged and culturally deprived groups. The author of the principal book advised us that Bryant quoted out of context and thereby changed the meaning of the text.

BACKGROUND OF TESTS

Most companies of any size use screening tests. Motorola used tests from Purdue University for 10 years. Three years ago Dr. Phillip Shurrager, head of the department of psychology at the Illinois Institute of Technology, and Dr. Ira Salisbury updated our personnel testing to fit new jobs created in the last 10 years and also applied these tests to the older jobs. Working with three other Ph. D.'s at IIT and using computers they developed a battery of tests for Motorola. Test No. 10, which was copyrighted by Dr. Shurrager in 1949, was included in the battery of tests. Test No. 10, which is at issue, is used by large companies in the United States. This test rejects from 10 to 15 percent of applicants at Motorola. Since this test has been challenged, Dr. Shurrager and his staff have conducted a special study which shows test No. 10 and other tests used by Motorola to be "race free."

REASON WHY MOTOROLA IS PILOT CASE

The FEPC has advocated the unlegislated concept of "Negro preferential hiring," a double standard for hiring with lower criteria for Negroes than others. Hence, it has targeted a company with a good system of tests and made a pilot test case of Motorola.

MOTOROLA'S POSITION

Since our tests are race free and therefore nondiscriminatory (and we are able to prove this) we feel we have the right to use the tests for selection of employees to perform our jobs. The profit success of our company depends in great measure upon our ability to effectively select the talents we need to accomplish our tasks. If we are denied this right by the FEPC, then the State usurps the employer's authority and a government agency sets the employment standards by which we and other employers must hire.

The tests give employment opportunity to Negroes they did not have before since interviewers formerly relied on "prior related experience." Few Negroes had this related experience—hence few were hired in the electronics industry. The tests objectively identify talents and provide predictability of success on the job—a real measure of trainability. Thus the interviewer has a broader horizon within which to make selections of applicants which has resulted in more Negro hires.

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

Mr. TOWER. Mr. President, I yield to my distinguished friend from Georgia for a question.

Mr. TADMADGE. The able Senator is making an outstanding speech on behalf of freedom of all citizens in the United States of whatever color, whatever religion, or whatever area of the United States they may hail from. He has referred to the Motorola case, which has been in the news a great deal in recent months. I know that the Senator was as shocked as I was to find that an official tried to determine for himself the educational standards which a company should desire of its employees. Is it not true that the decision of the examiner in the Motorola case put a premium on ignorance for prospective employees, instead of intelligence?

Mr. TOWER. It certainly put a premium on ignorance. It said, in effect, that a test is discriminatory if it discriminates against those who are by virtue of intellectual and educational background incompetent to do a particular job.

There are qualifications for a number of things. There are qualifications for service in the Senate. There are qualifications for service as President. There are qualifications for service as a Member of the House of Representatives.

We lay down certain qualifications by law for various public offices which require peculiar skills. Most States, for example, require that judges be lawyers.

It is certainly right and proper for a private company to require that a man possess certain skills necessary to perform the work required by that company, or that he possess a sufficient intellect to be trainable to do a specific job.

As the Motorola Co. pointed out, the examiner established a double standard for hiring, one standard to be applied to whites, and another to be applied to Negroes.

Psychologists have debated these questions—some holding that an intelligence test may discriminate against people whose environmental background did not prepare them to pass the educational tests.

But this seems to me to be a flimsy argument. Does it mean that the employer must hire someone who is not competent by virtue of his environmental and educational background?

Mr. TALMADGE. The Senator has said that there are standards for certain public officials. Qualifications are prescribed for the Office of President,

for Senators, and for Members of the House of Representatives; and each State prescribes qualifications for Governors. But they are Federal or State officials, and the qualifications are clearly spelled out in the Constitution of the United States and the State constitutions. Is that not correct?

Mr. TOWER. That is correct.

Mr. TALMADGE. Does the Senator from Texas know of any provision in the Constitution of the United States that authorizes the Federal Government to determine for a private employer whom he shall or shall not employ?

Mr. TOWER. There is nothing of that nature in the Constitution. If Congress were to attempt to enact such compulsion, it would be flying into the teeth of the Constitution. Congress would be violating the Constitution in that respect, because no such power is conferred upon the Government of the United States by the Constitution, and by no stretch of the imagination could it be comprehended by the necessary and proper clause of the Constitution.

Mr. TALMADGE. Is it not one of the greatest virtues of our free enterprise system that every citizen, no matter how humble he may be, can, by education, hard work, and frugality, work himself up the ladder of success and achieve whatever financial reward his ingenuity and ability may permit him to win?

Mr. TOWER. The Senator's observation is absolutely correct. In a free enterprise system, the essence of the system is that a man may progress as fast as his ability, his energy, his intellect, and his ambition will take him. This has been the genius, the dynamics, behind the tremendous growth and progress of the great American Republic. This is the reason why we are the most comfortable people in the world, the most productive, the most economically and militarily powerful, and, at the same time, the most self-reliant and resourceful people in the world.

Mr. TALMADGE. And we are the most free.

Mr. TOWER. That is because we have had freedom; and because of freedom, not only have we enjoyed certain privileges and immunities, but freedom has compelled us to accept responsibility, as well. So in accepting responsibility, we developed national character and moral fiber.

A time may come when we shall all be reduced to a status of dependability on the Federal Government, to a complete status of subordination to the Federal Government, to the extent that the Federal Government will guarantee us a job, whether we are competent to do the job or not, and will guarantee us an annual income.

Mr. TALMADGE. The bill does not guarantee anyone a job at any time, does it?

Mr. TOWER. It does not guarantee anybody a job, but it would compel an employer to hire persons whom he does not believe to be competent to perform the work.

Mr. TALMADGE. Is not that the very antithesis of the free enterprise system as we have known it in all the years of the history of our Republic?

Mr. TOWER. It certainly is the antithesis of the free enterprise system. Measures of this kind, carried to their logical limits in terms of enforcement and administration, could result in the destruction of the free enterprise system as we know it.

Mr. TALMADGE. Would not the bill deny to an employer the constitutional right to employ such workers as he thought could best enable him to conduct his business and make it profitable and rewarding?

Mr. TOWER. It would deny an employer that right, as the Motorola Co. has pointed out. A company has a responsibility to its stockholders. It must produce a profit. If it is to be hamstrung and dictated to in its employment practices, obviously it cannot fulfill that responsibility. People will not continue to invest in such a company; and ultimately the business will be harassed and smothered by regulations, and will inevitably fail.

At present, one of the great problems confronting business in the United States is that production costs are going well above competitive levels, to the extent that Germany, Japan, and other industrial countries are underselling us, not only in world markets, but in our domestic markets, as well. In a critical period in the history of our Nation's economy, when we are not able to compete in terms of production costs, business is being told that it must assume an additional burden which inevitably will cost it more and will further drive up production costs and put business in a more unfavorable competitive position.

Mr. TALMADGE. In addition to depriving an employer of his conditional right to select such employees as he believes will best make his business successful, would not the bill also deny to labor unions certain rights which Congress has granted them with respect to collective bargaining?

Mr. TOWER. Yes, indeed. The bill specifically applies to labor unions as well as to business, in terms of union membership, in terms of apprenticeship training, and in terms of making more jobs available for employees. That would certainly have an effect on unions.

The bill would knock some seniority systems into a cocked hat. It would militate against the best interests of a majority of trade union members. I am sure that some trade union leaders have the hope or feeling that perhaps the bill would not be rigidly administered and applied so far as trade unions are concerned. But there may not always be an administration that is friendly to labor. An administration unfriendly to trade unions could, by a rigid application of the law, militate very much against the best interests of trade unions.

Mr. TALMADGE. That is what is contained in the provision for Government policing of the rights of employers, the rights of employees, and the rights of labor unions. The right of free bargaining between employers and employees would be destroyed. The rights of labor unions that might be involved might be destroyed by permitting the Government to use compulsion in making decisions. Is that not correct?

Mr. TOWER. That is absolutely true. The distinguished Senator from Georgia has pointed up well one of the fatal weaknesses in the bill—a subtle, insidious attack on the very institution of collective bargaining. Many matters determined by the bill are matters that are ordinarily determined across the bargaining table. The results that have been achieved by organized labor through collective bargaining over the past 30 years indicate that the unions want to continue collective bargaining as a strong institution and as a significant aspect of labor-management relations. But that would cease to be so if title VII of the bill were enacted.

Mr. TALMADGE. The theory behind the proposed legislation is that it is supposed to outlaw discrimination in the employment of personnel. Is the word "discrimination" defined in the bill?

Mr. TOWER. The bill is supposed to outlaw discrimination, but it does not define "discrimination." The Senator is correct.

Mr. TALMADGE. That is the point I was making. Would it be considered to be discrimination if a person wished to employ a good-looking stenographer instead of an unattractive stenographer?

Mr. TOWER. I have always tried to exercise that kind of discrimination in my hiring practice, and I suppose it is discriminatory. Of course, the bill provides that there shall be no discrimination on the basis of race, color, religion, national origin, or sex. It does not say anything about good looks. However, I am sure that none of the other terms are defined in the bill, either. No doubt there would be liberalized interpretations by the Commission, to the extent that this provision would include or cover almost anything; and in time this all-powerful, omnipotent Commission of five members could determine when anyone had been discriminated against for any reason, and then it would "lower the boom" on the alleged offending employer.

Mr. TALMADGE. In the Motorola case, in Illinois, an examiner of the State commission determined that someone had been discriminated against because of the use of a certain examination; is that correct?

Mr. TOWER. That is correct. Furthermore, it was ordered that the examination no longer be used by that company, in connection with its employment practices.

Mr. TALMADGE. Would the Senator from Texas hazard a guess as to how such a governmental agency, using personnel who might be alleged to be experts in thought control, would be able to determine whether there had been an intent to discriminate when an employer had declined to employ a particular applicant, and when, thereafter, the applicant might have alleged that he had been discriminated against because he was a Baptist or because he was a Methodist, and so forth? Can the distinguished Senator from Texas show how such a determination could be made?

Mr. TOWER. In my opinion, it could not be made; in my opinion, that could not be determined. For that purpose, the Commission or its assistants would have to be mindreaders. As a lawyer, the

Senator from Georgia knows that in such a case they would be dealing with the old doctrine of mens res—determination of what was in one's mind—and, in particular, determination of whether there was criminal intent in the mind of the employer.

Of course, in connection with the criminal law, there have been devised means of determining whether criminal intent existed; and, as a result, within reason, that can be determined.

Furthermore, in the cases which would arise under this bill, there would be no way under the shining sun by which the Commissioners could be compelled to prove anything. They could act entirely on the basis of only their personal whim and the arbitrary use of unreasonable discretion.

Mr. TALMADGE. Madam President, will the Senator from Texas yield again to me?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Texas yield further to the Senator from Georgia?

Mr. TOWER. I yield.

Mr. TALMADGE. Suppose 10 persons applied to a certain employer for employment. Suppose one of them was a Catholic, one was a Protestant, one was white, one was black—and so forth and so on. If, following their application for employment, only one was employed, could not the other nine claim they had been discriminated against because of their religion or their color, and so forth? In that event, would not the Commission be able to charge the employer with violating this law?

Mr. TOWER. Now the Senator from Georgia has let a very ugly cat out of the bag—very ugly, indeed. Precisely what he has suggested could happen.

Mr. TALMADGE. And would not it happen?

Mr. TOWER. Yes, I submit that it would happen; and it could result in the establishment of a job quota system. Certainly that could happen if an employer did not act in a way that would suit all those who applied to him for employment—even though the proponents of the bill say an employer would not have to do that. But rather than run the risk of being faced with such suits day in and day out, an employer would no doubt take steps to protect himself, by attempting to employ persons of every nationality, every color, and every ethnic background. Of course, such a practice might be difficult to carry out, and might, after it was carried out, cause him many difficulties in operating his business; but no doubt he would attempt to do that.

Mr. TALMADGE. Such a practice could actually result in driving him into great difficulties—and perhaps even into bankruptcy—could it not?

Mr. TOWER. Yes, it could drive him to adopt unusually unsound business practices.

Mr. TALMADGE. Let us consider the case of an employer who employed 25 persons—in perhaps a small town, located somewhere in the United States. Under the provisions of the bill, the Commission could determine all of his relationships with his employees, as regards hiring them, promoting them, and assigning them to jobs, could it not?

Mr. TOWER. That is precisely true.

Mr. TALMADGE. If the Commission moved in on him, because of the filing of a complaint, the contest between the employer and the Commission would be a very unequal one, would it not?

Mr. TOWER. Indeed so—and even in the case of a very large business. In fact, it is clear that no business in the United States has all the resources that the U.S. Government has. So certainly the small businessman would face a tremendously formidable opponent, and would not have a chance to succeed against that opponent.

Mr. TALMADGE. A small businessman would have virtually no chance at all to successfully oppose the Federal Government; and the mere threat of such a suit by the Government would force most small businessmen to knuckle under, rather than be faced with ruinous expenses in connection with such a suit; is that not true?

Mr. TOWER. That is quite true. Certainly, the loser would be the small businessman. Perhaps a large employer could weather the storm——

Mr. TALMADGE. He would establish a quota system, would he not?

Mr. TOWER. No doubt. Perhaps he would also be large enough to be able to absorb some losses along the line. But the small businessman would be driven to the wall by the rigid enforcement of this measure; and we can expect nothing less than rigid enforcement of it, for political reasons. Therefore, it might very well sound the death knell of many small businessmen in the United States.

Mr. TALMADGE. Is it not also true that when the Government started to file such suits against employers, labor unions, and others, as the case might be, under the provisions of this measure, the poor harassed defendants—the employers—would not even have the right of a jury trial when they were brought into court?

Mr. TOWER. Yes; under the present provisions of the bill, they would not have a right to have a jury trial.

Mr. TALMADGE. Does the Senator from Texas think that at this late date, almost 1,000 years after Runnymede and Magna Carta, the Senate of the United States should seriously be considering—in this enlightened age—passing a bill which would not provide for the right of trial by jury?

Mr. TOWER. We can refer to an even earlier period—to the constitution of Clarendon, which established the basis of our constitutional system. Trial by jury has been a feature of the Anglo-Saxon legal system. It is one of our most cherished legal rights, dating back even before the time when Columbus discovered America. But now it is proposed that we vote to throw it out the window.

Mr. TALMADGE. But is not the right of trial by jury the greatest civil right the American people possess?

Mr. TOWER. It is the greatest civil right, in my opinion, that I possess—the right to be tried by a jury of my peers, if I were to be accused of the commission of a crime.

Mr. TALMADGE. Certainly it is the greatest civil right that I possess, in my opinion; and I am not anxious to surrender it, either for myself or for the other 190 million Americans.

Does the Senator from Texas believe that if the pending bill, with its 11 different titles, which relate to 11 different subjects, each of which amounts to a different act, were to become law, the people of the United States would be pleased with their civil rights? The bill is 55 pages long. It would vest in the Federal Government many powers which actually belong to the local police, and at the same time would require the people to surrender many of their rights, including the right of trial by jury.

Mr. TOWER. I do not think they would be pleased. It is true that at the present time many of them think they would be pleased with the bill; but, for the most part, those who believe they would be pleased with it—and generally they support the bill, even though they have not read it—believe the bill would provide them with new rights and would also provide for better protection of their existing rights, without at the same time removing any of their existing rights. However, that is not so—as is clearly shown by even the most cursory reading or examination of the bill.

Mr. TALMADGE. Is it not true that the only additional right which might be conferred by the bill would be the right to trespass on private property.

Mr. TOWER. I think that is true.

Mr. TALMADGE. Is it not also true that the only other additional right or power the bill would give would be the power of the Federal Government, through such a Commission, as proposed in title VII, to regulate the lives of the American people.

Mr. TOWER. That is true. So, in dealing with the bill, we are dealing with a measure which involves many contradictions. The result of enactment of the bill would be the destruction of many of the rights of the people.

Mr. TALMADGE. Yes. Is it not also true that under the FEPC provision, every time a citizen was denied or refused a job for which he had applied, if he became disgruntled he could complain to the Government, and the machinery provided by the bill would be applied, with the result of great harassment of the employer?

Mr. TOWER. That is correct.

If the Senator from Georgia, for example, were to resign from this body, and were to apply for other employment, and if he were refused such employment, he could invoke the provisions of the proposed act—as I interpret it. Everyone who found himself in such a position could become a petitioner under the provisions of the act.

Mr. TALMADGE. Furthermore, whenever there was an opportunity for promotion in a business, those who were not promoted would be able to harass the employer, through application to the would-be thought police, and could claim they had been discriminated against, could they not?

Mr. TOWER. Absolutely so. One who was not promoted after what he considered a reasonable length of time of

employment in a particular company could feel that he had been discriminated against, and could claim that he was discriminated against because he belonged to a particular church or because he was of a particular national origin or of a particular sex, or whatnot.

Mr. TALMADGE. Is it not also true that anyone who might be discharged from employment—perhaps because the company did not have sufficient work to keep all its employees busy, or perhaps because the employee had been guilty of absenteeism, inefficiency, or drunkenness—could run to the Government and complain to the proposed commission, under the provisions of this measure?

Mr. TOWER. Absolutely so. Regardless of the grounds on which a man was discharged, not advanced, or demoted, the person who claimed that he had been offended could institute such action. And the burden of proof in that case would fall squarely on the employer to prove that discrimination was not the cause, but that it was one of the instances that the Senator mentioned, such as incompetence, or economic necessity.

Mr. TALMADGE. Does the Senator believe that we would be increasing the civil rights of the American people if we were to emulate the system of communism, under which the Government tells every citizen where he must work, at what wage, and under what conditions?

Mr. TOWER. I think we shall certainly move closer to the Communist system if we adopt this title VII.

I remind the Senator of the very sage words of the then Senator Lyndon B. Johnson of the State of Texas, whom I succeeded in the Senate. The then Senator Johnson made a speech in the Senate in March of 1949 in opposition to the Fair Employment Practices Commission. He stated in that speech that if the Government could tell the employer whom he must hire, the Government could also tell the employee where he must work, and this is the inherent danger in the bill.

Mr. TALMADGE. I have read that speech. He stated that the Fair Employment Practices Commission provision is the very worst of the civil rights provisions. And I certainly concur in that speech. I think it was one of the most outstanding speeches he ever made. I think it ought to be published throughout the United States in order that all people might know the wisdom which he possessed when he made that statement in the Senate for the guidance of the American people and all future generations as yet unborn.

Mr. TOWER. I agree with the Senator to the extent that I have already entered that statement in the RECORD. I hope Senators will avail themselves of the wisdom contained in the speech and discover what Lyndon B. Johnson really thinks about the Fair Employment Practices Commission provision.

Mr. TALMADGE. I appreciate the Senator's yielding to me. I congratulate him on the magnificent speech that he is making in an effort to protect the rights of all Americans of whatever color, race, or sex, or of the area in which they may reside.

Mr. TOWER. I thank the Senator from Georgia for his questions.

Mr. TALMADGE. Madam President, will the Senator from Texas yield?

Mr. TOWER. I am glad to yield.

Mr. TALMADGE. Is it not true that the FEPC provision in the civil rights bill was not one of the recommendations of the late President Kennedy when he sent the civil rights bill to the Congress with the recommendation that it be approved?

Mr. TOWER. The Senator is absolutely correct. The original proposal of President Kennedy did not contain the FEPC proposal. It was noted at the time that such a proposal had been discussed by staffers within the administration, and there was considerable feeling that the provision was a little too tough, and that it should not become a part of the proposal because it would jeopardize and endanger the passage of the civil rights bill. It was put in by the House committee and is now being urged by the President, in a much tougher bill, on the whole, than that which had been advocated by President Kennedy.

Mr. TALMADGE. I believe this proposal was inserted to please the chairman of the Committee on Education and Labor, ADAM CLAYTON POWELL; is that not correct?

Mr. TOWER. I believe that is correct.

Mr. TALMADGE. The proposal provides, I believe, among other things, that it would be discrimination to classify an employee; is that not correct?

Mr. TOWER. The Senator is correct. It prohibits classification as an instrument of discrimination in any employment within a company.

Mr. TALMADGE. So, really, the "thought police" would have the power—at least they would travel on the assumption that they had the power—to classify employees and assign them to specific jobs.

Mr. TOWER. The Senator is absolutely correct. For example, an employer might have a racially balanced employee force—indeed, various minority groups might have even a greater ratio of employees in a given company than that in the population as a whole. But if an employer classified one of those workers, as being competent to do only a particular type of work—perhaps menial in character—it could be charged by one so classified that he was competent to do work of a technical and skilled character, and that he had been discriminated against merely because of his race, his color, his religion, his natural origin, or his sex.

Mr. TALMADGE. So if someone working on a lathe decided that he could best serve by becoming an assistant secretary in the business of the company, the Government could harass the employer and say that the man should be an assistant secretary of the company, instead of being assigned to work on a lathe; could it not?

Mr. TOWER. The Senator is absolutely correct.

Mr. TALMADGE. In the final analysis, the Government would have the power to determine not only who should be employed, but at what job within a particular business; would it not?

Mr. TOWER. The Senator is correct. One might call it both a horizontal and a vertical arrangement. It would be horizontal in the sense that one's labor force would have to be balanced in a quota sense, and vertical to the extent that for each job classification the employer would have to establish the quota system.

Mr. TALMADGE. If the civil rights bill should be passed in its present form, the Government of the United States would be policing not only every individual who applied for a job, and who had been denied a job, but every individual presently employed. The determination as to duties would become a matter for Federal approval or disapproval, would it not?

Mr. TOWER. The Senator is absolutely correct. I believe very few people understand how comprehensive the bill is in its application to fair employment practices. It does not mean that those who applied for a job after the bill was enacted would come within the province of the act. It means also that everyone presently employed would come within the province of the act. It means that the act would be applied to current employees, relative to job classifications, promotions, changing of jobs, or demotions. So it is an extremely comprehensive bill.

Mr. TALMADGE. It is also interesting to note, as to the means of enforcement, that only two members of the Commission—not a majority—could decide that there had been discrimination in employment, or in the assignment of duties, or promotion, or salaries.

Mr. TOWER. It would not even require a majority of the Commission.

Mr. TALMADGE. Forty percent of the Commission, rather than a majority, could instigate an action.

Mr. TOWER. The Senator is correct.

Mr. TALMADGE. Does the Senator believe there is anything democratic about that?

Mr. TOWER. That is not democratic where I come from. We have always been under the impression that the majority was supposed to rule. Thomas Jefferson said that the will of the majority is in all cases to prevail. But Jefferson added that the will of the majority must be reasonable. Perhaps we are assuming that the minority will be more reasonable than the majority, if a minority believe a business should be harassed on some charge of discrimination.

Mr. TALMADGE. A minority view in this matter could be as important as the view of a simple majority?

Mr. TOWER. The Senator is absolutely correct.

Mr. TALMADGE. Is that not unthinkable in the United States?

Mr. TOWER. It is unthinkable to me. I cannot see any justice in that. Of course, one must remember that this will be a bipartisan Commission, made up of three members of one party and two members of another, which will be required by the law. A minority party could wreak its will on the Commission for political reasons. It also means that

a poor businessman could be subject to harassment from both sides of the political fence.

Mr. TALMADGE. The Senator stated that the Commission would be bipartisan. That is correct; but the Senator has no illusion that it would be nonpartison, has he?

Mr. TOWER. I have no illusions about that.

Mr. TALMADGE. In other words, any applicant for appointment to this Commission must first prove his zeal in his advocacy of such force laws as this?

Mr. TOWER. I would not be setting the qualifications of the Commission, and I would not be the one who would select the members of the Commission. An educated guess would be that members of the Commission would be persons who would interpret the provisions of the bill very liberally and would be zealous and energetic in the rigid enforcement of the law.

Mr. TALMADGE. Does the Senator receive a great volume of mail from people who are 45, 50, 55 years of age and older, who find great difficulty in obtaining employment?

Mr. TOWER. I do. I hear from citizens who have advanced into their forties and fifties, and who have difficulty in finding employment.

Mr. TALMADGE. If we create the "thought police" to regulate employment of the American people, perhaps it should be agreed that the greatest discrimination that exists at the present time in employment is with respect to age. Is that correct?

Mr. TOWER. Certainly it is a very great discrimination. Not long ago I received a letter from a distinguished legislator in my State requesting that the bill be amended to include age as well.

Mr. TALMADGE. Does not the Senator believe that age ought to be included if Congress is to enact a law with reference to discrimination as to color, religion, sex, or national origin?

Mr. TOWER. If we really wish to make a shotgun bill of the pending bill, it ought to cover age. Perhaps the aged people are the people most discriminated against.

Mr. TALMADGE. Perhaps the aged people are being discriminated against more than any other group or any other citizens of our country. I believe that one of the saddest things which has occurred in recent years is the fact that a person who is 45 or 50 years of age, and loses his job for one reason or another beyond his control—whether it be because of automation or because a firm goes out of business, or a situation of that sort—should be unable to find employment, particularly if he is a breadwinner. It is sad that a person who has reached middle age or has gone beyond middle age should find it almost impossible to find a job. Does not the Senator believe that that situation ought to be considered in a bill of this magnitude, if we are to set up a "thought police" with which to regulate the employment policies of this country?

Mr. TOWER. If we are to cover everything else, we should cover the aged also.

Mr. TALMADGE. The aged should not be discriminated against, should they?

Mr. TOWER. Certainly the aged should not be discriminated against.

Mr. TALMADGE. If the bill is passed in its present form, they will be discriminated against, will they not?

Mr. TOWER. They certainly will be discriminated against. Of course there is a specific exemption so far as atheists are concerned. The bill provides against discrimination on account of race, color, national origin, religion, and sex. However, the bill provides that such protection shall not apply to atheists. They are being discriminated against.

Mr. TALMADGE. Does not the Senator believe, no matter how repugnant atheism may be to either of us, atheists should have the privilege of being able to earn a living, regardless of their belief or unbelief?

Mr. TOWER. Atheism certainly is repugnant to me. The attempts on the part of atheists to prevent the use of prayers or Bible reading in our public schools is also repugnant to me. The Supreme Court decision in that case was repugnant to me also. At the same time, atheists should have the right to earn their daily bread, without discrimination.

Mr. TALMADGE. We ought not to starve them to death because of their nonbelief. Is that correct?

Mr. TOWER. The Senator is correct. This is going back to the days of the Massachusetts Bay Colony, to the days of a theocracy, when everyone had to attend church, regardless of whether or not he was a member of the church. In the days of that Puritan theocracy only a small group determined who could be a church member. I do not know whether the Senator from Texas or the Senator from Georgia would have qualified under the standards that were in effect at that time. No doubt we would have been excluded from joining the church. We probably would not have been able to vote or hold public office, and we would not have had a voice in any public affairs. In those days, even if one could not belong to a church, he nevertheless had to attend church, whether he wanted to do so or not. It was a rigid, dictatorial type of society, in many ways an oligarchy. Some of the people did not agree, and they had to leave for other parts.

I do not believe that we should go back to that type of puritanical society, in which a small minority can impose its will upon the majority. The majority of the people in America are God-fearing people, and for the most part, we are a Christian nation, with a strong Jewish minority. It could be said that we accept Judean-Christian ethics of religion and morality. Although we do not want a minority of athiests to impose their minority will on us, we should not discriminate against them and deny them their basic right to earn their daily bread.

Mr. TALMADGE. I agree with the Senator. Is it not repugnant to the first amendment to provide for anything like that?

Mr. TOWER. It is definitely repugnant to the judicial precedents and policies of our country.

Mr. TALMADGE. As I remember, the first amendment provides that Congress shall make no law regarding the establishment of religion or the free exercise thereof. The bill sets up a criterion to the effect that a man who is an atheist would not have the right to protect his job opportunities. Is that correct?

Mr. TOWER. That is correct.

Mr. TALMADGE. That is clearly contrary to every decision that has ever been rendered by the Supreme Court of the United States. Is that not correct?

Mr. TOWER. I would say that it is contrary to the judicial precedents, and that it is a great failing in the bill. I hope that if the bill is enacted, the law will be declared unconstitutional.

Mr. TALMADGE. It surely will be. But, of course, I am sure the Senator is aware, as the Senator from Georgia is aware, that most of the law we learned in law school and in the courthouse has been repealed by the Supreme Court. At the present time only a psychologist can predict with any degree of accuracy what the Supreme Court might decide. Is that not correct?

Mr. TOWER. That is correct. The Senator from Georgia is a very able lawyer, but during the time that he has served in public life, court tests have changed matters, and he would probably be advised, if he returned to the practice of law, to get a degree in psychology and another one in sociology, so he could predict with some reasonable degree of certainty the course of judicial precedents.

Mr. TALMADGE. I believe that would certainly be a requisite for anyone who wished to practice before the Supreme Court of the United States.

Mr. TOWER. Yes.

Mr. TALMADGE. Can the Senator tell me how the "thought police" could determine whether a job applicant had been rejected because of his race?

Mr. TOWER. I suppose it would have to be a guess. It would be the arbitrary decision of the Commissioner. It would have to be the Commissioner's guess that a person was refused employment because of his race. However, discrimination is not defined; neither is color; nor national origin, race, religion.

These terms are not defined. The term "sex" is not defined, but I believe we can probably reason that that means an applicant is a man or a woman. That is not true so far as the others are concerned.

Mr. TALMADGE. Actually, under our system of private enterprise, is not everything we do in our daily lives a form of discrimination? What kind of automobile does the Senator drive?

Mr. TOWER. I happen to drive a product of the Chrysler Corp. It is one of the less expensive models.

Mr. TALMADGE. Does not the Senator discriminate against the product of General Motors and the product of Ford Motors when he selects a Chrysler automobile?

Mr. TOWER. My wife drives a General Motors product. I cannot afford

any more automobiles in our family so I cannot buy one from every automobile manufacturer. Therefore I have been discriminating against the other manufacturers.

Mr. TALMADGE. Under the terms of the bill the Senator could be accused of having discriminated against any product he did not see fit to buy. Is that correct?

Mr. TOWER. Of course, the bill does not give the Commission that much authority, but in the same spirit——

Mr. TALMADGE. That is the purport of it. Is that correct?

Mr. TOWER. That is the purport of it. It could be classified as a form of discrimination.

Mr. TALMADGE. Did not the Senator discriminate when he bought black shoes instead of tan shoes?

Mr. TOWER. Yes. Actually, the Senator from Texas rarely wears anything but black or gray. I discriminate very much against brown.

Mr. TALMADGE. Did not the Senator discriminate when he selected a suit of beautiful gray instead of brown or tan or gabardine?

Mr. TOWER. Yes. I must confess that I discriminated against American tailors, because I purchased the suit in London. If that gets back to my constituents, it might go hard with me.

Mr. TALMADGE. Did not the Senator discriminate when he selected his necktie and his shirt?

Mr. TOWER. Yes. Everything we do involves discrimination, whether it be the food we eat, the clothes we wear, the automobiles we drive, or the company we choose.

Mr. TALMADGE. Did not the Senator discriminate when he ran for the U.S. Senate instead of for the House of Representatives or for the governorship of his State, or for mayor of his city?

Mr. TOWER. That is true. At one time I elected to run for the State legislature, but the people of my legislative district did not choose to support me. At another time, I elected to run for the U.S. Senate, but the people of my State discriminated against me by voting for Senator the man who is now President of the United States, Lyndon Baines Johnson.

Mr. TALMADGE. Did not the voters of the Senator's State discriminate in his favor when they elected him subsequently to the Senate?

Mr. TOWER. I think it could be said that the people of the State of Texas did discriminate when I was elected to the Senate.

Mr. TALMADGE. Did not the Senator discriminate when he selected his wife?

Mr. TOWER. I was very discriminating when I selected my wife.

Mr. TALMADGE. Does the Senator know of any way by which we could eliminate all of this rampant discrimination and still maintain a free society and a free republic?

Mr. TOWER. The only way in which such discrimination could ever be erased would be to deny every individual citizen any power of discrimination at all. In other words, all decisions would have to be resolved for him by an omniscient, omnipotent Uncle Sam.

Mr. TALMADGE. In other words, so long as we have discrimination, we shall have freedom. When we cease to have discrimination, we shall have an anthill society, in which the Government will call the shots?

Mr. TOWER. I think we will have about arrived at "1984" when that occurs.

Mr. TALMADGE. I agree with the Senator. I do not know anything so basic to our free Republic as the right to discriminate in the field of private conduct. Every citizen should have equality before the law. We have that now. The laws relate to every citizen of the United States, regardless of sex, regardless of religion, regardless of color, or regardless of where a person resides; and that is as it should be.

Whenever a citizen believes he is not being accorded equality before the law, he has a right to go into the courts, local, State, or Federal—and that is what citizens frequently do.

I know of no one who can complain at the present time that the courts do not give equality. That is particularly true of the Federal courts, because I know of no citizen who has filed any case with respect to discrimination who has not had it speedily approved by the present Supreme Court of the United States.

But if we are to go into an area of discrimination in which citizens exercise their right of freedom under the free enterprise system, and are to say, "You may not discriminate," that will mean that every area of private human conduct will be regulated by the Government of the United States and the "thought police." Every time a citizen takes any action of any kind, whether he buys a piece of land, plants cotton instead of corn, decides to operate a dairy farm instead of raising alfalfa, decides to practice law, medicine, or dentistry, or goes into the retail business, he will be considered to be discriminating.

Mr. TOWER. That is absolutely correct.

Mr. TALMADGE. So long as there is freedom in our country, people can continue to discriminate. But when discrimination is outlawed in this country, and people become mere numbers in a bureaucratic system, in which the government makes all the decisions, we shall have a system similar to that of the Soviet Union, to totalitarian forms of government, or to dictatorships that have risen from time to time; and our free society and our proud Republic will die, will they not?

Mr. TOWER. I agree with the Senator from Georgia. Discrimination is a necessary concomitant of the great institution of freedom and justice as we enjoy it in this country.

Mr. TALMADGE. The fact that a person is discriminating is supposed to mean that he has good judgment, is it not?

Mr. TOWER. The fact that a person is discriminating is taken to mean that he will exercise in a responsible, tasteful manner whatever license our system gives him.

Mr. TALMADGE. I agree with the Senator. I compliment him on his outstanding speech.

Mr. TOWER. I thank the Senator from Georgia.

Mr. President, I continue to read from the report in the Motorola case:

8. MOTOROLA POLICY AND PRACTICE

President Bob Galvin has proclaimed the Motorola policy of nondiscrimination in its hiring practices. We have affirmatively sought out Negroes throughout the country in compliance with the Federal Executive Order 10925 issued in 1961. Motorola recruits in Negro engineering colleges, business administration schools, trade schools and so forth. Today our program is one of the best equal employment opportunity programs in Illinois—integrated at all job levels from engineers, college degree accountants, technicians and trade skills, office and clerical and hourly semiskills. We have moved in step with national policy in the selection of qualified Negroes and other minority groups.

Keeping in mind the company's position in this FEPC case, let us consider the decision and order of the Illinois Fair Employment Practices Commission, as we continue to study the type of situation both business and bureaucracy can find themselves in under an FEPC law:

DECISION AND ORDER OF FEPC HEARING EXAMINER

This matter came on for public hearing before the hearing examiner on January 27, 1964, on a complaint issued by the Fair Employment Practices Commission on behalf of one Leon Myart pursuant to Ill. Rev. Stat., ch. 48, secs. 851–866.

The complaint charges that on July 15, 1963, at Chicago, Ill., the respondent committed an unfair employment practice in that respondent did not hire complainant because of his race.

The complainant is a Negro. The complaint alleges that Myart applied at respondent's place of business in Chicago for the position of analyzer and phaser; that complainant was well qualified for the position for which he applied. The qualifications he cited as relating to said position are these: A 19-month course of study-combination general electrical and radio-television technician course and another electronics shop course of 432 hours.

It appeared upon the hearing that, in common parlance, an analyzer and phaser is a troubleshooter, checking radio, television and stereophonic sets for faults as they come off the production line and rectifying.

The complaint further states that after the charge was filed with the Commission, one of its employees investigated said charges to ascertain the facts relating to said alleged unfair employment practice and that the Commission afterwards determined that there was substantial evidence that said unfair employment practice had been committed. The complaint further alleges that pursuant to section 8 of the Illinois Fair Employment Practices Act, a conciliation conference was scheduled and duly noticed and that there was a failure to settle or adjust the charge.

Paragraphs four and five of the complaint set forth further satisfaction of jurisdictional and procedural prerequisites leading to the instant hearing. At the public hearing no jurisdictional or procedural questions were raised by the respondent, and the hearing examiner holds that all jurisdictional and procedural requirements were satisfied prior to the public hearing.

The relief sought through the complaint is that respondent be required to offer to the complainant employment as an analyzer and phaser, and that his seniority be computed as starting on the date of his applica-

tion, to-wit: July 15, 1963, that respondent be ordered to pay complainant the wages he would have earned after said date down to the date of the order to be entered pursuant to this complaint, less the amount of his earnings meanwhile; that respondent be ordered to cease and desist from committing the unfair employment practice complained of at any place of respondent's business in the State of Illinois; that respondent cease and desist from denying equal employment opportunity to all qualified applicants; that the respondent be required to promulgate a policy statement of merit employment in accord with the Fair Employment Practices Act of Illinois, and that said policy statement be promulgated to all present employees of the respondent and to all places where future employees are recruited, and that said policy be made known to all future applicants for employment with the respondent company.

At the opening of the hearing on January 27, 1964, counsel for the respondent orally moved for the correction of its legal title, and the correction was accordingly made in the heading of this Decision and Order. The hearing examiner notes that the respondent failed to avail itself of a conciliation conference scheduled by the Commission pursuant to section 6 of the act and that the respondent elected not to file an answer pursuant to section C. Subsection 4 a, b of the Rules and Regulations of Procedure prescribed by the Commission. By subsection 4d, any allegation in the complaint, which is not denied or admitted in the answer, unless the respondent shall state in the answer that he is without knowledge or information sufficient to form a belief, shall be admitted. However, by subsection 4g, the hearing examiner is required to hear the matter and make his findings of fact and enter his order upon the testimony at the hearing, notwithstanding respondent's failure to file an answer. Thus the matter was heard on complaint and testimony and the exhibits produced in connection therewith.

By section 1 of the act, it is declared to be the public policy of this State that equal employment opportunity without discrimination because of race, color, religion, national origin, or ancestry should be protected by law; and the legislature found, in part, preliminary to its statement of policy that denial of equal employment opportunity because of race, color, religion, national origin, or ancestry, deprives a portion of the population of the State of earnings necessary to maintain a reasonable standard of living, thereby tending to cause resort to public charity.

By article IX of said rules and regulations, they are to be construed to accomplish the purposes of the act and the policies of the Commission.

The complainant, to maintain the issue in his behalf, testified first; and he was followed by Walter J. Ducey, Executive Director of the Commission. The complainant testified that he attended Forrestville grade school, Dunbar Vocational High School, evening division, from which he received a certificate setting forth that complainant, on June 7, 1961, had completed a prescribed course of 432 hours in electronics shop (exhibit II; report of proceedings, p. 14); Academy for Adults, which awarded a diploma on June 17, 1960, and setting forth that complainant had satisfactorily completed a general high school course (exhibit I; report of proceedings, p. 15); official transcript of complainant's scholastic record in a combination general electrical and radio-television technicians course, dated November 7, 1962, and issued by Coyne Electrical School (exhibit III). This exhibit sets forth that complainant received an average grade of 83.1; that the combined courses included basic electricity and wiring d.c. power and motor repair, a.c. power and maintenance, industrial electronics, refrigeration and electric appliance repair, basic radio-TV, AM and FM servicing, TV circuits and construction, television service and repair, and TV servicing and color circuits. The electrical course was 6 weeks long in each department or 100 hours. That the TV-radio electronics course was 7 weeks long or 210 hours. This transcript contained also a remark relating to complainant's industry and cooperation as above average. In addition to these exhibits offered by the complainant as proof of his academic qualifications, he also offered two diplomas which were awarded him by Coyne Electrical School. The one dated May 5, 1961 (exhibit IV), shows satisfactory completion of a resident course of instruction in general electrical technicians course; the other is dated December 7, 1962, and recites that complainant has satisfactorily completed the resident course of instruction prescribed for television-radio electronics technicians course (exhibit V). All of these schools are located in Chicago, Ill., and one is under the supervision of the Chicago Board of Education.

The evidence shows that complainant attended one or more of these schools while he was working at various jobs not related to his training (report of proceedings, pp. 24–26). As proof of his experiential qualifications in the field related to that employment for which he applied at respondent's place of business, complainant testified that he worked part time with his brother in the operation of Neighborhood Radio-TV Service over a 3-year period immediately preceding his application with respondent. Here complainant performed general service on radios and televisions (report of proceedings, p. 27). He also worked at House of Sound which offered a television rental service and kept in stock for this purpose about 30 sets which complainant kept in working order. At both shops, complainant served as "trouble-shooter," checking circuits of sets, voltage, and resistors; and he read schematic diagrams—localizing faults and balancing voltages of opposite phases, and repairing sets. Complainant's testimony respecting his school attendance and experience substantially supports the allegations of the complaint.

Complainant testified that he was on respondent's premises not more than 15 minutes during the process of his application and his being tested (report of proceedings, p. 69). By his complaint complainant claims that he took and passed the company tests, that white persons were hired during this period but that he was not, and that he believes he was not hired because of his race.

At the hearing respondent raised no question regarding the respectability of the schools which the complainant attended, but in seeking to meet the showing made by the complainant, the respondent made a four-point attack.

First, respondent showed that complainant failed to write in on respondent's printed application form the name of one of the schools that complainant attended; namely Dunbar High School (respondent's exhibit I; report of proceedings, pp. 43, 44) and his radio and television experience (report of proceedings, pp. 47, 65). Complainant testified that he orally informed the interviewer of both of these items (report of proceedings, pp. 65, 70) and showed to the interviewer complainant's certificate from Dunbar (complainant's exhibit II), showing completion of 432 hours course in electronics. Respondent's employment interviewer, Jerry Hoelscher, testified at one point that he orally asked complainant for further information relating to his experience or training or background not included on his application and that there was none, "to my knowledge" (pp. 165, 161). Hoelscher further testified that if complainant had informed the interviewer of complainant's training at Dunbar Vocational School he, the interviewer, would have noted that fact in writing on complainant's application form. Under cross examination, witness Hoelscher admitted that he asked complainant no question regarding his training in related work (report of proceedings, p. 170).

There is then presented two questions relative to complainant's revelation of his educational and experiential background. The first is whether complainant is to be held responsible for these written omissions, and whether these omissions were decisive to his being hired; second, there is a disputed question of fact about complainant's oral communication of his educational and experiential background to the interviewer.

Reviewing the reverse side of respondent's exhibit I, the printed application form, the hearing examiner notes that there are four sections separately titled so that complainant's four last places of employment are reduced, without regard to whether any of the four were places engaged in any work related to that for which complainant was applying at respondents. The same must be said of the section headed, "List below other special qualifications you have (Machinery or office equipment)."

In the judgment of the hearing examiner no place on the application form was designed to educe the information respecting complainant's particular experience in the related field of work. Moreover, Hoelscher said this omission was not decisive to complainant's not being hired (report of proceedings, p. 159). On the disputed question whether complainant orally informed the interviewer of the applicant's educational and experiential background, the hearing examiner holds with the complainant. As the trier of the facts, the hearing examiner is the judge of the credibility of the witnesses and of the weight to be given the testimony of each. That complainant would apply for employment as analyzer and phaser in the radio and television field and then suppress information to the interviewer regarding the applicant's education and experience in the field of which he was applying for employment is improbable.

The second point of respondent's attack upon the case made by the complainant at the hearing consisted of a series of 10 questions put to complainant under cross examination, questions the answers to which respondent claims an analyzer and phaser at Motorola must know, and which are put to every applicant for employment as analyzer and phaser at Motorola, providing the applicant first passes test No. 10. This latter test will be dealt with during consideration in this decision and order of respondent's attack No. 3. These questions were said by respondent to be a test of complainant's knowledge of the work for which he applied at Motorola.

In the judgment of the hearing examiner this test put upon the hearing came too late and cannot now determine the issue of whether complainant was denied equal opportunity of employment at the time he applied.

Respondent's third point of attack was made in connection with the said test No. 10 which was put to the complainant at the time he applied for employment, and it followed his filling out the written application (respondent's exhibit II). This exhibit was said by respondent to be the same test from containing identical questions as the one complainant took at the time of his application. The test form on which complainant indicated his answers was not offered in evidence and the only reason for not doing so, was that it had been sent to the respondent's test area. Exhibit II was

admitted into evidence for the restricted purpose of showing the type of test that had been put to complainant at the time he applied for employment (report of proceedings, pp. 157, 169).

It was claimed by the author of this test, who testified at the hearing on behalf of the respondent, that the test is the shortest test of intelligence that has been developed, as far as he knew. It is said to test verbal understanding, understanding of instructions (report of proceedings, p. 209). The witness, Dr. Shurrager, developed a series of tests for the respondent including tests of four different kinds of special relations and ability; and he regularly supplies these tests to respondent for a fee (pp. 210, 211). Of the greater number of witnesses testifying in respondent's behalf, only witness Hoelscher attempted to place himself within the area of having direct knowledge of complainant's score on test No. 10, and he testified that the score was 4 and that the passing grade at Motorola is 6, while Dr. Shurrager says that the mean he set was 8. Inasmuch as Mr. Hoelscher was not the person who administered the test to the complainant, his opportunity for knowing the fact about which he testified falls short of legal requirements. No testimony was offered from the administrator who administered the test and graded it. In the absence of the test which complainant took, his answers thereto, and the overlay key for checking the complainant's answers, the hearing examiner is denied sufficient means for holding with all other applicants without regard to the complainant's race.

All of the above-mentioned items were at one time, at least, in the possession and under the control of the respondent; and its failure to produce, after the exercise of reasonable diligence, or its failure sufficiently to explain away its inability to produce, if that were the fact, does not convince the hearing examiner of any eagerness on the respondent's part to disclose all the facts in this case.

The hearing examiner is persuaded therefore, that had respondent produced the test administrator to testify, the test No. 10 which the complainant took, his test score, and the overlay key from which comparisons with, and checking of complainant's answers might have been made, the showing would have been adverse to the respondent. These missing items were not equally available to the complainant. A reasonable prudent person, under the same or similar circumstances as the respondent, would have produced these missing matters if he believed they were favorable to him, *Beery* v. *Beery*, 311 Illinois, Appeals 469. Moreover, the complaint alleges that complainant passed the company tests, the commission investigator testified that when he administered test No. 10 to complainant passed with a score of 7, a point above the minimum required by the company (report of proceedings, pp. 121, 122). Dr. Shurrager testified that a person retaking the test might improve his first score, but not appreciably (p. 215), that no special training was required and that there is no real difficulty in administering and scoring test No. 10 (report of proceedings, p. 210). The hearing examiner cannot, in connection with test No. 10, end the discussion here.

Because of the probability otherwise that respondent may continue to use test No. 10, in its employment practice, without revision, if revised it can be, the hearing examiner makes the following observations, though not necessary to the decision and order in this case: copyrighted as it was in 1949 and used since that time, test No. 10, in the light of today's knowledge, is obsolete. Its form was derived form standardization on advantaged groups. Studies in inequalities and environmental factors since the publication of test No. 10, have been made with careful equating of such background factors. Dr. Shurrager realizes somewhat the existance of these background variables, but his test No. 10, at the time of complainant's taking it, and at the time of the hearing, had not been revised to meet the acknowledged, current conditions (report of proceedings, pp. 215–218). 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 disadvantaged groups, Audrey M. Shuey, "The Testing of Negro Intelligence," J. P. Bell Co., Inc., Lynchburg, Va., 1958. See vii. Until test No. 10 is revised, or appropriately replaced, those persons such as the complainant in this case who apply for employment at respondent's company will be at a competitive disadvantage, Paul A. Norgren et al., "Employing the Negro in American Industry" Industrial Relations Monograph, No. 17, Industrial Relations Counselors, Inc., New York, 1959, page 25.

The fourth and final attack which respondent made on the complainant's case was to show the company's general hiring practices. The attempt here was to show that the company accords equal employment opportunity to all without discrimination because of race, color, religion, national origin, or ancestry.

It is noted that the personnel director, at the hearing, was unable to tell approximately the number of Negro analyzers and phasers that were employed by the respondent except within the last 10 days prior to the hearing; and apparently he learned that fact through looking at pictures of a Negro analyzer in the Courier newspaper. The investigator's charge report in evidence indicates that as of August 22, 1963, respondent employed approximately 25 phasers and analyzers, all being persons of the white race (report of proceedings, pp. 233, 234; complainant's exhibit VI). In this connection, Witness Piper testified that Negroes at respondent's have been occupying jobs of technicians and/or analyzers and phasers for at least 3 or 4 years. On this point there is conflict between two of respondent's own witnesses and with the investigator's report. In the light of all the evidence in this case considered together, the hearing examiner accepts the finding of the commission investigator (see report of proceedings, pp. 281, 282).

In the consideration of Mr. Piper's testimony with regard to complainant's arrest record, the hearing examiner is not able to say that respondent gave it any weight in denying employment to the complainant. Under direct examination, Mr. Piper stated that had the complainant successfully passed all other tests usually administered for the job applied for, he would still have been denied because of his arrest record (report of proceedings, p. 270). Yet, under cross examination, Mr. Piper testified that "if we were at a point of seriously considering the hiring of the applicant, we would have undertaken an investigation, as we have done in many cases in the past" (report of proceedings, p. 272). Then on page 276, Witness Piper testified that in the final analysis the company would make its decision "based upon the information which we obtained in an investigation," which was not made in this case.

If the Fair Employment Practices Act of this State is effectually to be implemented, personnel executives in the industries covered by the law, have a supreme responsibility to move positively to eradicate unfair employment practices in every department. Somehow, general convictions of economic need and fairness must be acquired, and concerted action made to come into play within each department throughout the plant and with the administrators of this law. There is ample modern authority for this position. The task 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 the experience, education, or attitudes of the group, Frances J. Brown, Educational Sociology 2d ed., Prentice-Hall, Inc., 1954, pp. 135-138; Paul H. Morgren et al., "Employing the Negro in American Industry," (Industrial Relations Monograph, No. 17; Industrial Relations Counselors, Inc., N.Y. 1959, pp. 4, 5, 8, 10, 11). 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.

In order to sustain the complaint in this case the hearing examiner must find that the complainant has proved the complaint by a preponderance of the evidence, Smith-Hurd Illinois Annotated Statutes 1963, ch. 48, par. 858(f). The examiner, if he finds that the evidence in this case, when considered altogether, preponderates in favor of the complainant. The hearing examiner so finds, *Garlinski* v. *Chgo. City Ry. Co.* (1930), 257 Ill. App. 414. There is relevant evidence here such that a reasonable mind might accept as adequate to support the conclusion that an unfair employment practice was committed by the respondent against the complainant in the company's denial of employment to the complainant on or about July 15, 1963; that complainant was denied because of his race.

It is therefore ordered as follows:

(a) That respondent, Motorola, Inc., cease and desist in the future from committing the unfair employment practice complained of in this complaint at any place of business of the respondent in the State of Illinois and to cease and desist from denying equal employment opportunity to all qualified applicants.

(b) That respondent cease and desist from the use of test No. 10 within 30 days from the date of this order; or within such further time as may be extended by the Commission upon written request made for good cause shown before the expiration of said 30 days.

(c) That if respondent chooses to replace test No. 10, that it adopt a test which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups and in this connection, it is ordered that respondent inform the Commission, in writing, of the company decision within 30 days from the date of this order, or within such further time as may be extended by the Commission after written request made for good cause shown before the expiration of said 30 days.

(d) That respondent revise its application for employment from to educe specifically the last places of employment, if any, in the related field for which applicant is applying, and in detail, the experience, if any, which applicant claims, whether inside or outside the related industry. That respondent submit to the Commission a copy of said revised application for employment form within 30 days from the date of this order, or within such further time as may be extended by the Commission expiration of said 30 days.

(b) That the respondent, Motorola, Inc. immediately offer to the complainant employment as analyzer and phaser, and that upon such employment assign him to the company's so-called sponsor program at the current rate of pay paid to all other employees working under the sponsor program in the department, under adequate supervision with the end in view of enabling the complainant to achieve job success as an analyzer and phaser.

(f) That the respondent's intentions to execute this order in good faith be promul-

gated to the complainant's supervisor and all other employees in the department.

(g) That the respondent report the date of its offer to the complainant in compliance with this order within 7 days from the date hereof to the Commission; and to make such further reports to the Commission as it may inquire.

Enter:

ROBERT E. BRYANT,
Hearing Examiner.

FEBRUARY 26, 1964.

CERTIFICATE OF SERVICE

I, Robert E. Bryant, hearing examiner in the above-entitled cause, do hereby certify that I have served a copy of the foregoing decision and order upon the complainant and respondent by placing the same in the U.S. mail in an envelope, properly addressed with first-class postage affixed, to Attorney Robert V. Nystrom, 77 West Washington Street, Chicago, Ill., who is attorney of record for the respondent; and Attorney Quentin J. Goodwin, 105 West Adams Street, Chicago, Ill., who is attorney of record for the complainant.

This 26th day of February A.D. 1964.

ROBERT E. BRYANT,
Hearing Examiner.

Now that we have considered both the company and the State FEPC views on this particular case—and I again remind the Senate that I presume to make no judgment on the merit of either argument, since I use this case only as an example of a type of litigation business can expect—let us now look in detail at the specific test which the Illinois FEPC examiner determined to be "discriminatory."

Here are the 28 questions on the general ability test in question (test No. 10):

1. A careful man is likely to be: (1) miserly; (2) cautious; (3) dishonest; (4) friendly.

2. When a large fire occurs, the first thing to do is: (1) call the foreman; (2) turn in the alarm; (3) put it out; (4) run.

3. If 6 oranges cost 36 cents, how much will 5 oranges cost?

4. A desert always has (1) sun; (2) sand; (3) palm trees; (4) camels.

5. A tireless man is likely to be: (1) young; (2) lazy; (3) energetic; (4) poor.

6. In the following series of numbers and letters, count each 7 that does not have a 4 or an N following next after it: 37X4T74L-97N6T7WC57L.

7. If a conveyor moves 5 feet in one-half second, how far will it move in 7 seconds?

8. Thirst is to water as desire is to: (1) need; (2) food; (3) hunger; (4) satisfaction.

9. A sale always involves: (1) money; (2) a buyer; (3) dry goods; (4) an argument.

10. Three percent of $5,000 is the same as 5 percent of what amount?

11. A successful business must have (1) production; (2) customers; (3) inspector; (4) welder.

12. Which of the following is most unlike the others? (1) electrician; (2) janitor; (3) inspector; (4) welder.

13. Gasoline is related to car as what is related to dog? (1) cat; (2) doghouse; (3) food; (4) water.

14. What resembles a cat in the same way a puppy resembles a dog? (1) Tom; (2) kitten; (3) tiger; (4) Tabby.

15. Which of the following is most like a circle? (1) sphere; (2) cone; (3) elipse; (4) cylinder.

Read the statements below:

B is shorter than C.

A is taller than C.

S's height is less than B's.

16. Who is shorter, A or B?

17. Who is taller, S or C?

18. Which of the four is shortest?

19. Which of the four is tallest?

20. A house most resembles a (1) tent; (2) ship; (3) cave; (4) castle.

21. A man earned $80. The first day he spent one-fourth of this amount. On each day following he spent one-fourth as much as he spent on the first day. How much money did he have after 4 days?

22. If the first two statements are true, the third is (1) true; (2) false; (3) uncertain.

1. A good workman must have sharp tools.

2. Paul has sharp tools.

3. Paul is a good workman.

23. If 3⅓ pounds of beans cost 30 cents, how much will 20 pounds cost?

24. One letter is wrong in the following series. What should that letter be?

AZBYCXHWEVFUG.

25. Harry is 26 years old. Harry is 3 times as old as John was 3 years ago. How old is John?

26. When the following words are arranged in a sentence, what is the first letter of the fourth word? The bolt nut the on screw.

27. Jim turns out 20 pieces of work in 1 minute. Jason turns out 60 pieces in a minute and a half. How many additional pieces will Jim have to turn out to equal Jason's work after they have both worked 1 hour?

28. A pipe 35 inches long is cut so that one piece is two-thirds as long as the other piece. How long is the shorter piece?

A very simple test was given to the applicant, who apparently answered only one of the questions correctly. It is not necessarily a test on which we would all score 100 percent, but certainly it is a simple test, and one that should not be too difficult for anyone who has an educational background. The applicant apparently did not have it.

I should like now to include for the consideration of my colleagues during this debate upon the FEPC title of the bill before us a chronological sampling of newspaper clippings and news releases dealing with the case in question.

From a cursory study of these clippings, I think the Senate will be able to see the virtually impossible position in which both business and bureaucracy have found themselves under this FEPC law in the State of Illinois.

The first clipping is from the Chicago Sun Times of January 15, 1964, and carries the headline: "Asks Court Order on Balky Witness in FEPC Hearing." It reads as follows:

The Illinois Fair Employment Practices Commission was asked Tuesday to petition for a circuit court order to force a witness to appear in a case.

The request was made by Robert V. Nystrom, attorney at 77 West Washington, representing Motorola, Inc., which has been charged in two cases with refusal to employ six Negroes.

Nystrom called loudly at a hearing in the State of Illinois Building, 160 North La Salle, for Frank Fager, of 533 Sixth Avenue, Des Plaines. Fager, a civilian, is equal opportunity officer with the Chicago Air Force Contract Management District at O'Hare Airport.

Fager was not present.

Process server dispatched.

Nystrom said he sent a process server, Peter Berg, to Fager's home Sunday night with a subpena. Berg was admitted by a child, the attorney said, and then Fager appeared to ask what was wanted.

"My man handed Fager my check for $10.50 to cover a witness fee and transportation," Nystrom said. "Fager asked what it was for. My man then gave him the subpena and said maybe that would explain it.

"Fager said, 'Get out of my house.' He took the process server by the arm and escorted him to the door, using a little force. He threw the subpena and the check out after him. My man threw them back in."

FAGER STUDIED CASE

Nystrom said Fager, as a representative of the President's Committee on Equal Employment Opportunity, had investigated the case and gathered information that would be useful in Motorola's defense.

The attorney said the State Fair Employment Act provides for enforcement of subpenas by the circuit court. He asked that such steps be taken.

Fager was not available for comment at his office or home.

Joseph Minsky, technical adviser to the commission, said 5 days' notice must be given the affected person before a court petition is filed. He said the five-member commission will decide whether this should be done. The commission will meet January 31, he said, but can be polled by phone.

COMPLAINT OUTLINED

The complaint against Motorola was made by Leon Myart, of 6333 South Dorchester, to both the State and Federal agencies. He claimed he was denied employment last July 15, as an analyzer and phaser at the Motorola plant at 9401 West Grand.

Myart said he is a graduate of an electronics trade school, studied at night for 2 years at Paul L. Dunbar Vocational High School and had electronics training in the Army.

Nystrom said an analyst and phaser must be able to diagnose the cause of trouble in a television set or other equipment that fails to work as it comes off an assembly line and to read circuit blueprints at a glance.

CASE CONTINUED

He said the qualifications are just short of those for an engineer, and he expects no trouble in showing that Myart did not have them.

Hearing Officer Robert E. Bryant, an attorney at 5828 South Calumet, agree with Nystrom and Myart's attorney, Quentin J. Goodwin, to continue the case until January 27.

I now quote a news release of the Illinois Fair Employment Practices Commission dated for release March 3, 1964:

FOR IMMEDIATE RELEASE

Motorola, Inc., has been ordered to halt discriminatory hiring practices and to offer a job to a Negro who had earlier been turned down by the company and to stop using the test which they had given him.

The order was contained in an opinion issued by Attorney Robert E. Bryant, 5828 South Calumet Avenue, Chicago, following a public hearing which he conducted based on a case which had been filed earlier with the Illinois Fair Employment Practices Commission by Leon Myart, 6333 South Dorchester Avenue, Chicago. Myart charged to the FEPC that he had been denied a phaser and analyzer's job by Motorola, Inc., because of his race. The two parties were unable to settle the case privately and appointed Bryant to hear the case in public.

In the hearing, Motorola, Inc., claimed that Myart had failed a test of general ability and been rejected for that reason but was unable to produce his test record. Myart claimed he had passed it and showed in the hearing that he had subsequently passed the test in the FEPC office.

In his opinion Bryant found that this test is obsolete and stated, "In the light of current circumstances and the objectives 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 disadvantaged groups." He also pointed out that the standards for the test were based upon advantaged groups and did not account for the inequalities and differences in environment, and that the author of the test acknowledged the existence of these background variables.

If Motorola, Inc., wishes to replace this test with another, Bryant ordered it to do so with a test "which shall reflect and equate inequalities and environmental factors among disadvantaged and culturally deprived groups."

Bryant also stated, "If the Fair Employment Practices Act of this State is effectually to be implemented, personnel executives in industries covered by the law, have a supreme responsibility to move positively to eradicate unfair employment practices in every department. Somehow, general convictions of economic need and fairness must be acquired, and concerted action made to come into play within each department throughout the plant and with the administrators of this law."

The parties in this case have until March 14, 1964, to file a petition for review with the FEPC. If no petition is filed, Bryant's order stands if the Commission finds it to be supported by substantial evidence.

The Chairman of the Commission is Charles W. Gray, of Prospect Heights; Mrs. Orville N. Foreman, Jacksonville; James Kemp, Chicago; Robert J. Myers, Springfield, and George L. Seaton, Hinsdale.

Now, let us turn to a story from the Chicago Daily News of March 6, 1964, headlined "Motorola Wants Review by FEPC":

Motorola, Inc., loser in a fair employment practices case, will ask the full Commission to review the ruling of its hearing examiner.

Examiner Robert E. Bryant's order not only ordered the company to offer a job to the complainant, but also to stop using the general intelligence test the complainant had failed.

Leon Myart, 6333 Dorchester, a Negro, was refused a job as analyzer and phaser at Motorola on the basis of the test, according to Motorola testimony. The job requires testing and "trouble shooting" on TV sets as they come off the assembly line.

Bryant called the test obsolete and said it "does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and disadvantaged groups."

Robert V. Nystrom, Motorola attorney, disputes this. He said the test was "color blind," which means there is nothing in it that could lead a potential employer to judge the race of an applicant.

It was developed by a top psychologist at Illinois Institute of Psychology.

And now a story from the Chicago Tribune of one day after the previously read story. This one dated March 7, 1964, and headlined "Criticize FEPC Order Banning Test on Hiring—Employer Group Tells Concern at Ruling":

An Illinois Fair Employment Practices Commission ruling ordering Motorola, Inc., to halt alleged discriminatory hiring practices drew critical reaction yesterday from Chicago employers and industrial psychologists.

The Employers' Association of Greater Chicago, which represents 1,400 companies, expressed concern over Thursday's decision of an FEPC examiner that a general ability test given job applicants at Motorola was discriminatory.

Two industrial psychologists, including the author of the test, have taken exception to the ruling.

CASE DUE FOR STUDY

Several major Chicago area industries and companies that administer ability tests to applicants are withholding comment pending a closer study of the case.

Robert E. Bryant, FEPC examiner, ordered Motorola to stop giving the test because, he said, it is unfair to "culturally deprived and disadvantaged groups."

He directed the electronics company to offer a job to Leon Myart, 6333 Dorchester Avenue, a Negro, who had charged he was denied a job by Motorola because of his race.

RULING IS FIRST ON TESTS

It was the first time the Commission has asserted authority over the ability tests a company may use in screening job applicants, said Walter J. Ducey, executive director of the Commission.

Roland E. Fulton, president of the employers association, asserted yesterday that the FEPC should "reflect the thinking of experts in the field of testing who would be considered to be on level with the experts used by Motorola."

Dr. Philip Ash, president of the Illinois Psychological Association, said that he is not aware of any general ability test which was developed to discriminate against any group.

He also took exception to Bryant's statement that the Motorola test is obsolete. "There are other tests that are much older," he said.

AUTHOR TELLS AIMS

Dr. Philip Shurrager, author of the test, said it was copyrighted in 1949 and has been revised several times since then.

"This test was not developed to exclude Negroes from whites," he said. "It is a test designed to help evaluate the trainability of a prospective employee.

"I know of no way to evaluate that a test in itself is discriminatory toward any group."

Shurrager is a professor at Illinois Institute of Technology.

COMPANY TO APPEAL

Robert V. Nystrom, attorney for Motorola, said the company will appeal the decision "all the way to the Supreme Court if necessary."

"The question at hand," Nystrom said, "is whether an employer in Illinois is going to be permitted to set the education, moral, and aptitude standards for its employees, or whether the State will dictate the standards."

Nystrom asserted that the Motorola firm, located at 9401 Grand Avenue, Franklin Park, is a leader in the electronics field with its integration program.

Fulton, the employers' association head, said Motorola, Inc., is one of the best integrated companies at all job levels in the State.

And another Chicago Tribune article of March 12, 1964, headlined "Charges Firm Can't Get Fair FEPC Hearing—Cites Negro Official in Motorola Case":

Robert V. Nystrom, attorney for Motorola, Inc., charged yesterday that his firm could not be given an impartial hearing by the Illinois Fair Employment Practices Commission because the examiner, George N. Leighton, an attorney, is a Negro.

Nystrom said that a Negro hearing officer could not give an objective ruling when the complainants are Negroes.

"The Negro community is in a state of emotional unrest," Nystrom said. "Great pressure is put on its leaders. These leaders are powerless not to yield to the followers."

CITES "UNCLE TOM" CHARGE

"For example, Bill Berry, director of the Urban League, has tried to be objective in some of his statements and because of this he has been called 'Uncle Tom' in some Negro publications."

Leighton referred to Edwin C. (Bill) Berry.

The FEPC is hearing charges that Motorola had five women job applicants undergo tests "which were unfair to culturally deprived and disadvantaged groups."

The applicants were refused employment. Two failed intelligence tests and three did not pass the manual dexterity examinations, the firm said.

FIRM WINS POSTPONEMENT

The hearing was continued to April 4 at Nystrom's request. He said he will file a petition asking circuit court to force the FEPC to produce certain records which he said will enable him to find proof of his charges.

Nystrom also charged that Charles W. Gray, chairman of the FEPC, was "trying to serve two masters." Gray is personnel director of Bell & Howell Co.

"Bell & Howell has 4,000 employees, and less than 20 Negro workers," Nystrom said.

Mr. STENNIS. Madam President, will the Senator yield for a question?

Mr. TOWER. I yield to the Senator from Mississippi for a question.

Mr. STENNIS. I ask the Senator if he recalls that last June or July, about the time the bill was in its inception and was presented to Congress, a great deal was written and said about job quotas, and if there was much agitation for the assignment of jobs through an FEPC on the basis of quotas or population? In other words, if there should be a certain percentage of white people in a community, they would get a certain percentage of the jobs available, based on population, and the colored people would get another quota.

The Senator will recall, I am sure, that the proponents of the bill were quick to say that the bill did not require the assignment of jobs based on quotas. Nevertheless, my question to the Senator is, If a law like this were put into operation, would it not be the natural and logical thing for the employer—it would be almost necessary for him to do to avoid being charged with unlawful discrimination—to adopt a formula of assigning employment on a quota basis? That is the only way out.

Mr. TOWER. The Senator from Mississippi was not in the Chamber a short while ago, when the Senator from Georgia [Mr. TALMADGE] and I had some colloquy on this same subject. The Senator is absolutely correct.

Mr. STENNIS. I am sorry I missed it.

Mr. TOWER. Although the bill does not require a quota system, certainly this would inevitably be the net effect of it, because in its enforcement each time someone applied for a job and is denied one in the community, a community which might have a considerable mixture of ethnic groups, we would have to fall into the pattern of a job quota system, as the Senator noted. Certainly the effect on the company would be to virtually compel it to establish a quota system to avoid harassment from various suits alleging discrimination.

For example, we could simply take into account the various ratios in each group in a community, and rather than hiring on the basis of experience and ability, simply hiring on the basis of an ethnic background to make sure that every ethnic group is represented, more or less the same ratios that occur in the population, trying to avoid harassment by the Commission.

Mr. STENNIS. So when that condition is reached, and when that happens, we shall not only have destroyed in this

country the right of an employer to lay down some of his own qualifications and some of his own guidelines for selecting those for his business who he thinks will make it better and improve it, but we shall also have put the employer in a straitjacket and further destroyed, in a large way, the initiative and the desire of the individual employee to better his training, better his skill, and better qualify himself for jobs and promotions.

It seems to me that the effect of the bill would be to give encouragement to the indolent and the lazy, to those lacking in zeal or ambition, to those lacking in company loyalty, because the bill also provides that the Commission may determine whether there has been discrimination in the matter of promotions or advancement.

I should like to hear the Senator develop that point. That was my next question. The same reasoning would apply, would it not?

Mr. TOWER. It would. What incentive would there be for a man who felt he might have some reasonable chance of getting ahead with the Equal Employment Opportunity Commission? What incentive would there be to force him to do a job well, when he can seek out this Federal "blackmail" and gain a promotion with it. This is an insidious and dangerous provision of the measure, because it would not apply only to people applying for a job, but it would apply to people in existing jobs. The bill provides that there may not be any discrimination in classification for job purposes. This means that a person who is perhaps competent to do only a particular kind of manual work and has no particular skill, might try to project himself into a skilled position merely by alleging he has been classified for a menial position because he belongs to some religious faith, or an ethnic minority group.

Mr. STENNIS. The Senator is pointing out that this regulation would put the employer in a straitjacket as concerns employment of new personnel, and would regulate and control him on the basis of promotions. Would not the same thing occur and apply also with reference to his ability to discharge someone?

Mr. TOWER. Absolutely. That authority is included in the bill. As the able Senator is noting now, this is a very comprehensive measure. The result is the virtual dictation of all employment practices to management by the Govern- of the United States. The employer would be inhibited in discharging personnel as well as hiring personnel. He would also be inhibited in the classification of personnel for job purposes. He would be inhibited in promoting and demoting. This is an extremely comprehensive measure. I do not see how, if it were rigidly enforced, we could avoid virtual complete Government dictation to management in employment practices.

Mr. STENNIS. I believe the comments of the Senator from Texas are fully warranted. They are based on sound commonsense. Will the Senator yield to me for another question or two along another approach to the same bill which the Senator is so ably discussing?

Mr. TOWER. I am very glad to yield to the Senator from Mississippi.

Mr. STENNIS. If it is a matter of right for a person to be employed, to have a job, or to be considered for a job against the will of the employer—or if that should become a right under the American system, what about the people who would apply for jobs with employers who employ fewer than 25 people? They would not be covered, would they? How could they be discriminated against, if the provision we are discussing is a matter of right? I believe it is not a matter of right.

Mr. TOWER. I was just about to seek clarification from the Senator on that question, because I know that the Senator is an able lawyer and judge, and I was sure he did not conceive it as a right guaranteed in the Constitution.

Mr. STENNIS. No—the very opposite; but the bill proceeds on that idea.

Mr. TOWER. The Senator is correct. The bill does proceed on that assumption.

Mr. STENNIS. Yes.

Mr. TOWER. Nowhere will there be found in the Constitution any specific guarantee of this type. The 10th amendment to the Constitution provides:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The ninth amendment provides:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The power to enforce some right which might remain to the people by virtue of the ninth amendment does not reside in the Government of the United States.

Mr. STENNIS. The Senator is correct.

Mr. TOWER. Because its powers are specifically spelled out. Certain powers are enumerated only to functions of the Federal Government, to enforce and protect those rights, privileges, and immunities which are spelled out in the Constitution.

Mr. STENNIS. The Senator has clearly and soundly expressed it. Going to another illustration, if this is a Federal right—and I do not believe that it is a Federal right, but the bill proceeds on the idea that it is—with reference to being considered for a job, what reason have we for leaving out of the operation of the bill employees and prospective employees who would come under the State FEPC law? It is proposed to exempt them, as the Senator knows. If a Federal right is involved, have we the power to discriminate against such persons?

Mr. TOWER. It seems to me again we are acting inconsonant with the spirit if not the letter of the Constitution, when we consider the measure to apply to some States and not to others. I was under the impression that at the Constitutional Convention in 1787 it was recognized that every State as a corporate entity was equal. Indeed, the Senate of the United States—the body in which the Senator from Mississippi and I now sit—is a manifestation of that recognition of the purely Federal character of the system, with every State being equal.

My State has a larger population than that of the State the Senator from Mississippi represents, but his State is better represented by the presence of the distinguished and able Senator from Mississippi. But it is intended that every State, regardless of its size, shall have an equal number of representatives in the Senate. This recognizes the Federal character of the system. Therefore, our laws must also recognize the Federal character of the system by making it equally applicable to all States unless there are some unusual or extenuating circumstances.

For example, consider the matter of tidelands. When Texas came into the Union, it was recognized that she enjoyed riparian rights to land out to three ocean leagues. This does not necessarily apply to all States, but under ordinary circumstances, in legislation of this sort, certainly the law must be made equally applicable to all States of the Union.

Mr. STENNIS. The Senator has made that point very clear. There is another question I should like to ask. If we are to consider it a Federal right for a person to have a job in factory A, what difference does it make whether factory A is engaged in interstate commerce? That is not the test, if it is a right that we are talking about. We know that the commerce clause in the Constitution is limited. My point is that if these are Federal rights, we ought to amend the Constitution in order to make it clear that this is a Federal right that a person has, whether he is engaged in interstate commerce or not. It ought to be a right expressly enumerated in the Constitution, if that is the case, rather than merely limiting the way, as it is now.

Mr. TOWER. I agree with the Senator from Mississippi. It seems to me that the correct approach of the proponents of the pending measure would be to place it in the form of a constitutional amendment, to be passed by two-thirds of the membership of both Houses and submitted to the States for ratification, either in convention or in the legislatures of the States. It should be made a part of the Constitution. If such a procedure were followed and the measure were ratified and made a part of the Constitution, we in Congress would have the responsibility of enacting implementing legislation to enforce that provision of the Constitution. That was the situation, for example, with respect to the Volstead Act, to implement the 18th amendment. That was another illustration of legislating morality, as the present endeavors attempt to legislate morality.

That is the absolutely correct approach. I do not know what the outcome would be if the measure were submitted in that form, but I believe a pretty good guess would be that if the measure were to be placed before State conventions or State legislatures for ratification, it would not be ratified.

Mr. STENNIS. I believe the Senator is correct. The prospect that it would not be ratified is proof that people do not look at this as a Federal right. We are,

therefore, going beyond the letter and spirit of the Constitution of the United States as written now when we try to legislate on the theory that it is a right.

Mr. TOWER. I believe that our Founding Fathers had pretty well conceived of all the basic rights or God-given rights that are inherent in man by his nature as a creature of God, and that pursuing the matter further, by trying to define additional rights, gets us into trouble, because as we attempt to define additional rights, we run the risk of encroaching upon those we already recognize, either through the Constitution or through law or tradition, as belonging to the people. In enforcing rights—even those that we already have—we always run the risk of encroaching on rights in the process of enforcement.

Mr. STENNIS. The Senator is correct. An illustration of that is the employer who has 26 people working for him in a little factory, or a little manufacturing plant of some kind, which he has built up with his own efforts and ingenuity and planning over the years to develop it into a little enterprise. It is affording him a living and a competence for his old age. He is trying to select his employees to the best of his judgment on the basis of who will contribute the most to his business.

Mr. TOWER. At least for the time being he has that right.

Mr. STENNIS. Yes. It is a basic right. He has the right to select the people whom he wishes to have work for him, whether he believes that they will make more money for his business or whether he believes they will afford him the satisfaction that he seeks. That is a basic right.

The bill, in proposing to give prospective employees rights of employment, is doing so at the expense of the employer who has built up the business.

Mr. TOWER. Yes.

Mr. STENNIS. It illustrates the Senator's thought with reference to taking rights away from someone and giving them to someone else.

Mr. TOWER. Yes. If we should pass the bill we would not permit the employer to have that choice.

This tends to militate against what we might call the democracy of the marketplace. There is no democracy like the democracy of the marketplace. A dollar bill can represent a great number of things to a great number of people. One thing that it is, and that Americans should recognize it is, is a ballot.

When a dollar is spent, it is a ballot, which determines the goods that are to be produced. When our right or privilege or license to spend our money as we see fit is taken away from us, such action is destructive of the only kind of absolute democracy that we have in this country.

When an employer is compelled to hire a man regardless of whether or not he produces in a way that is satisfactory to the employer, the democracy of the marketplace is destroyed. Labor is marketable. If an employer cannot choose how he is to spend his money for labor, for talent, and for intellect, economic democracy is destroyed. Economic democracy is a necessary concomitant of political democracy. If economic democracy goes down the drain in this country, we no longer have political democracy, regardless of what the starry-eyed planners say.

Mr. STENNIS. Then it will be some other form of government, not the kind we have now.

Mr. TOWER. It will have to be totalitarian in form, whether it is a dictatorship or an oligarchy. I would just as soon be governed by a dictator as by a committee. It will be some form of an authoritarian system. We would no longer have our liberties.

Mr. STENNIS. The Senator has given an excellent illustration and answer. I thank him very much for yielding to me.

Mr. TOWER. I continue to read from news reports on the Motorola case.

On the same day, March 12, 1964, another newspaper, the Chicago Sun Times, published the following article:

MOTOROLA TO SEEK A COURT ORDER ON FEPC RECORDS

An attorney for Motorola Inc. said Wednesday he would try a circuit court to force the Fair Employment Practices Commission to supply him with all its records.

He also wants Charles W. Gray, commission chairman, to testify as his witness in a case brought against Motorola by five women. They claim they were denied jobs as wirers and solderers by the electronics equipment manufacturer because they are Negroes.

After a series of impassioned speeches, the attorney, Robert V. Nystrom, 77 West Washington, obtained a continuance of a hearing in the case while he seeks a writ of mandamus requiring that the commission do as he wants.

He said he would be ready to go into court Friday.

As the FEPC session began in a city hall meeting room for judges, Nystrom protested a refusal by the commission to issue subpenas supplying the records and Gray.

Such subpenas must be signed by Gray. The chairman turned down the request after a commission ruling that the subject matter covered was not pertinent.

SEEKS RACIAL DATA

Nystrom also sought to subpena the names, addresses and racial backgrounds of examiners appointed by the commission to hear FEPC cases. This was refused.

Joseph Minsky, technical adviser to the commission, said three examiners have been white and two Negro. The Negroes heard two cases against Motorola as well as others.

Nystrom moved for a change of venue to another examiner because George N. Leighton, the hearing examiner on the case, is a Negro. He claimed the FEPC can control the outcome of cases by racial selection of the examiner.

"Selection of hearing examiners is not by accident," Nystrom charged. "It is by calculated design."

VENUE CHANGE DENIED

He claimed the Negro community is in such a high state of emotional unrest that a Negro would not dare rule against another for fear of being branded an Uncle Tom, a term used to denounce a Negro who ingratiates himself with whites.

Leighton said he would be much disturbed if he thought this were true. He said he was equipped to give a fair hearing. He denied the change of venue as he had a previous similar motion.

Complainants in this case are Mrs. Katie Stewart, of 2920 West Walnut; Mrs. Helen Rayner, of 6558 South Rose; Mrs. Margaret Thornton, of 1509 South Millard; Mrs. Margaret Brand, of 4928 South Forrestville; and Mrs. Lily Carthan, of 2245 West Lake.

Also, Madam President, the distinguished New York Times columnist, Arthur Krock, wrote on this topic on March 13, 1964, as follows:

IN THE NATION: A PILOT RULING ON EQUAL EMPLOYMENT OPPORTUNITY

WASHINGTON, March 12.—The Illinois Fair Employment Practices Commission has just furnished a graphic illustration that when a political arm of government assumes jurisdiction over the hiring and firing policies of private business, the tendency is to expand this authority into autocratic control. The ruling of the Illinois FEPC by which this tendency was strongly established has nationwide importance because title VII of the pending equal rights bill proposes to make this jurisdiction a Federal power, exercised by an Equal Employment Opportunity Commission.

If Congress approves the pending measure, with title VII included, and the constitutionality of this section is affirmed by the Supreme Court, the way will be open to project the rationale of the Illinois FEPC ruling throughout the free enterprise system of the United States. Then a Federal bureaucracy would be legislated into senior partnership with private business, with the power to dictate the standards by which employers reach their judgments of the capabilities of applicants for jobs, and the quality of performance after employment, whenever the issue of "discrimination" is raised.

The administration bill of which title VII is a part has never been submitted to either House or Senate committees for the customary and essential hearings and analysis. Consequently, if the Senate motion to send the measure to committee fails of adoption, as is expected, only the Senate rules which permit unlimited debate unless terminated by cloture will expose the bill to the intensive examination made imperative by its vast new donations of Federal power in a domain long established as the private sector.

The assumption of authority by the Illinois FEPC stresses how vital this examination is to the general interest. The State commission ordered Motorola, Inc., to cease subjecting job applicants to its overall ability test on the finding that the test is unfair to "culturally deprived and disadvantaged groups." The test was compiled and copyrighted by Prof. Philip Shurrager of the Illinois Institute of Technology in 1949 and, with some revisions, has been in use since then. He defined its objective as "not to exclude Negroes from whites * * * but to help evaluate the trainability of a prospective employee * * * and I know of no way to evaluate that a test in itself is discriminatory toward any group."

THE FIRST INSTANCE

Nevertheless, exercising for the first time an authority over the ability tests an employer may use in screening applicants, a State FEPC examiner ordered Motorola, Inc., not only to disuse Shurrager's questionnaire, but to offer a job to a Negro who charged he was denied a job because of his race. The Employers Association of Chicago, representing 1,400 companies in the area, challenged the order. And, in announcing that Motorola, Inc., would appeal the action "all the way to the Supreme Court if necessary," its attorney said:

"The question at hand is whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards." If title VII survives the Senate debate, the scope of this "question at hand" will spread from Illinois to the Nation. Meanwhile the attorneys for Motorola, Inc., have contended that the company cannot depend on a fair

hearing of its rebuttal because the hearing officer designated by the commission is a Negro.

The company's finding that the applicant had not passed the Shurrager test is complicated, so far as his particular case is concerned, by the announcement of the Illinois FEPC that he passed it on reexamination in its own offices. But, in commenting on the examiner's order, the Chicago Tribune stated the issue in its broad perspective.

The examiner had also ruled that the questions in the test did not take into account "inequalities and differences in environment," thereby favoring the "advantaged groups." This, said the Tribune, "may be reduced to the absurdity that any test acceptable to the FEPC would be one which brought out no distinction whatsoever among competing applicants. How then is an employer to develop any basis for making a choice. So here the doctrine is enunciated that a political appointee is going to dictate to business (its) standards of selection."

For a view from a suburban Chicago newspaper, let us consider an editorial published in Life Newspaper of Cicero, Berwyn, Stickney, and Forest View, Ill., on March 15, 1964.

The editorial reads:

CIVIL RIGHTS ISSUE

This community reacted so immediately and effectively last year when an attempt was made to pass a forced housing measure through the Illinois General Assembly that it was credited with turning the tide and causing the defeat of the measure at Springfield.

What might have happened had a fair housing commission been set up to administer such a forced housing law, had it passed, might best be shown by what is happening to Motorola, Inc., which is now being charged with discrimination in hiring practices by the Fair Employment Practices Commission.

The Commission is hearing charges that five Negro women applicants, who failed tests, were the subjects of discrimination because the tests were "unfair to culturally deprived and disadvantaged groups." The Commission will be asked in circuit court to produce records to show proof of the charges.

Two of the women failed intelligence tests and the other three did not pass the required manual dexterity tests, according to the company. Yet, the Motorola Co. is being charged with discrimination, even though white applicants must pass the same tests in order to obtain employment.

There seems to be no concern for the 35-year-old Motorola Co. which last year had sales of $377 million and had 19,000 employees whose selection for their jobs apparently was responsible for building the company into one of the world's largest electronic firms. Any rights they might have to determine the qualifications of their employees in order to maintain quality would go down the drain if job applications had to be considered on the basis of being "culturally deprived" or from "disadvantaged groups."

This same reasoning runs through the whole fabric of the civil rights issue. While employers are forbidden to record such data, the civil rights bill now before the U.S. Senate would require the Census Bureau to assemble registration data on basis of race, color, and national origin.

Civil rights demonstrators have violated numerous laws, while demanding that laws favoring them be enacted because Negroes are a sizable and certainly vocal minority. They now want jobs for members of their race on the percentage of the population, rather than on ability and skill. There would be absolute chaos if all nationalities demanded similar consideration.

Even moderate Negro leaders have been discredited with "Uncle Tom" references where they have urged restraints on demands, sit-downs and boycotts as damaging the cause of Negro equality. The most ardent and vociferous leaders have taken over and are doing irreparable damage to the civil rights cause. There is bound to be a white reaction.

A few days after the previous editorial was printed, the Illinois State Fair Employment Practices Commission issued a news release, March 18, 1964, which the commission said clarified the issue in dispute. Here is that news release:

FEPC NEWS RELEASE

Over the course of the past few days much has been written and said about the matters before the Illinois FEPC which involve Motorola.

The commission now believes that it is important to state the background and facts in these matters.

In the case of Margaret Thornton, the first case involving Motorola to come before the commission, a conciliation conference was set and representatives of the Motorola Co. did not come to the commission offices for the conference.

Therefore, in both cases the Motorola Co. has failed to utilize the most fruitful and productive procedure provided under the law. Ninety percent of the cases in which the commission has found substantial evidence of discrimination have been settled in conciliation conferences, attesting to the efficacy of this procedure as a means of mutually acceptable settlements.

The law is rigorous in spelling out the procedure which follows after the failure of a conciliation conference. There must be a public hearing. Therefore, the commission set a public hearing in both cases involving Motorola.

In the Leon Myart case, the hearing examiner appointed by the commission was Mr. Robert Bryant, Esq. Mr. Bryant is not an employee of the commission; he is an individual attorney in private practice, selected by the commission on the basis of his qualifications and his interest in serving in this public capacity.

Mr. Bryant's opinion does not have the force of law. His opinion is not the opinion of the commission because the commission has not acted upon his opinion. His opinion is his recommendation to the commission, and in passing this opinion up to the commission, he has fulfilled his obligations as a hearing examiner.

The law provides that the commission may hear arguments from both parties if there is an appeal to the commission for a review. In any case under review after all arguments are heard and the transcript reviewed and all evidence adduced, the commission will then make a determination about the hearing examiner's opinion.

Statements in the press that have called this an order of the Illinois FEPC are false.

Statements in the press which describe this as a "bureaucratic seizure of power" are clearly false because there has been no seizure of power to do anything. The fact is that the commission has not acted.

As the commission sets about to seek a just and equitable outcome of this matter, it will seek expert advice and opinions on the matter of preemployment testing in order that we will not be acting in a vacuum. No member of the commission has any preconceptions about the validity or invalidity of Mr. Bryant's findings. Until the commission makes it final determination, Mr. Bryant's opinion is just that—an opinion and a finding.

This commission seeks to work on the most pressing economic and social problem of our times in an atmosphere already charged with unrest and emotion. The explosive potential of this atmosphere is heightened by misinformation, distortion, and misunderstanding. Every citizen has the right to know the facts in these matters, for without the facts the community is in danger.

Things took a little lighter turn the next day, March 19, 1964, when the Chicago Tribune printed this editorial:

THE MOTOROLA RULE AND CASSIUS X

A reader who has taken note of the ruling of an Illinois State FEPC examiner against Motorola, Inc., has made the logical application and extension of this new doctrine to another flagrant case involving what is now termed "discrimination."

In dealing with a complaint that Motorola had failed to hire a Negro job applicant, the examiner ruled that a general ability test given by the company to all persons seeking jobs was discriminatory and unfair, in that it did not make allowance for "culturally deprived and disadvantaged groups" and "inequalities and differences in environment."

Motorola was therefore ordered to hire the rejected applicants and was further directed to stop using ability tests. The test in point had been devised in 1949 by Prof. Philip Surrager, of Illinois Institute of Technology, and, with certain revisions, had been in use since then.

Our correspondent is reminded that for many years the U.S. Army has been using various screening tests to determine the mental, physical suitability of young men receiving greeting through their draft boards, and that in a recent report to selective service examination the world's heavyweight champion, Cassius Clay, was not given passing marks.

Mr. Clay, as a Negro, may legitimately contend that he is the victim of discrimination, and the claim would perhaps have more validity than in the case of the Negro job applicant at Motorola.

In developing this point, our informant cogently argues: "The rejection of this pugilist constitutes over discrimination, in the light of the recent fiat of the FEPC examiner. Whatever tests are used to qualify persons for military service are obviously obsolete and must be discontined, as they penalize those whose misfortune it is to have weak mentalities or personality defects."

* * * * *

We are disposed to agree that Clay, a proud member of the Black Muslims, has suffered a serious deprivation of his civil rights in being denied the equality enjoyed by all Army privates. Certainly Secretary of Defense McNamara, General Hershey, of the draft apparatus, and other high brass have failed to consider that they do not take into account cultural deprivation and disadvantage, or inequalities and differences in environment.

It may, of course, be said that a heavyweight champion is merely unequal because he is segregated by that lofty position—i.e., all the rest of his fellows are not heavyweight champions with him. But whether a man who picks up a couple of hundred thousand dollars for a few minutes' work and is given to riding around in fancy cars which are status symbols in themselves can be said to be the victim of environment deprivation is a point subject to argument.

The landmark decision in the Motorola case thus arouses collateral issues of remarkable complexity, and we should say that the doctrine, if it is to stand, must be applied universally. Justice will therefore only be served when Cassius is given his full rights of citizenship and admitted into that exclusive club known as the Army.

It may be, however, that the Black Muslims, who choose to segregate themselves to avoid contamination by whites, will prefer to have an army of their own, as they sometimes seem to imply. In that event, Mr.

Clay might prefer to serve in the ranks of Islam, and, like John Okello, late of Zanzibar, to vest himself with the rank of field marshal.

A further development in the FEPC case came the next day, March 20, 1964, and brought into the picture for the first time the U.S. Air Force as a defense contractor, thus adding further to the difficult position facing both the business and the State bureaucracy.

That new situation is described in a Chicago Tribune article headlined:

MILITARY AID BACKS BIAS RULING—JOINS MOTOROLA DISPUTE THROUGH CONTRACTS

An Air Force officer has agreed with an Illinois Fair Employment Practices Commission examiner that Motorola, Inc., should hire a Negro who claimed he had been rejected because of his race, it was revealed yesterday.

The applicant, Leon Myart, 27, of 6333 Dorchester Avenue, filed complaints both with the FEPC and the President's Committee on Equal Employment Opportunities.

BASED AT O'HARE

Motorola, through its military electronics division, 1450 North Cicero Avenue, has a military contract to provide all service and maintenance for the telemetry acquisition and microwave relay system for Edwards (California) Air Force Base. Military contracts amounted to 15 percent of Motorola's business in 1963.

The military investigation was made by Frank Fager of the Air Force Contract Management District at O'Hare International Airport. He is charged with policing the fair employment terms of military contracts.

On April 2, 1964, I received the following letter from the Department of the Air Force, Washington, concerning this case:

DEAR SENATOR TOWER: This is in response to your inquiry concerning certain employment matters relating to Motorola, Inc.

The Air Force has not been involved in the apparent discussions which have arisen as a result of the preliminary findings by a hearing examiner of the Illinois Fair Employment Practices Commission concerning Motorola, Inc. Mr. Leon Myart filed a complaint of alleged discrimination in employment against Motorola, Inc., with the Illinois Fair Employment Practices Commission and a simultaneous complaint with the President's Committee on Equal Employment Opportunity. The President's Committee requested the Air Force to investigate the complaint against Motorola since the Air Force has contract management cognizance of this company.

The Air Force report of investigation of the complaint of alleged discrimination in the employment of Mr. Leon Myart against Motorola, Inc., has not yet been submitted to Air Force Headquarters by our field activity. Present procedures require that such reports of investigation of complaints of alleged discrimination in employment against Air Force contractors be reviewed by Air Force Headquarters and forwarded, together with recommendations, to the President's Committee on Equal Employment Opportunity for review and disposition.

Your interest in Air Force matters is appreciated.

Sincerely,

WILLIAM E. POE,
Colonel, U.S. Air Force, Congressional Inquiry Division, Office of Legislative Liaison.

HIRING IS ORDERED

Fager acted under the authority of a nondiscriminatory clause in the Air Force-Motorola contract. The clause specifies that if a contractor discriminates against an employee because of race, creed, color, or national origin, the contract may be canceled and the contractor barred from further U.S. dealings.

Robert Bryant, Hearing Examiner for the FEPC, 2 weeks ago ordered Motorola to hire Myart and to stop giving a general ability test to job applicants because the test is discriminatory to disadvantaged groups. Bryant is a Negro.

Charles W. Gray, Chairman of the FEPC, said Wednesday that Bryant's order is not binding upon Motorola. The Commission will meet today to set a date for a full hearing on the case.

ASKED TO GIVE TEST

The Air Force's Fager last fall asked Prof. Phil Shurrager of Illinois Institute of Technology, author of the test, to administer it to Myart. Shurrager was not aware that Myart had filed a complaint with the FEPC or that it was the fourth time Myart had taken the same examination.

Myart had taken the test at Montgomery Ward & Co., Motorola; and in the FEPC offices, 205 West Wacker Drive, it was learned. He scored six, four, and seven, in that order, none of which would qualify him for the job he was seeking at Motorola.

GETS HIGH SCORE

The fourth time he scored a 15, considered high. After a 10-minute interval, Dr. Shurrager gave Myart a different test of equal difficulty. Myart scored a nine.

The tests were turned over to Fager. He then asked Motorola to reconsider the Myart case.

Next, I want to read a story from the Chicago Tribune of March 21, 1964, headlined "Boss Has Right To Hire Best—FEPC Chairman Gray Clarifies Earlier Statement":

Charles W. Gray, chairman of the Illinois Fair Employment Practices Commission, explained his position yesterday on the hiring rights of Illinois industry.

"Every employer has the right to get the highest qualified persons he can get," Gray told the Tribune. "The Illinois fair employment practices law is a merit law; that is, the person with the best qualifications should get the job."

The chairman discussed his position during a break in the FEPC meeting yesterday in the Commission's offices at 205 W. Wacker Drive.

JOB DISCRIMINATION

The FEPC is involved in an alleged job discrimination case against Motorola, Inc., that has drawn wide interest.

Leon Myart, 27, of 6333 Dorchester Avenue, a Negro, filed a complaint with the FEPC that he had been rejected by Motorola because of his race.

Subsequently, Robert Bryant, a Negro FEPC examiner, ordered Motorola to hire Myart and to stop giving an ability test that he said was discriminatory to disadvantaged groups.

The Commission has received Motorola's petition to review the decision of Bryant. Myart has not filed a petition and has 1 week to do so. The Commission said yesterday it will set a date for a full hearing after receiving Myart's petition.

Gray called a press conference Wednesday to assert that Bryant's order was not binding and that the case would get a full hearing.

LOWER THE STANDARDS

Gray clarified a statement he made Wednesday night before the electronics personnel association meeting in the Svithiod Club, 624 W. Wrightwood Avenue, regarding the proposal of lower hiring standards for Negroes.

"I discussed a proposal that suggests that employers might use a lower standard in the hiring of Negroes," he said. "It was introduced for discussion, and not to reflect my views as chairman of the FEPC."

Gray acknowledged that the proposal was discussed 2 months ago at a meeting of the FEPC's public advisory committee.

"If an employer wants to set a different standard for Negroes, that is his right," he continued. "There is nothing in law that requires it."

URBAN LEAGUE PLAN

The proposal described by Gray is one that is espoused by Whitney M. Young, Jr., president of the National Urban League. Young calls it the compensatory hiring program.

Gray, at the Wednesday night meeting, also urged employers to expand their recruiting programs. "I suggested they talk with the Illinois State Employment Service and the Urban League."

Gray said that it is the policy of his firm to hire the best qualified persons.

The following is a March 23, 1964, column by Mr. Milburn P. Akers, of the Chicago Sun-Times which reads as follows:

DISCRIMINATION—AND JUSTICE

Discrimination, as the word is ordinarily employed today, is an ugly thing. For the word, in its present-day usage, connotes prejudice—the prejudice of a majority directed against a defenseless minority. It is usually applied to malpractices, real or fancied, in the realms of race or religion.

There is, however, another form of discrimination that has come into being; the discrimination of an organized, articulate minority as directed against a single segment of an unorganized majority. It is a form of discrimination in which government, State or Nation, too frequently joins with the organized minority at the expense of the unorganized majority.

The recent ruling in the Motorola case by examiner Robert E. Bryant of the Illinois Fair Employment Practices Commission is a prime example of organized minority discrimination, aided and abetted by government, against an unorganized majority—if, in fact, there is such a thing as a majority in this country.

Bryant held that a general ability test used by Motorola in selecting prospective employees was inequitable in that, in his judgment, it discriminated against Negroes. Some Negro applicants, lacking in educational and cultural advantages possessed by some white applicants, were assumed by him to be the object of discrimination. He ordered the company to stop using the test.

The examiner's ruling will probably be reversed by the full commission. Nonetheless, it illustrates a trend. An employer is supposed to conduct his business as a social welfare institution. He is to be required to provide employment for individuals, merely because they belong to a so-called minority group, irrespective of the abilities possessed by them.

Who is being discriminated against? The employer? Yes. But so, too, are applicants, whether white or colored, who possess ability and aptitude.

Society is responsible, in many such cases, for the fact that some applicants lack the cultural and educational background to pass such tests. But is that sufficient reason to require an employer to make up for the failures of society?

Is Motorola responsible for the fact that some applicants, irrespective of race, lack requisite education and aptitude required in specific jobs?

The responsibility for such lacks, whether found in a white or a colored applicant, is not that of industry. Sometimes it is the fault of the applicant himself. Many times society and government are responsible.

Why then should business firms be penalized for the failures of others? **Why then**

should qualified applicants be penalized for the failures of others?

The Motorola case illustrates discrimination; the discrimination engaged in by those who would correct the evils and shortcomings found in our society by discrimination against others.

There has been far too much talk about discrimination. The tyranny of a minority is as bad as the tyranny of a majority.

We need to be more concerned in this country with justice; justice for the minorities and justice for the so-called majority as well. For there is no majority in the United States in the sense the word is ordinarily employed. A majority, even in the political sense, is a temporary grouping of minorities.

The Negro is entitled to justice. Justice demands he have equal opportunity. Justice doesn't require that he have preferential treatment; justice, in fact, should deny preferential treatment to any individual or group. It should also preclude discrimination against any individual or group, including industry.

A society or a government that has failed to provide equal opportunities for its citizens—opportunities which, if availed of, would correct many inequities—shouldn't penalize others for its failures. It should tackle the root cause of those failures.

Today's trend, as illustrated in the Motorola case, is toward the welfare state: an economic and social system which stifles incentive by reducing all to a common denominator. Aptitude and ability, the characteristics which the Motorola test sought to determine in individuals, would be disregarded. The self-sufficient, the able, and the creative will be reduced in status to that of the dependent, the illy qualified and the mediocre. For in the idyllic welfare state envisioned by the social planners all must be reduced to a common denominator; none permitted to rise as a consequence of ability, aptitude or motivation.

There has been too much emphasis on discrimination, as the term is employed today, and not enough seeking after equal justice.

The following is an editorial from the distinguished newspaper, the Wall Street Journal, which has special experience in the field of business and finance. The editorial, published March 26, 1964, reads as follows:

DISCRIMINATION AGAINST ABILITY

One section of the civil rights bill now in the Senate would create an Equal Employment Opportunity Commission similar to several existing State commissions. So a number of lawmakers have been watching developments at the State level.

Of particular interest to some Congressmen was a recent Illinois case in which Motorola, Inc., was charged with discriminating against a Negro job applicant. The issue turned largely on a preemployment test devised by an Illinois Institute of Technology professor and used to determine the trainability of a prospective employee.

After the test was administered, the company said the applicant had failed and thus rejected him. But the applicant claimed he had in fact passed the test and had been turned down because of his race.

Before an examiner of the Illinois Fair Employment Practices Commission, the company vigorously denied the charge. It said that the test, which is used by several other companies, is "completely race free" and "administered fairly to all applicants." The company also noted that it employed Negroes at all job levels.

The FEPC examiner, nonetheless, ruled that the company in this case had been guilty of discrimination. That is a question often difficult to settle conclusively in this touchy area. But the examiner by no means stopped there.

He went on to direct the firm to stop using the test altogether, on the grounds that it was unfair to "hitherto culturally deprived and disadvantaged groups," that it failed to take into account "inequalities and differences in environment," and that it thus favored "advantaged groups."

If this judgment is approved by the Commission and stands up on appeal, the company thus will have to disregard its established standard of ability in selecting new employees. That, comments Ohio's Representative ASHBROOK, "is a long step away from saying an employer should not have prejudicial policies."

There's no way to tell how a Federal commission would work out in practice, but such State experiences show all too clearly what it could mean: Government dictation of private hiring policies. And discrimination against ability.

Next is a full page article from the March 30, 1964, issue of U.S. News & World Report. The article reads:

WHAT HAPPENS WHEN GOVERNMENT POLICES YOUR HIRING

Civil rights legislation now before Congress poses this problem for employers: How will a law banning racial discrimination affect their hiring practices?

For an answer, some Congressmen are citing a current case in Illinois, described below:

A sample of what happens when a Government agency gets power to police a company's hiring, firing, and promotion policies now is getting widespread attention, in and out of Congress.

The case involves only one company in one State. Yet it has national implications, because:

It comes at a time when Congress is considering legislation that would give the Federal Government power to oversee the employment practices of most employers throughout the country.

This legislation—the civil rights bill that has been passed by the House and now is before the Senate—would create an Equal Employment Opportunity Commission. The idea is to outlaw discrimination in employment because of race, religion or nationality.

Some States already have such legislation, among them Illinois, where the case mentioned above arose.

THE MOTOROLA CASE

In this case, Motorola, Inc., became involved with the State's fair employment practices commission, and was accused by the FEPC of discriminating against one Negro, although the firm says it employs many Negroes.

An examiner ordered Motorola to:

1. Hire a Negro who the company says does not meet its standards.

2. Give the Negro applicant back pay and seniority dating from the time he was first rejected.

3. Discontinue an employment test which the firm has used for years.

The Motorola case has been called to the attention of Congress by Representative JOHN M. ASHBROOK, of Ohio, with a warning that it goes beyond "any purported humanitarianism or effort to eradicate prejudice."

"This is a prescription," Mr. ASHBROOK said, "for Government control of hiring, promotion, and firing policies. Merit is to be thrown out the window. This is a long step away from saying that an employer should not have prejudicial policies."

Motorola says it will appeal, if necessary, "all the way to the Supreme Court." The examiner's order has not yet been upheld by the full FEPC of Illinois.

The Negro applicant claimed, and the examiner found, that he was rejected because of his race. Motorola said the applicant failed the employment test, with a score of four, and that the minimum acceptable grade is six. The Negro insisted that he had passed the test.

The FEPC tested the applicant, and he scored seven. The author of the test says, however, that it is not unusual for a person to raise his score on a second try.

The applicant claimed, moreover, and the examiner found, that Motorola had hired 25 white persons, and no Negroes, for jobs like that now in dispute.

DISPUTE OVER TEST

The test at issue was devised in 1949, and later revised, by Prof. P. S. Shurrager, of the Illinois Institute of Technology. The test is used by employers besides Motorola.

The examiner found the Shurrager test "does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and disadvantaged groups." He held that the test favors "advantaged groups" and thus is "obsolete" in "light of today's knowledge."

Mr. Shurrager contends that the test's objective is "not to exclude Negroes—but to help evaluate the trainability of a prospective employee." He says, in fact, that he knows of no way to determine that a test in itself discriminated against any group.

Motorola contends that the issue is "whether an employer in Illinois is going to be permitted to set the educational, moral, and aptitude standards for its employees, or whether the State will dictate the standards."

The tests, the company adds, "are completely race free and are administered fairly to all applicants" regardless of race, color, or nationality.

"Motorola," the firm says, "is one of the best integrated companies in our industry, with Negroes being employed at all job levels."

The Employers' Association of Greater Chicago has come to Motorola's defense, saying the company is "one of the best integrated" in Illinois and that "their program of integration is a model in the electronics industry."

Mr. ASHBROOK has told Congress that what has happened in Illinois could also happen under Federal legislation.

THE FEDERAL BILL

This bill provides for a new Government agency to police the hiring, firing and promotion practices of companies with 25 or more workers.

The national FEPC—officially known as EEOC—would have headquarters in Washington, regional offices throughout the United States. There would be a staff of lawyers, investigators, and examiners.

These officials would have broad powers to require employers to keep detailed job records open for inspection. They could question employers and their workers when any suspicion of discrimination arose.

Under the EEOC, employers would be required to hire, promote and give pay raises to Negroes and members of other minorities on an equal basis with whites. It would be illegal to discriminate against any of these groups.

Prohibitions against discrimination would apply, too, to labor unions and employment agencies.

Civil suits, injunctions, fines and, in some cases, jail terms could be imposed on violators. Final enforcement would be in the Federal courts.

The Federal plan would be similar in many ways to the FEPC setup in Illinois.

If EEOC becomes law, any employer in any State, just as in Illinois, could be ordered to hire a worker, revise his hiring policies, or reinstate one who had been fired.

In line with this Motorola-Illinois case, I would like to note that another very

important company has expressed grave doubts to me about title VII of this bill.

I read now a statement of the Detroit Edison Co. sent to me by that firm's executive vice president, Donald F. Kigar:

The Detroit Edison Co. supports generally the objectives of the civil rights legislation now before Congress, and especially the objective of equal employment opportunities for all our citizens. Carefully drawn legislation could, we believe, be useful in achieving this goal. However, title VII of the proposed Civil Rights Act of 1963 is extremely broad in language and is open to whatever interpretation the Government wishes to read into it. We are opposed, therefore, to title VII because it gives the President, through his appointees, almost unlimited executive power to control this company's hiring and promotion practices, thus limiting and interfering with a fundamental principle of free enterprise—management's responsibility to manage. This objection and others are discussed in more detail later in this statement.

A brief description of our company and its relationship with the community may be helpful in understanding our position.

The Detroit Edison Co. is an investor-owned electric power system engaged primarily in the generation and sale of electric energy in a 7,500 square mile area of southeastern Michigan. We serve about 1,300,000 customers concentrated largely in and around Metropolitan Detroit. We employ about 9,200 employees, mostly in semiskilled, skilled, and professional classifications. The highly technical nature of our business, and our obligation to provide uninterrupted service to our customers, make it necessary to maintain high standards of employment.

This company has a reputation for providing excellent electric service at reasonable rates. It is known in the community as a good place to work. Our personnel policies and practices have been emulated by many other companies throughout the country. We are recognized as a good citizen not only in the communities we serve, but also in our State and Nation. To this end our management and employees have contributed much time and money to worthwhile community organizations such as the League for the Handicapped, Goodwill Industries, the recently established Kennedy Foundation for Disadvantaged Youths, and the Urban League.

Our active relationship with the Urban League dates back to 1946, and currently our company president, Walter L. Cisler, is a member of the league's board of directors. A retired assistant manager of employee relations was a member for many years and continues to serve on its advisory committee. Our president and other officers of the company have been active in raising money for the Negro College Fund.

We believe all persons should have equal opportunities for employment regardless of race, color, sex, or national origin. Our employment policy of nondiscrimination is explicit and published as a company general order. Copies have been distributed to all supervisory and nonsupervisory employees. We employ qualified Negroes in various job classifications including laborer, apprentice lineman, mechanic, stenographer, meter reader, customer representative, work leader, customer serviceman, supervisor, and engineer. In our endeavors to recruit professional-level manpower, we visit many leading colleges and universities including Howard University, Fisk University, and Tennessee A & I, which are predominantly Negro. In addition we participate in High School Career Day activities which are designed to acquaint white and Negro students with employment opportunities at Detroit Edison. We cite these activities only to show that we actively pursue our policy of nondiscrimination.

Economic opportunity is the key to the solution of this difficult human relations problem. We are opposed, however, to any legislation which would eventually weaken or destroy the mainspring of economic progress for every individual citizen whatever his race, color, or creed: our system of free enterprise.

We believe title VII of the proposed Civil Rights Act of 1963 provides for an unwarranted intrusion of the Federal Government into our company's affairs. The Commission on Equal Employment Opportunity is given broad powers to administer the bill and enforce the ban on discrimination. It subjects this company to the harassment by agents of the Commission empowered to enter and inspect our premises, examine our records, question our employees, and investigate other matters which may be deemed appropriate. It would provide for onerous record-keeping and reporting activities. In the absence of standards of proof or of evidence, Government agents would be forced to establish their own standards. Trial by jury is denied. The orders of the Commission may be enforced by injunction which deprives a citizen of protections guaranteed by the Bill of Rights against arbitrary or capricious behavior by Government officials.

The language of title VII is ambiguous or open ended in many respects. Nowhere in the bill is discrimination defined. In our opinion the Commission would ultimately control this company's employment and promotion practices, and place severe limitations upon management's responsibility for making decisions and exercising discretion in this critical area of our operations.

A situation has already developed in Illinois which is of great concern to us. Here, the FEPC ruled that general ability tests used in selection denied employment to a Negro because of his race. The argument was that the test was unfair to "culturally deprived and disadvantaged groups." Thus, merit and ability, the cornerstone of our employment practices would be set aside by such reasoning. The Detroit Edison Co. has used professionally developed and carefully validated selection tests as part of our employment program for more than 30 years. We consider them essential to maintaining the high standards of employment required in our business. These and other objective standards of selection assure the truly qualified candidate that there will be no discrimination for any reason, including that which may be based on race, creed, or color.

In the absence of well-defined standards of discrimination, we believe the Commission itself could not cope with the unlimited number of cases which would undoubtedly come before it. It would, therefore, be forced to adopt a measurable standard—most likely based on racial balance. Such a concept has already been adopted by the U.S. Department of Labor in connection with union apprenticeship programs. We understand this terminology was included in earlier drafts of the proposed civil rights bill.

To avoid charges of discrimination and extensive court proceedings, employers would be forced to employ a certain proportion of Negroes—presumably the same proportion to be found in the communities from which the employer draws his work force. We believe such a concept would have very serious consequences. It would tend to force employers to lower qualifications in order to comply, and it would threaten the job security of employees in present work groups. Such a course becomes, in effect, reverse discrimination or preferential hiring. Every employee, not merely members of a minority group, could bring charges of discrimination before the Commission. Such a situation would give rise to an unprecedented amount of Federal investigation and litigation against private business. Clearly, the result would be disastrous.

CONCLUSION

Title VII in our opinion is one of the most drastic legislative measures ever undertaken by the Congress, opening wide the door to even more stringent Government control of private business. Title VII gives to the Commission almost unlimited power to restrict individual liberty and freedom of choice. To enact such legislation in the name of human rights is to make a mockery of the freedom which makes real social and economic progress possible. It is our earnest hope that the above mentioned defects in title VII can be eliminated before the bill comes to the floor.

The following is a fine summary of the case and the problems it raises about testing and employer rights which appeared in the Wall Street Journal on April 21, 1964, under the headline "Testing and Discrimination" as written by Todd E. Fandell:

On a cool, clear day last July, Leon Myart, a 27-year-old Negro, strolled into the employment office at Motorola, Inc.'s huge manufacturing plant in suburban Franklin Park. He filled out an application, took a 5-minute general ability test and left.

Today, 9 months later, the seemingly innocuous test Mr. Myart took at Motorola has evolved into a controversy of national import, becoming enmeshed in the great civil rights debate in the U.S. Senate.

The controversy grew out of a March 5 decision of a hearing examiner for the Illinois Fair Employment Practices Commission. The examiner, Negro Attorney Robert E. Bryant, ordered Motorola to stop using the general ability job test because it discriminated against "the hitherto culturally deprived and the disadvantaged groups." The ruling was the first on record in which any of the more than 30 State FEPC's had asserted authority over tests a company may use in screening job applicants. True, the ruling still may be overturned by the full commission or the courts, but opponents are fighting it on the presumption it at least will be upheld by the commission.

REACTION EXTENDS TO CONGRESS

The ruling has raised the obvious question whether a Government agency should have the power to regulate employment standards of a private company. Judging from the reactions, coming fast and at times furious, the Motorola case has been swept up in broader considerations of civil rights. Congressional foes of civil rights, some business groups and editorial writers are citing the ruling as an example of dictatorial powers and harassment the Federal Government would exercise in telling employers whom they may hire if the civil rights bill now being debated in the Senate is passed in its present form.

Such powers, it's argued, would flow from the proposed authority for the Federal Commission on Equal Employment Opportunities provided under title VII of the bill. This section has emerged as a central point of the debate, with Senate Minority Leader DIRKSEN leading attempts to amend it. Voting on the amendments is due to take place this week. The Motorola case has had no small part in spurring this effort to amend the bill. It also is somewhat embarrassing to civil rights advocates, to whom the timing of the case may seem a bit unfortunate.

To understand the Motorola case, a brief review is necessary. Mr. Myart was responding to a newspaper ad for troubleshooters who check radio, television, and stereo sets for defects as they come off the production

line. Motorola says Mr. Myart scored a four on the test, two points below its minimum to qualify for further testing and acceptance. But the company couldn't produce the answer sheet to prove he had flunked. Mr. Myart insists he passed and did, in fact, do so on several subsequent occasions during the course of State and Federal investigations of his complaint.

The examiner, largely on the basis of Mr. Myart's background in electronic work and Motorola's inability to prove his score, ordered the company to employ Mr. Myart. After disposing of the case on these grounds, Mr. Bryant went on to ban the test, devised in 1949 and not revised since, as discriminatory and obsolete "in the light of today's knowledge" of intelligence testing.

Motorola vigorously denies the test discriminates in any way against Negroes and contends it has every right to use it. "This test was not developed to exclude Negroes," says Dr. Phillip Shurrager, author of the test and chairman of the psychology department at Illinois Institute of Technology. "It is a test designed to help evaluate the trainability of a prospective employe," Dr. Shurrager adds. "I know of no way to evaluate if a test in itself is discriminatory toward any group."

The Employers' Association of Greater Chicago jumped to Motorola's defense, claiming surveys conducted by Dr. Shurrager and his associates proved the Motorola test was "race free" and the FEPC ruling did not "reflect the thinking of experts in the field." Robert V. Nystrom, Motorola attorney, maintains the issue "is whether an employer in Illinois is going to be permitted to set standards for its employees or whether the State will dictate the standards." And in the U.S. Senate, Senator JOHN STENNIS, Democrat, of Mississippi, warned that if the proposed Federal commission can "go to the extent of determining what must be in a test given by an employer, it can set the educational, moral, and aptitude standards for all employers." On the other hand, a number of academic authorities and civil rights groups contend the real issue goes deeper to what they term the discriminatory nature of even the most sophisticated intelligence tests.

Indeed, this issue is not new. It has troubled social scientists and educators for a number of years. The discrimination that Mr. Bryant found in the testing process also last month led the New York City Board of Education to abolish use of intelligence tests in the Nation's largest public school system. The move was in response to increasing charges that such tests are middle-class oriented and slanted against slum children, especially Negroes and Puerto Ricans.

SCHOOL TESTING DROPPED

Many psychologists today are disillusioned with the validity of intelligence test scores as measures of native intelligence unaffected by experience and environment.

Testing experts conclude that, because all answers to intelligence test questions are learned responses, such tests are inherently discriminatory against persons educated in inferior schools and coming from poor home environments. A number of research efforts in recent years indicate that test scores of Negroes and whites become more nearly equal as background factors, such as socioeconomic status and schooling, are equalized.

Intelligence tests fail to reflect the ability of the "disadvantaged," the argument runs, because they ask questions using words and situations which may not be a part of a culturally deprived person's personal experience, regardless of his natural ability. A question from the Motorola test illustrates how this works on an elementary level.

One question is to choose which of the following is always present at a desert: Sun, sand, palm trees, or camels. Most persons would have little difficulty answering sand. But someone who has never seen a desert and whose grade school geography class failed to cover the topic might have difficulty though, in the words of FEPC Examiner Bryant, "he may be an expert at repairing television sets."

A QUESTION OF RELEVANCY

But if employers don't use general tests in screening applicants, how can they establish standards of selection? "There are two important considerations involved here," says Dr. Philip Ash, president of the Illinois Psychological Association. "First, is the test relevant to the job—does it help predict whether the applicant will be successful?"

If so, then the discriminatory nature of the test, if any, must be determined, according to Dr. Ash. "This can be verified only through careful sampling on comparable groups as nearly alike in background as possible, for no test is on its face discriminatory."

Mr. Bryant contends, "There's absolutely nothing in my ruling which would preclude an employer from testing applicants in a way pertinent to the job they're seeking. Use of intelligence tests of this sort is a tool serving to discriminate between whites and Negroes, whether done deliberately or not."

On this latter point, Mr. Bryant gains considerable support among some sociologists. "Although not designed for the purpose, intelligence tests have for years been used by many employers to separate Negroes from whites in setting hiring standards," declared Dr. Raymond Mack of Northwestern University.

"It's a barrier that must be broken down," argues Mr. Bryant. He ascribes claims that his ruling would open the door to excessive government interference to persons ignorant of the weight of scientific evidence. Mr. Bryant wryly observes that several Chicago companies have quietly dropped use of job tests since his ruling. "They're probably motivated by a fear of adverse publicity, but at least it's a start," he asserts.

About the only thing certain concerning the outcome of the issue is that it will get a thorough airing before it is resolved. Motorola, which has promised to appeal "all the way to the U.S. Supreme Court, if necessary," to preserve an employer's right to set testing standards, has been granted permission by the full State commission to introduce further testimony.

Whatever the outcome of the Motorola case, the FEPC examiner has raised an issue which likely will be argued by employers and advocates of fair employment practices legislation for years to come.

I read next two articles concerning the first hearings in this case before the Illinois FEP Commission. These articles are from the Chicago Sun-Times and the Chicago Tribune of April 19, 1964.

It is carefully pointed out that there has been no final decision in this case and that, in fact, the full State fair employment practices commission has not ruled. But, I think it will be obvious that these hearings indicate the type of expense forced upon an employer by a fair employment practices law even at this early stage and simply because of the action of a single bureaucrat who has investigated and executed a fair employment practices "order." On the Federal level such harassment would be even worse.

[From the Chicago (Ill.) Tribune, Apr. 19, 1964]

DISCREPANCIES REVEALED AT FEPC HEARING: "MOTOROLA APPEALS BIAS CHARGE"

Evidence to substantiate the claim of Motorola, Inc., that it did not deny a job to a Negro applicant because of his race was introduced yesterday at a public review by the Illinois Fair Employment Practices Commission.

Robert Wood, personnel director for Montgomery Ward & Co., testified that Leon Myart, 27, who complained to the FEPC against Motorola, applied for a Christmas season job with the mail order house in 1961.

TAKES WARD'S TEST

Wood said that Ward's gave Myart the same job applicant test that Myart was given by Motorola when he applied there in 1962 for a job as a "phaser and analyzer."

Attorneys Robert V. Nystrom and Robert Cronin, representing Motorola, said that Myart had testified at hearings before Robert E. Bryant, an FEPC hearing examiner, that he had never taken the exam before.

Wood said that Myart's score on the exam given by Montgomery Ward & Co., was 6, which the company did not consider a passing score. Wood said the company hired him, nevertheless, as a Christmas season helper.

ANALYZE TESTS

Dr. Phil S. Shurrager, chairman of the psychology department at Illinois Institute of Technology, who devised the test used by both Motorola and Montgomery Ward & Co., said he gave Dr. Ira Salisbury the figures on tests given to 1,072 job applicants in two Chicago area Motorola plants from last January 20 through March 16.

Dr. Salisbury, associate psychology professor at IIT and an expert statistican, said of 274 Negroes who took the test 220, or 80.3 percent passed it. Of the 798 non-Negroes who took the test, 658 or 82.5 percent passed it.

He said the variance of 2.2 percent in the rate of passing by Negroes and non-Negroes was "not statistically significant." A variance of 6 percent, he said, could be considered significant.

ASK FOR REVIEW

Motorola considered a grade of six a passing grade on the test. Dr. Salisbury said that the mean grade of Negroes who flunked was 3.37, and the mean grade of non-Negroes who flunked was 3.31. A "mean" grade separates any given group into two equal parts, half above and half below that grade.

Motorola asked for the public review, which was held in a city hall courtroom, of the March 5 ruling by Bryant which directed Motorola to stop using the general ability test and also to offer a job to Myart.

RULING NOT IN FORCE

Motorola attorneys introduced evidence to show that Bryant in 1962 and 1963 was the attorney in a divorce case for James Kemp, an FEPC commissioner.

The hearing was continued to May 25. Bryant's ruling is not effective until the commission acts on Motorola's appeal.

[From the Chicago (Ill.) Sun-Times, Apr. 19, 1964]

STATE FEPC BEGINS ITS HEARINGS IN REVIEW OF MOTOROLA HIRING CASE

A witness for Motorola Inc. testified Saturday that the difference between the performance of Negroes and non-Negroes taking a controversial personnel test recently was "statistically insignificant."

The witness, Dr. Ira Salisbury, a statistician, appeared before the Illinois Fair Employment Practices Commission in city hall.

The commission was opening its review of charges that Motorola has racially discriminatory hiring practices.

In part of his ruling against Motorola, a hearing examiner charged in February that the company's 5-minute aptitude test "does not lend itself to equal opportunity to qualify for the hitherto deprived and disadvantaged groups." The examiner, Robert E.

Bryant, ordered the company in February to "cease and desist" from using the test.

Salisbury and the test's developer, Dr. Phil Shurrager, Saturday described results obtained when it was given to 1,072 Motorola applicants from January to March.

Of 274 Negro applicants, Salisbury said, 220 (or 80.3 percent) achieved a score of 6 or higher, which Motorola regards as passing.

NOT SIGNIFICANT

The difference of 2.2 percent between Negroes and non-Negroes was "not statistically significant" Salisbury said. A significant difference "might be 6 percent," he said.

He also told the commission that the 54 Negroes who did not pass achieved an average score of 3.37 while the 140 non-Negroes who failed scored an average of 3.31.

Under questioning, Salisbury said he had no information about the educational or cultural background of any of the applicants.

Salisbury is an associate professor of psychology at the Illinois Institute of Technology. Shurrager is head of the IIT Department of Psychology and Education.

SCORE OF 4

The complainant in the Motorola case is Leon Myart, of 6333 South Dorchester, who has charged that the company refused to hire him because he is a Negro.

Motorola, Saturday, produced witnesses from the company's personnel and data-processing departments who testified Myart received a failing score of 4 on the test.

Robert V. Nystrom, Motorola's chief attorney, suggested that Commission Chairman Charles W. Gray and James E. Kemp, a commission member, "might not want to sit in review of the case."

After Motorola announced its intention to appeal Bryant's ruling, Nystrom contended, Gray "indicated a prejudgment against Motorola" in a statement published by the Illinois Association at Commerce.

In that statement Gray said, "Motorola refused to produce Myart's test." The test Myart filled out, was destroyed in keeping with normal company practice.

Another Motorola counsel, Robert E. Cronin, contended, that Kemp hired Hearing Examiner Bryant as his personal attorney during a 1962 divorce action.

After consulting among themselves, commission members decided Kemp and Gray would remain on the review panel. Hearings on the case are to continue May 25.

I shall summarize my remarks on the Illinois Fair Employment Practices Commission case.

What I have presented here today—without any comment on the merits of the case involved—is an example of the type of dispute which a business and a bureaucracy can find themselves embroiled in under a fair employment practices law.

If past experience is any guide, we can stand here and say that as surely as bells will ring for the next quorum call this State FEPC situation will be compounded to size beyond recall should the massive and lumbering Federal Government take an unconstitutional hand in FEPC legislation.

I remain as opposed as anybody to discrimination in hiring, but I also remain opposed to unconstitutional legislation, and I remain opposed to the passage of coercive law which can only operate to destroy the spirit of reason by which American firms are seeking to solve the equal employment problem.

Mr. President, confusion is no substitute for accomplishment; emotion is no reason to doom responsible efforts; coercion is no replacement for reason.

To pass the FEPC title of this bill would set the cause of equal employment opportunity back decades. To pass this FEPC title could damage beyond repair the free business system of this Nation which alone can provide the employment we are so worried about.

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

Mr. TOWER. I yield.

Mr. STENNIS. Mr. President, I thank the Senator from Texas for a very fine speech on a major title of the bill. He made a very worthwhile contribution to the debate. I know that Senators who could not be present to hear his speech will be very glad to read his remarks.

Mr. TOWER. I thank the Senator from Mississippi for his fine compliment.

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

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

The legislative clerk called the roll and the following Senators answered to their names:

[No. 168 Leg.]

Aiken	Holland	Mundt
Allott	Hruska	Muskie
Anderson	Humphrey	Nelson
Bartlett	Inouye	Neuberger
Bible	Jackson	Pastore
Carlson	Jordan, N.C.	Pell
Case	Jordan, Idaho	Prouty
Church	Keating	Proxmire
Cotton	Kuchel	Ribicoff
Curtis	Magnuson	Smith
Dirksen	Mansfield	Sparkman
Dodd	McCarthy	Stennis
Douglas	McGee	Tower
Fong	McGovern	Williams, Del.
Gore	McIntyre	Young, N. Dak.
Gruening	Metcalf	Young, Ohio
Hayden	Monroney	
Hickenlooper	Morse	

The ACTING PRESIDENT pro tempore. A quorum is present.

MONTANA'S CENTENNIAL TRAIN

During the delivery of Mr. TOWER'S speech,

Mr. METCALF. Mr. President, I was proud to welcome Montana's Centennial Train, which stopped in Washington for 2 days last week en route to the World's Fair in New York.

The train left Montana early in April, and stopped at Omaha, Kansas City, St. Louis, Louisville, Cincinnati, and Charleston on the way to Washington, D.C.

Aboard the train were some 300 Montanans, their horses, a chuckwagon, a covered wagon, and other old-time vehicles which were part of colorful parades at host cities.

Exhibits on the train include part of Montana's priceless heritage—Russell and Remington art, a gold collection valued at $1 million.

The climax of the visit of the Montana Centennial Train was the dinner Friday night, when almost 1,000 people jammed a huge dining room to pay their respects to our distinguished majority leader, and Montanas' beloved senior Senator, MIKE MANSFIELD.

President Johnson was among the honored guests. A special guest and honorary chairman of the dinner was Burton K. Wheeler, Senator from Montana from March 4, 1923, to January 3, 1947. It was a pleasure to see Senator Wheeler, Montana's elder statesman, looking so well.

The toastmaster was Chet Huntley, a Montanan and half the Huntley-Brinkley television team.

He called attention to the exhibits on the train, including the gold. One of the thrills awaiting visitors to the Montana exhibit at the World's Fair is that of being able to pan for gold.

Mr. Huntley's enumeration of Montana names rivals the music of the names in "American Names," by Stephen Vincent Benet.

But the high point of Mr. Huntley's speech was his introduction of Senator MANSFIELD—a tribute especially appropriate from a man who has known the legislative leaders of the world. We are all 7 feet tall when we turn in admiration to MIKE MANSFIELD for his accomplishments.

I ask unanimous consent to have printed at this point in the RECORD, Chet Huntley's remarks at the Montana Centennial dinner held at the Sheraton-Park Hotel on April 17.

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

INTRODUCTORY REMARKS, CHET HUNTLEY AT MONTANA CENTENNIAL DINNER, WASHINGTON, D.C., APRIL 17, 1964

It's like home coming to you, to be here with so many friends and old associates. I am relieved to see that the train did, indeed, get here on time and with what incident, I don't know. I have not had time yet to be briefed on what adventures or foul play you encountered on your long train ride through the congested wildernesses of the East. I assume that our ingot of solid gold made it and is somewhere in safekeeping.

But I would warn you, don't let this business of F.D.R. taking us off the gold standard mislead you. From all I can observe, gold is still sought after in these parts, and sometimes with a passion and dedication which would make Henry Plummer look like a greenhorn.

It's good to see Senator Wheeler here tonight and our thoughts perhaps flash back to that period when Montana supplied the "enfant terrible" of the Senate—the pair known as Wheeler and Walsh. It's good to see Senator Wheeler looking like his old self and bearing his years so lightly. And he is, as he always was, the fellow with three of a kind or better behind that stern visage.

How many of you are aware that we Montanans almost lost Burton K. Wheeler even before we could barely claim him. You know he settled in Montana because he got taken in a poker game in Butte. That was the last time anyone ever heard of Wheeler suffering that particular industry. And then in one of his political campaigns he barely escaped lynching over in Dillon. There are those who have been cursing the fellows who bungled the job ever since.

By the way it is appropriate that Senator Wheeler's book "Yankee From The West" appeared a few weeks before the beginning of this centennial year. There is a lot of Montana history in it and if you think Mississippi or Illinois has some peculiar political standards and practices, ours, not so long ago, was not so restrained either.

I trust that the hallowed walls of this old hotel here in Washington can bear one bunkhouse story. Old Billy Atwood was the cook on a ranch up the Jefferson, near Twin Bridges; and Billy could stretch truth and veracity to incredibly delightful lengths. He

told us one evening how he had been hauling blastin' powder in an open wagon bed and he forgot all about the repeated admonition that he couldn't smoke around his dangerous cargo. "Well," he said, "I lit my pipe, threw the match in the wagon bed, and damned if a dozen bushels of that stuff didn't burn up before I could stomp it out."

Have you ever stood on the platform of the depot in Whitehall and watched the North Coast Limited snake down the eastern abutment of the Continental Divide into Pipestone and on into the Whitehall block with Pete Ross, Ramblin' Jack Wolverton, or Jim Berry at the throttle? Have you ever heard the lonely wail of the Empire Builder send the echoes flying across the wintry Saco flats, the Milk River, and up on the North Bench to Whitewater and the Canadian line? Do you remember the angry and excruciating snorts—the blasts of mechanical vituperation—as the great articulared mallets pulled a hundred cars and a caboose over Bridger Pass into the fertile Gallatin Valley?

Have you ever sung the music of Montana names: Chateau Cascade, Missoula, Pend O'Reille, Big Horn, Carbon, Sweetgrass, Stillwater, Silver Bow, and Glacier? Roundup, Little Butte, Judith Gap, Harlowtown, Armington, Spion Kop, Great Falls? And the ridiculous little name of Two Dot? The Lodge Pole Meadows, Half-Moon Park, Rattlesnake Canyon, Last Chance Gulch, Meaderville, and Stinky Creek? The Belts and Little Belts, Bitterroots and Tobacco Roots, Big Horns and Absarokees, the Crazies and the Little Rockies? Do you know Deer Lodge, Red Lodge, or Lodgegrass, Plentywood, Scobey, Cutbank, Boulder, Ekalaka, Glendive, Kalispell, Big Timber and Nyhart? And what about the Madison, the Gallatin, Jefferson; the Milk, Lewis and Clark, Yellowstone, the Powder, the Bitterroot and Flathead—and the great Missouri, without which the Mississippi would be only a gentle Thames or Tiber.

Have you ever seen dawn at the Gates of the Mountains or listened to the morning call of a meadowlark in a Lewiston wheatfield? Have you seen the day's new sun strike great explosions of light from the craggy facets of the Spanish Peaks? Have you seen the Crazies by moonlight or have you gathered stardust from Hebgen or Flathead? Have you seen Old Hollowtop silhouetted against the setting sun, standing immutably sentinel over the dusk-filled Gallatin Valley?

These are some of the experiences, and places and names that bind us together, for we know them intimately and we can feel that they are ours.

There is something else, however, that binds us into a special breed. It has been said by a Member of the U.S. Senate that MIKE MANSFIELD makes every Senator feel a little taller. MIKE MANSFIELD binds us together in reflected pride and he makes us feel taller because he is one of us and we discovered him.

If the Republican Party had not been invented earlier, my mother would have. But MIKE confused and nonplusses her and she lamely forgives him his political sins by observing that he is not like the rest of "those Democrats." And I am sure she casts a secret vote for him and prays that he will yet see the error of his ways.

I met MIKE one morning in the Billings airport and I said, "How are you, Senator?" As we drove down the Rimrocks, my brother-in-law said, "You shouldn't call him Senator—it might spoil him, he's just our MIKE."

This is one of the proudest moments of a not completely uneventful life—to know the privilege of introducing our beloved MIKE. There is something special about a man who was a veteran of the Army, Navy, and Marine Corps at the age of 19. We must respect a man who had neither the time nor the means then, to attend high school and who entered college at Montana School of Mines and somehow fitted his classes into his shifts in old Mountain Con, the Emma, or the Elm Rau. We draw closer to a man who pursued excellence then at the University of Montana and his Ph. D. at UCLA and came home to teach at the university. Our admiration goes out to a man who then offered his talent and his wisdom to the Nation and had it accepted, first in the House and then in the Senate. And then we thrilled to see this man elected by his colleagues as majority leader. And we have been pleased and proud to watch him in that capacity as he does with wisdom, courtesy, and benign kindness what others have tried to do with pressures, threats, and invective. Who will ever forget that obituary for a dead President which our fellow Montanan delivered there in the Capitol rotunda on that tragic day last November.

I am 7 feet tall tonight as I introduce the majority leader of the U.S. Senate, the confidante of Presidents, the frequent special ambassador of the United States on special missions, the senior Senator from Montana, our MIKE.

TWO MONTANANS AMONG AMERICAN MOTORS CONSERVATION AWARD WINNERS

Mr. METCALF. Mr. President, two Montanans are among the 20 conservationists, representing 17 States, who have been named winners of the 1963 10th anniversary American Motors Conservation Awards.

They are Miss Lillian Hornick of the Information and Education Division of the U.S. Forest Service at Missoula, Mont., and Harry B. Mitchell, a resident of Great Falls, who is the chairman of the Montana Junior Chamber of Commerce's conservation committee.

Miss Hornick was chosen by the American Motors Conservation Awards committee for recognition in the professional category because of her zeal and drive in support of conservation programs in Montana. As the executive secretary of the Montana Conservation Council, she has organized and conducted a successful series of conservation workshops for women over the years. Much of the growth and success of the conservation council has been attributed to Miss Hornick's efforts, which she carries on, on her own time.

An award winner in the nonprofessional category, Mr. Mitchell was chosen for effective leadership in helping to secure the passage of legislation in Montana to protect streams from damage by highway construction. In addition to this essential work, Mitchell also is credited with arousing the interest of Montana Jaycees in other conservation programs.

All of the winners are expected to attend an awards presentation dinner to be held in the Statler-Hilton Hotel here in Washington on Wednesday evening, May 20. Winners in both the professional and nonprofessional categories will receive a sculptured bronze medallion. Professional award winners also will receive $500. Several hundred representatives of Congress, various Federal and State conservation agencies, and national conservation organizations have been invited to the dinner as guests of the American Motors Corp.

The conservation awards program was started in 1953. Its purpose is to point up the interrelatedness of all phases of renewable natural resource conservation—soil, water, forests, fish, and wildlife—and to honor men and women whose efforts on behalf of conservation, although not likely to receive wide recognition, represent an outstanding personal contribution to advancing the cause of natural resources management for the future.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a list of the names of persons who have been named as winners of the 1963 American Motors Conservation Awards.

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

Winners of the 1963 American Motors Conservation Awards in other States are, in the professional category, Robert G. Struble, Kennett Square, Pa., for watershed and soil conservation programing; Ben H. Thompson, Glen Echo, Md., for national park work; Malcolm E. King, Gaithersburg, Md., for developing public interest and support for fish and wildlife programs; James W. Scott, Anchorage, Alaska, for forest fire prevention work; Alfred S. Jackson, Canadian, Tex., for improving understanding of bobwhite quail and other wildlife of the Texas Panhandle; Samuel M. Carney and Dr. Aelred D. Geis, Laurel, Md., for developing techniques to improve migratory waterfowl management; J. Harry Cornell, Raleigh, N.C., for establishment in his home State of a policy that resulted in additional trout fishing opportunity; Philip Barske, Fairfield, Conn., for assistance in the growth and development of the Atlantic Waterfowl Council; and Mrs. Eleanor Bennett, Mechanicsburg, Pa., for efforts that led to the publication of a teaching guide to natural resources, now in use in elementary and secondary schools throughout that State.

Award winners in the nonprofessional category are Daniel Smiley, Lake Mehonk, N.Y., Dr. Edgar Wayburn, San Francisco, Calif.; Walter L. Mims, Birmingham, Ala.; Edward H. Hilliard, Jr., Denver, Colo.; Tony F. Krebs, Quinn, S. Dak.; Garth Cate, Tryon, N.C.; Dr. Neil Compton, Bentonville, Ark.; Dr. S. Glidden Baldwin, Danville, Ill.; and Mrs. Claire S. Batchelder, Concord, N.H.

STATEMENT OF AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION ON NEW MARKET NEWS SERVICE OF USDA

During the delivery of Mr. Tower's speech,

Mr. HOLLAND. Mr. President, last year during Senate consideration of the agriculture appropriations bill, there was inserted in the RECORD a statement forwarded to the Senate Agriculture Appropriations Subcommittee by Secretary of Agriculture Freeman. This statement related to the Federal-State market news leased wire system and appears in the CONGRESSIONAL RECORD, volume 109, part 13, pages 18006–18007.

At this time I ask unanimous consent to have printed at this point in the RECORD a letter to me, as chairman of the subcommittee, dated March 23, 1964, from Mr. Stanford Smith, general manager of the American Newspaper Publishers Association, New York, together with a statement prepared by the association in response to Secretary Freeman's statement.

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

AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION,
New York, N.Y., March 23, 1964.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: Many newspapers are concerned that U.S. Department of Agriculture has entered the business of operating a news wire service as a joint venture with the American Telephone & Telegraph Co.

Because this subject has been presented for consideration by several committees of the Congress, we ask that the attached American Newspaper Publishers Association statement be placed in the CONGRESSIONAL RECORD as our answer to a USDA statement which you inserted in the RECORD on September 25, 1963.

We believe our statement provides information of interest to many Members of the Congress. In summary:

1. The new USDA news wire service defeats an announced purpose of Congress to explore the possibility of coordination with and use by the Weather Bureau of these same facilities to reduce costs to the Government.

2. Assistant Secretary of Agriculture George L. Mehren has acknowledged that he "cannot honestly say that its (the new market news wire) absence prior to August 1 was a grave or crippling deficiency."

3. The new USDA news wire service is contrary to public policy set forth by Congress in the law creating the U.S. Information Agency, requiring it to encourage maximum use of private news agencies rather than operating a domestic news agency itself.

4. The censorship provision in USDA publication AMS 510 still exists, and no specific rules and regulations have been set forth in the Federal Register or in the A.T. & T. tariffs.

5. Arrangements between USDA and A.T. & T. result in a monopoly for A.T. & T. in supplying this new market news wire service to the exclusion of any other carrier.

6. USDA has incurred added costs to operate a new market news wire service which is not needed.

We believe the Congress should require termination of this new market news wire service, as it is a venture which is contrary to public policy, it is competitive with private business; and it adds unnecessary costs to the Government.

Sincerely yours,

STANFORD SMITH,
General Manager.

STATEMENT OF AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION ON "NEW MARKET NEWS SERVICE" OF U.S. DEPARTMENT OF AGRICULTURE, MARCH 23, 1964

This statement has been prepared by the American Newspaper Publishers Association in response to a letter and statement submitted by Secretary of Agriculture Freeman to Senator SPESSARD L. HOLLAND commenting in detail on ANPA opposition to entry of USDA into the news wire business. The aforementioned letter and statement were printed in the CONGRESSIONAL RECORD, volume 109, part 13, pages 18006–18007.

ANPA has not previously sought an opportunity to respond to the Secretary's statement. We had hoped that the problem would be solved through the continuing interest of Members of the Congress and many newspapers. However, this has not occurred but instead the controversy continues.

In view of the fact that committees of the Congress have recently indicated interest in reviewing the facts surrounding the entry of USDA into the news wire field, we now make this statement in reply to the Secretary for the information of all Members of the Congress.

We shall take up the Secretary's response to each of the six arguments of ANPA.

ANPA ARGUMENT NO. 1

"Under our concept of freedom it is improper for the Government to engage in the business of news gathering and dissemination. It can too easily become a propaganda agency."

The Secretary disagrees with this. He thinks that it is entirely proper for the U.S. Government to get into the business of news gathering and dissemination and to do so by entering into exclusive business agreements with a single large communications company. Official publication AMS–510 graphically portrays the "New Market News Service" for what it is, namely, a joint business venture of the USDA and the American Telephone & Telegraph Co.

In this document as reproduced by A.T. & T., the seal of A.T. & T. and the seal of USDA Agricultural Marketing Service are shown in equal prominence on the last page of the document describing the new news service. This document emphasizes that all applications for the service are to be made through either the sales offices of A.T. & T. or through A.T. & T.'s so-called "USDA Agricultural Marketing Service Section"; that subscribers to the service pay all charges for the entire service directly to the A.T. & T.; that the USDA, however, can approve or disapprove all contracts between a subscriber and A.T. & T.; that the facilities used in the "New Market News Service" are owned by the A.T. & T.; and that USDA can order the service to any subscriber discontinued for any reason it sees fit.

By getting into this news business, the Secretary of Agriculture has created a situation that tends to defeat an announced purpose of Congress. In 1962 the 87th Congress directed a joint Department of Agriculture-Weather Bureau survey to explore the possibility of coordination with and use of existing market news service facilities in disseminating weather information. The Secretary says that the New Market News Service is an outgrowth of that action. However, by going into the business of this news service, USDA thwarts the possibility of any such coordination and use of market news service facilities for weather purposes. This is so because the market news service facilities are now preempted for use in the new business venture and cannot be shared with or used by the Weather Bureau for weather purposes. Thus, the New Market News Service should be promptly discontinued if for no other purpose than to permit the coordination with and use by the Weather Bureau of these facilities thereby preventing wasteful duplication of facilities now leased by the Government from A.T. & T. and thereby lowering costs to the Government. What has now been done is in derogation of such weather use. (See p. 11 of the 87th Cong., 1st sess. H. Rept. No. 497).

There is no demonstrated public need for the USDA to enter into this market news business. Although a USDA press release of November 5, 1963, purports to establish the dire public need for the new market news service by the use of such extravagant phrases as "the food industry of this Nation literally could not function today without this market information," the writer of that November 5 release (George L. Mehren) subsequently stated under oath on January 3, 1964, that:

"I would say that prior to August 1, 1963, by far the best food system in the world and, by far, the best food distribution system that this country has ever developed did emerge in the absence of the drop system. Consequently, in all honesty, I would say that, while the drop system was completely consistent with our statutory directives, completely consistent with the basic policies of market news generally, I cannot honestly say that its absence prior to August 1 was a grave or crippling deficiency in the operations of the market news service."

ANPA ARGUMENT NO. 2

"Government should not engage in any enterprise in competition with existing private ownership which is able to provide satisfactory service, as the U.S. Department of Agriculture will be doing in this case."

Although the Secretary first says that there is no such private ownership, he further says that there is a privately owned news service named PAM News Corp. which could be affected competitively by the entry of the Government into this new business depending upon what value the customer will place on PAM's service in comparison with the new Government service. Thus, the new news service seems to be directed toward an existing private news agency specifically and all private news agencies generally.

The facts are there are many privately owned news agencies located throughout the United States that were and are doing a highly competent job in informing the public of agricultural marketing news. This is admitted by the USDA when its officials now say that the new news service honestly is not essential.

What is most disturbing about the Secretary's position is that he seems to be diametrically opposed to the basic public policy expressed in the above-quoted argument of ANPA.

This fundamental public policy has been set forth by Congress in the law creating the U.S. Information Service in the following language:

"Utilization of private agencies

"In carrying out the provisions of this chapter it shall be the duty of the Secretary [of State] to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Secretary shall encourage participation in carrying out the purposes of this chapter by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country." Jan. 27, 1948, c. 36, title X, par. 1005, 62 Stat. 14. (22 U.S.C. 1437.)

It is increasingly apparent that the new policy of the USDA is at odds with that expressed by Congress in the above-quoted statute. Thus, the USDA policy will discourage or destroy services of private news agencies in the dissemination of agricultural news rather than encourage such private news agencies. The USDA policy will thereby discourage rather than encourage the maximum number of different private agencies in the business of disseminating agricultural news.

Such business activities of the USDA point ultimately toward the Government taking over the entire business of disseminating agricultural news. This would then provide the propaganda device so repugnant to our democratic way of life.

ANPA ARGUMENT NO. 3

"The announcement sets up a system of censorship by giving the Department of Agriculture authority to cancel the service of anyone who allegedly abuses the service by 'misrepresentation' of reports, or for any other reason when, in its sole judgment, such cancellation is desirable."

Official bulletin AMS 510 contains the following provision:

"The new service is available to all who want it, and no application need be made to USDA to receive service. However, USDA

reserves the right to cancel at any time the connection of any or all subscribers who abuse the service by misinterpretation of reports, or for any other reason when, in its sole judgment, such cancellation is desirable."

In his reply the Secretary says that the above-quoted statement from official bulletin AMS 510 doesn't really mean what it actually says. He concedes that the language is subject to misinterpretation, and he then describes some procedures which he says would have to be followed in canceling the service. However, AMS 510 still has not been revised to include within it the language that the Secretary says was intended even though AMS 510 has been outstanding since July 1963.

Moreover, so far as ANPA has been able to determine, nothing has been published in the Federal Register to set forth the rules and regulations which the Secretary says would apply but which are not in AMS 510 even though many months have elapsed since the Secretary's statement.

Additionally, none of the rules that the Secretary says would apply are contained in the tariffs of A.T. & T. filed with the Federal Communications Commission. These tariffs are required by law to set forth the terms and conditions under which any service may be terminated.

ANPA ARGUMENT NO. 4

"Future expansion of this service—as is indicated in a Department of Agriculture background memorandum—could easily lead to a complete national news wire in direct competition with Associated Press and United Press International."

In his answer to this the Secretary states that the USDA is not authorized to engage in the operation of a complete national news wire. This bare assertion that the USDA is not authorized to operate a complete national news wire is out of harmony with the assertion made elsewhere in his statement as to the alleged statutory basis upon which the new news service is being rendered.

The Secretary relies for statutory authority for the new news service upon an enactment of Congress in 1862. He says that the statute authorized the Agriculture Department to "acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word."

If the Secretary is correct in his contention that the above-quoted 1862 statute authorized the news service then it would seem to follow that the same statute authorizes a complete national news wire. It is difficult to see how any news would not be "useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word."

ANPA ARGUMENT NO. 5

"The announced plan has monopolistic implications in that only A.T. & T. wires can be used although the present privately owned news service in this field uses wires leased from Western Union. FCC policies and actions have been aimed at preserving competition in the leased wire field between A.T. & T. and Western Union."

The Secretary's answer to this argument follows:

"The USDA obtains its leased wire services under a contract (TPS 72907) made by the General Services Administration for all civil Federal agencies. USDA has no jurisdiction over the awarding of contracts to provide these long line services."

The facts are that the New Market News Service, which gives a monopoly to A.T. & T., was established after a direct exchange of letters between USDA and the American Telephone & Telegraph Co. There was first a letter from the USDA to the A.T. & T. dated April 9, 1962, proposing the service and a letter from A.T. & T. to USDA dated August 7, 1962, agreeing to the establishment of the new news service.

Following this exchange of letters between A.T. & T. and USDA, the AMS 510 bulletin was published setting forth the monopoly granted by USDA to A.T. & T.

No agreements were sought by USDA with any communications carrier except A.T. & T. and, as shown by the AMS 510, the agreement is an exclusive one in which the only communications carrier involved in providing or selling the new news service is A.T. & T. This is contrary to efforts made by other Government agencies at preserving competition between A.T. & T. and Western Union. The privately owned competing news agency, PAM News Corp., used wires of Western Union.

ANPA ARGUMENT NO. 6

"The American taxpayers should not be expected to pay for news wire services to anyone."

The Secretary states that the New Market News Service is being paid for entirely by the private subscribers at no additional cost to the taxpayers.

In order to provide this service it was necessary for the USDA to assign personnel to screen out press releases and administrative material that are not supposed to go out to subscribers, and it was necessary for the Department to acquire coding and decoding equipment none of which would have been necessary but for the establishment of the new news service.

Moreover, the new news service is preventing the Government from realizing the cost savings that should have resulted from the utilization by the Weather Bureau of the excess capacity in the wire line facilities now utilized for the New Market News Service. As stated by the Secretry elsewhere in his statement, "there is no opportunity for use of the market news leased wire circuits to transmit any significant amount of other traffic."

There can be no question, therefore, that this unnecessary New Market News Service is costing the taxpayers money.

CONCLUSION

This New Market News Service represents a departure without congressional sanction from the fundamental concept that the Government should not engage in the business of selling a news service but instead should rely on and encourage news dissemination through the diverse privately owned news services. In this respect it represents a threat to a free and independent press. Furthermore, it is clearly in conflict with the intent of the Congress.

We, therefore, urge the Congress to require by law, in a way that cannot be misinterpreted, the discontinuance of this New Market News Service and require USDA to encourage the maximum participation of private news agencies in the widest possible dissemination of agricultural news.

CLOSING OF MILITARY INSTALLATIONS

During the delivery of Mr. TOWER'S speech,

Mr. McGOVERN. Madam President, yesterday, I spoke to the Senate about the urgent need for conversion planning to prevent economic hardship from following in the wake of a cutback of defense spending and the closing of military installations. I said, yesterday, that:

At a recent briefing that was unclassified, Secretary McNamara reminded Senators that no community should regard any military installation as anything other than a temporary installation. I believe that if Senators would stop to reflect on that statement, they can reach no other conclusion. Many of the shutdowns have already been announced. Inevitably, more will follow in the very near future.

At the time when I spoke, I was not aware how soon new closings would be announced. But at 10 a.m. today Secretary McNamara announced a series of consolidations, reductions, and closures of Department of Defense field activities.

The new economy measures, spread over 3½ years, will affect 52 communities in 29 States. The total savings to the American taxpayers will be $68 million annually. Among these is the Igloo Black Hills Army Ordnance Depot in my own State of South Dakota.

The Igloo depot has served this Nation well since World War II. The entire economy of the local community, Igloo, and much of the income of nearby Edgemont, is dependent upon this installation. The Department of Defense has now decided that it can no longer justify the expenditure necessary to maintain it, since it is no longer essential to our defense. Representatives from the affected community met with our congressional delegation some time ago to present to Defense Department officials arguments for retaining the base. But we, of course, agreed that we did not want the installation retained if it were not needed by the Defense Department. But this does not end our responsibility to these defense-oriented communities that we have created.

The people of Igloo and Edgemont, S. Dak., are dedicated and hard-working people. They have long served their Nation well. Is the Federal Government now to abandon them without guidance or assistance?

According to the Department of Defense, some 482 civilian jobs in the community are directly affected by this closing. The entire population of Igloo is 750, and neighboring Edgemont has a population of 1,772. The implications for these communities are therefore very great. Without the ordnance depot these communities will lose a major part of their means of support. I believe that the Federal Government has an obligation to the people of Igloo and Edgemont, an obligation to protect them against the loss of income that will follow in the wake of the military shutdown. The Federal Government should not, in my opinion, protect them by maintaining a military base it deems no longer necessary to our defense. It should protect them, however, by helping to provide alternative sources of jobs and income in the performance of useful work.

The problems faced by the people of this area are the same as problems faced by hundreds of communities in every State in our Nation. These communities—those I mentioned in my speech yesterday and those affected by today's announcement—are faced with a loss of a military installation or with the loss of defense contracts. At the present time, there is no Federal agency charged with the task of easing their transition to peaceful production. This is why I urge the speediest possible passage of my bill, S. 2274, to create a National Economic Conversion Commission.

Secretary McNamara has said, as I pointed out yesterday, that it is not the duty of the Defense Department to be concerned with the economic impact of cutbacks on local communities or companies. The job of the Defense Department, according to Secretary McNamara, is to provide this Nation with the best possible defense at the lowest possible cost. The Secretary cannot do this job if he must worry about the impact of economy moves on local communities. However, there must be some Government agency that does take responsibility for this problem.

Our first reaction on hearing of the loss of a defense contract or military installation in our State is to protest to the responsible officials and demand that the threatened action be postponed or reversed. We all claim to be for economy in Government, and yet, when an economy move hits our own State, we tend to react immediately and passionately. This is understandable.

However, it must now be obvious to us all that this is no solution. There have been substantial cutbacks and changes in our defense spending program, and these will continue. Despite some vocal protests on Capitol Hill, Secretary McNamara has been firm and President Johnson has been firm in pressing for economy consistent with our real defense needs. I believe that we would have it no other way. Let us now be constructive. Let us now turn our attention to passing legislation such as S. 2274, which would provide the guidance needed by the community, by the Nation, and by the Congress as we modify or reduce defense spending.

Madam President, I ask unanimous consent to have printed at this point in the RECORD the announcement of the closing and consolidation of military installations, together with a list of the affected communities and a detailed description of the steps to be taken at Igloo, S. Dak.

There being no objection, the announcement, list, and memorandum were ordered to be printed in the RECORD, as follows:

APRIL 24, 1964.

Hon. GEORGE S. MCGOVERN,
U.S. Senate.

DEAR SENATOR MCGOVERN: The Secretary of Defense is announcing today plans for the closure of certain defense installations and a reduction in Defense support activities. This is in furtherance of the Department of Defense policy to retain only those facilities required to support essential missions. The Department of the Army is placing primary stress upon consolidation of related activities to reduce overhead costs and make maximum use of retained facilities. Included in the announcement are certain Army installations which are no longer considered necessary to accomplish the Army's mission.

Knowing of your interest in this matter, attached is a fact sheet which outlines the action involving Army activities in your geographical area.

You are assured that all career employees whose jobs are eliminated will be offered other job opportunities. If a new job offered a career employee requires transfer to Department of Defense installations in another locality, the move will be made at Government expense.

I trust this information will be of assistance to you. The Department of the Army would be pleased to furnish any further information on this subject that you may desire.

Sincerely,

F. W. BOYE, Jr.,
Brigadier General, GS Deputy Chief of Legislative Liaison.

EFFECT OF PROGRAM ON ARMY ACTIVITIES, IGLOO, S. DAK.

(A) Affected installation: Black Hills Army Depot.

(B) Personnel implications:

Civilian (strength estimated June 30, 1964):	
Positions transferred to other installations	131
Positions eliminated resulting from closure	296
Previously scheduled reductions based upon productivity improvements (loss in personnel spaces regardless of closure)	55
(Caretaker positions (retained until final transfer to GSA for disposal), 30.)	
Total reduction	482
Military:	
Positions reassigned to other installations in present duties	0
Positions available for reassignment to higher priority duties elsewhere	4
Installation strength before	516
(Caretakers), after	[1] 30

[1] Additional potential savings after installation is turned over to GSA.

(C) Completion date: To be inactivated, declared excess and turned over to General Services Administration by June 1967 for disposal.

(D) Explanation: Evaluation of space needs indicates 3.8 million square feet will be excess to requirements by 1970. The excess space can be released through the closure of two of the average-size ammunition depots after relocation of stocks.

The main reasons for closing this Army depot are to release the facilities with the least capability to perform a variety of missions and to achieve the greatest annual savings. Extensive studies of 14 Army ammunition depots revealed that the closure of this depot most nearly achieved this purpose. Closure of Black Hills provides an annual savings of $3.1 million, the second largest after the closure of Sioux at savings of $3.4 million of the four reserve storage ammunition depots. At Black Hills the internal rail facilities, the road net and water resources do not compare favorably with the other depots.

The annual recurring net savings in operating costs are estimated to be $3.1 million.

APRIL 24, 1964.

DEPARTMENT OF DEFENSE ACTIONS TO EFFECT CONSOLIDATIONS, REDUCTIONS, AND CLOSURES OF FIELD ACTIVITIES

The following listing summarizes actions which will be taken during the next 3½ years in 29 States to consolidate, reduce, or discontinue field activities in accordance with plans announced by the Secretary of Defense today. In addition, there are eight actions to be initiated at oversea locations. These oversea actions will not be revealed until the Governments concerned have been consulted.

The actions being initiated stress the consolidation of related activities within and among the military departments and the Defense Supply Agency in order to reduce overhead costs and facilities. About half of the actions are related to a consolidation of contract administration offices in 29 cities where there are now 2 or more separate offices operated by the military departments and the Defense Supply Agency. These 29 cities are denoted in the following list by an asterisk (*).

These actions will be phased over periods up to 3½ years to minimize impact on employees and communities and reduce closeout and relocation costs. Career employees whose jobs are eliminated will be offered other job opportunities. Also, it is expected that normal attrition in the work force, and a freeze on new hiring, will produce jobs for many affected by these reductions. If the new job offered an employee requires a move to another Defense installation, the moving expenses involved—in the case of career employees—will be borne by the Government. To assure the widest opportunity for new jobs, retraining programs for skills required within the Defense Department will be established when necessary at Government expense. The services of the Department of Defense Office of Economic Adjustment will be available to help communities find new payrolls.

ALABAMA

*Birmingham: Consolidate the Contract Administration Offices of Army and Air Force.

ARIZONA

*Phoenix: Consolidate the Contract Administration Offices of Navy and Air Force.

CALIFORNIA

*Los Angeles: Consolidate the Contract Administration Offices of Army, Navy, and Air Force.

Oakland: The terminal functions of the Oakland Army Terminal and the Naval Supply Center, Oakland, will be consolidated under an Army-Navy Joint Terminal Command, headquartered at the Oakland Complex. This joint command will be established effective July 1, 1964.

Pasadena: The Army's Pasadena Area Support Center will be transferred to GSA by July 1965 for management. Most Army and Air Force administrative units will remain as tenants of the GSA space.

*San Francisco: Consolidate the Contract Administration Offices of the Army, Navy, Air Force and DSA.

San Francisco, naval activities: Eight naval activities will be relocated from various locations in San Francisco and San Bruno to Treasure Island by December 1966. Included in the relocation are Headquarters of the Commandant, District Public Works Office, Judge Advocate General, Pacific Area Resident Officer-in-Charge of Construction, Area Audit Office, Branch Office of ONR, Board of Inspection and Survey, and the Naval Dispensary.

COLORADO

*Denver: Consolidate the Contract Administration Offices of Army and Air Force.

CONNECTICUT

*Bridgeport-Hartford: Consolidate the Contract Administration Offices of Navy and Air Force.

Windsor Locks: The Air Force Reserve Group now at Bradley Field will relocate to Westover AFB by July 1966. The ANG Fighter Squadron will remain at Bradley Field.

FLORIDA

Jacksonville: The seadrome, Naval Air Station, Jacksonville, will be inactivated by January 1965.

Key West: The seadrome, Naval Air Station, Key West, will be inactivated by January 1965.

Pensacola: The seadrome, Naval Air Station, Pensacola, will be inactivated by January 1965.

GEORGIA

*Atlanta: Consolidate the Contract Administration Offices of Navy, Air Force and DSA.

ILLINOIS

*Chicago: Consolidate the Contract Administration Offices of Army, Navy, Air Force, and DSA.

Decatur: Decatur Naval Weapons Industrial Reserve Plant will be declared excess and reported to GSA by June 1964 for disposal.

LOUISIANA

New Iberia: The Naval Auxiliary Air Station, New Iberia, will be declared excess and reported to GSA by January 1965 for disposal. The advanced pilot training mission will be relocated to NAS, Corpus Christi, and consolidated with similar pilot training operations.

MARYLAND

*Baltimore: Consolidate the Contract Administration Offices of Navy and Air Force (now being planned).

MASSACHUSETTS

*Boston: Consolidate the Contract Administration Offices of Army, Navy, Air Force, and DSA.

New Bedford: Fort Rodman, a subpost of Fort Devens, Mass., will be declared excess and reported to GSA for disposal by September 1966. Five acres will be retained for construction of a new Army Reserve Center.

Watertown: Watertown arsenal will be declared excess and reported to GSA by September 1967 for disposal except for the facilities occupied by the Army Materials Research Agency which will remain at Watertown.

Winthrop: Fort Banks, a subpost of Fort Devens, will be declared excess and reported to GSA by September 1966, for disposal. Its functions are to provide messing and housing support to Air Defense Units in the Boston-Providence area. These functions will be transferred to Fort Devens.

MICHIGAN

*Detroit: Consolidate the Contract Administration Offices of Army, Navy, and Air Force.

Grosse Ile: Naval Air Station, Grosse Ile will be declared excess and reported to GSA by September 1967, for disposal. All Naval and Marine Air Reserve Activities in the Detroit area will be located at nearby Selfridge Air Force Base.

MINNESOTA

*Minneapolis: Consolidate the Contract Administration Offices of Navy and Air Force.

MISSOURI

*Kansas City: Consolidate the Contract Administration Offices of Army and Air Force.

*St. Louis: Consolidate the Contract Administration Offices of Army, Navy, and Air Force.

NEBRASKA

Sidney: Sioux Army Ammunition Depot will be declared excess and transferred to GSA for disposal by June 1967.

NEW JERSEY

*Newark: Consolidate the Contract Administration Offices of Navy and Air Force.

NEW YORK

*Buffalo: Consolidate the Contract Administration Offices of Navy and Air Force.

*New York City: Consolidate the Contract Administration Offices of Army, Navy, Air Force, and DSA.

*Rochester: Consolidate the Contract Administration Offices of Army and Air Force.

*Utica: Consolidate the Contract Administration Offices of Navy and Air Force.

NORTH CAROLINA

*Winston-Salem: Consolidate the Contract Administration Offices of Navy and Air Force.

NORTH DAKOTA

Bismarck: Fort Lincoln will be declared excess and reported to GSA by June 1965 for disposal. Reserve training units will be transferred to GSA space in the area.

OHIO

*Akron: Consolidate the Contract Administration Offices of Navy and Air Force.

*Cincinnati: Consolidate the Contract Administration Offices of Army, Navy, and Air Force.

*Cleveland: Consolidate the Contract Administration Offices of Army, Navy, and Air Force.

Columbus: Establish a new DSA Data Systems Field Office in Columbus. The consolidated staff will be drawn primarily from DSA Supply Centers located in Columbus, Ohio; Philadelphia, Pa.; Richmond, Va.; and Dayton, Ohio. The new Data Systems Office will be brought to full strength by July 1966.

OKLAHOMA

Muskogee: The High Energy Fuel Plant at Muskogee, Okla. will be declared excess and reported to GSA for disposal by July 1964.

OREGON

Clatskanie: Beaver Army Terminal will be declared excess and reported to GSA by July 1965 for disposal. Water terminal functions will be transferred to Army Rio Vista Storage Site, Calif.

PENNSYLVANIA

*Philadelphia: Consolidate the Contract Administration Offices of Army, Navy, Air Force and DSA. (Now in process.)

*Pittsburgh: Consolidate the Contract Administration Offices of Army, Navy and Air Force. (Now in process.)

SOUTH DAKOTA

Igloo: The Army Black Hills Ammunition Depot will be declared excess and reported to GSA by June 1967 for disposal.

TEXAS

El Paso: Consolidate the Contract Administration Offices of Army, Navy and Air Force. Inactivate 431st Air Refueling Squadron at Biggs AFB in June 1965.

UTAH

*Salt Lake City: Consolidate the Contract Administration Offices of Army and Navy.

VIRGINIA

Norfolk: The seadrome, Naval Air Station, Norfolk will be inactivated by January 1965.

WASHINGTON

Bremerton: Part of Navy East Park Housing Annex will be declared excess and reported to GSA for disposal by September 1964.

Lynnwood: The U.S. Army Northwest Relay Station at the Lynnwood and Silver Lake sites will be relocated to the Spokane SAGE Control Center and Yakima Firing Center, Washington, by December 1966. The Lynnwood site will be retained for possible future use and the lease on the Silver Lake site will be terminated.

Seattle: Relocate all activities from the premises of the Seattle Army Terminal to permit full closing of this facility. The Seattle District Engineer will be relocated to GSA or Defense space; other tenants will relocate to DOD installations, primarily the Naval Supply Depot, by December 1965. The terminal operations have been inactive since 1957 when this workload was transferred to the Naval Supply Depot.

Seattle: Fort Lawton operations will be phased out, with the X Corps Headquarters relocating to Fort Lewis and other tenants to Naval activities in the Seattle area. All real property will be retained for possible future use; action will be completed by July 1967.

*Seattle: Consolidate the Contract Administration Offices of Army, Navy and Air Force.

Tacoma: The U.S. Army Tacoma Storage Site will be declared excess and reported to GSA for disposal by January 1965.

WISCONSIN

*Milwaukee: Consolidate the Contract Administration Offices of Navy and Air Force.

Mr. McGOVERN. Madam President, a few days ago 26 Members of the House of Representatives—22 of whom are sponsors of bills identical to the one I introduced last fall in the Senate—sent to President Johnson a letter in which they drew his attention to this very serious problem which is being faced in various parts of the country when military installations are closed; and they stated that they would appreciate an opportunity to meet with the President to explore programs and policies which the administration might implement in the immediate future, in connection with the need for conversion legislation.

A similar letter was sent to OREN HARRIS, chairman of the House Committee on Interstate and Foreign Commerce. At that time, the letter was signed by 20 Members of the House of Representatives who had introduced bills identical to the measure which some 12 Senators, including myself, introduced in the Senate.

Madam President, I ask unanimous consent that these two letters—the one to President Johnson, and the one to Chairman HARRIS—and also a list of the House of Representatives signers of the letters and the Senate sponsors of the bill be printed at this point in the RECORD.

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

APRIL 21, 1964.

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

DEAR MR. PRESIDENT: Members of Congress have become increasingly concerned with the economic hardship caused by the termination or alteration of defense contracts. Although our information on the extent of the economic impact of our Defense Establishment is inadequate, it is clear that tens of thousands of employees have already been laid off by defense contractors as a result of Department of Defense cutbacks.

Twenty bills have been introduced in the House calling for the creation of a National Economic Conversion Commission to study the problem and recommend appropriate policies for Government and industry. We have requested Chairman HARRIS to hold hearings on these measures at the earliest possible date.

Thorough study of the conversion problem by the executive branch, which will lead to concrete, affirmative action, must, in our view, be instituted at once. The informal interdepartmental committee formed last summer and given permanent status by you in December will not, according to its Chairman, present even preliminary recommendations until late this year.

The urgent problem of economic conversion cannot be postponed. Economic dislocations are occurring every day. We would appreciate an opportunity to meet with you to explore programs and policies which the administration may implement in the immediate future.

Sincerely yours,

———— ———.

———

APRIL —, 1964.

HON. OREN HARRIS,
Chairman, House Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: Twenty Members of the House of Representatives have now filed legislation pending before your committee

that would provide for research on the problem of economic conversion. The bills provide for the creation of a National Economic Conversion Commission to conduct a thorough study and recommend policies for government and industry to ease the transition from military to civilian production necessitated by the predicted reduction in defense expenditures in the years ahead.

This is not a problem that will become urgent sometime in the future. It is critical right now. Although our defense budget was reduced by only $1 billion this year, the level of military procurement is down by $2 billion. These changes in the volume of our military spending will have a broad impact on our economy. It is estimated that 10 percent of our gross national product is attributable to defense and defense-related spending. These activities involve 9 percent of our total labor force and 3 of every 5 scientists and engineers.

We have already witnessed the hardship and panic that result when defense contracts are terminated. Tens of thousands of workers have been laid off or await layoff at the present time.

Thus far we have done little planning to prepare for the shifts from military to civilian industrial technology. We have little detailed information on the impact of military expenditures—direct and indirect—on our economy as a whole.

The magnitude of the conversion problem provides an opportunity for the Congress to initiate the increased awareness and concern that will be necessary to successful policies.

We hope that you will be able to schedule hearings on this legislation sometime during this session of Congress. The House Committee on Interstate and Foreign Commerce can perform a real service to the Nation by adding to our knowledge of the conversion problem and by pointing the way toward responsible policies for the future.

Sincerely yours,

———— ————.

SPONSORS OF NATIONAL ECONOMIC CONVERSION COMMISSION BILL, S. 2274

Senate: MCGOVERN of South Dakota, BAYH of Indiana, CLARK of Pennsylvania, GRUENING of Alaska, LONG of Missouri, MORSE of Oregon, NELSON of Wisconsin, RANDOLPH of West Virginia, WILLIAMS of New Jersey, YOUNG of Ohio, HUMPHREY of Minnesota, BREWSTER of Maryland.

House: VAN DEERLIN of California, BROWN of California, HOLIFIELD of California, EDWARDS of California, ROSENTHAL of New York, PELLY of Washington, BOLAND of Massachusetts, FARBSTEIN of New York, CONTE of Massachusetts, KATHERINE MAY of Washington, MORSE of Massachusetts, NIX of Pennsylvania, HALPERN of New York, O'NEIL of Massachusetts, JOELSON of New Jersey, RYAN of New York, LINDSAY of New York, MATHIAS of Maryland, MONAGAN of Connecticut, RODINO of New Jersey, SICKLES of Maryland, DONOHUE of Massachusetts, O'BRIEN of New York, PIRNIE of New York, YOUNGER of California, STRATTON of New York.

SIXTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. CASE. Mr. President, 16 years ago, Britain terminated its mandate over Palestine; and on May 14, 1948, the new State of Israel was proclaimed. It was promptly recognized by the United States.

From the north, the south, and the east, Arab forces converged on the new state, which had to fight for its very survival. Israel did so with heroism and valor, and an armistice was achieved in January of the following year. The 16th anniversary of Israel's independence was celebrated on April 16 this year, in accordance with the Hebrew calendar.

Sixteen years after its founding under such adverse circumstances, Israel has been transformed. It is a bastion of freedom and democracy in the Middle East. It has accomplished miracles in admitting more than a million persons to its shores and absorbing them into its economic and social life. It has developed new industries, and by irrigation has transformed and extended its agriculture. It has developed a thriving internatioinal trade. Moreover, it has taken a leading role in assisting African and Asian countries with the problems of their own economic development.

But, after 16 years of independence, Israel is still confronted by neighboring states which refuse to recognize her, and whose leaders reaffirm their determination to drive Israel into the sea. This matter has always been of grave concern; but today the situation is more dangerous than ever before because of the determination of hostile forces to acquire advanced, modern weaponry. Such weapons can reach any part of Israel almost instantly. Under these circumstances, it is clearly an inadequate answer to the problem for this country merely to promise to come to Israel's aid in the event she is attacked.

What is most urgently needed here is a willingness by both sides to meet together and to adjust their differences by peaceful negotiations. The nations of the Middle East must come to a willingness to live and let live, and begin to build the bases of cooperation which are clearly in their common interest.

I hope that the U.S. Government will exert its powerful influence to discourage a futile and dangerous arms race in the area and to bring about the negotiations which are so urgently required.

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. JORDAN of North Carolina. Mr. President, it pleased me a great deal when the junior Senator from Georgia [Mr. TALMADGE] introduced the jury trial amendment to the proposed civil rights bill.

I had been satisfied in my own mind all along that such an amendment would be offered by someone, and I am glad that Senator TALMADGE and the cosponsors of the amendment—Senators ERVIN, ROBERTSON, THURMOND, and STENNIS—took the leadership in offering this particular amendment.

Pleased as I am that these Senators offered this amendment, I have been even more pleased with the reaction to the proposed amendment not only among Members of the Senate but also by many other people with whom I have talked about this matter.

I am confident that the amendment will be adopted after it has been given due consideration.

I say this because it would be inconceivable to me for the Senate not to include the provisions of this amendment in any civil rights bill it considered.

As a matter of fact, I am at a loss to understand why the proponents of the so-called civil rights bill did not include such a provision in the original proposal.

As I have stated before in this Chamber, I am not a lawyer and I am not qualified to enter into any technical discussion of the law and our judicial process.

But it seems basic and fundamental to me as a layman that anyone advocating and promoting wider civil rights would certainly be the first to insist upon preserving the principle of trial by jury.

If there is anything at the very heart of our form of government and our way of life it is the principle of trial by jury and the principle of any accused person being judged by his fellow citizens.

In my way of thinking, it does not take a legal scholar to recognize the importance of the principle of trial by jury. This principle and this concept rank alongside the principle of freedom of speech and the basic rights we cherish so much as the very foundations of liberty and freedom.

Recently I have done some reading in connection with the question of our jury system, and the thing that strikes me most about this matter is the fact that all experts agree that trial by jury has been for many centuries one of the basic differences between freedom and tyranny.

History is filled with examples that show that once this basic right of freemen is compromised, then all freedom is in jeopardy and in serious danger.

In the days since the jury trial amendment was offered there have been a number of brilliant speeches and discussions of the question by Members of the Senate. I do not think it would serve any purpose to review the history of this vital part of our system of Government because this has already been done quite ably and thoroughly discussed. However, I would like to make some observations about these discussions.

The thing that impresses me most is the fact that this debate on this particular amendment brings into sharp focus for all of us the great importance of preserving a principle which we too often take for granted.

The right which freemen obtained to have an accused person tried by a jury of his peers did not come easily. For centuries men fought and died to establish this principle, and when this Nation was formed this right was held onto and protected in no uncertain terms by the framers of the Constitution.

There is no doubt that the success of the new Nation that was formed from the Original Thirteen Colonies depended to a very great extent on the preservation of this basic right. Since that time, the

right of a trial by jury for all accused persons has been accepted without question and protected without reservation.

We have taken for granted that the principle of jury trials would be preserved without question; and because it has become a universally accepted procedure in our system of government, we perhaps have overlooked its importance to us and its importance to the preservation of freedom. The biggest mistake we could make in this day and time would be to lose sight of the importance of the principle of trial by jury, in our haste to solve some of our very serious social and economic problems.

All of us realize that we have problems which need to be solved just as soon as possible. But in trying to solve them, we do not want to damage beyond repair any of the basic framework of democracy.

Another thing that concerns me greatly about the entire question of providing equal opportunities for all our citizens in all fields of endeavor, is the question of how to go about this duty in such a way that we shall not tear down more than we build up, or destroy more than we protect.

I sincerely feel that the greatest duty Congress has is to move with caution and prudence in whatever direction it is decided is best to take.

This is why I was very much disappointed that the bill which was passed by the House of Representatives was not referred to the Senate Committee on the Judiciary.

I think history will show that bills which are thoroughly and fully discussed in committee and are considered from many different viewpoints and approaches make the best and soundest laws.

In such a complicated society as ours, it is only natural that every action brings on a reaction.

I cannot help but believe that the bill as passed by the House of Representatives was, in the final analysis, a direct reaction to the numerous demonstrations that took place throughout the country last year. In fact, when Attorney General Kennedy testified before the Senate Committee on the Judiciary last July, he admitted that the demonstrations had a great deal of influence on the submission of far-reaching civil rights proposals.

The proposals upon which he was testifying had been recommended by the President in June.

After the hearings were held, if my understanding is correct, changes were made in the proposals, and there evolved in the House of Representatives the measure which is now pending in the Senate H.R. 7152.

Looking back over the sequence of events, I cannot help but believe that somewhat of a frantic rush was put on to enact sweeping civil rights legislation in the wake of the widespread demonstrations.

The very fact that so many deficiencies have been discovered in the bill—for example, the omission of the jury trial provision—is evidence enough that the Congress should use an abundance of caution and prudence in any action it takes in this field.

I cannot emphasize too strongly that we are not dealing with a matter about who can make the biggest headlines, or what group can put on the biggest demonstration, or what Senator can talk the longest. We are dealing with very serious human problems; and the solutions to these problems can very seriously damage our system of government and the principles we hold dear, if we are not extremely careful about how we go about our work.

We have had demonstrations of all kinds in North Carolina during the past several years.

On numerous occasions I have urged those who advocate and take part in these demonstrations to use the utmost care and restraint.

In many parts of the Nation local laws have been defied, arrests have been openly solicited, and lives have been lost in what I feel have been unfortunate plans and determinations to make our race problems a great drama and a great spectacle.

There are those who contend—and I feel they are sincere in their contentions—that this is not only the best way to bring about equality, but is the only way that has thus far been successful. I do not believe this is true.

In North Carolina, we have had many demonstrations, and we have also had opened to nonwhites many doors which previously were not open; but these doors were opened, not in the heat of the demonstrations, but only when neighbors and friends could sit down together and reason together and come to reasonable solutions.

I have always contended that when the Government forces any citizen to do something, that citizen will not do it as willingly as he would have if he had been left to do it on his own, as a result of persuasion and moral obligation.

Of course, we still have demonstrations in many parts of the country; and it is my feeling that these demonstrations will probably continue indefinitely, regardless of what action is taken on H.R. 7152.

But these demonstrations have been going on long enough to set some very definite patterns. Some conclusions can also be reached about the effects they have had.

It is my opinion—and it has been my opinion all along—that these continuous demonstrations serve no purpose, other than make it even more difficult to solve already difficult problems.

In recent days, there have been newspaper articles about the "polarizing" of public opinion. In my opinion, it is indeed most unfortunate for such a thing to happen when we are dealing with such delicate and sensitive human problems as race relations.

Once public opinion on a question of this sort sets and "becomes concrete," the problem of finding solutions becomes much more difficult.

Because I firmly believe this, I have always stressed the importance of moderation, calmness, and prudence in the area of race relations.

Inflammatory actions only bring about inflammatory reactions; and if we are to find the real answers to these problems, they will not be found under the threats, the pressures, and the dangers of unreasonable and unruly demonstrations.

I sincerely feel that we in North Carolina have shown good faith in this connection. Last year, when demonstrations reached their peak in North Carolina, Governor Sanford and other leaders strongly urged demonstrators to use more restraint in their actions. He said the demonstrators had made their point, and strongly urged them to use more positive approaches in seeking their goals.

I am glad to say that in at least one area of the State—in Goldsboro, N.C.—a group took a more positive approach. I think what they did makes an interesting story.

Goldsboro is located in the eastern part of North Carolina and is a growing city of about 35,000 population. Last November 1, a group of Negro students decided that rather than engage in sit-ins, they would do their demonstrating with study-ins.

They shifted their demonstrations from the streets to the classrooms. Volunteer teachers have been meeting with the group of high school students every Monday and Thursday night. To begin with, the group consisted of about 85 students, but has since dropped to about 50. The students range in age between 11 and 17, and they report to 2-hour classes at the community center, twice each week.

Their teachers feel that these students are truly interested in helping themselves; and they are taking their work seriously. For the most part, their extracurricular studies are guided toward better preparing them for college; and the courses involve reading, vocabulary building, grammar and composition, and cultural appreciation.

I think what these students in Goldsboro are doing is an encouraging sign, and certainly offers concrete evidence of the efforts we in North Carolina are making to remain calm and to act with reasonableness.

It is not easy to bring about a climate of calmness, when feelings and emotions are running as strongly as they have been recently; but, in my opinion, if we do not maintain an atmosphere of calmness, we are going to lose rights for all of our citizens, instead of gaining rights for any particular group of citizens.

In my opinion, if Congress enacts a so-called civil rights bill which denies a citizen the right of trial by jury, we will be making direct contributions to disorder and we will be inviting chaos and creating conditions under which it will be even more difficult to maintain an atmosphere of calmness.

It has been argued that one of the reasons for omitting trial-by-jury proceedings in previous civil rights bills is that in some areas it would be impossible to obtain convictions. The logic of this reason is extremely difficult for me to understand.

I am confident that the Congress of the United States is not going to damage our basic legal process in order to find a shortcut to convicting people who do not act in accordance with the wishes of certain Federal officials.

In my view, Congress could make no greater mistake than to do away with this time-tested right of all citizens for the sole purpose of speeding up the attainment of equal opportunities in a few isolated areas.

No one is going to deny that some discrimination has been shown in some areas.

There is no argument about that. And neither is there any argument, I am glad to say, about the fact that no particular area or no particular section of this country has a monopoly on discrimination and ill feelings between the races.

There are deep feelings in all areas of the Nation, and events in the past year have shown very clearly that these feelings are real and they are there—and they have been there—and they will be there for some time to come. Until recently the general public thought that the South was the only place racial discrimination was found, but this was not the truth. The feelings that exist in my part of the country are felt in many other parts. The only difference is that for many years the feelings in the South have been more widely advertised.

I think it would be tragic for the Congress to have any part in leading the American people to believe that all of the problems will be solved with the passage of H.R. 7152. Nothing could be further from the truth.

The only real solutions we are going to find are going to be in the hearts and minds of the people of this country and not in the pages of the law books where Federal authority over the conduct of all citizens is repeatedly increased.

Let us look, for example, at what the situation could be in respect to registering and voting if H.R. 7152 were enacted without amendment. In the State of North Carolina, we have 2,200 election precincts and 100 county boards of elections—1 board of elections for each of the 100 counties in the State.

If H.R. 7152 is enacted into law without amendment, it would mean, in effect, that the 2,200 registrars who serve in our State, plus all of the members of the 100 county boards of elections, would be virtually under the control and at the mercy of the Federal Government in carrying out their duties and responsibilities. At all times, they would be subject to possible direction of and harassment by Federal authorities.

They would go about their work under the threat of being hauled into court and the force of Federal authority could be turned loose upon them at any time a person came before them and felt that he was being mistreated because of his race, or his color, or his national origin.

Some of the proponents of H.R. 7152 argue that this Federal authority is needed in order to prevent registrars and county boards of elections from showing any discrimination in registering qualified voters.

For the sake of discussion, let us assume that H.R. 7152 is enacted into law without amendment and various registrars are charged with engaging in discrimination. Let us also assume that some more—and we do not know how many more—people would register and vote if H.R. 7152 were enacted into law. After all of this happens and the full force of the Federal Government has been brought down upon a registrar, all that has been accomplished has been the fact that another citizen might be registered and might vote. That is the most that can be accomplished. But much more will have happened if in fact the registrar in question is determined to engage in discrimination.

To begin with, it is my feeling that if a registrar is determined to engage in discrimination, he is going to find a way to do it whether or not H.R. 7152 is enacted. And in my opinion if the full force of the Federal Government is brought upon him he will be more likely to try to find more and different ways to discriminate than he does now.

The point I wish to make is this: We have not solved the problem of discrimination until we have created a climate where each and every registrar in the United States goes about his duty without showing any discrimination, wittingly or unwittingly, and the way to do this is by keeping that registrar in the right frame of mind in carrying out his duties and his responsibilities.

In a previous speech I tried to show that we have made very serious efforts in North Carolina to create conditions under which all qualified citizens would be encouraged to register and to vote.

It is true that the number of nonwhite citizens registered to vote in North Carolina is not as large as we would like to see it, but this number is growing larger each and every year. We are encouraging all qualified citizens to register and to vote and to take an active part in government. In a short time, I think the facts will show that a high percentage of our nonwhite citizens are actively participating in elections in our State.

It is a fact that we are encouraging all citizens to register and to vote, and I think the fact that the North Carolina Advisory Committee on Civil Rights received complaints from only 5 out of 100 counties shows that we are making honest efforts to register all qualified voters.

In addition to encouraging all citizens to take part in the Government process, we in North Carolina have also made honest efforts to set up the machinery and let it operate in a fair manner.

I would like to quote from the report of the Advisory Committee on Civil Rights published in 1961 and the comments the committee made about the appeal procedure that is followed under North Carolina State law in cases where any potential voter has reason to make complaints.

The committee report states in part:

> Any person who is denied registration for any reason may appeal the decision of the registrar to the county board of elections. The procedure is simple—he must hand the registrar a paper stating his name, age, and address, and "I appeal to the county board of elections because I have been refused registration though qualified." Other words to the same effect will be sufficient.
>
> He must sign this himself. It must be delivered to the registrar on the day of the denial or by 5 p.m. on the day following denial. If the denial takes place on Saturday, GS 103–5 would permit the notice of appeal to be delivered up until 5 p.m. on the Monday following.
>
> That is all he needs to do, but it must be done if his right to register is to be established. Most people wait too long. Writing the State board of elections or the county board of elections, the Civil Rights Commission, or anyone else is useless unless that first step is taken.
>
> This procedure has been clearly stated in the North Carolina elections laws since 1957, when the general assembly amended the statute to make plain just what the person desiring to register must do if denied registration. The county board will then set a time for the applicant to appear and if he is qualified the board will register him. If not, he can then give written notice of appeal to the superior court, which can order him registered if he is qualified. But the official first step is this short written statement handed to the registrar at any time on the day of or following the denial.

We can see from this observation made by the Advisory Committee on Civil Rights that we in North Carolina have not been negligent in setting up what we feel are fair procedures. In its report the advisory committee makes a number of recommendations, and among them is the recommendation that the various registrars throughout the State should follow more standardized procedures in administering the literacy tests.

I think this is a good suggestion, but again I say we will be much better off in the long run if we leave this matter to the various States and encourage leadership at the State and local levels to do this.

I think the approach through the State and local leaders would, in the long run, be much more effective than decrees and directives from Washington.

I cannot help but believe that if the election machinery of this country is run from the city of Washington, we will see widespread discord, discontent, and a great reluctance to work together cooperatively and in a spirit of good will.

The advisory committee on civil rights in North Carolina strongly urged all those who feel that they have been the target of unfair discrimination to use the appeal procedure that is a part of the general statutes of our State law.

As the committee observed:

> If this simple procedure is followed, it will be far more effective than petitions, investigations, new laws or demonstrations in the presence of any particular registrar who appears reluctant to register anyone.

I think the chain of events in recent years shows that we have in North Carolina good intentions.

The literacy test, which requires potential voters to be able to read and write any section of the State constitution, was held valid by the U.S. Supreme Court in 1959.

In the famous Bazemore case of 1961 the North Carolina Supreme Court decided that the complainant should be given another opportunity to register because in the first instance the registrar had dictated a portion of the Constitution to the potential voter.

The North Carolina Supreme Court held that this was not a fair test.

Again, Mr. President, I mention these intances to show that the leadership of North Carolina—and I think this includes a vast majority of local officials as

well as State officials—are dealing with the question of voter qualifications in good faith.

Mr. President, to demonstrate what I sincerely feel is another display of good faith under the most difficult of circumstances, I would like to call to the attention of the Senate briefly some of the things that have transpired in the field of education in our State within the past 10 years.

The Supreme Court case involving public schools handed down on May 17, 1954, created very grave problems for us.

Several months after the decision was handed down in May, Governor Umstead died—incidentally, Governor Umstead was at one time a Member of the Senate—and he was succeeded by the Honorable Luther H. Hodges, who was then Lieutenant Governor, and is now a member of the President's Cabinet.

Before his death Governor Umstead appointed a special committee on education to study the Supreme Court decision and to come up with some recommendations.

This committee made the report to Governor Hodges in December of the same year, and I would like at this point to read into the RECORD this report:

To the Governor of North Carolina: This committee was appointed by the Honorable William B. Umstead, late Governor of the State of North Carolina, on August 4, 1954, for the purpose of studying the effects of the decision of the Supreme Court of the United States of May 17, 1954, dealing with racial segregation in the public schools, and to make recommendations to him as to how the problems arising therefrom might be met. After the death of Governor Umstead, soon after you took the oath of office as Governor of North Carolina, you requested this committee to continue its work and report to you as originally instructed.

Immediately upon its original appointment the committee began to study the problem, gathering information from every possible source. Every State in the Union which is materially affected by the Supreme Court's decision was contacted and reports, studies, briefs, legislative enactments, and all other available documents dealing with the subject were secured, distributed to, and studied by the committee. The committee and its subcommittees have met periodically. Members of the committee have discussed the problem with individuals, groups, school officials and authorities throughout North Carolina and have made every possible effort to ascertain the sentiment of the people of North Carolina and probable effects of the Court's decision and to find a satisfactory solution to the attendant problems.

The committee is of the opinion that no other judicial decision or legislative enactment has ever so directly and drastically affected the public schools and, therefore, the lives of all the people of North Carolina as the decision of the Supreme Court of May 17, 1954. This decision makes a major change in our State school law. This new interpretation of our Federal Constitution threatens to disrupt our accustomed social order and disturb the peace within many school districts of the State. So, as the committee moves to perform the functions assigned to it, it does so with the following objectives in mind.

1. Preservation of public education in North Carolina.

2. Preservation of the peace throughout North Carolina.

That is the significant part of the report to the Governor.

The committee approaches the accomplishment of the above objectives with deep humility, knowing that the final answers are not with the committee but with the legislature and the people of this State. Now as never before in this generation North Carolinians are called upon to act coolly, exercise restraint, exhibit tolerance, and display wisdom. The committee recommends that members of all races in North Carolina approach this problem of unprecedented difficulty in that frame of mind.

With the above thoughts and objectives in mind, the committee submits to you the following conclusions and recommendations:

First. The committee is of the opinion that the mixing of the races forthwith in the public schools throughout the State cannot be accomplished and should not be attempted.

The schools of our State are so intimately related to the customs and feelings of the people of each community that their effective operation is impossible except in conformity with community attitudes. The committee feels that the compulsory mixing of the races in our schools, on a statewide basis and without regard to local conditions and assignment factors other than race, would alienate public support of the schools to such an extent that they could not be operated successfully.

Second. The committee is of the opinion that the people of North Carolina look upon education as the foundation upon which our democratic institutions stand and are determined to provide education for all children within the limits of their financial ability. The committee feels that the people of North Carolina desire to solve the problems created by the Supreme Court's decision and provide education for our children within the framework of our present public school system, if possible. The committee shares that view and, therefore, recommends that North Carolina try to find means of meeting the requirements of the Supreme Court's decision within our present school system before consideration is given to abandoning or materially altering it. Only time will tell whether that is possible.

Third. The committee is of the opinion that the enrollment and assignment of children in the schools is by its very nature a local matter and that complete authority over these matters should be vested in the county and city boards of education. With such authority local school boards could adopt such plans, rules, and procedures as their local conditions might require. The committee finds that public school problems differ widely throughout North Carolina and that there is even a wide variation of problems and conditions within counties themselves. As these problems unfold and develop from month to month and from year to year local school administrative units could move to meet each problem as it arises if such units are given complete authority over the matters referred to above. We, therefore, recommend that the General Assembly of North Carolina enact the necessary legislation to transfer complete authority over enrollment and assignment of children in public schools and on schoolbuses to the county and city boards of education throughout the State.

Fourth: The committee feels that problems arising from the Supreme Court's decision will be with us for many years and will require continuous study, attention, and perhaps legislative action. We, therefore, recommend that the legislature create an advisory commission for that purpose and that the legislature be represented on such a commission.

The committee, of course, is aware of the fact that the Supreme Court of the United States has not handed down its decree in the Virginia, South Carolina, Delaware, and Kansas cases, implementing its decision of last May in those cases, and is aware that additional legislation might be required immediately after that decree is issued, and from time to time thereafter. We do not think, however, that the legislation herein recommended is premature or that it will in any way adversely affect the welfare of the schools of North Carolina, regardless of the terms of the Court's final decree in those cases.

The committee hopes it has been of service to you in the study of this important matter and it stands ready to render such additional service as it might be able to perform.

Respectfully submitted this the 13th day of December 1954.

Thomas J. Pearsall, attorney at law, Rocky Mount, chairman; F. D. Bluford, president, Agricultural and Technical College, Greensboro; James H. Clark, banker and farmer, Elizabethtown; Ruth Current, home demonstration agent, North Carolina State College, Raleigh; Gordon Gray, president, University of North Carolina, Chapel Hill; Fred B. Helms, attorney at law, Charlotte; Dallas Herring, businessman, Rose Hill; R. O. Huffman, industrialist, Morganton; William T. Joyner, attorney at law, Raleigh; Helen S. Kafer, hospital administrator, New Bern; James C. Manning, superintendent, Martin County Schools, Williamston; Holt McPherson, editor, High Point Enterprise, High Point; Hazel S. Parker, county home agent, Tarboro; Clarence Poe, editor, the Progressive Farmer, Raleigh; I. E. Ready, superintendent, Roanoke Rapids City Schools, Roanoke Rapids; J. W. Seabrook, president, Fayettesville State Teachers College, Fayetteville; Paul Reid, president, Western Carolina College, Cullowhee; L. R. Varser, attorney at law, Lumberton; and Arthur E. Williams, chairman, Wilson County Commissioners, Wilson.

The commission which made this recommendation was diversified. It included teachers, nurses, doctors, lawyers, and others, representing almost every profession.

I should like the record to show, Mr. President, that legislation carrying out the recommendations of the Advisory Committee was adopted by the North Carolina General Assembly, and I sincerely feel that it is a fair statement to say that the arrangement has worked out for everyone concerned.

I use the word "arrangement" because it has enabled us to keep our schools open, to comply with the decision of the Supreme Court on a gradual basis, and at the same time made it possible for us to improve the quality of education we are providing for our young people.

Even in the early days of Governor Hodges' administration, when tempers were short and emotions were high, the general assembly and local governing bodies provided record sums for education.

This gives an indication of how devoted we are to our public schools and to the task of improving them.

The work in this field has continued and has been accelerated under the administration of Governor Sanford.

Governor Sanford has proved that under difficult and adverse conditions the educational life of our State can advance and improve in more than just a token way.

Under his administration we have increased State taxes and spent untold millions of dollars for new facilities to carry out his outstanding program of quality education.

In this connection, Mr. President, I should like to quote a section of Governor Sanford's inaugural address delivered on January 5, 1961:

We are going to continue to put our faith in these fundamentals: universal education, supporting, and supported by, a stronger economy.

I am not going to rely on dire statistics to prove my determination to lift the quality of education and to broaden the opportunities of earning a better living. Instead I am going to rely on faith. We have come a long way from a beginning which rose out of the ashes of disaster and despair.

We all are proud of our universal education. But now, in the closing decades of the 20th century, we must do more than merely make education universal. We must give our children the quality of education which they need to keep up this rapidly advancing, scientific, complex world. They must be prepared to compete with the best in the Nation and I dedicate my public life to the proposition that their education must be of a quality which is second to none. A second rate education for our children can only mean a second rate future for North Carolina.

Quality education is the foundation of economic development, of democracy, of the needs and hopes of the Nation. Quality education put in its bleakest terms is survival. In its brightest terms, it is life, and growth, and happiness.

I have already detailed my program for quality education in North Carolina. It is a model program which represents the best thinking in the education field. Already it has received national attention and comment. We are confident that this is the program that the children of North Carolina need.

If it takes more taxes to give our children this quality education, we must face that fact and provide the money. We must never lose sight of the fact that our children are our best investment. This is no age for the faint of heart.

I think it is interesting to note, Mr. President, that in a period when there were many schools being closed in some States—and in a period when there was strife and discord and a great many schoolchildren did not know what the day would bring when they went to classes in the morning—North Carolina made increases in its public school expenditures and made marked improvement in the educational opportunities of its children.

In fact, in 1961–62—the latest year for which figures are available—the amount of expenditures for local schools by State and local governments per $1,000 of personal income was $45.15 in North Carolina as compared with a national average of $39.70.

North Carolina ranks among the upper one-fourth of States in the amount of its resources that are used in the support of the public school system.

Again in the 1961–62 period North Carolina led the Nation by providing an 18-percent increase in funds for public schools, compared with a national average increase of 4.9 percent.

There is a vast difference between 18 percent and 4.9 percent.

In many ways, Mr. President, these figures speak for themselves and they speak unusually loud and clear when we take into account the fact that we have had some very serious and very grave problems in keeping our school system on an even keel during the past 10 years.

I believe that the people of this State will rise in boldness and will go forward in determination that we have chosen wisely when we base our future hopes on quality education. I need your help, your understanding, your firmness of purpose, and your hard work if we are to achieve this goal.

While quality education is the rock upon which I will build the house of my administration, we are not going to fall into the error of thinking that this, or any other single emphasis, will alone build a better North Carolina.

Education supports the economy but education must be supported by the economy. As we work for quality in education we must at the same time work just as boldly for broader opportunities to lift the income for our people.

Our goal is not only full development of the talents of our children, but also the creation of an expanding economy which will give everyone a better chance to make a better living.

All of this shows, Mr. President, that we have a spirit of progress and prudence in North Carolina, and we feel that we can bring about richer and fuller lives for all of our citizens if we are permitted to work with and for our people at the local and State levels.

But again, this is part of our determination and dedication to conduct ourselves in a manner which will maintain a climate and atmosphere of calmness and prudence.

We could not accomplish what we have accomplished in this period if we were running in a dozen different directions or if we did not have the essential element of broad public support we enjoy for good schools.

Mr. STENNIS. Mr. President, will the Senator yield for a question at this point?

Mr. JORDAN of North Carolina. I am glad to yield to my distinguished friend from Mississippi for a question.

Mr. STENNIS. I have listened with a great deal of interest to the Senator's recital about the progress that the State has made and the various programs that the people of North Carolina are carrying on with respect to their public school system. The Senator from Mississippi has some knowledge of its operation through observation. He has admired it for many years. He is glad to see the development, the progress, and the forward-looking system of public education in North Carolina. The Senator has already mentioned the public support that he has in his home State. Is not public support the essential foundation of any system of public education?

Mr. JORDAN of North Carolina. I am glad that the Senator asked that question. I am glad that he has brought out that point. To my way of thinking, that is the only way in which it is possible to bring about a fine educational system or any other good system. It is done by people providing for their own welfare. If the people back home do not want something, they will not try to make it work.

Mr. STENNIS. In other words, schools will not be improved without the support of the people back home. Is that correct?

Mr. JORDAN of North Carolina. The Senator is absolutely correct.

Mr. STENNIS. Does not the bill show a tendency throughout, not only with reference to education, but also in connection with all the other titles, to transfer power and responsibility from the local level, whether it be a school district, a county, or a State, to the Federal Government in Washington? Is that not the whole picture and pattern of the bill? Is that not one of the major outstanding purposes of the bill?

Mr. JORDAN of North Carolina. The Senator is absolutely correct. That is one of the things that disturbs me, just as it disturbs the Senator from Mississippi and other Senators. Returning to the situation of local people cooperating and helping each other reminds me of a little rural school that I am familiar with. The local people did not have the money with which to provide a cafeteria. They had decided that they wished their children to have a cafeteria in the school. The people decided to build it themselves. They went to the school at night and dug out the foundation for it and then built the cafeteria. They provided the money for its construction by giving suppers. The Senator knows how people in those communities give barbecues and do things like that. They did all sorts of things to raise money. They did it through the PTA. They gave shows, and did one thing and another. Pretty soon they had collected enough money with which to build their cafeteria. It is a well-equipped cafeteria. It has been in operation for a good many years. Those people are proud of it, because they put something of their own into it. If they had looked to Washington, they would not have a cafeteria today. Washington cannot do everything for everyone. It does not understand these problems. Washington is inclined to say, "You are not entitled to it," or "You are too little," or "You are too big." Washington has all sorts of answers. It would have taken years to reach the point where that cafeteria could have been built, and in the meantime the children would have been deprived of the benefits of the hot school lunch program and the milk program. Of course, there is no use providing a school lunch program if there is no way of administering it.

What I have cited is a good example, because if people want a good school, they will get it.

This same little school wanted to hire a music teacher. They said, "Our children should have music."

It is not possible to have everything provided by the Federal Government.

This is the sort of thing that I am talking about and the sort of thing the Senator is talking about.

Mr. STENNIS. What the Senator has cited with reference to the music teacher and the cafeteria represents the very heart and soul of that school. That is what makes it "click." That is what makes it work. That is the American

system. If we were to try to operate that school by passing laws here or through court orders, and all that sort of thing, the program would bog down.

Mr. JORDAN of North Carolina. There is no question about it. The way to handle these situations is through a local form of government.

I do not know whether those problems exist in Mississippi, but it is not an easy thing to persuade people to serve on a county commission, or to take similar positions that do not pay very much. Many headaches are connected with such jobs. A great deal of work must be done at night. It takes a great amount of time to do it. If someone is to control the program from Washington, the local people will not do it. They will say, "Let someone else do it."

Then there will be a sad state of affairs.

Mr. STENNIS. The interest will diminish, people will move away, and activities will be reduced, because there is no local support.

Mr. JORDAN of North Carolina. That is quite true.

Mr. STENNIS. I should like to question the Senator briefly on another phase on which he has touched in his speech; that is, with respect to title VII, the so-called Fair Employment Practice Commission. The Senator from North Carolina has been successful in manufacturing and has an industrial plant of his own. He and his associates know what a day's work is. They know what it means to people who work for them. They know what it means to have a small plant grow and develop.

Under the terms of the bill, if it should pass, would an employer of more than 25 employees have the right to select his employees, those whom he wants to have associated with him in his business, those who he thinks will do the best job for themselves as well as for the employer?

If the bill should become law, will not the employer be denied that right? Will he not, instead, be required to have an agent representing the Federal Government, whose seat is in Washington, not in North Carolina, oversee and supervise the employment of the people who make up the personnel in the little factory within a town which employs 25 employees? Would not such an employer be affected if the bill should become law?

Mr. JORDAN of North Carolina. That is true; there is no question about it.

Mr. STENNIS. Does the Senator from North Carolina believe that that would strengthen that small business or enterprise, whether it be an industrial plant or a bank? Would it strengthen it or tend to weaken it?

Mr. JORDAN of North Carolina. I am afraid it would come nearer to destroying it than anything else. All businesses are conducted in about the same way.

In my own office in the Senate, when we need another secretary, we find out if the applicant can write shorthand and can typewrite, how well she can spell, and if her knowledge of grammar is good. We give her a test. If her personality and other attributes indicate that she will fit into our group of people, we will employ her. If not, we will not employ her. We have no prejudice against such a person; but if she cannot do the work we want done, we feel that we must employ someone else.

If that right were denied in a business or any other activity and we had to accept anybody who showed up, pretty soon there would be no one on whom we could depend. I do not believe any loyalty would be created if that were the case. To be successful, a plant must have loyal employees, persons who will take pride in the institution, who will be proud of the product they make. But if it is necessary merely to hire them without having the right to "run them off" if they do not do good work, they will all soon say, "I am going to get paid anyway. I have a job. The Government made you hire me. You cannot run me off unless the Attorney General says you can."

I do not see how a business can be operated in that way.

Mr. STENNIS. Under the bill, not only would the manager of a small enterprise lose the right to select employees; he would also have a supervisor to tell him how he must promote his employees, would he not?

Mr. JORDAN of North Carolina. Exactly; that is what the bill provides.

Mr. STENNIS. Moreover, the employer would have to have the permission of a Federal supervisor, in effect, before he could discharge anyone for failure to live up to the requirements of the jobs. Is not that correct?

Mr. JORDAN of North Carolina. That is quite true. I do not know of any business establishment that has been successful, and has made any contribution to a community, a State, or the Nation, that has not had what we call the merit system. Under such a system, people are promoted because they have done a better job than someone else could do, or because they are better qualified. They have devoted their energies and talents to the promotion of the business, to the extent that they are worth more.

But if an employer were to be required to promote someone because he has been employed for so many days, and because an employee may say, "I have been here as long as someone else"; and if the employer must promote him without regard to fitness or loyalty or desire to make the company better or more prosperous, so that it can provide a better job for him, all the incentive to help build the business into a better one would disappear.

Mr. STENNIS. Let us take the illustration of a little business owned and operated by a man who has made it grow from 5 employees to 10 then from 10 to 15, and then from 15 to 20. If the number of employees should grow to 20, and the bill should become law, the employer would know that if he employed as many as 25 persons he would lose control of the business to the extent that someone else would do the hiring, or at least supervising; that someone else would control the promotion list, regardless of what the employer might think of his merit system; and that someone else would determine whether he can fire an employee who he thinks is not doing his work properly, does not the Senator believe that instead of trying to expand his business and provide more jobs, and raise the number of employees to 25, he would stop at 20 or 23?

Mr. JORDAN of North Carolina. The distinguished Senator from Mississippi knows that all businessmen are alike. They discuss their business affairs and conditions together, just as we discuss legislation among ourselves in the Senate. If a man has 30 employees and is plagued to death by Federal officials, he will advise his friend not to employ 30, because he will be in trouble. He will say, "Don't let your business grow any more."

That is not where it will stop. Somebody else will come in and say, "You are not like me. I will make it 30." The next fellow will make it 35. But finally they may all reduce the number of their employees to 10. We have seen that done under social security.

Such a proposal would tend to destroy the incentive of a business to grow beyond a certain size, when a man feels that it is something he can control or manage and arrange with his own employees. It is always a mutual affair. If a business is not a mutual enterprise with the employees, the management and the employees will not get along well together. The business will not be profitable. It will not be possible to expand the business without cooperative enterprise.

Mr. STENNIS. I thank the Senator for his answers. I shall ask him to yield for one more question.

We have been speaking about the man who had a little business and who would lose control of the hiring of his help and lose control of promoting them. He would not be able to control the firing of those who do not deliver. Would he not have had something taken away from him?

Mr. JORDAN of North Carolina. The Senator is correct.

Mr. STENNIS. That is why we say the bill would destroy more rights than it could possibly restore.

Mr. JORDAN of North Carolina. In all my experience and dealings with businesses, whether they employ 1, or 10, or any other number of employees, I have never seen anybody who discriminated against employees or who wanted to get rid of good employees. The employer will always try to encourage them to stay. It is sometimes necessary to "run off" some employees who are not satisfactory, who are not able to produce. But that is always an unpleasant thing to do.

However, capable employees do not lose their jobs. Other employers try to take them away. We are always trying to hire somebody who is good. But there are some persons whom one never tries to hire.

I do not believe there is any discrimination in business, regardless of color, creed, or religion. If a person is doing good work, nobody wants to lose him; the employer wants to keep him.

Mr. STENNIS. Employers are always looking for good employees.

I thank the Senator from North Carolina for yielding. I appreciate the speech he is making. It is pertinent, logical, and filled with reason.

Mr. JORDAN of North Carolina. I appreciate the remarks that have been injected into my speech by the Senator from Mississippi. It has been worthwhile to have them occur at this particular point.

As I have stated before, our practice has been to follow a course that would preserve our public schools and at the same time preserve public support of them.

There are 171 public school jurisdictions in the State of North Carolina. During the past 10 years, 42 of these units have been integrated.

Some of the proponents of H.R. 7152 have contended that the pending measure needs to be enacted into law because the integration of public schools has been too slow.

This is a question of judgment, Mr. President, and it is my contention that regardless of what speed is used, that speed should never be so fast and so excessive that it destroys the public support of the public schools in any school district.

I have always felt that two basic approaches must be used in bringing about equal opportunities for all of our citizens.

First of all, we must maintain conditions under which people in all communities can sit down and work out mutually satisfactory solutions about public accommodations, about employment opportunities, about registering and voting, about housing, about educational opportunities, and all of the other things that go into the broad meaning of civil rights and fair treatment.

Unless we maintain a climate of this type, we are going to bring about ill feeling, rather than diminish it. I have felt that along with this approach, we must work on the question of racial discrimination from the standpoint of long-range solutions. It is my feeling that the heart of the real solution to this total problem lies to a large measure in education.

We can say what we please, and to whom we please, and we can pass any law we please; but until we have raised the educational level of a large segment of our population—and this includes all races, and all colors and all creeds—we are not going to find any real solution to this whole problem.

It is my sincere belief that if we educate all of our citizens and make useful, productive, constructive citizens of them, we shall no longer have problems concerning public accommodations, employment, housing, and other things which are causing so much concern throughout the United States today. This is not a view that I hold lightly, or one which I have just recently adopted for the sake of discussion here.

During my entire life I have had a great deal of respect and regard for the value of education and an enlightened citizenry.

In no way do I wish to appear to boast; but long before I became a Member of the Senate, I had a real and a genuine interest in the need for improved education. For many years I have served on the Board of Trustees of Duke University; and I am proud of what that institution has done to uplift the educational standards—in not only North Carolina, but also throughout the Nation. I have also served for a number of years as a member of the Board of Trustees of Elon College, and I am also a member of the Board of Trustees of American University, here in Washington, D.C.

So I think I speak with some knowledge and appreciation of what education means and what educational institutions can do and are doing to bring about a better way of life for all of us. I also speak as one who has given many hours of my time and a great deal of my effort to improving our educational standards.

Because I feel as I do about the importance of education, during the time I have been in the Senate I have voted in favor of every bill which has been brought up for consideration which would provide Federal assistance to the State for educational purposes. I have done this because I feel this is one of the most urgent needs in our Nation today—not only to uplift all our people and enable them to provide for themselves richer and fuller lives, but also because I believe the ultimate victory we will win against communism will be won in the classrooms of this Nation. It will be won as a result of having a more enlightened, a more educated, and a more productive population throughout all endeavors of human effort.

I make these particular remarks about my personal feelings concerning education, because I sincerely hope Congress will not create conditions under which it would be impossible for me as a representative of the people of North Carolina to vote for a bill which would help the people of North Carolina—as well as the people in every other State—to improve the quality of public education.

It is of tremendous importance to preserve an atmosphere in which the States and local communities will have full authority over the manner in which States and districts are operated.

It would be very easy for me—as a resident of North Carolina—to be critical of how a school is operated in Seattle, Wash., in Phoenix, Ariz., or in New York City, if the operations of that school did not suit my particular fancy. But I would be the last person in the world to tell a school board in Seattle, or in Phoenix, or in New York City what policies to follow, unless I knew what the problems were.

I say this, Mr. President, because I firmly believe that the ultimate responsibility for public education must be met at the local level, and we must at all times maintain conditions under which local school boards have the greatest possible freedom in meeting their duty and their responsibility.

We cannot run every schoolhouse in this Nation from Washington, D.C.

We cannot preside over every ballot box in the United States from Washington, D.C.

At some point the people themselves must solve the problems involved in getting along with each other. This is something that is an impossible function of any government; and if we try to dictate good will through government, we shall ultimately make a shambles of our basic form of government.

There is no doubt about the fact that we have some very serious racial problems in this country. They are problems that need to be solved, and I am confident they will be solved. It is our duty to see to it that they are solved in such a way that the results will be constructive rather than destructive. It is our duty to see to it that they are solved in such a way that our form of government will not be compromised and will not be endangered.

After all, there are responsibilities in many areas in this whole picture, and among those responsibilities are the ones that rest with the individuals themselves.

The Government has a responsibility to create conditions under which the problems can be solved, and the individuals involved have the responsibility to help themselves, once they are given the opportunity to do so.

It is easy to say that certain people have been denied certain rights. It is easy to say that we need to move without delay to see that those rights are exercised, no matter what the cost may be.

I, for one, feel that every qualified voter should be able to exercise his right to register and to vote. But I do not feel that the right of all our citizens of this land to a trial by jury should be compromised and endangered for the sole purpose of speeding up processes of attaining other rights and cutting corners to get where we need to go.

If we sincerely and earnestly work on this problem, we cannot only bring about equal opportunities for all our citizens, but we can also preserve other rights which would be endangered if H.R. 7152 in its present form were enacted.

I sincerely hope we shall find reasonable and workable solutions.

Regardless of what action the Congress takes this year, it will take a long time to solve all of our problems in the field of equal opportunities.

I am one who believes we have made amazing progress; and I only wish more attention would be given to the progress we have made, rather than the attention that is given to the criticism we get for the progress we have not made.

With circumstances as they are and with feelings as they have been for some years, I think what we have been able to accomplish far outweighs what we have not accomplished.

Above all else, I hope that Congress will not take action which will bring about conditions under which we cannot continue to move ahead under our own initiative and on our own volition.

For many years my section of the country was criticized for not making efforts to bring about racial equality. It is true that conditions which have existed have made rapid progress most difficult, if not, in some cases, virtually impossible.

But for a number of years we have been moving, and we have been making progress. I sincerely hope that Congress will not take action that will slow us down or will have the end effect of destroying progress we have made and are continuing to make every day.

Mr. President, this concludes my remarks; and I yield the floor.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read twice by their titles, and referred, as indicated:

By Mr. HOLLAND:

S. 2770. A bill to designate a navigation lock and flood control structure of the central and southern Florida flood control project in the State of Florida as the W. P. Franklin Lock and Control Structure; to the Committee on Public Works.

By Mr. SCOTT:

S. 2771. A bill to provide for the establishment of a Health Insurance 65 Program; to the Committee on Labor and Public Welfare.

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

HEALTH CARE FOR THE AGED

Mr. SCOTT. Mr. President, I send to the desk, for appropriate reference, a bill to assist aged individuals to purchase private health insurance policies which will enable them to provide adequate medical care for themselves.

Assisting our aged citizens in meeting their health care costs is one of the most challenging problems confronting American society today. Through the miracles of modern medicine, our senior citizens are living longer and more productive lives today, and are likely to live to even riper ages as medicine continues its advance. Despite the addition of productive and healthy years to their lives, these individuals continue to be susceptible to ailments and illnesses which require more medical treatment and hospitalization than do younger people.

The progressive improvement in the medical sciences, while conquering several diseases completely and reducing the time required for treatment of other illnesses and ailments, has also led to higher costs of health care. These higher costs pose a particular problem to our older citizens, many of whom live on fixed incomes. Moreover, our senior citizens generally are ill for longer periods of time and consequently require more medical and hospital treatment than those below age 65.

It is clear, then, that some of our older citizens require governmental assistance to supplement their own resources in meeting the costs of their health care. This is the premise underlying all legislation that has been introduced in this area over the years.

Under my bill, any individual aged 65 or over may purchase a health insurance policy which contains at least the coverage specified in the bill. The Government would provide cash payments to defray the annual premium cost of the insurance policy.

Such payments would amount to whichever of the following is smaller: First, one-half the annual premium of the policy; or, second, $75 if the policy is a short-term illness benefits policy, or $90 if the policy is a long-term illness benefits policy.

These cash payments may be made directly to the individual beneficiary in reimbursement for the Government's share of the premium cost or, if the beneficiary prefers, directly to the insurance company issuing the policy. The Secretary of Health, Education, and Welfare would administer the program and would disburse the benefit payments provided thereunder.

Under the bill, a short-term illness benefits policy must contain at least the following benefits during the year in which the policy is in operation: First, up to 45 days inpatient hospital services; second, 2 days of nursing home care—up to 90 days—for each unused day of inpatient hospital care; third, up to $200 worth of surgical treatment; fourth, up to three visits to a doctor's office for treatment; fifth, outpatient hospital services, including diagnostic, X-ray, and laboratory services; sixth, outpatient surgical services; and seventh, up to 10 days of visiting nurse services prescribed by a physician.

The long-term illness benefits policy must contain at least the following benefits during the year in which the policy is in effect: First, up to 75 days' inpatient hospital services; second, 2 days' nursing home care—up to 150 days—for each unused day of inpatient hospital care; third, up to $300 worth of surgical treatment; fourth, up to five visits to a doctor's office; fifth, outpatient hospital services, including diagnostic, X-ray, and laboratory services; sixth, outpatient surgical services; and seventh, up to 30 days of visiting nurse services prescribed by a doctor.

I have been assured that if such policies were issued by private insurance carriers, annual premiums of $150 for the short-term illness benefits package and $180 for the long-term illness benefits package, respectively, would be actuarially sound. And, Mr. President, I believe that enactment of the legislation I am proposing today would stimulate private insurance companies to offer such policies to our aged citizens.

My bill would supplement existing law. The Kerr-Mills or Medical Assistance for the Aged Act of 1960 is an effort to meet the problem of high health care costs in the case of those aged individuals whose resources otherwise would be wiped out as a result of the costs of treating their chronic or catastrophic illnesses. I voted for the Kerr-Mills bill in the Senate in 1960; I shall continue to support its implementation and extension in the various States of the Union; and I am prepared to support amendments designed to broaden its coverage and improve the benefits offered under its provisions.

My own constituency, the Commonwealth of Pennsylvania, has a medical assistance for the aged program established pursuant to the Kerr-Mills Act. Begun in 1961, it was broadened in scope and coverage last year under the imaginative leadership of the administration of Gov. William W. Scranton so that it now represents the most liberal application of the Kerr-Mills Act in the Nation. I am proud of the Pennsylvania Kerr-Mills program and I salute Governor Scranton and his administration for their continuing concern for helping many aged Pennsylvanians obtain the best medical care they possibly can.

The Commonwealth's Secretary of Welfare, Arlin M. Adams, described Pennsylvania's medical assistance for the aged program in an excellent statement before the House Ways and Means Committee last November.

As Secretary Adams pointed out, the Pennsylvania General Assembly authorized the Commonwealth government to make arrangements with nonprofit carriers under which aged individuals, whose income and assets exceed the maximum limits established by the Commonwealth's medical assistance for the aged program, could purchase with their excess income and assets health insurance coverage to supplement the benefits to which they are entitled under the Pennsylvania program. Secretary Adams requested the approval of the U.S. Department of Health, Education, and Welfare for such an arrangement, but was advised that it is not permitted by the Kerr-Mills Act. Last December, therefore, I introduced a bill, S. 2385, which would enable States such as the Commonwealth of Pennsylvania to enter into such arrangements so that the scope and coverage of medical assistance under the Kerr-Mills Act could be broadened thereby.

Pleased as I am with the application of the Kerr-Mills Act in my constituency, I am convinced that it alone cannot completely do the job in assisting our elderly citizens to meet the costs of their health care. It serves its purpose well in the care of those eligible for its coverage. But there are other aged Americans who, while having resources above the maximum eligibility limitations stipulated in Kerr-Mills, are hard put to meet all their health expenses. My bill is an effort to help them through the tested medium of private insurance. It is a voluntary program rather than one the involves Government compulsion.

My bill provides for a partnership between the Government, the elderly citizen, and the health insurance industry of the Nation. It rests primarily on the principle of self-help. If he is able, it is up to the individual to meet the costs of his medical care. Insurance companies offer policies designed to make it easier for him to meet his health expenses. But my bill recognizes that some people are unable from their own resources to meet all their health expenses. And so it authorizes the Secretary of Health, Education, and Welfare to assist them in purchasing health insurance.

One virtue of my bill, in comparison to other bills offered in this field, is its relatively low cost. I say "relatively" because no one should be under the illusion that health care can be bought cheaply. I estimate that the maximum cost of the program during its initial year of operation would be slightly more than $1.1 billion to the Federal Treasury. This assumes the following: First, 80 percent participation by all aged citizens, excluding those covered by the old age

assistance program and other programs, such as the Kerr-Mills program, and second, purchase by all these individuals of the long-term illness benefits insurance policy.

In conclusion, Mr. President, I do not assert that my bill as presently written is perfect. It undoubtedly would be refined after scrutiny in the legislative process by those of my colleagues who are more knowledgeable than I in this specialized field. But it is an effort to move ahead. In this spirit, I offer to the Senate the Health Insurance 65 Act. I urge that my colleagues and fellow citizens give it their thoughtful attention.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD together with the text of a statement by the secretary of public welfare of the Commonwealth of Pennsylvania.

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

The bill (S. 2771) to provide for the establishment of a health insurance 65 program, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance Sixty-five Act".

ENTITLEMENT TO BENEFITS

SEC. 2. (a) Every individual who—

(1) has attained age sixty-five;

(2) makes application for benefits under this Act; and

(3) at the time such application is made is the beneficiary of a qualified private health insurance policy with respect to which premiums are payable by him (or on his behalf);

shall be entitled to the benefits provided under the Health Insurance Sixty-five Program (hereinafter referred to as the "Program").

(b) Benefits provided under the Program to an individual entitled thereto shall consist of one or more money payments, made with respect to any enrollment year, to assist such individual in defraying the premium costs for such year of a qualified private health insurance policy of which he is the beneficiary.

(c)(1) The aggregate of the amounts payable to an individual as benefits under the Program for any enrollment year shall be equal to whichever of the following is the smaller—

(A) one-half of the premium costs of the qualified private health insurance policy of which he is the beneficiary, or

(B) (i) $90, in case such policy is a long-term illness policy, or (ii) $75, in case such policy is a short-term illness policy.

(2) Any payment of benefits under the Program to which an individual is entitled shall be made—

(A) directly to such individual by way of reimbursement, in case there has been paid by or on behalf of such individual the insurance premium on the basis of which he becomes entitled to such payment; or

(B) to the carrier offering the qualified private health insurance policy with respect to which such premium is payable, in case such individual has authorized (in the manner prescribed by regulations) such payment to be made to such carrier.

ADMINISTRATION OF PROGRAM BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

SEC. 3. (a) This Act shall be administered by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary").

(b) The Secretary shall have authority to prescribe such rules and regulations as he may deem necessary or proper to carry out the provisions of this Act.

(c) Wherever, in this Act, the term "regulation", "regulations", "rule", or "rules" is employed, such term shall, unless the context otherwise indicates, refer to one or more regulations, as the case may be, or one or more rules, as the case may be, prescribed by the Secretary in carrying out the provisions of this Act.

QUALIFIED PRIVATE HEALTH INSURANCE POLICY

SEC. 4. (a) The term "qualified private health insurance policy" means a policy of health insurance which—

(1) is provided by a carrier or carriers authorized to do business in the State wherein such policy is issued;

(2) is authorized to be issued within such State under the laws and applicable regulations of such State;

(3) is approved by the Secretary as either a "long-term illness benefits" policy or a "short-term illness benefits" policy;

(4) is provided by a carrier which, in areas served by such carrier, offers such policy to all individuals residing therein who are aged sixty-five or over;

(5) is offered to individuals aged sixty-five or over on a guaranteed renewable basis;

(6) is provided by a carrier which, in the areas served by such carrier, offers individuals a choice of an approved "long-term illness benefits" policy or an approved "short-term illness benefits" policy, and permits an individual who has been a subscriber of one such policy for one year the option of changing to the other such policy;

(7) contains provisions under which the carrier offering such policy to any individual aged sixty-five or over agrees not to increase, with respect to such individual, the rate of premiums payable therefor for one year following the date such individual subscribes to such policy.

(b)(1) As used in subsection (a)(5), the term "guaranteed renewable basis" refers to an insurance policy which is renewable at the time it otherwise would expire at the option of the subscriber of such policy and which cannot be canceled by the carrier except for failure of payment of premiums thereon; except that the reservation by a carrier of the right to terminate an entire policy in a State in accordance with applicable laws and regulations of such State shall not be construed as grounds for disqualifying such policy as being offered on a guaranteed renewable basis.

(2) No insurance policy for purposes of this Act shall be considered to be offered on a guaranteed renewable basis unless increases or decreases in amounts of premiums payable therefor are applied to all subscribers aged sixty-five or over without regard to health condition, health services utilized or claimed, or other personal characteristics, of the policyholder.

LONG-TERM ILLNESS BENEFITS

SEC. 5. (a) The term "long-term illness benefits" refers to a private health insurance policy under which an individual who is the beneficiary thereof for any enrollment year is entitled to have payment made by the carrier issuing such policy of all the costs incurred by him during such year by reason of his having received the following services which his physician has determined to be medically necessary—

(1) inpatient hospital services (but not for more than seventy-five days unless such policy so provides);

(2) nursing home care, but not for more than one hundred and fifty days unless such policy so provides (except that such policy may provide that the number of days for which he is entitled to have the costs of inpatient hospital services paid may be reduced by not more than one day for each two days he receives nursing home care the costs of which are paid under such policy);

(3) surgical services (but not in excess of $300 unless such policy so provides);

(4) physicians' services provided in a physician's office (but not for more than five visits, nor more than $5 per visit, unless such policy so provides);

(5) outpatient hospital services, including diagnostic, X-ray and laboratory services (but not in excess of $90 unless such policy so provides);

(6) outpatient surgical services; and

(7) visiting nurses' services (but not for more than thirty days unless such policy so provides).

(b) The Secretary shall approve, as providing "long-term illness benefits," any private health insurance policy which complies with the requirements of subsection (a).

SHORT-TERM ILLNESS BENEFITS

SEC. 6. (a) The term "short-term illness benefits" refers to a private health insurance policy under which an individual who is the beneficiary thereof for any enrollment year is entitled to have payment made by the carrier issuing such policy of all the costs incurred by him during such year by reason of his having received the following services which his physician has determined to be medically necessary—

(1) inpatient hospital services (but not for more than forty-five days unless such policy so provides);

(2) nursing home care, but not for more than ninety days unless such policy so provides (except that such policy may provide that the number of days for which he is entitled to have the costs of inpatient hospital services paid may be reduced by not more than one day for each two days he receives nursing home care the costs of which are paid under such policy);

(3) surgical services (but not in excess of $200 unless such policy so provides);

(4) physicians' services provided in a physician's office (but not for more than three visits, nor more than $5 per visit, unless such policy so provides);

(5) outpatient hospital services, including diagnostic, X-ray, and laboratory services (but not in excess of $60 unless such policy so provides);

(6) outpatient surgical services; and

(7) visiting nurses' services (but not for more than 10 days unless such policy so provides).

(b) The Secretary shall approve, as providing "short-term illness benefits," any private health insurance policy which complies with the requirements of subsection (a).

DEFINITIONS OF BENEFITS

SEC. 7. (a) The term "inpatient hospital services" means the following items furnished to an inpatient by a hospital (but only, in the case of any individual, to the extent that the aggregate cost of such items does not exceed $30 multiplied by the number of days such individual is an inpatient in such hospital)—

(1) bed and board (at a rate not in excess of the rate for semiprivate accommodations) and includes any special foods necessary to fulfill any diet requirements prescribed by the patient's physician;

(2) general nursing services;

(3) drugs, biologicals, supplies, appliances, and equipment, for use in the hospital, as are customarily furnished by such hospital for the care and treatment of inpatients;

(4) use of operating, recovery, and other special rooms; and

(5) use of laboratory, X-ray, electronic equipment, and other related services for diagnostic purposes.

(b) The term "nursing home care" means the following items and services furnished by a nursing home to an individual who is an inpatient thereof, after transfer, upon the recommendation of his physician, from a hospital in which he was an inpatient for not less than seventy-two hours immediately prior to such transfer (but only, in the case of any individual, to the extent that the aggregate cost of such items and services does not exceed $15 multiplied by the number of days such individual is an inpatient in such nursing home)—

(1) nursing care provided by or under the supervision of a registered professional nurse;

(2) bed and board in connection with the furnishing of such nursing care;

(3) physical, occupational, or speech therapy furnished by such home or by others under arrangements with them made by such home;

(4) such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the nursing home as are customarily furnished by such home for the care and treatment of inpatients; and

(5) such other services necessary to the health of the patient as are generally provided by nursing homes.

(c) The term "physicians' services" means services provided in the exercise of his profession in any State by an individual legally authorized to practice surgery or medicine by such State.

(d) The term "hospital" means a hospital which is licensed as a hospital in the State in which it is located.

(e) The term "nursing home" means a nursing home which is licensed as such by the State in which it is located, and which (1) is operated in connection with a hospital, or (2) has medical policies established by one or more physicians (who are responsible for supervising the execution of such policies) to govern the nursing home care and related medical care and other services which it provides, and (3) provides nursing care by or under the supervision of one or more registered nurses.

MISCELLANEOUS DEFINITIONS

SEC. 8. For purposes of this Act, the term—

(a) "carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the costs of, health care or services for individuals under health insurance policies in consideration of premiums payable to the carrier;

(b) "health insurance policy" means the policy, contract, agreement, or other arrangement entered into between a carrier and another person whereby the carrier, in consideration of the payment to it of a periodic premium, undertakes to provide, pay for, or reimburse the cost of, health care or services for the individual who is the beneficiary of such policy, contract, agreement, or other arrangement; and

(c) the term "premium" means the amount of the consideration charged by a carrier for coverage by health insurance policy offered by the carrier.

PAYMENT OF BENEFITS BY THE SECRETARY

SEC. 9. (a) The Secretary shall not make any money payment to or on behalf of any individual, as benefits provided by this Act, until he is satisfied that—

(1) such individual is entitled (under section 2(a)) to benefits under this Act;

(2) such payment is in reimbursement of, or will be used for the purpose of paying, one or more premiums payable for a qualified private health insurance policy of which such individual is the beneficiary.

(b) The Secretary shall establish such procedures as he deems appropriate under which interested parties may obtain a finding by the Secretary as to whether or not a particular private health insurance policy is a "qualified" private health insurance policy for purposes of this Act.

The statement presented by Mr. SCOTT is as follows:

STATEMENT BY ARLIN M. ADAMS, SECRETARY OF PUBLIC WELFARE, COMMONWEALTH OF PENNSYLVANIA, FOR THE COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, NOVEMBER 20, 1963

My name is Arlin M. Adams. I am Secretary of Public Welfare for the Commonwealth of Pennsylvania. It is a great pleasure to appear before you to tell you about our program of medical assistance for the aged.

In Pennsylvania we have responsible and deep concern for the health and human services needs of all of our citizens. This is particularly true for our older people.

Public Law 86–778, the Kerr-Mills Law, made it possible for us to fulfill our responsibility more adequately.

While we recognize that our program under the law is not complete, we extended it in 1963 and hope to improve it even further.

Our MAA program began January 1, 1962. In September of 1963 we broadened the scope of the program, revising the eligibility requirements to the extent that we believe they are now the most liberal in the Nation.

WHO IS ELIGIBLE?

The following income and assets may be held without affecting the eligibility or the amount of the MAA payment:

A single individual or one not living with spouse may have: Gross annual income up to $2,400; home, household furnishings, and car; insurance—cash surrender value up to $500; and other property—net value up to $2,400.

A married individual living with his or her spouse may have: A combined gross annual income up to $3,840; home, household furnishings, and car; insurance—cash surrender value up to $500 each; and husband's and wife's other property combined net value up to $3,840.

If the income or property exceed the above limits, one-half the excess income and all the excess other property are to be used by the individual to pay for the MAA care received. The individual is not restricted by law or regulation with respect to his use of income and property within the above limits, including the payment for physician's services.

Our 1963 legislation further liberalized the MAA program by deleting from the Pennsylvania support law all reference to recovery from the individual's property for any of the services for which payment was correctly made.

Of singular importance in determining eligibility for MAA is that part of our State's support law which spells out the extent to which spouses, living apart from the applicant, and sons and daughters have a responsibility for helping the individual meet his medical care costs if the relative is financially able.

Effective September 24, 1963, the Department decreased the amount required for support from the relatives, and it is currently studying the effects of this liberalization on expenditures. There is a likelihood that there may be additional liberalization in this regard—and complete elimination of the relatives' responsibility provision.

Another improvement in our MAA legislation authorized the department to determine eligibility at the time of application, without regard to the applicant's health condition at the time. Current regulations provide for issuance of a certificate of application to an eligible applicant which is valid for 12 months. It is our judgment that identifying the individual as a potential recipient of MAA on presentation of an identification card will facilitate giving more prompt service. It will provide more effective coordination between the vendors and the department. Since September 24 through October this change has resulted in 1,469 applications prior to the onset of illness.

The assembly also added posthospital nursing home care to the benefits under MAA.

WHAT BENEFITS ARE PROVIDING?

Pennsylvania's current MAA program pays for the following medical care:

Inpatient hospital care for up to 60 days during a benefit period. This period of hospitalization may be continuous or intermittent. A new benefit period starts after 60 uninterrupted days of nonhospitalization. Thus an individual could be eligible to receive 180 days of hospitalization during a 12-month period.

The daily rate of payment is based upon the average per patient per diem operating costs, but not to exceed $25.

Posthospital care in a private nursing home for up to 60 days during a 12 month period, provided the individual entered the nursing home within 5 days after he was discharged from inpatient hospital care as an MAA beneficiary. The daily rate of payment is based on the rates established for public assistance recipients, and depends on the type of care the particular nursing home is equipped to provide.

Visiting nurse service in the home as prescribed by the individual's physician. For the first 4 weeks of this type of care, the program provides for as many visits as the person's condition requires. After the first 4 weeks of care, payment is limited to a monthly maximum of 12 visits. The rate of payment per visit is the minimum charge not to exceed $4, plus mileage under specified circumstances.

Posthospital care furnished in the individual's home by a hospital, under an organized home medical care program. This consists of medical care in the home by a hospital team of physician, nurse, therapist and social worker. The program includes nursing service, medications, sickroom equipment, laboratory service, physician's supervision, physical therapy, etc. The posthospital care in the home must be an uninterrupted continuation of the inpatient hospital care the individual had been receiving. Need for medical care under this program must be reviewed at least every 3 months. We pay the actual daily cost up to $5 for the service for every day the patient is in the program.

Public nursing home care in county institutions. Nursing home care must be prescribed by a physician. Full cost is paid.

Pennsylvania's MAA program does not pay for services by physicians, dentists, chiropodists, or optometrists, for outpatient hospital services, drugs or appliances.

HOW MANY PEOPLE HAVE BEEN SERVED AND HOW MUCH HAS IT COST?

The MAA program has been in effect in Pennsylvania for 22 full months. During this period approximately 79,000 persons applied for care. Of the 79,000 applications, 66,000 were for inpatient hospital care, and 8,000 for public nursing home care. Approximately 56,000 applications were approved for payment, including 45,000 for inpatient hospital care.

MAA expenditures of Federal and State funds in these 22 months totaled $26,389,435; for inpatient hospital care $16,091,755; for public nursing home care $10,070,169; and the remaining $227,511 for nursing care in the home and home-hospital care. The payment for inpatient hospital care is the cost for the care provided approximately 36,000 patients. The difference between this 36,000 and the 45,000 approved for payment reflects the lag between applications approved and payments. In addition, the fact that an

application is approved does not mean that a payment will be made.

Pennsylvania's partnership with the Federal Government under Kerr-Mills has made it possible to provide hospital and certain other health care to older persons who are least equipped financially to pay. Our aged population is becoming increasingly aware of the objectives of the MAA program, and are learning to use it. The hospitals and the medical profession are helping by cooperating in educational campaigns.

We believe that the liberalization in the department's support regulations and the deletion of recovery from property will lead to an increase in the number of persons who make use of the program. In fact it has been estimated that with the 1963 changes in the law, increase of the resource limits, as well as the deletion of the property recovery factor may result in an increase of approximately 4,000 persons per year. We know that the thought of having property encumbered has frequently acted as a deterrent to individuals who under the State's program were truly medically indigent. We further believe that as more people get to know about the program, the use and corresponding costs of the program will increase. We estimate that our total Federal-State expenditures for the fiscal year 1962–63 will approximate $17 million and that for the fiscal year 1963–64, this will increase to approximately $25 million because of the liberalization and increasing familiarity with the program, which is a normal concomitant of any new program of this type.

We do not intend to rest on what has been accomplished. Our goal is to continue improving the Pennsylvania Kerr-Mills effort.

We believe, further, that the Kerr-Mills program can be made to work in tandem with voluntary and commercial health insurance systems.

The 1963 Pennsylvania Assembly, in addition to liberalizing the MAA eligibility requirements, enacted legislation authorizing the Pennsylvania Department of Public Welfare to establish such a program. Accordingly, we developed a proposed program that we believe is consistent with the intent of Congress, leads to financial prudence, increases individual responsibility, is fiscally sound, and administratively practicable. The potential recipient of MAA benefits with excess income or property would purchase an insurance policy to cover that part of the costs which ordinarily would be met from his excess income or property.

The proposed program would work as follows:

Under our MAA program an aged person whose resources exceed the statutory limits of $2,400 or $3,840 is eligible for MAA to the extent that the cost of MAA medical care exceeds his excess resources.

Consider a person whose hospital bill is $500: (1) If neither his property nor annual income is more than $2,400, the full $500 will be paid by MAA; (2) if he has $2,700 in resources, the $300 ($2,700–$2,400) is the amount the person must presently pay toward the hospital bill; and the remaining $200, only, is paid by MAA; (3) if he has $2,900 or more, he is considered able to pay for his hospital care, and he is not eligible for MAA.

Under our proposed plan, insurance companies would offer a health insurance policy to the older person, to pay that portion of the costs he is now expected to meet out of his own resources; namely, the $300 or $500 noted above. The premium for this insurance would be related to the amount of medical care costs covered. In effect, this would permit the person to insure his excess resources, and when hospitalized his full hospital bill would be paid for him—partly by his own insurance and partly by MAA. This would enable him either to obtain needed medical care without depletion of his resources, or to use his resources to pay for medical care not covered by our MAA program, such as physician's services and drugs.

The proposed plan does not remove the responsibility of determining eligibility for MAA from the Pennsylvania Department of Public Welfare. The department would contract with a nonprofit organization to act as its agent in paying hospitals for care provided under the program. An aged person could apply for MAA at any time. If eligible, he would receive a certificate specifying the extent of MAA eligibility. He could then purchase insurance coverage for that part of the bill not covered by MAA. When hospitalized, the insurance company would pay the bill in full and charge the department for the part of the bill to be paid by MAA. The balance would be a charge against the insurance company's funds—the same as with any other insurance payment.

If the aged patient has purchased sufficient coverage to pay the full bill, the insurance company would pay the bill and there would be no MAA payment. We believe this program would encourage many people to purchase full coverage.

Under the proposed plan, the aged person would be protected against his excess resources being depleted at the time medical care is needed. Hospitals would have only the Blue Cross or similar organizations to deal with on a daily basis. We believe this kind of partnership between State government, the official public service agency, and the insurance companies is sound and should be given full consideration and encouragement.

We proposed this plan to the Department of Health, Education, and Welfare. HEW replied that it is in conflict with basic program policies which have been established under title I of the Social Security Act.

We believe our proposal serves to further the Kerr-Mills objective of increasing the dignity afforded to older citizens who are not eligible for public assistance, but who are unable to pay full cost for their medical care.

We believe our proposal is constructive in the direction of encouraging self-help in the finest American tradition. It allows a four-way partnership of Federal and State Governments, the citizen and our great health insurance enterprises. We commend it to your committee for study.

In summary, the Kerr-Mills program in our State is off to a good start. As our resources permit, we shall consider extending the benefits.

I appreciate the opportunity to express our point of view. We in Pennsylvania are hopeful that your committee and the Congress will continue to work to meet the health needs of the aged people in our population in accordance with sound concepts that exist in this very important field.

AVAILABILITY OF CERTAIN CRITICAL MATERIALS DURING A WAR OR NATIONAL EMERGENCY—AMENDMENT (AMENDMENT NO. 517)

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 2272) to insure the availability of certain critical materials during a war or national emergency by providing for a reserve of such materials, and for other purposes, which was referred to the Committee on Armed Services, and ordered to be printed.

EARTHQUAKE INSURANCE COVERAGE IN ALASKA—NOTICE OF HEARING

Mr. ANDERSON. Mr. President, I announce for the information of the Senate that the Senate Committee on Interior and Insular Affairs on May 4, beginning at 9 a.m., in room 3110, New Senate Office Building, will hold a further hearing on S. 2719, a bill introduced by Senator JACKSON and others to provide retroactive earthquake insurance coverage in Alaska. This bill has previously been considered by testimony chiefly from witnesses from Alaska. On May 4 it is hoped to have final testimony from interested Government agencies and from proponents of the bill as to how it would be financed and administered.

THE CURRENT SILVER PROBLEM

Mr. BENNETT. Mr. President, on April 2, I submitted to the Banking and Currency Committee a statement on the current silver problem. This problem is still with us. I ask unanimous consent to have printed in the RECORD, at the conclusion of the statement of the Senator from Texas, or at some other appropriate point in the RECORD, a copy of the statement I made to the committee, and also two newspaper articles which deal with the same problem.

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

THE CURRENT SILVER PROBLEM

(Statement of Senator WALLACE F. BENNETT, of Utah, Committee on Banking and Currency, U.S. Senate, April 2, 1964)

The recent "run" on the Treasury by coin collectors has again focused the attentior of the Congress on our silver problem. However, our present and potential difficulties with silver coinage are not simply the result of the activities of eager coin collectors. There is a far more fundamental difficulty arising from the fact that the intrinsic value of our coinage is affected by the price of silver in the world market.

Except for one or two other brief periods in the history of our monetary system, the intrinsic value of our coins has been significantly below their monetary value, and thus there has been no problem of a withdrawal of silver coins for their metal content. It will be remembered, however, that during the War of 1812 and again during the Civil War, metallic coins virtually disappeared. In 1837, silver coins again disappeared, because they were more valuable than gold at the official Treasury rate of 16 to 1. Frequently during these early years subsidiary coins ran into special difficulties because their silver content was set on a basis of intrinsic value rather than token value. Every time there was an inflationary trend, the coins became worth more as metal than as money; and people began hoarding them.

The problem was finally cured in 1853 when Congress reduced the silver content in subsidiary coinage by 6.9 percent, thus giving the silver in these coins a monetized value of $1.38 an ounce, with the silver dollar monetized at $1.2929 per ounce.

Today we are again facing this same fundamental problem. For many years the price of silver has been below the monetary value of our silver coins; but when the Treasury was forced to suspend silver sales in 1961

because the free stocks had been greatly depleted, market forces resulted in a rapid rise in silver prices.

In January of last year, the Treasury had only 30 million ounces of free silver left for coinage against an estimated demand for the year of 75 million ounces. Year-end figures show that the 75-million-ounce estimate was far too low. The Treasury was unable to go into the world market to purchase additional silver to meet its coinage needs because to do so would have forced the price above $1.2929 per ounce—the point above which it becomes profitable to melt dollars for their metal content. So we passed the Silver Purchase Act of 1963, which validated the price of silver at the ceiling of $1.2929 per ounce, which has been official since 1793. At the same time, we started issuing new $1 Federal reserve notes to replace outstanding silver certificates, thus freeing Treasury silver for coinage needs. When this 1963 act was passed, I warned that our problem had not been solved but that we had just bought time in which to act.

A year of that time has now elapsed. The silver content of silver dollars now approximately equals their face value as coins. This has resulted in the beginning of hoarding on the speculation of receiving profit. It has also encouraged hoarding of dollars for their rare coin value and has created a run which temporarily drained the Treasury of its stock of silver dollars.

Although it is denied by some, we might as well face reality—the problem which faces us today is similar to the one which we faced when silver coins were withdrawn from circulation during earlier periods of our history. Once we admit this fundamental problem, the next move is to determine a course of action that is equally fundamental. Several alternatives have been suggested, some of which do not face the basic issue. These alternatives are:

1. Mint more silver dollars with present silver content intact.

2. Mint more silver dollars with a decrease in the silver content from 900 to 800 grams, as outlined in the bill presently before this committee.

3. Abandon the silver dollar, letting it become either a source of metal or a rare coin collector's item. This means that it would be necessary to make a complete analysis of the whole problem of silver coinage, including the various demands being made on Treasury silver to develop a new Treasury silver policy.

Let's look at the figures of silver production and consumption as a basis for our choice.

In 1940, silver production and consumption in the United States were approximately equal, at a figure of 68.3 million ounces. In 1963, domestic silver production was 37 million ounces—a decline of 31.3 million ounces. During this period, U.S. consumption had increased to a total of 221.3 million ounces in 1963, thus leaving a deficit of 184.3 million ounces. Even if we could return to the 1940 record production, we would still have a deficit of 153 million ounces.

In 1963, free world silver production was 210.5 million ounces. This total was made up of 159.5 million ounces in the Western Hemisphere and 51 million ounces from other free world sources. Free world consumption during the same year totaled 419.2 million ounces. This total breaks down this way: 247 million ounces for industrial and art purposes, 60.9 million ounces for foreign coinage purposes, and 111.3 million ounces for U.S. coinage. That leaves a free world silver deficit of 208.7 million ounces for the year. Use of silver in industry and the arts alone amounted to about 12 percent more than total new production.

At the end of 1963, the Treasury had an inventory of 1.584 billion ounces of silver. If present rates of production and consumption do not change, and if the Treasury continues to sell its silver to all comers at $1.2929 an ounce (thus keeping a ceiling on the price of silver and permitting other countries to hold their silver off the market for the inevitable break through the ceiling price), present U.S. deficits will exhaust the Treasury stock in about 8 years. If production continues its present downward trend and consumption continues its present upward trend, however, this period will be significantly shorter.

In view of these facts, let us look again at the alternative suggestions.

The first suggestion was to mint more silver dollars maintaining their present silver content. By this action, no change in policy will be needed at this time. All silver certificates outstanding could be redeemed with silver dollars. But from the figures we have just examined, it is obvious that it would not be long before the silver stocks of the Treasury would be depleted, forcing a change at that time. Hence this alternative is short-sighted and unwise.

The second alternative is to mint dollars with a lower silver content. If new dollars containing 800 grams of silver are issued instead of the present 900-gram silver dollars, Gresham's law would operate; and the old dollars (which would be worth approximately $1.11 in terms of the new dollars) would be withdrawn from circulation and hoarded. With the silver content in new dollars at 800 grams, no one would request such dollars for silver certificates (except as collectors' items) as long as the Treasury continues to sell bar silver for $1.2929 an ounce. Also, the new dollars would not fill the redemption requirements unless a change is made in the basic law regarding the value of silver.

The proposition to mint 50 million new silver dollars, regardless of the silver content, is unrealistic. The experience which we have just had with the new issue of half dollars should make us aware that 50 million coins would be bought up immediately. Particularly is that true if, as is likely to be the case, this would be the last issue of silver dollars in American history.

Silver in the proposed 800 gram dollars would be monitized at $1.44 an ounce, while silver in our present half dollars, quarters, and dimes is monetized at $1.38 an ounce. This means that the subsidiary coinage would be worth more than the new dollars intrinsically. People would begin to hoard subsidiary coins. With the inability of the mint facilities even at present to meet the demand for coinage, this would be a tragedy. Therefore, this alternative cannot be embraced as a sound long-range solution.

That leaves alternative No. 3—the abandonment of the silver dollar and the formulation of new Treasury silver policy.

I think we can get along without silver dollars even though, in my State, silver dollars are a common means of exchange, as they are in many Western States. Their primary value is sentimental; however, since they have been partially—and could be completely—replaced by dollar bills.

The story is far different when we discuss subsidiary coinage. There is no substitute for these coins, and we must protect them from being converted to metal.

While holding the price of silver at its present level, the Treasury should move immediately to reduce the silver content in subsidiary coins. Old coins coming into the Treasury should be melted, and the silver used for new ones. Only when a sufficient supply of the new coins is available can the Treasury free the price of silver from its present ceiling without risking the loss of our coins.

I do not know what the unobstructed price of silver would be in today's market. I do not know what it will be a year or two from now. But I do know that with present trends of demand and supply, pressures for increased prices will continue to build. From available figures, both supply and demand appear to be relatively inelastic. An increase in price might result in both increased research in silver substitutes and possible increases in production, but I do not expect great changes in the near future.

As a beginning point, then, I suggest that these changes in policy should be made.

1. A reduction of silver in our subsidiary coins to 50 percent of their present content. This would raise the melting point to about $2.75 an ounce and the market price of silver could more than double before we would again be faced with a loss of subsidiary coins. The suggestion that we reduce the silver content in our coins by approximately 11 percent indicates a move in the right direction and a long overdue willingness of Members of Congress to admit that the situation calls for a remedial action. But this proposed 11-percent decrease is only a token, not a solution. If the price of silver were allowed to stabilize as a result of free market forces of supply and demand, it would almost immediately rise above the $1.45 price; and we would be in the same position again.

Incidentally, coins with a 50-percent decrease in silver would be acceptable in present coin machines. I was concerned about the coin vending industry and wrote to several large coin machine manufacturers requesting their comments on possible changes in the metal content of our coins. They report that a coin composed of 50 percent silver and 50 percent copper could be made to be acceptable. Other combinations of metal content would also work in existing machines. I would like to have several of these letters from vending machine experts included at the end of my remarks if there is no objection.

If it is argued that a decrease in silver content is devaluing our money, it should be pointed out that for most of the past 100 years the face value of our small coins has been much higher than their intrinsic value. We now have in our small coins approximately $1.9 billion worth of silver, or about the same quantity of silver that the Treasury has in its stock. If the Treasury could move quickly enough, much of this could be saved and would increase our stockpile.

Some may argue that the U.S. mint is unable to produce enough coins to meet present demands and would be totally unable to replace existing coins within a reasonable length of time. This is one of the reasons I ask immediate action. It will take time to make the changeover, yet this must be done while the Treasury has sufficient stocks of silver to guarantee that the market price will not rise above $1.38 an ounce—or it will be too late.

I also recommend the use of private facilities for coinage. The production of coins in private facilities could be easily controlled by representatives of the Treasury, and there are no unsolvable complications. Actually, there would be no other feasible solution, since our present supply of coins is approximately 10 times the annual capacity of our Government mint facilities.

2. I again recommend that the Treasury retire present silver certificates, replacing them with Federal Reserve notes as rapidly as possible. This action would free the Treasury's present stocks of silver from redemption requirements and would not in any way affect the promise made on each silver certificate to pay to the bearer $1 in silver on demand. I suggested this action nearly a year ago. A recent Treasury statement submitted to the House Appropriations Committee stated that if both "fit as well as unfit silver certificates were retired as they come into the Treasury, the bulk of the certificates would be out of circulation in a year." Such action would give the Congress and monetary authorities full control of our

present silver stocks, which control is not now possible.

3. I suggest that the Treasury draft a proposal for our consideration which would set a limit below which they will not allow our stockpile of silver to fall. The Treasury silver is the only significant reserve in the free world. It is well known that silver is a critical component of our military preparedness. It is a necessary component in missiles, aircraft, electronic equipment, photographic processes, communications equipment, and other military hardware. We should not underestimate the importance of keeping a sufficient stockpile on hand to meet our needs in the event that we may be unable to import silver from other countries. Our production of 37 million ounces a year only represents about one-sixth of our present needs, and the difference would have to come from Treasury stockpiles. If the mining industry were able to return to wartime production of related ores, such as lead and zinc, silver production might be doubled. But this is unlikely. There is little or no prospect that by increasing the price of silver we can step up production to the point where we can make up the deficit.

In view of this need of a national stockpile, we would be much better off if the Treasury would keep our present stocks (which cost much less than $1.29 an ounce) rather than sell silver now and then replace it at a new, higher market price later on.

I am glad that the Treasury is anxious to conduct extensive studies in this area, and I offer these suggestions and observations in the hope that they will be useful.

My only hope is that the proposed study by the Treasury does not serve to sidetrack action, because, as I have stressed throughout this statement, action is needed and needed soon. If we can do what must be done now, while the crisis is foreseeable but not imminent, we can avoid the crisis. If I have helped to clarify what proportions that crisis will assume and what elements it will contain, I have accomplished my purpose.

UP AND DOWN THE STREET: IN SILVER PINCH, ALL FLINCH

(By Robert W. Bernick)

The shortage of silver dollars today has touched every American in one way or another.

The pressure on minting of subsidiary coinage is great. The public isn't even certain the Treasury is going to follow up with issuance of $66 million more in the famous J.F.K. 50-cent pieces that disappeared almost overnight from commercial banks.

Out in Nevada, the gamblers are glumly replacing the cartwheel with "dollar counters." Banks and laundries and other retailers are offering the silver dollar as an "attractive inducement."

Silver-dollar savers recently stormed the Treasury Building itself in Washington, D.C. They ostensibly were bent on collecting rare old silver "standards." But the crowds must have given some of the theorists about money in the halls of the building an uneasy feeling that history may not agree with them about either silver or gold.

In 1932 silver was selling for slightly more than 27 cents an ounce.

It was selling for around $1.14 an ounce at the time the Comstock Lode discoveries and before Germany, and later other European countries, demonetized and placed huge amounts of silver on world markets.

Now, the price has risen in 2 years from about 91 cents an ounce to the statutory quotation of $1.293—or "melt point" for the silver "standard" dollar.

Only 3 million standards are left in Washington, and it is suggested they be auctioned off. (At least the Treasury will get some of its own paper money back.)

Some want to mint more silver standards, with 80 percent silver rather than 90 percent. Others propose the end of the silver dollar, with subsidiary coinage reduced to 50 percent silver.

(There's 6.9 percent less silver in subsidiary coins—50-, 25-, and 10-cent pieces—than in the silver dollar. Thus the melt point for the subsidiary coinage is $1.38 an ounce.)

This subsidiary coinage contains about $1,900 million worth of silver—almost equal to the silver stores of the Treasury at present.

Only the Treasury doesn't own the silver in the coins. You do, if you have any.

And you can do what you want with it. Melt it down, hoard it, turn it in for paper—or use it in a vending machine.

Meanwhile the industrial silver users who have been conducting a raid on the U.S. Treasury silver stores since 1946—or before—now argue we ought not have any silver in our coins at all.

They want the silver given them at a fantastic subsidy—even though they have received already a gift on the basis of today's silver price of $219,290,000 in the past 18 years.

How fantastic that subsidy would be is related to proposals to properly revalue silver at $2.50 to $2.75 an ounce.

These same silver users—largely centered in the New England silverware and plate manufacturing centers—were the same who opposed the Silver Purchase Act of 1934. According to Francis Brownell, retired chairman of the American Smelting & Refining Co., they carefully planted articles in Harper's magazine, American magazine and the like aimed at ending purchases of silver by the Government, proposing sale by the Treasury to the public (them).

In fact, however, it has been estimated by the Idaho Mining Association that since the United States started purchasing silver (including silver at the low price of 27 cents an ounce or so), the people of the United States have now made a paper profit of $2,225 million. And that includes the subsidy of $219,290,000 given the silver users.

Meanwhile, the deficit of United States and world consumption versus production has increased at a rising pace. Last year, according to Senator WALLACE F. BENNETT, Republican, of Utah, the U.S. consumption was at 214,300,000 ounces, while production was at 37 million ounces, down 31,300,000 ounces from 1940 levels.

The deficit in consumption versus production is now running at rate of 153 million ounces, and even if the country had a peak production of 68,300,000 ounces, as in 1940, it would still not be enough.

Worldwide, total silver production of 210½ million ounces was less than U.S. consumption. And total world consumption was 419,200,000 ounces.

Devaluation is the only way out—even though the Treasury has been remarkably extravagant in its sale of American silver in the past to industrial users.

However, devaluation may not solve the problem.

The example of Chile, which devalued the silver peso in 1941 so that six of them equaled an American dollar, comes to mind. In 1933, the peso was further devalued, with only token silver. This was replaced by a copper peso. In the end, the copper peso was worth more in copper than the peso. So paper pesos were resorted to.

In Brazil, the brass milrei of 1939 was found to be worth more in brass than in paper milreis. It was replaced with a tin cruzeiro (cross) and valued at 100 milrei (which valuation eventually disappeared).

The tin cruzeiro was followed by a paper cruzeiro. Finally, it took 2,000 cruzeiro to make a dollar. And so on.

Silver once was more valuable than gold in Egypt. Silver from Spain gave the Phoenicians command of world trade.

For 300 years, the Byzantine Empire held sway—because it never devalued its silver coin and treasure store. It was silver from Greek mines that enabled the Greeks to buy ships and defeat the Persians at the Battle of Salamis in 480 B.C., preserving Greek culture as a mainspring of Western thought.

Silver made Venice more than a sick fishing village—took it to world trading power.

The Treasury will have to act out of expediency, no matter what it does. But the image of the silver dollar is still the image of the American people and the world of U.S. money.

What kind of money can you have that has no "image"?

[From the Salt Lake Tribune, Apr. 13, 1964]

SILVER CONTENT OF COINS COULD BE CUT

The silver dollar holds a high place in the affections of westerners. As Senator CANNON, of Nevada remarked, the cartwheel is "a symbol of the individuality and noncomformity of our frontier States."

Yet the Treasury has not minted any dollars since 1935 and the House Appropriations Committee refuses to approve funds for this purpose until Congress passes separate legislation reducing the amount of silver in the cartwheels.

Otherwise, the committee fears, dollars may become worth more for their silver content than they are as coins.

By law, all silver coins (dollars, halves, quarters, and dimes) contain silver and copper in the ratio of 90 to 10. That means a cartwheel contains 0.77 of an ounce of silver and, with an ounce of silver worth $1.29 on the open market, a cartwheel contains a dollar's worth of silver.

This helps explain the recent run on silver dollars. If the price of the metal goes above $1.29, the holders of cartwheels can sell at a profit.

Senator BENNETT, of Utah, recently called unrealistic the proposal to mint 50 million new dollars regardless of silver content. He urged the Treasury and Congress to take steps which would permit the market price of metallic silver to set its own level. These included the eventual reduction of the silver content of subsidiary coinage (halves, quarters, and dimes).

At present, two halves or four quarters or 10 dimes contains 0.72 of an ounce of silver, which works out to a "melting price" of $1.38.

We agree with Senator BENNETT. Present coinage ratios should be changed. For when coins become worth more as metal than as money, people begin hoarding them.

A change in the ratio might create another problem, however.

Vending machines, in wide use throughout the United States, are designed to detect bogus coins. The detecting device, set for the present 90–10 ratio, could easily be adapted to an 80–20 ratio. But if the silver content dropped below 50 percent, or if another metal were substituted entirely, the vending machine industry would have to design a completely new detecting device.

We believe the industry has the know-how to make the necessary alterations.

Meanwhile, Congress and the Treasury should work out a new coinage formula.

For example, if the cartwheel contained 0.69 of an ounce of silver, instead of the present 0.77, the price of silver could rise to $1.45 before the "melting point" was reached. And the silver price might well do that very thing.

The present coinage ratio could be acting as a brake on the free market. At least that appears to be why the Silver Users Association, which wants the lowest possible price, is opposing any change.

RECESS TO 10 A.M. TOMORROW

Mr. CURTIS. Mr. President, I move that the Senate take a recess, pursuant to the previous order.

The motion was agreed to; and (at 8 o'clock and 3 minutes p.m.) the Senate took a recess, under the order entered on Friday, April 17, 1964, until tomorrow, Saturday, April 25, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 24 (legislative day of March 30), 1964:

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

David C. Aabye
Bruce A. Abel
David G. Ahern
Marion R. Alexander, Jr.
John A. Alich, Jr.
Noel M. Allen
Robert L. Anders
Robert V. Andersen
Harold M. Anderson
Jerold F. Anderson
John T. Andrews III
Alfred W. Archibald
William L. Armstrong
Brian A. Arndt
Richard J. Arnswald
Louis W. Arny III
Loren D. Arrington
James M. Arrison III
Philip G. Asher, Jr.
Felton G. Atwell
Marshall H. Austin, Jr.
James B. Ayers
Eric W. Bachinsky
Rodney R. Badger
Thomas S. Baer
Jerry R. Bailey
William H. Baker
Lewis S. Baldwin
Michael H. Ballard
Leonard J. Ballback, Jr.
Thomas J. Barnett
Victor S. Baron
John J. Barsosky
Robert C. Bartlett
Brian C. Baumruk
James S. Baumstark
James M. Beall, Jr.
John W. Beardsley
Frederick H. Beaudry
Francis J. Bechelli, Jr.
Bruce B. Beckwith
Philip A. Becnel III
Neale L. R. Beightol
Lyndon R. Bell
Robert S. Bell
Malcolm J. Bellafronto, Jr.
Gerald W. Bellucci
Richard B. Belser III
Francis J. Benner
Brent M. Bennitt
Daniel C. Bennett
Lawrence P. Benson
William T. Benson
Henry G. Berger
Michael C. Berkowitz
Lawrence G. Bernard, Jr.
Ernest J. Bertolotti
Daniel E. Bienlien
Gregory D. Binder
Robert W. Bishop
Charles T. Biswanger III
George D. Black, Jr.
James M. Blackwelder
Ernest L. Blake, Jr.
Martin J. Block
Robert H. Boder
Lothar S. Boeck, Jr.
Joseph C. Boeddeker
Robert K. Bolger
Robert C. Bondi
William K. Boone III
Ronald J. Bosken
Robin Bosworth
Peter K. Bowden
Richard C. Bowers
Bruce R. Bowman
Gene M. Bowman
Philip A. Boyer III
William A. Bracker
Robert B. Bradley
Havel D. Bricker
Edward E. Brighton, Jr.
Richard M. Briner
Leon P. Brooks, Jr.
Emory W. Brown, Jr.
John F. Brown
James W. Browning II
John S. Browning, Jr.
Herbert F. Bryan
John G. Buchanan
Russell H. Buckley, Jr.
Marshall W. Bugge
Clifford T. Burgess, Jr.
Richard L. Burke
Michael F. Burns
Richard J. Burns
Roy D. Burns
Gerald C. Burroughs
Michael C. P. Burton
Earle S. Bushnell
Robert H. Buttram
Donn H. Byrne
Gordon G. Cable, Jr.
James D. Caldwell
Max D. Caldwell
Marcus B. Calhoun, Jr.
Joseph W. Callahan, Jr.
Virgil K. Cameron
James J. Campbell
Vincent T. Canale
Joseph H. Cappalonga
Michael P. Caputo
David J. Carey
Gary L. Carle
Eric Carlson
James L. Carlson
James C. Carolan
Hugh E. Carroll II
William H. Carson II
Lynn D. Carter
Maurice R. Caskey
Robert T. Cassady, Jr.
Robin B. Cassell
Brian B. Cassidy
Richard A. Cecil
Robert J. Cepek
Henry G. Chalkley
Terry M. Chamberlain
William L. Chaney, Jr.
Max I. Chastain
James J. Checkett
David W. Chenault II
Edward A. Chladek
Daniel W. Christensen
Ernest E. Christensen, Jr.
George F. Christian
Warren B. Christie, Jr.
Edward J. Christina
Richard V. Ciliberti
Steven H. Claassen
Henry H. Clark
Hiram W. Clark, Jr.
James W. Clark
Wilmot F. Clarke
Keith E. Claxton
William L. Clayborn
Geoffrey A. Clough
Gordon H. Clow
Arthur H. Collier
Michael R. Collins
Michael C. Combs
John Common
Edward H. Conant
Daniel E. Connell
Dennis J. Connolly
Lon M. Cooke
Ernest J. Coppola
Leino B. Corgnati, Jr.
John P. Costello II
William B. Costello
Michael D. Coughlin
Allan R. Coulson
Asbury Coward IV
Gregory V. Cranston
Frederick R. Crawford
Thomas W. Crews III
Charles F. Culbertson, Jr.
Richard C. Curley
John S. Cushing
Jerome H. Cusmano
Douglas B. Cutter
John H. Dalton
John A. Dambaugh
Robert J. D'Ambrosio
Joseph J. Dantone, Jr.
Kenneth R. Dargis
Frederick W. Dau III
Robert C. Davenport
Phillip H. David
Samuel L. Davies, Jr.
William E. Davies, Jr.
Frank A. Davis
George M. Davis
Gerald Davis, Jr.
Newell G. Davis
Walter B. Davis
William E. Davis
Richard W. Dawson
Maxie S. Day
Julius B. Dell, Jr.
Robert P. Demchik
John E. Dempsey
Robert T. Dendy
John F. DePew
Frank C. Desantis, Jr.
Bruce M. Dettman
John J. Dettmer
William R. Diener
Joseph G. Dimmick
William P. Dobbins, Jr.
Robert C. Donalson
John T. Donnelly, Jr.
Bernard G. Donohue, Jr.
James E. Doubles
Andrew I. Douglass
Paul R. Dow
Arthur P. Drennan
James M. Duffy
Richard B. Dunn
Gerald W. Dunne
Charles F. Durepo
John D. Durden
Terry L. Earhart
Richard L. Earnest
Robert W. Easton
Eric R. Eckstein
Rodman M. Eddy
Jerome E. Eggers
George F. Eichler
Lawrence G. Elberfeld
Donald G. Ellis
Winford G. Ellis
Thomas C. Elsasser
Leonard E. Engel, Jr.
Walter A. Ericson
Cyril G. Evanguelidi
Gerard R. Evans
John M. Evans
Marshall L. Evans
Matthew S. Evans, Jr.
Jack W. Everett, Jr.
Donovan L. Ewoldt
Walter H. Faddis
Michael A. Farmer
Dennis L. Farrar
Edmund J. Farrell, Jr.
William F. Feeney, Jr.
Robert J. Fegan, Jr.
Francis M. Feltham
Paul H. Fenton
Leabert R. Fernandez, Jr.
Robert V. Ferraro
Dennis G. Feuerbacher
William L. Fey III
James H. Finney
John R. Fitzgerald, Jr.
David L. Flentie
Paul R. Fletcher
Thomas D. Flory
Rowin K. Floth
Michael J. Foley
Richard W. Foley
William L. Forestell
James W. Foster
William J. Franks, Jr.
John H. Frazier III
Robert R. Fredlund, Jr.
Joseph W. Frenzel, Jr.
Raymond Frey
Marcus V. Friedman
William R. Fromme
William H. Fugard
Douglas P. Fuge
Grant D. Fulkerson
Kenneth E. Fusch
George A. Gaboric
Carl O. Gallmeyer
William J. Galvin, Jr.
Gregory P. Gantzert
John W. Garber, Jr.
Carl E. Garrett
Garland W. Garrett
Albert S. Gaston, Jr.
Charles R. Gates
Robert L. Gault
Ronald G. Georgenson
John M. Geraghty
Walter J. Gerard
Richard A. Gibson
Michael J. Gierman
Galen E. Gilbert
John T. Gilmartin
Joel D. Gingiss
Robert C. Glennon
Daniel F. Glevy
Antonio A. Godinho
Richard E. Goolsby
John E. Gordon
John E. Gorman
William A. Gottlieb
Joe F. Grable, Jr.
Clark Graham
William H. Graham III
Roger P. Granere
John A. Grant
John D. Graves
Douglas C. Gray
Francis D. Gray
Peter D. Greenberg
Bernard D. Greeson
Ronald I. Gregg
William A. Gregg, Jr.
Mark H. Griffiths
Carlton A. Griggs
Michael A. Gustavson
Patrick W. J. Haala
Howard W. Habermeyer, Jr.
Donald E. Hackett, Jr.
William R. Haines
Richard W. Halbert
Fredrick S. Hall, Jr.
Francis J. Halpin
Thomas J. Hammond
Donald A. Hannsz
Edmund P. Hannum, Jr.
David G. Hansen
Dale E. Hanson
Ronald E. Harder
Judd S. Harmon
George E. Harrell
Arthur C. Harris III
Richard C. Harris
Thomas H. Harris
William R. Harris
Gilbert A. Harrison
Russell W. Harrison, Jr.
Burr C. Hartman
Steven C. Hastings
James A. Haugen
Walter F. Hauschildt
Gerald L. Hausmann
Richard D. Havican
Thomas F. Hawk
Bobby J. Haynes
Charles M. Heath, Jr.
Robert V. Henderson, Jr.
Brian K. Hendricks
Russell K. Henry
Robert P. Herriott
George M. Hewitt
Frank H. Hiestand
Charles T. Higgins
Russell E. Hill
Robert M. Hinckley III
George E. Hise II
Glenn M. Hodge
Richard A. Hoferkamp
Dennis R. Hoffman
Jerry F. Hogan
James E. Holian
Robert E. Hollis
Michael S. Holman
John M. Holmes
William C. Holmes
Arthur F. Holz
Barry W. Hooper
Jonathan N. Horner
Douglas J. Horton
James H. Howard, Jr.
Mark W. Howard
Thomas E. Howell
John G. B. Howland
James H. Howser
James O. Hubbard
Robert O. Hughes
Wayne I. Humphreys
Matthew A. Hutmaker, Jr.
David D. Hutson
William W. Hyland, Jr.
John F. Iaconis, Jr.
Joe Ince
Philip R. Jacobs
Kenneth D. James
Stephen A. Jarecki
James L. Jennings
Paul R. Jennings
Stephen E. Jenstad
Charles C. Jett
Francis Johnson
James F. Johnson
Robert L. Johnson
Stuart C. Johnson
Thomas M. Johnston
Clark R. Jones
Donald W. Jones
Gary P. Jones
Philip K. Jones
Robert D. Jones
Roy W. Jones, II
Stephen H. Jones
Michael J. Jontry
Robert L. Jordan, Jr.
Robert H. Joyce
Jerry L. Julian
Henry J. Jurgens, Jr.
Karl H. Kaeser
David W. Kanning
Murray A. Kaplan
Bruce A. Kastel
Richard G. Katz
Michael L. Keating
Malcolm S. Keeney
Gary E. Kellner
Roger M. Keithly, Jr.
Carl W. Kellem
Thomas J. Kelley
Eugene E. Kelly
George J. Kelly, Jr.
William C. Kelly, Jr.
John P. Kelsey
Morris M. Kemple, Jr.
John A. Kendall
Michael J. Kenslow
Walter W. Kesler
Henry R. Kettelhodt
William H. Key, Jr.
Richard L. Keyser
Jason Kidder
Edward F. King
John L. Kipp
Kerry E. Kirk
Richard G. Kirkland
John F. Klein
Karl M. Klein, Jr.
Austin V. Koenen
Edward H. Koster
Crispin S. Kraft
James C. Kraft
James N. Kraft
Alexander J. Krekich
Ronald M. Krell
Bruce G. Krum
William M. Kurlak
Stephen K. Laabs
John F. Lambert
Philip W. LaBatte, Jr.
John S. Langdon III
Philip D. Lank
Robert H. Lark
Charles E. Laskey
James M. Latham, Jr.
William A. Latta, Jr.
Conrad C. Lautenbacher, Jr.
Robert W. Lautrup
Daniel C. Lavery
Dennis A. Lawrence
Robert E. Lawrence
William C. Lawton
Richard D. Lee
Anthony M. Lemke
Walter H. Lenhard III
George E. Leonard, Jr.
David B. Lester
Robert W. Lewis
Michael J. Liemandt
William H. Lifsey, Jr.
David Lipscomb II
Eric G. Lohmann
Kenneth L. Longeway, Jr.
Edward R. Losure, Jr.
Charles H. Lounsbury III
Lawrence Lovig III
Dale W. Lucas
Richard W. Ludden
Roger K. Lunde
Donald L. Lutton
Melville H. Lyman III
Thomas C. Lynch
William B. Lynch
Dennis C. Lyndon, Jr.
Robert B. Mable
William G. MacAulay
Norman L. MacIntyre
Bert J. Mackaman
Jere G. Mackin
James J. Maginn

Bernard A. Maguire, Jr.
Richard J. Maham
William T. Malin
Paul A. Mallas
Charles E. Mann
Nicholas S. Markoff
Robert W. Marsh
John S. Marshall
David A. Martin
Michael M. Martin
Norman D. Masterson
Louie A. Mauney
George A. Mayfield
Read B. Mecleary
Richard J. Merritt
Michael H. Merritts
William L. Messmer, Jr.
John F. Meyer
Michael G. Meyer
Raymond T. Michelini
Kenneth B. Middleton, Jr.
Ro T. Milanette
Rudolph L. Milasich, Jr.
Robert J. Milhiser
Louis D. Milioti, Jr.
Jeffrey M. Miller
George F. Mitchell
Michael G. Mitchell, Jr.
Robert J. Mizer
Robert W. Moloney, Jr.
Francis H. Molloy, Jr.
Edward A. Monaco, Jr.
Charles L. Moore III
Lorie A. Moore
Stephen D. Moore
Allen W. Moored
Peter A. Morgan
Dennis A. Morris
Ricky K. Morris
Emil D. Morrow
John H. Morse III
William M. Moscrip
Ronald J. Moser
Daniel Moulton
John J. Mumaw
Alexander F. Munro II
Andrew J. Murphy
Charles R. Murphy, Jr.
Richard L. Murphy
Thomas O. Murray
Richard S. Muti
Larry R. Myers
Richard T. Myers
Terry J. Myron
Robert G. McClure
William E. McClure
James J. McConnell
Frank K. McCutchen, Jr.
Richard A. McDermott
Jay G. McDonald
Thomas E. McFeely
Jeremiah J. McGuire
Paul D. McManus
Dale A. McMullen
James G. McWalters
Jon W. Nagel
Moses T. Najarian
William H. Natter, Jr.
Joseph F. Navoy
Joseph F. H. Neal
Jerrold J. Negin
Arthur W. Nelson III
Richard J. L. Nelson
Lewis R. Newby
Robert B. Newell, Jr.
Thomas L. Newell
Robert A. Newkirk
Robert E. Newman
Thomas J. Nicarico
Aubrey A. Nichols
John E. Nicklo, Jr.
Donald W. Nissley
James D. Norvell
Stuart M. Novak
John A. Nuernberger
James W. Nunn
William V. O'Connor
John J. Oehler
Michael F. Oliver
Harold M. Olson, Jr.
Paul T. O'Neill
Lawrence H. Oppenheimer
Robert A. Orlosky
Judd F. Osten
James A. Ounsworth
Armand T. Palatucci
George F. Palmgren
John H. Palombi
Charles C. Parish
Arthur G. Parrott, Jr.
David J. Parry
James R. Pasch
William W. F. Peake
Nils A. S. Pearson
Leander M. Pemberton
Henry G. Perkins, Jr.
James B. Perkins III
Douglas D. Peterson
Winston H. Peterson
Richard H. Phelan
Alexander M. Phillips
Dennis A. Pignotti
Barry M. Plott
Joseph C. Plumb, Jr.
Frank N. Polhemus
James L. Poole
James H. Porterfield, Jr.
Robert L. Powers
Robert L. E. Prath
Nicholas L. Press
Ira T. Price
Edgar D. Priest, Jr.
Lawrence E. Probst
Joseph W. Prueher
Alan G. Putnam
Michael J. Quaintance
William F. Quirk, Jr.
Norman D. Radtke
Thomas G. Raffo
Floyd W. Ratliff, Jr.
Dennis E. Ray
Donald J. Ray
Norman W. Ray
Patrick J. Reardon
Barry R. Relinger
Joseph L. Restivo
Enrico A. Ricci
Stephen D. Richards
Robert B. Richey
Thomas N. Richman
Robert E. Rinker
Robert F. Riordan
Hugh J. Risseeuw
Glenn W. Ritchey, Jr.
Richard J. Robbins
James L. Roberts
John E. Roberts
Robert E. Roberts
Charles L. Robertson
Louis N. Robinson
Peter T. Rodrick
Paul E. Rowe, Jr.
Richard S. Ruble, Jr.
Joseph J. Rudy, Jr.
Jay B. Russell
Lawrence M. Russell
Theodore K. Sadamoto
John J. Sai
Henry D. Salerno
John D. Sande
Ronald J. Sanders
William P. Sargent
Joseph F. Satrapa
Edward T. Saucier
Joe M. Saul
Steven C. Saulnier
Dale A. Schempp
Ralph Schlichter
Henry W. Schmauss, Jr.
Baldwin S. Schmidt
Richard H. Schmidt
Michael J. Schneider, Jr.
Edwin E. Schoenberger
Robert F. Schroeder
Henry F. Schultz
Henry C. Schwemm, Jr.
Neil "C" Schwertman
Ronald B. Scott
Edward N. Scoville II
James R. Seeley
Harry "D" Sell
Robert P. Senecal II
Donald E. Seyk
James F. Shanahan
William F. Shaughnessy III
Joseph M. Shea, Jr.
William L. Sheehan, Jr.
Charles D. Shields, Jr.
Glenn E. Shindler
Charles L. Shoemaker
Geoffrey R. Shumway
Robert S. Shunk
Gerald W. Siebe
Harro H. Siebert
Robert L. Sigrist, Jr.
Lawrence M. Silver
Robert M. Silvert, Jr.
Harold D. Sisson, Jr.
David M. Sjuggerud
Phillip R. Slough
William A. Slover
Alan B. Smith
Donald V. Smith
Ernest M. Smith
Gordon L. Smith
Terry L. Smith
Theodore F. Smolen
James C. Sorensen
Walter Sowa, Jr.
Frank A. Spangenberg III
James L. Spencer III
Dennis R. Spradlin
William E. Spriggs
George F. Sprowls
Terry A. Stacy
William S. Stakes, Jr.
Joseph J. Staley, Jr.
John A. Stanley
Richard N. Stark
William L. Starks
Robert P. Stewart
Thomas H. Stick
Raymond E. Stone, Jr.
Robert A. Stoughton
Barton D. Strong
Allan P. Struck
Dennis M. Sullivan
Thomas B. Sullivan
Daryl D. Summers
Robert Sutton
John A. Swainbank, Jr
James N. Swan
Thomas J. Swartz
Roger D. Sweeney
John C. Sweet
Harry M. Swyers
Peter M. Syrko
Michael O. Tackney
Anthony R. Taylor
Donald O. Taylor
John M. Taylor IV
Robert B. Taylor III
Lewis F. Taynton
Joseph R. Tenanty, Jr.
John H. Tenbrook
Bruce A. Thoman
Benjamin F. Thomas
Bryce A. Thompson
David D. Thompson
Donnie H. Thompson
John F. Thuente
William J. Tinston, Jr.
Michael S. Tipton
James Tisaranni
John Titterington, Jr.
Thomas R. Toczek
James K. Tolbert
Charles J. Tomashek
David N. Tornberg
David A. Trace
Charles J. Trease, Jr.
Theodore W. Triebel
Gale E. Treiber
David F. Tuma
John A. Tweel
Lee V. Twyford, Jr.
William S. Ulrich
Richard P. Umfrid 3d
Roger E. Vanduzer
George B. Vaupel
Kenneth M. Viafore
Karl A. Vogeler III
David A. Wagner
William C. Waldron III
Keith A. Waldrop
John H. Walkenford III
Paul L. Walker
Donald H. Wallace
David H. Walsh
Robert M. Ward
Terry W. Ward
Leonard R. Wass
John R. Watkins
Keith I. Weal
Gerald W. Weber
Wilson G. Weed
Albert R. Weigel
Robert F. Weir
Donald A. Wellmann
Bruce Wells
Robert M. Welsh
Charles S. Welty, Jr.
Christopher Y. Wemple
Keith M. Werner
Eric L. Westberg
Clifford W. Wexler, Jr.
Gerard T. Whittle
Thomas T. Wiel
Charles L. Wilde
Billy B. Williams
John E. Williams
Richard D. Williams III
Jeffrey V. Wilson
Richard M. Wilson
William E. Wilson
Frederick J. Windle, Jr.
Mark R. Wisenburg
Ray C. Witter
Bruce K. Wood
Arch Woodard
Sanford G. Woodard
Robert B. Woodruff
Charles W. Wright
David R. Wright
Donald J. Wright
Hubert H. Wright IV
Webster M. Wright, Jr.
William H. Wright IV
David C. Wynne
Brian A. Young
Robert B. Yule
Gary G. Zech
Gary A. Zimmerman

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

John D. Ballbach
David S. Bary
Terran R. Boyd
Donald C. Burbick
Charles M. Coleman, Jr.
Albert F. Creal, Jr.
Timothy J. Drucis
Leroy F. Field, Jr.
John B. Gabor, Jr.
Donald B. Gibbins
Jeffrey W. Hallahan
William R. Hartwell
Robert E. Hoffler
Eugene C. Holloway III
Don L. Hunter
William E. Jarvis
James M. King
Alfred C. Kosmark
Donald O. Lacey, Jr.
Homer P. Leedy
Joseph M. Leonardi
Edward H. Mackenzie III
James R. Maitland
Ralph S. Martin
Michael A. Murray
Thomas O. Murray, Jr.
Robert H. Nichael
Joseph E. Ponder
Edmund F. Quinton
John E. Reiersen
Stephen J. Roesinger
John F. Schaefer
Richard A. Shapack
David R. Slutzker
Robert L. Solomon
Alfred W. Tate
Bruce K. Terwilliger, Jr.
Woodrow W. Vaughan, Jr.

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Civil Engineer Corps of the Navy, subject to the qualifications therefor as provided by law:

James B. Clayton
Joseph B. Green, Jr.
Orval G. Herrell
Thomas A. Long, Jr.
Ole Leigh Olsen
David A. Rein
Bruce L. Runberg
Sheldon S. H. Zane

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line of the Navy (engineering duty), subject to the qualifications therefor as provided by law:

Bobby E. Bennett
Philip F. Grasser
Timothy P. Hulick

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

James W. Bell
Robert E. Bill
William G. Clements
Roger M. Cooper
John L. Davis
Charles J. Day
Donald D. DelManzo, Jr.
Frank M. Dirren, Jr.
Frank A. Escobar
Donald R. Hess
Richard D. Hoeman
Richard H. Lynch
Michael M. MacMurray
William G. McWilliams III
William R. Mansell
John D. Midgard
James L. Norton
Anthony M. O'Connell
Neil A. Robertson
Mark W. Hall
George C. Harrison, Jr.
Ulf Sawert
Bryan E. Selzer
Floyd E. Swartz, Jr.
Mark L. Turk
Ernest H. Vovakis
Donald E. Walker
Richard F. Wornson
Ronald L. Zeiler

William M. Pfann (Naval Reserve Officers Training Corps candidate) to be a permanent ensign in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law.

Louie J. Griffin, Jr. (Navy enlisted scientific education program) to be a permanent lieutenant (junior grade) in the line of the Navy, subject to the qualifications therefor as provided by law.

The following-named graduates from Navy enlisted scientific education program to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

James R. Bauman
Walter J. Benn, Sr.
Robert L. Bevier
David A. Blake
Wayne H. Bostic
Bruce M. Brady
William J. Breen III
Carl C. Brewer
Charles N. Bright
Alvin L. Butters
James R. Campbell
"W" Eugene Carlsen
Charles E. Carroll
Willard G. Caudell
Donald K. Chalfant
Robert O. Chancellor
William H. Croll
Daniel A. Daly
Michael G. Dameron
Johnny H. Daniel
Carlton H. Darnell
Teddy G. Davidson
Norman E. Davis
David R. Debenport
David A. Dehart
Robert M. Donath
Paul W. Donndelinger
Charles J. Duchock, Jr.
James W. Dumas
Robert J. Farrell
Richard E. Fast
George S. Forrester
Thomas A. Foster
James R. Fuller
William K. Gaylord
Richard L. Gosselin
Charles N. Gross
Gerald L. Hall
James F. Harvey
Billy L. Heid

Ulis D. Hekel
Bruce W. Hepner
Roger A. Hiss
Ronald R. Hlavinka
Lauris M. Holloway
Robert D. Hopkins
John W. Hummel
Bradford Humphrey, Jr.
Joseph G. Hyde
Clifford L. Jamerson
Carmen J. Johnson
William F. Jorgensen
Melvin E. Kanner
Frank E. Kemmerer
Michael D. Kenny
Jon W. Kissinger
Jack U. Klaas
Timothy D. Klopfenstein
Thomas F. Lane
William T. Lee
Charles E. Lehmann
Barry H. Lerich
Eugene D. Maloney
John P. Meierdierks
John F. Mesman
James R. Meyer
Francis J. Murphy, Jr.
Leonard M. Nielsen
John G. Oehlenschlager
Eugene L. Oxenrider
Keith L. Parkinson
Arthur J. Pennington
Imon L. Pilcher
William J. Poole
Dennis E. Roberts
Clint D. Sadler
Frederick D. Salzer
John P. Sanger
Robert A. Schilling
Kenneth A. Schmidt
Gerald M. Schueman
Walter E. Sharp
Thomas E. Simpson
Edman L. Sipe
Russell E. Sirmans
Wiley H. Skidmore
Daniel M. Toporoski, Jr.
Anthony E. Troianello
Wayne M. Vickery
John A. Vorwerk
Michael G. Walker
Gary L. Weerts
John C. West, Jr.
Paul R. Williams
Thatason L. Williams, Jr.
James R. Winn

Stephen W. Dallas (Navy enlisted scientific education program) to be a permanent lieutenant (junior grade) in the line of the Navy, in lieu of ensign in the line of the Navy, as previously nominated and confirmed.

Harold M. Braswell, Jr. (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

George A. Jansen (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Jeptha T. Boone
Joe P. Smith, Jr.

The following-named (Naval Reserve officers) to be permanent lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Thomas R. Bates
John R. Blodgett, Jr.
Donald V. Blower
John R. Dykers, Jr.
William R. Nicholas
Malcolm L. Petway
Norman L. Swensson

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

John F. Ambrose
Ian M. Ballard
Frank N. Boensch, Jr.
Mark E. Bradley
Paul M. Crum
David M. Fitzgerald
Victor C. Heath
Lawrence A. Jones
Robert M. Jung
Daniel H. Kinzie IV
David L. Moskowitz
Donald G. Preuss
James J. Quinn
Thomas O. Robbins
Edward J. Robinson
William D. Young

Lucius L. Pitts II, HN, USN, to be a permanent ensign in the Medical Service Corps of the Navy, subject to the qualifications therefor as provided by law.

Frank R. Hicks, U.S. Navy retired officer, to be a permanent lieutenant commander in the line of the Navy, subject to the qualifications therefor as provided by law.

The following-named U.S. Navy officers to be permanent chief warrant officers, W–4, in the line of the Navy, subject to the qualifications therefor as provided by law:

Robert W. Goodreau
Irvin R. Moss
Jack M. Reid

The following-named (civilian college graduates) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

John R. Goska
Wilbur G. Reed

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Charles R. Diem
James E. Krause
John D. Walsh

The following-named (civilian college graduates) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Frank I. Mangum
Theodore E. Muir

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Walter H. Ebert
Harry S. Heget, Jr.
Peter C. Huelster
Peter Kasenchak
Richard S. Lodico
Charles E. Wingard

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Ray A. Ashcraft
Robert Y. Coleman
James H. Fjerstad
Stephens M. Magers
Robert P. Moffett
Joseph G. Pille
Albert B. Pyland
Harold L. Russell
James T. Woodsmall

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Edward L. Abeyta
Terrance W. Baker
Thomas E. Bollinger
Peter B. Carroll
Richard A. Copeland
Peter R. Cunningham
John F. Debs
John H. DeMeyer
Michael M. Eisenburger
John J. Girolami
Louis C. Habig
William H. Hirshfeld
Robert S. Jones
Eliot Lable
Allen D. McCaghren
Charles F. Negus
Ronald T. Nelson
Gary P. Nichols
George R. Pedrick
Gerald L. Pierce
Gerald S. Poe
William G. Richardson
Donald E. Siegal
Joseph T. Siracuse
Seikichi Taba
Ronald H. VanSlooten
William F. Zinghelm

The following-named (civilian college graduates) (dental intern program) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

John B. Wahlig
Stanley A. Youdelman

The following-named (Naval Reserve officers) (dental intern program) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Roger E. Alexander
John M. Allen
David L. Bozikowski
William J. Buchholtz
William M. Bunting
John M. Cahan
Edgar H. Chambers
David C. Eldridge
Dennis C. Foster
Karl W. George
Dennis G. Hillenbrand
Norman J. Horenkamp
Neil W. Lamb
John D. Lane
Robert A. Lawton
Stephen J. Levine
Richard D. Pawlak
Kenneth G. Ponder
Griffith F. Pritchard
Dale S. Prock
Richard M. Pyne
David H. Schroeder
Richard L. Seberg
Barry E. Sharrow
Lawrence W. Stark
Thomas W. Stone III
Charles L. Stoup
James B. Sweet
Edward P. Theiss
James F. Whittaker

The following-named (Naval Reserve officers) (dental intern program) selected as alternates, to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Myron L. Pudwill
Edward A. Griebe
James B. Killinger

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Gray, Harold E., Jr.

SUPPLY CORPS

McDaniel, Roderick D.

CHAPLAIN CORPS

Oakley, Donald C.

NURSE CORPS

Barrows, Anne C.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bailes, William J.
Bates, William R.
Boler, Giles J.
Bowen, David M.
Carter, Floyd W., Jr.
Clark, Rolf H.
Connor, John
Delles, Carl M., Jr.
Dennis, David A.
Field, Stephen A.
Fischl, Joseph J.
Hannaman, Wilbur G.
Hauer, George I.
Jacobsen, Kenneth C.
Kohlstedt, Kenneth D., II
Knott, Ronald J.
Less, Anthony A.
McAbee, John T.
Moffitt, Robert E.
Nelson, Gary L.
Pierce, Huey L.
Plattis, Michael L.
Spear, Sherley L.
Taylor, Thomas F.
Uner, Alan L.
Unzicker, Leonard J.
Vincent, William A.
Ward, Charles E.
Watkins, Paul P., Jr.

SUPPLY CORPS

Palmatier, Philip E.

CIVIL ENGINEER CORPS

Holzbach, James F.

MEDICAL SERVICE CORPS

Groce, William E.

NURSE CORPS

St. Angelo, Joan E.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bennett, Paul L.
Brennan, Thomas J.
Brooks, Kenneth M.
Brown, Charles D.
Carden, Francis D.
Crabbs, Edward H.
Dooley, Dennis P.
Duke, Thomas E.
Gorgas, Chester W.
Grove, Frank H.
Harper, John N., Jr.
Haskell, Hugh B.
Hightower, Charles V.
Holmes, Harry M.
Judson, William H.
Lange, Peter S.
Larison, Donald E.
McEachen, Angus D., III
Salda, Ronald E.
Schneider, Michael J.
Schulze, John M., Jr.
Stearns, Richard C.
VanPelt, Sterley B., III
Walker, James R.
Wilson, David C.
Wright, Lawrence T.
Zucca, Garry J.

SUPPLY CORPS

Berger, Paul
Ford, John E.

CIVIL ENGINEER CORPS

Knuz, Joseph D.
Wheeler, David E.
Woll, Jerry D.

Carleton C. Chesnut for permanent promotion to the grade of chief warrant officer, W–4, in the U.S. Navy subject to qualification therefor as provided by law.

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and in the temporary grade of lieutenant:

Donald M. Ervine
Robert E. Knachel
Richard J. Moore
Richard B. Renner
Milton W. Weaver

The following-named line officers of the Navy for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of ensign:

Ernest L. Andrews, Jr
David A. Bingemann
Roger A. Marien
William A. Naiva

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and in the temporary grade of lieutenant:

Jan W. Cook
Alvin V. Skiles

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of ensign:

Carl H. Bender, Jr.
Wilson M. Black
Larry G. Blackwell
Robert L. Brandon
William N. Ekstrand
Donald R. Wells

James W. Newcomb, Jr., Supply Corps, U.S. Navy, for transfer to and appointment in the restricted line, U.S. Navy (engineering duty), in the permanent grade of lieutenant.

The following-named officers of the Navy for permanent promotion to the grade indicated:

LINE

To be captains

Adams, Robert S.
Adams, William L.
Adkins, Aubyn L.
Adrian, Robert N.
Alexander, Robert H.
Alexatos, Michael S.
Alleman, James K.
Amme, Robert G.
Anastasion, Steven N.
Anderson, Clyde B.
Aubrey, Norbert E., Jr.
Ault, Frank W.
Babcock, Courtland T.
Bailey, William F.
Baird, William D.
Baldridge, Jewett A.
Baney, Sidney N.
Banks, William R.
Barrett, Alcus E.
Barrett, John M.
Bartlett, Lewis C.
Bass, Thomas E., III.
Bauman, John F.
Baumeister, Charles, Jr.
Bayne, Marmaduke G.
Beadles, Joe W., Jr.
Beaver, Robert H.
Behan, Joseph N., Jr.
Behl, John H.
Beling, John K.
Belt, Richard W., Jr.
Bennett, Milton D.
Berquist, Carl R.
Birdsall, Douglas "M."
Blattmann, Walter C.
Bliss, George L., Jr.
Blocker, Leo B.
Boydstun, Howard, Jr.
Brady, Francis X.
Brambilla, Marius G., Jr.
Brega, Richard E.
Briggs, Chester E., Jr.
Briggs, Chester A.
Brookes, Charles S.
Brown, Richard K.
Bryan, George R., Jr.
Buckwalter, Earl E.
Budding, William A., Jr.
Burley, Albert C.
Bursik, Vlada D.
Burton, John H.
Busik, William S.
Butler, Francis A.
Cafferata, William F.
Callahan, James E.
Campbell, James M.
Caney, Lawrence D.
Cantwell, Richard, A., Jr.
Carpenter, Melvin J.
Cates, Clifton B., Jr.
Cheal, Wayne R.
Cherbak, Alfred A.
Cockroft, Irving G.
Coleman, Thaddeus T., Jr.
Colenda, Frank
Colleran, Gerard F.
Collins, Cecil B., Jr.
Collins, Samuel L.
Connolly, Bartholomew J., III
Cooke, Henry J. H.
Cooper, Charles T., III
Coppola, Eduguardo M.
Cormier, Richard L.
Cornell, Leland B.
Coste, John E.
Coulter, Frank J.
Cox, Albert W.
Culley, William F.
Cummings, Edward J., Jr.
Curtis, Clifford B., Jr.
Cyr, Richard F.
Dankworth, Edwin G., Jr.
Danz, Lawrence F.
Davis, George J.
Davis, George W., V.
Davis, Raymond E.
Dawkins, M. Vance
Dibble, Edgar J.
Dick, John H.
Ditch, William E.
Dodson, Boykin R.
Dombroff, Seymour
Donaldson, James C., Jr.
Doran, Homer M., Jr.
Dougall, Alan
Douglas, Benjamin T.
Doyel, Wilbur T.
Drachnik, Joseph B.
Duborg, Robert W.
Dudley, John A.
Duncan, John A.
Durham, Harold D.
Durham, Hugh M.
Durio, Jack N.
Easton, William R.
Eaton, Max A.
Edwards, Eldon L.
Edwards, John Q., III
Efird, Terril A.
Elefter, Theodore
Ellis, Neil L., Jr.
Ellison, Harold H.
Emerson, Arthur T., Jr.
Erken Brack, Phillip F.
Esler, Clifford M., Jr.
Eslinger, Robert H., Jr.
Etheridge, Melvin R.
Facer, Gordon C.
Fearnow, Frederick R.
Feightner, Edward L.
Ferris, James
Field, Leonard E.
Finley, Miles R., Jr.
Fitzhugh, Mayo McG., Jr.
Fleming, William W.
Flessner, Conrad J.
Flint, Lawrence E., Jr.
Flynn, Edward P., Jr.
Foley, Peter J.
Foley, William J., Jr.
Forde, Lambert V.
Fox, Elmer L.
Fox, John C.
Francis, Arthur E.
Franz, Leonard A.
Frese, Bernard W., Jr.
Froscher, Clarence T.
Frossard, Clarence F.
Gaines, Robert Y.
Gallagher, Edward F.
Gallemore, Roy H.
Galvani, Amedeo H.
Garrett, William L., Jr.
Gastrock, Martin D.
Gendron, Edward W.
Gerdes, Henry A.
Gersuk, Ipser J.
Gillock, Robert H.
Gills, James W.
Girault, Norton R.
Gisvold, Paul A., Jr.
Gleeson, John P.
Godek, Mieczyslaw
Golden, William A., Jr.
Gould, Joseph E.
Graham, Woodrow W.
Gray, "O" "B"
Gray, William J.
Greenwood, Robert B.
Greer, Richard D., Jr.
Griffin, Edwin C.
Griffith, John "T"
Griggs, John B., III
Grkovic, George
Guidry, Joseph W.
Gulmon, Robert H.
Haase, Richard A.
Haisten, Homer H., Jr.
Hamby, Edward P.
Hardcastle, William H., Jr.
Hancock, Alex F.
Hannon, Paul G.
Hansen, Robert L.
Hanson, Ralph M.
Hammerstone, James H., Jr.
Harnish, William M.
Harrelson, George D.
Harris, Floyd L.
Harrison, Curg W., Jr.
Hawthorne, Robert E.
Haynie, John C., Jr.
Hazapis, Thomas
Heishman, Jack "C"
Heller, Samuel R., Jr.
Helsel, Kenneth D.
Henry, Alfred J., Jr.
Hershey, Kirk
Hershey, Merle M.
Heselton, Leslie R., Jr.
Heyworth, Lawrence, Jr.
Hibben, Carl B.
Hill, Charles A., Jr.
Hitchcock, Edwin N., Jr.
Hitz, Frederick W., Jr.
Holcomb, John K.
Hollinshead, Charles W., Jr.
Holmes, David C.
Holzrichter, Max A.
Homer, William N. P.
Hoppe, William E.
Horrell, Ernest R.
Howe, George B.
Hubbard, Raymond A.
Hubbell, Charles W.
Hudson, William O., II
Hudspeth, William L.
Humphrey, William S., Jr.
Hunt, Daniel, Jr.
Hunt, Robert F.
Hurst, Thomas C., III
Hussong, William J., Jr.
Hydinger, Marlin C.
Iiams, Meryl A.
Ischinger, Eric, Jr.
Jackson, Erwin S.
Jackson, Robert W.
Johnson, Earl B.
Johnson, James M.
Johnson, Silas R.
Jones, Jack B.
Jones, James A.
Karcher, Daniel M.
Kauffman, Hal A.
Kelley, Vincent F.
Kemp, Joseph C., Jr.
Kerr, Edward E.
King, David A., Jr.
Kirkland, William B., Jr.
Klahn, Dale C.
Klein, Walter C.
Knight, Olyce T.
Kostrzewsky, Alexander J.
Kubel, Howard L.
Kuntze, Archie C.
Kurtz, Lawrence A.
Labyak, Robert W.
Laird, Ian M.
Laliberte, William
Landua, Oliver H.
Lang, Harold F.
LaPierre, Douglas B.
Larsen, Frank
Larson, Robin E.
Lassell, Donald L.
Lavrakas, Lefteris
Law, Richard R.
Lawson, Dunbar
Lazenby, Richard D.
Leavitt, Guy C.
Lee, Howard "C"
Leehey, Patrick
Leonard, Edward F.
Lindstrom, Kenith V.
Lobdell, John H.
Loomis, William R.
Lovington, Joseph A.
MacGovern, Robert N.
Mackey, Wendell C.
Madson, Richard O.
Maher, David B.
Manson, Frank A.
Marrow, Jack S.
Martin, James N.
Martin, Neal, Jr.
Massie, Malcolm R.
May, Allan E.
McCain, Audley H.
McCants, Thomas R.
McCaughey, William H.
McCauley, Brian
McClellan, Thomas R.
McClure, Huston B.
McCormick, James B.
McCoy, Donald E.
McCrerey, Homer A.
McCuddin, Leo B.
McCulley, William M., Jr.
McDougal, Clifford A.
McEwan, Archibald J.
McGann, Patrick H.
McGinnis, George P.
McGowan, Edward C.
McInnis, Norman, K.
McClaughlin, John
McLinn, Frank M.
McManus, Philip S.
McMullan, James J.
McMullen, Cornelius E.
McQuilkin, William R.
McTighe, John A.
Melusky, Thomas A.
Merwin, Jesse A.
Metzger, Lewis W., III
Meyer, Edgar R.
Miller, Harry Z.
Milner, Frank D.
Montunnas, Stanley
Mooney, James D.
Moore, Howard S.
Moore, Larry D.
Moore, Sam H.
Moore, Thomas H.
Moss, Richard N.
Moulton, Bernard W.
Mulligan, Charles E.
Murtha, Vincent L.
Naylor, Jesse A.
Newland, John W., Jr.
Newlon, Arthur W.
Newton, Arthur G.
Ney, Robert J.
Nichols, John L.
Nifong, James M.
Nolan, John J.
O'Brien, James M.
O'Connell, Daniel J.
Oliver, James D., Jr.
O'Neill, Martin G.
Pace, Joseph J.
Padget, Paul E.
Page, Horace C.
Pardee, William McK.
Pariseau, Joseph A.
Payne, Charles D.
Pendleton, Charles A., Jr.
Perez, Romeo
Phillips, Glenn E.
Pittman, Milan L., Jr.
Prager, Morton A.
Pridonoff, Eugene
Pump, Fred W., Jr.
Purcell, Jones W.
Quillin, James C., Jr.
Quinn, Frank N.
Racette, William A.
Raddatz, Robert W.
Rapp, William T.
Rathbun, Leon H., Jr.
Ray, Prentis R.
Regan, Robert F.
Reh, Frank J.
Rehnberg, Kay P., Jr.
Riblett, William R.
Riddle, Meredith G.
Ries, Herbert H.
Ries, Robert E., Jr.
Ringenberg, George W.
Ritchie, James
Robbins, Spencer E.
Roberts, Carlton B.
Roberts, Charles C., Jr.
Robie, Edgar A.
Robinson, Samuel J., Jr.
Rossell, Robert H.
Rothamel, William P.
Rowell, Kenneth F.
Ruiz, Charles K.
Rusk, Alfred D.
Ryan, John W., Jr.
Sahaj, Joseph
Sams, William R.
Sanders, Charles C.
Sappington, Merrill H.
Savacool, James M.
Sawyer, Clifford R.
Schall, Rodney F.
Scherer, Lee R., Jr.
Scott, David A.
Scott, William J.
Sedaker, Thomas S.
Sedell, Thomas R.
Seelinger, Robert A.
Sell, Leslie H.
Sestak, Joseph A.
Shaver, Robert G.
Shaw, Frank J.
Shea, John "D.," Jr.
Shepard, Tazewell T. Jr.
Shepherd, John T.
Shinneman, John R.
Shong, John W.
Shor, Samuel W. W.
Short, James W.
Sibold, Arthur P., Jr.
Sigurdson, Orville S.
Sinclair, Andrew M.
Smith, Alwyn, Jr.
Smith, Robert G.
Snyder, Gordon A.
Sollenberger, Harold D.
Spielman, James S.
Spreen, Roger E.
Stack, Martin J.
Stanley, Donald C.
Stark, Robert E.
Stastny, Charles E.
Stearns, William G., Jr.
Stecher, Robert W.
Stegg, Robert J.
Sterrett, David S.
Strong, Hope, Jr.
Stroud, George W.
Stuart, Robert M.
Sumrall, Elton L.
Swope, James S.
Symons, Floyd M.

Tate, Benjamin C.
Taylor, Theron J.
Tazewell, John P.
Tefft, John E.
Temme, Robert L.
Thielges, Bernard A.
Thomas, John M.
Thorne, Fred H.
Thurmon, Norman E.
Tickle, Paul A.
Tofalo, Francis
Tolerton, Raymond C., Jr.
Tower, Robert G.
Tracy, Weimer B., Jr.
Traylor, James T., Jr.
Treadwell, Thurman "K," Jr.
Tuttle, Louis "K," Jr.
Umbarger, Bernard S.
Underwood, William E.
van Lier Ribbink, Edvard F.
VanNess, Harper E., Jr.
Vessell, Frank G.
Vineyard, Merriwell W.
Vitucci, Vito L.
Volonte, Joseph E.
Waldman, Albert C., Jr.
Walker, Lewis W., Jr.
Wall, Maurice E.
Wallace, Kenneth C.
Ward, Charles W.
Ward, Herbert H., III
Ward, James R.
Warner, Robert E.
Watson, Samuel E.
Webb, Charles D.
Welles, William T.
Wessel, Robert L.
West, Horace B.
Westrup, Warren E.
Wharton, Claude A., Jr.
Whisler, George H., Jr.
White, Norman E.
White, Richard S., III
Whiteaker, James G.
Wills, James K.
Wilson, Walter K.
Winter, Edward J.
Wissman, Robert G.
Witmer, Robert M.
Wolff, Paul M.
Woodall, Reuben F.
Woodward, Horace J.
Woodward, Nelson C.
Wooldridge, Arthur R., Jr.
Wynkoop, David P.
Young, Howard S., Jr.
Zane, Curtis J.
Zimermann, Richard G.
Zoeller, Robert J.

MEDICAL CORPS

To be captains

Bond, George F.
Country, John C.
Cowart, Elgin C., Jr.
Giknis, Francis L.
Hamill, James E.
Holmes, James H.
Johnson, Wendell A.
Kee, Charles E.
Lieurance, Richard E.
Marshall, Francies
Pariser, Harold P.
Weidemann, Karl C.
Wells, Peter F., II
Whiteside, James E.

SUPPLY CORPS

To be captains

Arthur, Harry B.
Baldwin, Frank A.
Barbero, Francesco M.
Beckmeyer, Harold E.
Brademan, Royce A.
Cook, Glover H.
Daley, Clement E.
Daniels, Royce L.
Diggle, Raymond H.
Dowd, Wallace R., Jr.
Eckfield, Kenyon C.
Ernst, Clayton W.
Foster, Thomas E., Jr.
Fulton, Clyde E.
Furtwangler, Leo E., Jr.
Garrett, John H., Jr.
Grimsley, Geleter
Hamblen, Eunice A.
Haskell, John W.
Hauge, George E.
Herron, John C.
Hopwood, Alonzo L.
Hughes, Augustus P., Jr.
Hurley, Robert E.
Jeffrey, Paul W.
Jeppson, Robert B., Jr.
Kesselring, Waverley D.
Klofkorn, Kenneth R.
Knapp, Michael J.
Leedy, Ralph G.
Leighton, Richard W.
Lewis, John M., Jr.
Lewis, Wellington H.
Lohse, William M.
Lotterhos, Augustus, Jr.
MacQuarrie, Harry A.
Mago, Bernard A.
Maiman, Elmer J.
McLanahan, Clarence E.
Mills, Hubert P.
Morrissey, John E.
Nalley, Thomas L.
Normile, Walter G.
Oldfield, Edward C., Jr.
Paist, John B., Jr.
Parrish, Melvin O.
Peach, William T., III
Perkins, Charles F.
Sanders, Allen B.
Schmeder, Charles E.
Scott, John A.
Sheehan, William J.
Sirginson, Arthur W.
Slettvet, Richard M.
Swan, Alfred W.
Swint, Elwin O.
Tolleson, Carlos L.
Tolson, Walter W.
Wade, John W.
Wiedman, Charles, Jr.
Williams, Douglas O.
Wilson, Robert H.
Wright, Jack L.
Zivnuska, Robert W.

CHAPLAIN CORPS

To be captains

Cahill, Richard A.
Ernstmeyer, Milton S.
Ferris, James S.
Gendron, Anthony L.
Kapalczynski, Eugene J.
Lonergan, Vincent J.
Sargent, Gerald H.
Schneck, Robert J.
Swinson, Jesse L.
Tuxbury, Vernon W

CIVIL ENGINEER CORPS

To be captains

Anderson, Nelson R.
Bartlett, James V.
Busbee, Greer A., Jr.
Callahan, John F.
Castanes, James C.
Cline, Warren F.
Cunney, Edward G.
Dillion, John "G"
Dougherty, John A.
Grubb, Clarence A.
Hobson, Harold E.
Johnson, Edwin E.
Meeks, Arthur F.
Miller, William A.
Pickett, Bryan S.
Trzyna, Zbyszko C.
Turner, Charles W.

DENTAL CORPS

To be captains

Colby, Gage
D'Vincent, Richard "C"
Giammusso, Anthony P.
Grossman, Frank D.
Johnson, Van L., Jr.
Knapp, Victor P.
Nystul, Oliver G.
Rinck, Theodore J. H.
Troxell, Richard R.

MEDICAL SERVICE CORPS

To be captains

Austin, Paul L.
Buckner, James F.
Chartier, Armand P.
Dreitlein, William M.
Duwel, Bernard F.
Haase, Edward F.
Herrmann, Robert S.
Isert, Lawrence L.
Kuntz, Robert E.
Luckie, Robert G.
Mann, Charles F.
Vasa, Ralph L.
Westbrook, Francis L.
Witcofski, Louie K.

NURSE CORPS

To be captain

Monahan, Dorothy P.

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Ronald Michael D'Amuar
Robert Karp Gosney
John V. Fiorentin
Robert E. Reed-Hill
John Edward Stein, Jr.
Robert Baker Walls, Jr.
Edward Bruce Weick
Daniel L. Welker

The following-named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

John J. Rapuano, Jr.

The following-named (U.S. Military Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Dennis F. O'Block
Donald M. Schwartz
Herbert D. Raymond III

The following-named (U.S. Naval Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Richard W. Andrews
Barry V. Banks
Barry N. Beck
Ronald Benigo
William C. Blaha
John D. Buckelew
Edward J. Bush, Jr.
Paul R. Caldwell
Michael J. Chumer
James B. Croft, Jr.
Martin E. Costello
John H. Dilion
Robert J. Dougal
Fred T. Fagan, Jr.
Edward M. Fox
Paul M. Frankovich
Anthony J. Garcia
Edward C. Gerhard
Mario G. Gerhardt
William J. Gleeson
Earl J. Gorman, Jr.
David W. Gould
Frank T. Grassi
Paul B. Graves
William A. Griffis II
Roy D. Hammock
Robert W. Harvey, Jr.
Paul D. Havens
Douglas J. Herrman
Homer E. Hire, Jr.
Jeffrey C. Hogan
Thomas J. Holden
Jeffrey D. E. Jefferies
Robert J. Johnson, Jr.
William C. Jones
Charles C. Krulak
David L. Lapham
David W. Lorenzo
Michael E. Lundy
Dale J. Lux
Alan E. Mahar
John T. Mahoney, Jr.
Patrick M. Malone
James E. McDonald, Jr.
Edward F. Miglarese, Jr.
Peter M. Molloy
Gerald F. Moran
Geoffrey D. Nelson
John A. Nordin
Vincent E. O'Neill
Everett W. Pentz, Jr.
Dennis N. T. Perkins
Charles A. Pinney III
Patrick M. Prout
Berton M. Ranta
Larry L. Robinson
Glenn W. Russell, Jr.
Richard P. Scott, Jr.
Ronald J. Shabosky
James R. Shoff
Ray G. Snyder
Robert C. Springer
Joseph D. Stewart
Dean A. Stiemke
Alan R. Tatlock
Robert R. Teall
James R. Thompson
Robert R. Timberg
William A. Tinsley III
Bruce E. Welch
Jerome A. Welch
Gordon R. Willson
David B. Wilshin
Robin F. Wirsching
Erik C. Woods
Jack B. Zimmermann

The following named (meritorious noncommissioned officers) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Calvin Kossiver
Clyde P. Drewett

SENATE

SATURDAY, APRIL 25, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Our Father, God, at the beginning of deliberations in this forum of freedom, we come in the glad assurance, not just of our feeble hold of Thee, but, rather, of Thy mighty grasp of us.

Even as with bending backs we toil in the valley, we are grateful that the light of Thine eternal purpose falls upon our daily tasks, and that in the beauty of common things we may partake of the holy sacrament of Thy presence.

On the earth blackened by hate, we thank Thee for men and women of good will under all skies, the saving salt of a desperate world, upon whose integrity of character and upon whose understanding compassion for other nations and races the hopes of tomorrow's world rest.

Steel our hearts to be the servants of Thy will, as we serve the present age.

In the spirit and name of Redeemer, we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 24, 1964, was dispensed with.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, before suggesting the absence of a quorum, I ask unanimous consent that the Senate proceed to the consideration of executive business, to consider the nomination for membership on the Atomic Energy Commission.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.