gan in earnest in 1956 and we expect to have it completed in 1972.

As of now we have about 17,000 miles of this system open to traffic and another 5,000 miles are under construction. This progress has been accomplished since 1956 when Congress authorized the expansion and acceleration of the various Federal-State highway programs. During the same period work has been completed on more than 166,000 miles of highways not on the Interstate System.

Capital expenditures for roads in the United States this year will exceed $8 billion for the first time in history. This compares with about $7.83 billion in 1963—and $4.3 billion in 1955. The portion contributed by the Federal Government has risen from some $700 million in 1955 to the neighborhood of $3.6 billion in 1964.

These figures give some indication of the progress we are making toward providing a road network attuned to the needs of a dynamically expanding population and one that is gravitating more and more toward our urban centers. The Congress has given us reasonable assurance that roadbuilding activity in the United States will continue at the same high level for the next 8 years. But there is presently no assurance for the years after 1972.

For that reason a great deal of expert thinking, in and out of Congress, is being directed to the question: "After 1972, What?" Such thinking is by no means premature. The Federal-Aid Highway Act of 1956, which set the present program in motion, had its roots in studies dating back to 1938—and a lot of discussions even before then.

The concern is of two kinds. First, there is the concern about the severe effect on the economy if the current level of highway activity were sharply curtailed.

By 1972 there will have been a steady flow of Federal interstate money for 15 years averaging $2.5 billion a year. In terms of employment alone, the U.S. Bureau of Public Roads calculates that highway construction by all levels of government will provide jobs for 870,000 workers this year. Contractors will employ 370,000 of these on road and bridge construction and another 500,000 workers will be employed off the site in the production of materials and equipment and other indirect employment resulting from the highway program. Obviously then, to cut off or sharply reduce the program after 1972 would cause tremendous economic dislocations.

Of even greater importance, though, is the need to plan for the future transportation requirements of our citizens. Today, we have 82 million motor vehicles on our roads and streets and this number will rise to more than 110 million in 1972. I spoke earlier of the increasing urbanization of our population. And at the risk of boring this audience with statistics, let me cite another one or two. While the total mileage of roads and streets in the United States rose only eight-tenths of 1 percent from 1956 to 1962, the municipal mileage increased an average of 3 percent a year throughout the period.

These were some of the considerations that led my colleague, Representative GEORGE M. FALLON, chairman of the House Subcommittee on Public Roads, to come to grips with the problem. He has introduced in the Congress a bill providing for a comprehensive survey of highway needs after 1972. The study will be made by the Secretary of Commerce with the cooperation of the 50 State highway departments. A report will be made to the Congress in 1967 so that planning can begin early for the post-1972 program.

The U.S. Bureau of Public Roads, an agency of the Department of Commerce, is already at work on the study and the head on the Bureau, Federal Highway Administrator Rex M. Whitton, has said:

"The underlying problem, as I see it, will be to forecast our long-range transportation needs, which means, first, forecasting future growth and changes of our population and economy, both in size and nature.

"We will have to examine the possibilities of change in transportation itself, through both technology and public desires, and considering both mass and individual transport of persons and goods."

The areas of investigation are many. The study will consider whether the Interstate System—now limited by law to 41,000 miles—should be expanded; whether the present 90 percent Federal contribution to the cost should be continued after 1972 or reduced; whether new and special provision should be made for urban roads and streets; what to do about some 2,300 miles of toll roads incorporated into a system otherwise free of tolls.

These are some of the questions that the study will seek to answer. So today, and in the months and years ahead, we're approaching another crossroads in the long history of the Federal aid highway program in the United States. This program is the product of a unique Federal-State partnership which began in 1916 and we hope will continue for many years to come.

I am confident that the highway administrators will accurately define the problems as they will exist after 1972. Then it will be up to the legislators to provide sound and equitable financing to see the program through. Those of us who are responsible for this aspect of the program no longer look upon transportation as a national problem but one having global significance.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 7, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Jeremiah 17: 7: *Blessed is the man that trusteth in the Lord.*

Almighty God, grant that daily, in the sacred attitude and atmosphere of these brief moments of prayer, we may learn and cultivate the secret of a life that is calm and courageous, faithful and steadfast.

Lift and lead us by the Holy Spirit out of those fears and anxieties, which so frequently haunt us and cause us to tremble, into new and abiding experiences of joy and peace.

May our President, our Speaker, and all the Members of the Congress be men and women who are channels of Thy grace, bringing faith where there is doubt, hope where there is despair, and bearing clear and commanding testimony, by their character and conduct, to their trust in God.

Hear us in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Bradley, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the Senate of the following titles:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by persons other than nationals or inhabitants of the United States.

THE 40TH ANNIVERSARY OF APPOINTMENT OF J. EDGAR HOOVER AS DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. WILLIS. Mr. Speaker, I offer a resolution (H. Res. 706), offering congratulations on the 40th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas J. Edgar Hoover, in his position as Director of the Federal Bureau of Investigation since May 10, 1924, has compiled one of the most remarkable records of service to God and country in our Nation's history; and

Whereas, throughout his tenure in office, J. Edgar Hoover has consistently displayed strong moral determination and great personal foresight in recognizing the threat and meeting the challenge of deadly enemies of American freedom, including the Soviet-trained and Soviet-directed leadership of the Communist Party, U.S.A.; and

Whereas, under J. Edgar Hoover's brilliant administration, the Federal Bureau of Investigation has waged a fearless and unrelenting battle against America's criminal and subversive underworlds while, at the same time, fully observing and protecting the rights and privileges guaranteed inhabitants of our country by the Constitution and laws of the United States; and

Whereas J. Edgar Hoover and his Federal Bureau of Investigation associates have brought new standards of efficiency, integrity, and impartiality to the law enforcement profession and have truly earned the admiration and respect of all right-thinking citizens: Now, therefore, be it

Resolved, That on this fortieth anniversary of his appointment as Director of the Federal Bureau of Investigation, the House of Representatives offers its congratulations and its gratitude to J. Edgar Hoover for his years of devoted service and expresses the hope that he will continue in his present office for many years to come.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. WILLIS. Mr. Speaker, I know there are many Members who wish an opportunity to speak and pay personal tribute to J. Edgar Hoover before voting "aye" on the resolution, introduced by me on behalf of the Committee on Un-American Activities, commending him on the occasion of his 40th anniversary as Director of the FBI. I would like to say just a few words, and will ask unanimous consent for Members who seek to do so, to extend their remarks in the RECORD. The greatness of our country, I think, lies to a great extent on the fact that in every area of life and human endeavor it has made constant progress. Our people are always trying to improve things, and they usually succeed. We should not be ashamed to admit that in the past, in many areas, things have not been as good as they are today. This is true of law enforcement which is so vital to a nation based on the rule of law. In the past, some of our law enforcement agencies have been amateurish and inefficient.

Mr. Hoover has made many contributions to our country, but one of the most important, I believe, has been his efforts and his success in professionalizing law enforcement. I believe he has probably done more than any other man in the country to see that on all levels of our government, in all parts of our Nation, we have the best possible law enforcement agencies. He has not only made the FBI a world-admired institution, but he has helped immeasurably to improve all law enforcement agencies in this country.

Under his direction, the FBI National Academy was established in 1935. Since that time, it has trained over 4,500 selected law enforcement officers from all over the country. In addition, under his direction, the FBI has organized thousands of police training schools on the local level. In these schools, law and the respect for the rights of the accused are stressed, along with rules of evidence and other matters essential to justice.

A major difficulty our law enforcement agencies face today, in the light of vastly improved transportation facilities, is the greatly increased mobility of criminal elements. The FBI's Identification Division has greatly assisted in offsetting this advantage for lawbreakers by keeping local law enforcement agencies informed of the movement of criminals from other parts of the country into their areas. The FBI Crime Laboratory has given impetus to the utilization of the latest and most advanced methods of scientific crime detection throughout the country.

Mr. Hoover has worked unceasingly to professionalize the identification and control of subversive activities, along with the more usual forms of crime. For many years, we have seen in our press and in the courts tributes to the professionalism of FBI agents in this field. The Bureau runs highly specialized schools and conducts special courses on espionage and countersubversion for its agents. During World War II, it was responsible for intelligence operations in certain foreign countries. We all know that in this area of law enforcement and national security, the FBI is up against a particularly crafty and ruthless foe. Yet, its agent-training in this, as in other areas, has always stressed the absolute necessity of operating in conformity with the law and in recognizing and fully protecting the rights of the individual.

Mr. Hoover has insisted, in both the criminal and subversive fields, in keeping the FBI a fact-gathering agency. He has, in addition, done everything possible to oppose vigilantism and irresponsible activity on the part of individuals and organizations in their efforts to fight communism within our country.

Most important of all, perhaps, has been the fact that when Mr. Hoover has been offered greater power, he has turned it down. He has constantly opposed the conversion of the FBI into a national police force, insisting that crime should be solved locally. It has always been his desire to keep the American people free of the image, the power—and let us face it, the fear—that go hand-in-hand with the creation of super Federal police power.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I will be glad to yield to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I certainly support the resolution.

In 1924, I moved to California from Illinois; however something more significant occurred in that same year. On May 10, 1924, following the reorganization of the U.S. Department of Justice, Mr. John Edgar Hoover was appointed Director of the Federal Bureau of Investigation. Sunday is the 40th anniversary of Mr. Hoover's dedicated public service.

Forty years of service to the Nation in furthering the cause of law and order has rightfully earned for him the distinction of the outstanding law enforcement officer of our time.

From 1935 until late 1942, I was an agent in the Federal Bureau of Investigation and therefore am well aware of Director Hoover's ability and even more, the esteem in which he is held by employees that are or have been affiliated with the FBI. By his exceptional stamina and keen mind the Director has personally been responsible for building the FBI into an organization known and respected throughout the world. Leadership such as that displayed by Mr. Hoover for these many years should not pass unnoticed. It should not be unheralded and left as a forgotten and disregarded fragment of history.

The youngsters of today should learn of Mr. Hoover in order that they may emulate his ideas, devotion, and relentless struggle against those who would subvert our American ideals of freedom and democracy.

I am proud to proclaim my past as an agent with the FBI. Having served under this exceptional man is an experience I will never forget. It was the greatest period of my life. My present association with a distinguished individual of Mr. Hoover's caliber is another milestone that brings forth praise in my heart. I wish I were capable of expressing those elegant phrases reserved only for occasions like this.

This is indeed a memorable date and all Americans should wait a time with patience to acclaim the innumerable contributions made to this, the greatest country in the world, by a truly great American, who in 40 years of sustained dedication has been an inspiration for all Americans. For your unswerving loyalty, and dedication to duty I hope that all citizens will join me in expressing our humble congratulations to Mr. John Edgar Hoover, on his 40th anniversary as Director of the FBI.

Mr. WILLIS. Mr. Speaker, I yield to my fine friend, the distinguished Speaker of the House, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I am very happy that this resolution is before the House today and that it will be, I am sure, unanimously adopted.

I first met J. Edgar Hoover in the early part of 1929 some few months after I was first elected to Congress and assumed my seat. That was in December of 1928, filling an unexpired vacancy and continuing on for the next Congress.

J. Edgar Hoover impressed me profoundly at that time as a great American and as a great leader. He had deep spiritual feelings, a great knowledge of history, and an intense love of our country. During the years there developed between us a profound feeling of respect and friendship; and my feeling of friendship and respect for him as an individual and as an American is as close and as strong as it could be for any other human being.

In 1934 this House established a Special Investigating Committee To Investigate Communism, Nazism, Fascism, and Bigotry. The then Speaker of the House appointed me chairman of that special investigating committee. We made our report on February 15, 1935. That is over 29 years ago. If any Member would get a copy of the report he could read it in 10 minutes.

I was never a believer, as chairman of the committee, in long reports. I believed in making them short and to the point. And he would read a report that any such committee could make today.

At that time the members of my committee and I were rather generally laughed and scoffed at because the people then did not realize the evil intent and purposes of communism. My committee was the first committee to make a finding that communism was an international conspiracy. That was 29 years ago.

My committee recommended what is now the Smith law, introduced by our distinguished friend from Virginia, HOWARD SMITH, and in the passing of which I played an important part. I introduced such a bill in three or four Congresses. It took us about 5 years to get it passed.

My committee recommended the original Foreign Agents Registration Act. I introduced the bill and it passed. We also recommended a bill that was passed giving to the individual service secretaries—Army, Navy, and Air Force—the power by regulation to control Communist activities in Navy yards, Army installations, and Air Force installations.

At that time under the law the Communists could go in and distribute their literature and carry on their work in trying to subvert our people and to reach the men and women going to and from work. They could not go into the places of employment where these people were working, but they had free access to the yards and camps and installation.

Mr. Speaker, my committee recommended a bill giving the Secretaries the power by regulation to control that type of activity. I can assure my friends—most of you were not here in those days—that they were bitterly fought and they did not gain passage easily.

Mr. Speaker, the one man who supported my committee and the one man who gave inestimable support to the committee of which I was chairman was J. Edgar Hoover. He saw the evil mind, intent, and purpose of the Communists as far back as that time. So did I. He saw their destructiveness. He saw their missionary mind for destructiveness. We have got to have missionary minds on the part of those who believe in the way of life in which we believe for constructive purposes and through affirmative action.

Mr. Speaker, J. Edgar Hoover was the one man who stepped in and helped my committee. We could not obtain much in the way of appropriations at that time for carrying on the committee's work. In those days we were only allocated $30,000. We had to rely upon a lot of free help and assistance. J. Edgar Hoover and the FBI, subject to attack in those days, but not today, gave invaluable assistance to the select committee of which I was chairman.

Mr. Speaker, I am so glad to see so many of the years that have gone by in which others have recognized the evil intent and purpose of the Communists, and that they have been awakened. J. Edgar Hoover and I were years ahead of them.

So, Mr. Speaker, I pay tribute to this great man. He is not only a great American, but he is a man of God, he is a man with deep faith, a man whose love of God is animated by his every action and whose love of country is also animated by every thought and action on his part. Today we honor a man who richly deserves the expressions contained in this resolution. I sincerely hope that J. Edgar Hoover, as the resolution says, will continue in his present job for countless of years to come. I express to my colleagues of the House my pride in the fact that on both sides of the aisle throughout the years there has been recognized the great mind and the loyal and the wonderful mind of this man. Whenever he was under attack years ago, both Democrats and Republicans in the House rose to his support, meaning the attacks that were made upon him from time to time in the atmosphere which existed some years ago, but which have not taken place now for some few years in the past.

But, Mr. Speaker, it was in this body that both sides unanimously always rose to the defense of this great man because we knew the leadership he was giving to our country as the head of the Federal Bureau of Investigation was not only in the national interest of our country but in the best interest of our people.

Mr. Speaker, I congratulate J. Edgar Hoover and I hope God will bless him and confer upon him for countless years to come the abundance of His choicest blessings.

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

Mr. WILLIS. I yield to the gentleman from Indiana, the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, as minority leader, the matter of bringing up this resolution was called to my attention and I was asked what I thought about it. I said, "Not only do I approve it, but I shall wholeheartedly support it."

Mr. Speaker, I said that because in my opinion J. Edgar Hoover, as much, if not more than any American in my time, has earned and deserves the respect, the confidence, the admiration; yes, and the love of all of the people of our country.

Through the long years of his service to the Government, he has demonstrated a dedication to his assignment that has been an inspiration to all who know of his work.

Under Mr. Hoover's leadership Federal Bureau of Investigation personnel have maintained the highest standards of competence and loyalty.

Beyond that, Director Hoover's many contributions to our national life, through personal appearances and writings, have helped immeasurably to develop in the character of American youth the high ideals for which he has always stood.

He is truly a great man, a man of unquestioned integrity, with complete objectivity, devoted to the welfare and the protection of our country and its way of life.

So at this point may I just say I applaud the Speaker for his very eloquent remarks, and I am happy to join with him in expressing for those of us on our side of the aisle our great admiration for J. Edgar Hoover.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I congratulate the distinguished gentleman from Louisiana for bringing this resolution before the House. Forty years in the public service is a long time, but it is the quality even more than the quantity of the service of J. Edgar Hoover that makes him one of the great public servants in the history of our country.

I join the Speaker, the distinguished minority leader, and the distinguished author of the resolution in the hope that this great American will be with us for many, many years to come. He has been a bulwark of strength against sedition, a guardian of the rights of law-abiding citizens against crime, and an inspiration to our youth to cherish the highest ideals of our country. I honor him and respect as I have honored and respected few men in the history of public service in this country.

Mr. WILLIS. Mr. Speaker, I am delighted to yield to the distinguished whip of the House, the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I should like to subscribe to the remarks which have been made by the distinguished gentleman from Louisiana, chairman of the House Committee on Un-American Activities, and the remarks made by our distinguished Speaker, the distinguished minority leader, and the distinguished majority leader in commending and congratulating one of the great Americans as he celebrates his 40th anniversary in the public service.

The resolution itself expresses more ably than any of us can the devotion of our country of this great man.

His work in behalf of our national security in exposing the Communist threat; his unceasing battle against crime all over the country, his work in reference to juvenile delinquency, his great interest in the young people of our country, his dedication to intelligent police research all have made for him a place in history unequaled by any similar official in the history of mankind.

I might say further it has been my experience in recent months to be very closely associated with Mr. Hoover in the work of the Commission appointed by the President to investigate the assassination of our great and beloved President Kennedy. This has given me an opportunity to see how thorough and how objective this man and his associates are. It has not been surprising to me, Mr. Speaker, because I knew of his efficiency over the years, but it has been gratifying and it has given me renewed confidence and trust in this agency of our Government.

I might say also that his work in crime prevention continues at a high rate of efficiency. Only last week an agent of the Federal Bureau of Investigation apprehended one of the most wanted criminals in the United States in my district, and in the process rescued and saved the life of a child 8 years of age.

Mr. Speaker, I am glad that the Congress is passing this resolution. It is fitting, it is proper, and it is well deserved.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Speaker, it gives me great pleasure to join with my colleagues in the House in commending J. Edgar Hoover on the occasion of his 40th anniversary as Director of the FBI.

As a special agent, I had the distinct privilege and honor of serving under Mr. Hoover for nearly 5 years in the early 1940's. Therefore, I feel I am speaking from firsthand knowledge when I say I consider him to be the most dedicated American today—one who has always conducted himself and his organization in an honorable manner these many years.

Throughout his remarkable career, Mr. Hoover's activities have always been guided by the words contained in the FBI motto—"Fidelity, Bravery, and Integrity." As a member of the FBI team, I learned that these attributes greatly influenced him in his daily dealings with both the criminal and his own agents.

His unselfish attitude and devotion to duty are well known in Government circles. Not a bureaucrat, he has let it be known that his office door is always open

to any FBI employee who has a personal problem, regardless of the type of position such an employee may hold. These attributes are appreciated by the men and women who make up the FBI and help explain the deep affection and loyalty they have for this man.

Early in his career, Mr. Hoover had the foresight to see how essential it was for law enforcement agencies to cooperate with one another in combating crime. It was through his endeavors that the present cost-free cooperative services that the FBI renders to State and local authorities came about. He was responsible for ushering in a new concept in law enforcement in the United States, through the example set by his special agents and their scientific approach to the solution of crimes.

The FBI Laboratory is one of the results of his untiring efforts to improve law enforcement. It is here that hundreds of examinations are conducted daily for various law enforcement agencies throughout the country. There is also the FBI Identification Division which receives over 23,000 fingerprint cards daily. In addition, in 1963, the FBI conducted nearly 4,000 local and regional police training schools for local police officers.

Certainly every loyal American owes a deep debt of gratitude to this man for his long and faithful service to the people of the United States. Under his guidance the FBI has grown into an organization highly respected by the American public. It is an organization where employment and advancement have always been based on ability and competence, never on color of skin or political preference.

It is my sincere hope and desire that Mr. Hoover remain at the FBI helm for a great many more years. I also trust that the American public will show their gratitude to this unselfish servant by continuing to support his many endeavors to improve law enforcement in our country.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, I join wholeheartedly in all the things that have been said today and in the past in behalf of this great and good American, J. Edgar Hoover.

I remember well in 1951 when a bill was sent to Congress which provided that every top agency head receive a raise in salary, but to my great surprise the name of J. Edgar Hoover did not appear on that list.

I rose and said:

Mr. Speaker, I notice the name of J. Edgar Hoover does not appear on this list of agency heads to receive a salary increase. I shall not write an amendment, I shall simply offer an amendment by voice. I ask unanimous consent that the name of J. Edgar Hoover be included in this list of agency heads to receive an increase in salary.

Speaker Rayburn rose and said, "All in favor of the Jensen amendment will say aye." A great voice rose in the Chamber shouting "aye." Then he asked for the contrary vote—not a single no vote was voiced. Hence the bill was passed by the House. It went to the Senate, was passed unanimously there.

I knew why J. Edgar Hoover's name was left off that list. Simply because he had incurred the displeasure of a high Government official. J. Edgar Hoover has been criticized by every radical in the United States. But it has not fazed him one iota nor has it hindered one iota his great work for every patriotic American, for the American people know that J. Edgar Hoover is one of the most dedicated and one of the most patriotic Americans living today. We honor him, we respect him. May he and his kind live on and on, doing good for all the good people of America and for every law-abiding citizen in this wide world.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, it is both a privilege and a pleasure to join in this well-earned tribute to a great American and a great public servant—J. Edgar Hoover. I will always treasure my own experience under his able leadership in the FBI.

In his 40 years as Director of the Federal Bureau of Investigation, J. Edgar Hoover has won the respect and admiration of both his fellow countrymen and law enforcement agencies throughout the world.

Under his leadership, the FBI has become world famous as an efficient, tireless, incorruptible, and dedicated organization.

More than any other Federal agency, the FBI has stood guard over our Nation's internal security, safeguarding our great institutions from subversion, espionage, sabotage, and enemy dangers of all kinds.

No single American has done more than J. Edgar Hoover to improve the quality of law enforcement and police work at the State and local level. The National Police Academy has been J. Edgar Hoover's effective training center for many years, and thousands of officers have improved their skills at this academy.

It is indeed fitting that we adopt this resolution today, and it is a privilege to join in its support.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Speaker, I congratulate the distinguished gentleman from Louisiana for the introduction of this resolution. I wish to associate myself with that illustrious group, including our great Speaker, who have paid tribute to J. Edgar Hoover, the incomparable American.

As an attorney in the Department of Justice before coming to Congress, I got to know Edgar Hoover and his organization, and there I admired him. He has given his life to his country.

The Bible says that nobody can do more than to give his life for his country.

The poet says that he who saves his country saves all things and all things saved will bless him, but he who loses his country, loses all things and all things lost will curse him.

Edgar Hoover has helped save America. God bless Edgar Hoover.

Mr. WILLIS. Mr. Speaker, I yield to a distinguished member of the House Committee on Un-American Activities, the gentleman from Missouri [Mr. ICHORD].

Mr. ICHORD. Mr. Speaker, I join the distinguished chairman of the House Committee on Un-American Activities in his very meritorious resolution.

On this 40th anniversary of Mr. J. Edgar Hoover's direction of the Federal Bureau of Investigation it is a sincere and real pleasure to offer my humble congratulatory message to one of the exceptional public officials in the entire history of the United States of America. Congratulations to Mr. Hoover on a tremendous job very well done.

Today the FBI reflects a character molded by a master hand—an agency of highest standards and great magnitude—and for this the American people can thank the one and only J. Edgar Hoover. He assumed control of the FBI practically in its infancy and has developed through intense effort and devotion to duty the most competent, the most efficient, the most effective law-enforcement agency in the world. Probably, Mr. Hoover has done more than anyone else to protect the internal security of the United States. He has made many, many significant contributions in exposing Communist activities and propaganda. J. Edgar Hoover is eminently qualified as an authority on communism. The books he has authored are outstanding and revealing compilations of Communist ideology and strategy and definitely have served a purpose in educating the American people to the dangers and threats of subversive activities in our Nation.

Mr. Hoover has dedicated his life to the service and protection of America and the American way of life. He has put away selfish and mercenary motivations in the line of duty and has become a legendary figure depicting skill in a specialized profession, superlative objectivity in preserving the freedoms of which we Americans are so proud, and unqualified success in arresting the cancer of communism which has threatened us for so long.

Mr. Hoover has made manifest to the world that America is truly the "land of the free and the home of the brave." The J. Edgar Hoover trademark is indeed a hallmark.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, I want to concur in everything that has been said here today relative to the outstanding record of the Federal Bureau of Investigation.

I want to congratulate Mr. Hoover on his 40th anniversary with the FBI. Truly he is one of our great citizens of this Nation. He is outstanding in every respect and his contribution to all of us is certainly appreciated.

I have long admired Mr. Hoover and the FBI for the wonderful work they have done throughout the years in mak-

ing our Nation a better place in which to live.

I have the privilege of representing the Eighth Congressional District of Tennessee. Two weeks ago tomorrow little Dennis Clyde Burke, who is only 8 years old, was playing with his friends and got on his bicycle to go get his glove to try out for the Little League in his hometown of Humboldt, Tenn. It so happened that Joseph Francis Bryan, Jr., a former mental patient, was driving through Humboldt and offered little Dennis 50 cents if he would show him where the high school was.

Soon the parents of little Dennis, Mr. and Mrs. Richard Burke, became alarmed when he had not returned home. They immediately notified the chief of police, Joe Ridings, who began the search right away, along with the sheriff of the county, R. O. Pybas. They began to question various individuals as to who had last seen little Dennis. His bicycle was found and also Mr. and Mrs. Earl Stephenson recalled seeing a white car pull into their driveway.

Due to the quick thinking of Mayor Dan Scott, Chief Joe Ridings, and Sheriff R. O. Pybas, Mr. Warren Hearn, who heads the FBI office at Dyersburg, who was a classmate of mine at Murray State College at Murray, Ky., was called into the case. Through meticulous investigation, with the full cooperation of the police department of Humboldt and the sheriff's office of Gibson County, and all law enforcement officers of West Tennessee, it was soon ascertained that a white Cadillac with Kentucky license plates had been seen in town and through the fine work of the FBI it was soon learned that the car had been stolen at the Keeneland Race Track near Lexington, Ky.

For 90 hours this family and the entire citizenship of our congressional district were practically in a nightmare. It is said that the darkest part of the night comes just before dawn. More information had been gathered about mentally deranged Joseph Bryan and at 2:45 Tuesday afternoon, April 28, an FBI agent was off duty driving down the street in New Orleans when he happened to see this white Cadillac and immediately remembered the description that had been given to all FBI offices over the Nation. Hailing down another agent who happened to be driving by, Bryan was captured and they found little Dennis safe.

With lightning speed news was flashed back to Humboldt that little Dennis was safe. From all reports it was one of the greatest days in the history of Humboldt, Tenn.

As I have stated before, we have always admired and respected the FBI but here is a concrete example of the efficiency, the devotion to duty and ability to get a job done in capturing this mentally deranged kidnaper.

Since his arrest through the FBI and local law-enforcement officers, in the short 10 days three bodies have been found of youths who have been killed by this same individual who kidnaped little Dennis.

We in our district and the Nation thank God for the FBI and for the magnificent and excellent work that has been done by Mr. Hoover in building such a great organization.

There follows a copy of a letter that I received this morning to Mr. Hoover from the Honorable Dan Scott, mayor of Humboldt, Tenn.; a splendid editorial from the Nashville Banner, Friday afternoon, May 1; an article that appeared this morning in the Washington Post; an editorial that appeared in the Evening Independent of St. Petersburg, Fla., on May 1; a press release issued yesterday by Mr. Hoover as to how for 6 straight days a party of FBI men had scoured southwestern West Virginia and finally located the body of David Wulff of Willingboro, N.J., who had been killed by Joseph Frances Bryan, Jr.

In conclusion, Mr. Speaker, let me say that we appreciate Mr. Hoover more than ever and we wish him every good wish on his 40th anniversary with such a great organization. He is certainly one of the great men of our Nation.

MAY 4, 1964.

Mr. J. EDGAR HOOVER,
Federal Bureau of Investigation,
Washington, D.C.

DEAR SIR: The Humboldt city officials, police department, Gibson County Sheriff's Department, and all the citizens wish to congratulate the following agents: Warren W. Hearn, Joseph A. Canale, Norman Casey, John Darks, Cornelius Shea, Eugene Douglas, George W. Hymers, and Donald P. McDermott; and all the other departments of the Federal Bureau of Investigation who worked with the local law enforcement people so successfully in apprehending Joseph A. Bryan, Jr., and recovering Dennis Clyde Burke before any harm came to him.

I have never had the pleasure in working with a finer, more efficient group of men than those who represented your department on this case. Words cannot express our appreciation for the help we received from the Bureau of Investigation and the above named.

Yours very respectfully,
DAN J. SCOTT,
Mayor, City of Humboldt, Tenn.

GOOD WORK, FBI

Thanks to a tireless Federal Bureau of Investigation, a Tennessee child—8-year-old Dennis Burke of Humboldt—is safely home from a kidnaping ordeal; his abductor is in custody, and more light is being shed on the trail of murder of which the latter is a prime suspect.

That is law enforcement in its essential dimensions for public safety—the job for which the FBI exists, against interstate offenses, whether the criminal is high in IQ or a psychopath.

Joseph Francis Bryan, Jr., was on the agency's published list of the "10 most wanted" men. He was back in circulation by release in January from the Nevada State Penitentiary after serving a term for auto theft and burglary—the technicality being that he thus had "paid his debt to society." By present investigation his name is linked as top suspect in two murder cases, one in South Carolina and the other in Florida, both victims being little boys.

Young Dennis Burke was extremely fortunate; he was rescued alive and unharmed. An FBI agent at New Orleans spotted Bryan's car, recognized it by the description nationally circulated, and with a companion's help captured him. Humboldt's rejoicing at that good news of family reunion, where there had been heartbreaking anxiety, was shared by all of Tennessee.

Taking and keeping criminals out of circulation is the business of all law enforcement—and the FBI is its major instrument where Federal law, for public security, is concerned. The job does not end with solution of crime, detection, and apprehension of the criminal. The responsibility entailed beyond that includes trial, conviction of the guilty, and penalty according to the enormity of the crime; with reasonable assurance that psychopaths are not thereupon freed to go their way, unattended, for repeat performances.

Certainly it can be said that one whose record is of child molestation, and who gets his kicks out of "tying up little boys" to "listen to their screaming," can't safely be at large.

How many murders does it take to impress that fact on all society, and particularly those responsible—at any level—for law enforcement?

There are laws on the statute books, State and Federal, to protect from crime. Trained, alert, courageous execution of them is the attendant essential.

[From the Washington (D.C.) Post, May 7, 1964]

THIRD BOY'S BODY LINKED TO ACCUSED KIDNAPER

HILLSVILLE, VA., May 6.—FBI agents retracing the trail of accused kidnaper Joseph Francis Bryan, Jr., today found the body of an 8-year-old New Jersey boy, the third victim linked to Bryan.

Agents said they discovered the body of David Wulff of Willingboro, N.J., about 400 yards northwest of U.S. Route 52 near this small Virginia town on the mountainous western border near the North Carolina line.

The Wulff boy disappeared on his way to school April 1.

The 25-year-old Bryan, one of the FBI's 10 most wanted criminals before his capture in New Orleans last week, also is suspected in the kidnap-slaying of 10-year-old David Robison of Mount Pleasant, S.C., and 7-year-old Lewis Wilson, Jr., of St. Petersburg, Fla.

The Robison boy's body was found in a mangrove swamp near Hallandale, Fla., March 31, and the skeleton of the Wilson child was discovered last week in a rattlesnake-infested field near Venice, 75 miles south of St. Petersburg along Florida's west coast.

Bryan, a former mental patient, once told authorities he liked to see "small boys tied up and screaming."

Bryan had another child, 8-year-old Dennis Burke of Humboldt, Tenn., in his custody at the time of his arrest, but the Burke child had not been harmed.

The boy, who was in Bryan's hands for 3 days, described Bryan as a "nice man" who treated him to the best of meals and motels during their travels together.

The FBI found the bodies of both the Wulff boy and the Wilson child by following a trail of gasoline purchases that Bryan made with a stolen credit card.

Bryan has been indicted on kidnap charges in South Carolina in connection with the Robison case. If found guilty he could be put to death.

Bryan was captured last week by two off-duty FBI agents who recognized him at a New Orleans shopping center and wrestled him into submission.

[From the St. Petersburg (Fla.) Evening Independent, May 1, 1964]

A CRIME SOLVED

Discovery yesterday of the body of 7-year-old Lewis (Hackie) Wilson Jr., writes a heartbreaking end to the month-long ordeal of his family.

They have the deep sympathy of their neighbors in St. Petersburg and, indeed, of people throughout the United States who last night and this morning have heard or read of this shocking tragedy.

In their sorrow, the family must find at least a measure of consolation in the memory of the many hundreds of hours voluntarily contributed by the senior Wilson's colleagues in the St. Petersburg Fire Department and by many other St. Petersburg citizens in the search for young Wilson after his disappearance on March 23. No effort was spared to find him alive.

In the tragic circumstances as they developed, the people of the United States also must accord unstinted praise to the men of the Federal Bureau of Investigation for discovery of the body and the apparent solution of the crime.

The almost story-book solution started with the arrest in New Orleans of a man wanted for the kidnaping and death of a 10-year-old boy whose body was found near Hallandale, Fla., on March 31.

Through the suspect's use of a stolen gasoline credit card, the FBI was able to place him in St. Petersburg on the day of the Wilson boy's disappearance, and then to trace his movements south to Venice and to the very area where a consequent search turned up the young boy's remains.

Nothing can undo the tragedy that has occurred, but the certainty of apprehension and punishment may help to prevent its recurrence.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., May 6, 1964.

FBI Director J. Edgar Hoover announced that FBI agents this afternoon located the body of 8-year-old David Wulff of Willingboro, N.J., in mountainous terrain 6 miles north of Hillsville, Va., near U.S. Highway 52.

Mr. Hoover said that after FBI agents apprehended "10 Most Wanted Fugitive" Joseph Francis Bryan, Jr., 25, at New Orleans on April 28, 1964, and recovered safely a 8-year-old Tennessee boy a check by the FBI of his travels, through credit card purchases, led to the location of the body. The Wulff boy disappeared en route to school on the afternoon of April 1, 1964.

For 6 straight days a search party of FBI men has scoured the Virginia-West Virginia line from Maryland to the North Carolina border. The body was located 400 yards northwest of U.S. Highway 52, roughly 21 miles south of Wytheville, Va.

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter, editorials, an article, and a press release.

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

There was no objection.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. RICH].

Mr. RICH. Mr. Speaker, John Edgar Hoover was born in the District of Columbia, the son of Dickinson N. Hoover, an official of the Geodetic Survey, and Annie Marie Scheitlin Hoover, the grandniece of the then Swiss consul-general in the United States. Young Hoover was an industrious and intelligent student, and became the debating champion and the valedictorian of the class of 1913 at Central High School. When his mother was widowed in 1921, Hoover assumed the responsibility of his own and his beloved mother's support. He became a clerk in the Library of Congress, and enrolled in the evening division of the George Washington Law School. There his great energy won him the nickname "Speed." His energies have never flagged to this very day. It seems unlikely to most of those who know him that they ever will.

He had no thought of investigative work when he entered the Justice Department as a clerk in July of 1917. His ambition then was to become a Government attorney. It is doubtful if he had even heard of the Bureau of Investigation prior to becoming a Justice Department employee. In those days few people even within the Government knew of the Bureau of Investigation, and of those who did some managed to confuse it with the Treasury Department's Secret Service.

Attorney General T. W. Gregory assigned the new clerk to the recently formed War Division of the Department. After the United States entered the First World War, the War Division worked with Army and Navy intelligence agencies in preparing evidence leading to the deportation of suspected and avowed anarchists. In a short time, Hoover knew more about handling the investigative side of cases of this kind than anyone else in the Department. His great aptitude and his tireless devotion to his work came to the attention of the Attorney General, and a promotion to special assistant to the Attorney General soon followed.

His assignment now brought him into close contact with the Department's Bureau of Investigation, headed by the late A. Bruce Bielaski. Hoover became more and more interested in the functions and responsibilities of what was then a comparatively unspecialized and unimportant bureau. In August of 1919, Attorney General Gregory had his Special Assistant Hoover organize in the Bureau of Investigation a General Intelligence Division, and Hoover was made its administrative chief.

By this time, Hoover had become extensively involved in investigations. He had personally directed raids on the headquarters of alien agitators, acting in such cases under the authority granted the Department by wartime statutes. Only 3 months after the General Intelligence Division had been established, he directed the important case which led to the arrest and deportation of Emma Goldman and Alexander Berkman. Soon afterward he handled the deportation cases of the revolutionists Ludwig Martens and Gregory Weinstein.

He was appointed Assistant Director of the Bureau of Investigation in 1921. By this time the functions of the Bureau were returning to their peacetime characteristics, and included the investigation of antitrust violations, bankruptcy frauds, bribery of Federal officers, frauds involving the public lands, and white slavery. Occasionally the Bureau was called upon to investigate a murder on an Indian reservation, a train holdup, or a ship-scuttling conspiracy.

In the next few years, Hoover fought a desperate, behind-the-scenes battle to maintain the integrity of the Bureau of Investigation. Yet he was not in charge, and he was forced to see politics dictating appointments and policies. But his objections to these conditions were not unnoticed, and when Attorney General Harlan Fiske Stone succeeded Harry M. Daugherty early in 1924, Hoover was made Acting Director of the Bureau. He was given full authority to reorganize and to "clean house" as he saw fit. He began his duties on May 10, 1924, a date whose 40th anniversary we observe with pride this year.

Hoover proceeded to rid the Bureau of unfit agents, and to establish new standards for appointment. Emphasis was placed on an applicant's character and legal education. Promotions were to be granted solely on the basis of efficiency. He reorganized the field offices and set up a field inspection system. Less than 2 months after his appointment as Acting Director, he obtained the cooperation of the International Association of Chiefs of Police in establishing in the Bureau the nucleus of today's huge clearinghouse for fingerprints, the Identification Division.

During the next few years the Bureau gained favorable attention for its capture of Martin Durkin, the first criminal to murder an agent of the Bureau, for the solution of the murders of many Osage Indians, and for several other cases of national prominence. Then came the Lindbergh Kidnaping Act which gave the Bureau investigative jurisdiction in interstate kidnapings and extortion cases. A few months later came a series of Federal anticrime statutes passed under public pressure after the slaying of an agent of the Bureau and three police officers in Kansas City's Union Station. These statutes greatly expanded the scope of the Bureau's activities, and gave Federal agents the right to make arrests and to carry arms.

Hoover's agents now launched an intensive campaign against gangs of kidnapers, bandits, and assorted desperadoes. Pretty Boy Floyd, John Dillinger, Baby Face Nelson, Fred and Ma Barker, and many others who elected to fight it out with the FBI concluded their criminal careers in the morgue. The Bureau's Caffrey, Cowley, Hollis, and Baum died in the line of duty.

A personal challenge to Hoover came from Alvin Karpis, the leader of a hoodlum gang which had collected $300,000 in ransom from the Urschel and Hamm families. The Director of the FBI personally led raids which captured Karpis, Harry Campbell, and their accomplices.

Those were the fateful, exciting, and dangerous early days of the Federal Bureau of Investigation and its courageous and efficient Director. The Bureau's recent history in war and peace is perhaps more familiar to us. Statistics cannot describe the qualities of mind and heart which go into the achievements of the Federal Bureau of Investigation. Those qualities are shared by the agents and employees of the Bureau with their great chief. All law-abiding and patriotic Americans can enthusiastically agree with the statement of congratulation made to Mr. Hoover last year by President Kennedy:

Yours is the most unusual and distinguished record in the history of Government service.

With that statement all Americans agree as we wish the chief the best of everything.

Mr. WILLIS. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Louisiana, the chairman of the Committee on Un-American Activities, for yielding to me. I congratulate him and his committee for bringing this resolution to the House. I concur in all the fine things which have been said about J. Edgar Hoover and the great organization which he heads, the finest police force this world has ever known.

Mr. Speaker, I rise to lend my voice and my approval to House Resolution 706 in paying tribute to a unique character in all American history. The records of John Edgar Hoover and the Federal Bureau of Investigation are one and the same. It is a record of 40 years of hot war against the forces of evil, be they alien or domestic, which would tear down the ideals of American life, and drag us into the slime of subversion and crime. In that war there has been neither truce nor parley. The successive engagements of the conflict are matters of well-known history. Sooner or later the enemy has met face to face with the vigor and incorruptibility of the force which Mr. Hoover commands, and gone down in shame and confusion.

Through these four decades of service and usefulness to the Nation, both Mr. Hoover and the FBI have moved with modesty and self-effacement. It is almost as though they constituted a righteous and disinterested force brooding over the destiny of our people and careful of their fate. Few of us can claim more than passing acquaintance with Mr. Hoover; none of us can claim intimacy. Yet we have all been aware that the agents of evil more constantly in the shadow of his surveillance, that eventually the night descends upon them, and afterward their deeds are made manifest.

The cadre which Mr. Hoover has recruited to implement the grave duties of his agency is cast in his own image and character. Mr. Hoover does not ask for quantity—he asks only for quality. I count it a privilege to have had some contact with a number of the members of his force, particularly with Inspector Edward C. Kemper, Jr., who along with many others is included in this tribute to Mr. Hoover.

No small part of the service of Mr. Hoover to the Nation is found in the public papers and documents which he has left as a heritage to our young people. His keen analysis of the specious arguments and delusions of the forces leading toward evil, and his firm espousal of the right, will remain an inspiration to coming generations long after his labors have moved into the past. May our Government always succeed in enlisting the services of like conscientious and devoted public servants.

Mr. POFF. Mr. Speaker, it has been said, and rightly so, that J. Edgar Hoover has "professionalized" the FBI. Equally as important, he has humanized every program which over the years has fallen within the domain of his jurisdiction.

Humanity, its welfare and progress, as well as its freedom, should always be the first concern of a public servant. Prison reform and juvenile delinquency rehabilitation have been only two of the many human endeavors to which Mr. Hoover has devoted his personal and professional life. His every public pronouncement has been carefully constructed to promote in the American citizen, old and young, allegiance to high moral principles and love of country. History books will name him as one of America's purest patriots. I am proud that I am a member of the committee which reported the pending resolution, and I trust that its passage will be by unanimous vote.

Mr. FOREMAN. Mr. Speaker, I am pleased, indeed, to join my colleagues today in paying tribute to one of America's most outstanding citizens, J. Edgar Hoover, Director of the Federal Bureau of Investigation. He has, undoubtedly, done more to help protect our great country against the vicious conspiracy of communism than any other individual. America needs more men of the character and caliber of J. Edgar Hoover. He is a great American, a leader, and a gentleman. I support this resolution without reservation.

Mr. POOL. Mr. Speaker, as a member of the House Committee on Un-American Activities, I would like to join with Chairman EDWIN WILLIS in extending congratulations to Director J. Edgar Hoover of the Federal Bureau of Investigation on his 40th anniversary as head of an organization which has earned universal respect under his aegis.

Director Hoover has imposed standards for agents which call forth the best of men and the best in men. He has forged an organization which has given all Americans reason for pride and for quiet confidence in the strength of our Nation. He has recognized his responsibility to alert us to social and moral trends which he sees doing direct injury to our national community. He has remained apolitical, and in so doing has earned the respect of all the administrations during which he has served. He has served the Nation in a vital way during some perilous moments, and he deserves the thanks of every citizen who shares in the benefits of life in the United States in the mid-20th century.

J. Edgar Hoover has devoted his life to safeguarding ours. Thank you, Director Hoover.

Mr. HÉBERT. Mr. Speaker, in Louisiana, we have a French Creole word, "lagniappe," which is used to describe a gift. Originally, it meant a small present given to customers by tradesmen, such as a sack of candy for the children. Gradually, its meaning expanded to include a special gift—one which was over and above the reasonably expected. In its larger sense, lagniappe is an apt description of the gifts John Edgar Hoover has been bestowing on the Nation throughout his long and distinguished career as a dedicated public servant. Never content to merely do what was expected of him, Mr. Hoover has been most generous in sharing his vast store of merit, talent, and worth with all of us, asking nothing in return but the privilege of continued service to his country.

As he marks his 40th anniversary as Director of the Federal Bureau of Investigation this month, I am reminded of some lines by John Dryden which, in my estimation, characterize Mr. Hoover:

> There's a proud modesty in merit; averse from asking, and resolved to pay 10 times the gifts it asks.

We can be grateful that in 1924 Attorney General Harlan F. Stone quickly recognized Mr. Hoover's qualities of force, fearlessness, and independence, and that he gave him the job of revitalizing a thoroughly discredited Bureau of Investigation. The results of this foresight are history; the benefits are legion. This Nation has gained far more from Mr. Hoover's gifted leadership than it can ever repay. Yet, John Edgar Hoover's only wish is that he be permitted to continue to help in the struggle to make our future brighter. He realizes it will remain an uphill fight, for evolution was never free of struggle; however, he also knows that there is no more important duty than a steady loyalty to one's best convictions.

There are three kinds of people in the world, the wills, the won'ts, and the can'ts. The first accomplish everything; the second oppose everything; the third fail in everything. The splendid ability of John Edgar Hoover leaves no doubt about his classification, and it is a pleasure to salute him for his many distinctive contributions to this Nation.

Mr. CEDERBERG. Mr. Speaker, I join my colleagues in paying tribute to J. Edgar Hoover, who has been a guiding force for 40 years in behalf of law and order in our Nation. His great leadership has inspired millions to more dedicated patriotism. His dedicated efforts in opposition to communism and its sinister influences merits our deepest appreciation.

I trust that he will enjoy continued good health and continue many more years as Director of the FBI.

Mr. LIPSCOMB. Mr. Speaker, it is a privilege to support this resolution. Rarely in the history of our country has there come upon the public scene a figure whose towering strength of character and deep devotion to principle have so strongly influenced the moral fiber of our Nation. I rise today to add my voice to the thousands of Californians in my constituency in hailing the achievements of John Edgar Hoover, who today celebrates the 40th anniversary of his elevation to the position of Director of the Federal Bureau of Investigation.

A native Washingtonian, he assumed the position of Director of the Bureau of Investigation in the Department of Justice on May 10, 1924. He received his appointment from the then Attorney General Harlan F. Stone, who later became Chief Justice of the United States. Mr. Hoover had entered the Department of Justice in 1917 after obtaining a law degree from the George Washington University through attendance at evening classes while employed during the day as a clerk in the Library of Congress.

Immediately upon assuming his duties, he began an intensive reorganization of

the then Bureau of Investigation, inaugurating rigid personnel requirements for all employees, placing them on a purely merit basis. He established a system of training which today serves as a model for law enforcement agencies throughout the world and has led to a rapid development of professional standards in this field. Under his guidance, a modern crime laboratory has been formed and made available to police departments throughout the land, fingerprint records are correlated for their benefit, police executives are trained, and criminal statistics maintained.

While all this was being accomplished, Mr. Hoover and the FBI have provided our country with unfailing protection against a wide variety of lawbreakers including kidnapers, bank robbers, extortionists, and elements of subversion. We all remember the reign of terror which prevailed in our Nation during the era of the gangster and kidnaper until Mr. Hoover and his men were given the power by Congress to act against them. We can also recall the swift action that was taken by the FBI under Mr. Hoover's direction to confine those who threatened our internal security at the outbreak of World War II, with the result that it was possible for him to say at the end of that grim period in our history that no act of foreign-directed sabotage had been accomplished in America during the conflict. His fight against the forces of communism had been equally unrelenting. His influence through his two superb books "Masters of Deceit" and "A Study of Communism" has brought our people to a greater awareness of the nature of this godless menace.

Most of all, Mr. Hoover has provided a shining example for the youth of our Nation of the everlasting values embodied in the motto of the FBI, "Fidelity, Bravery, Integrity." John Edgar Hoover, more than anyone I know, reflects true fidelity to the cause of our country, true bravery in adhering to principle and, through his unbiased administration of the FBI for the benefit of all Americans, he has demonstrated true integrity.

I pay tribute to one of the greatest public servants of our time and extend to him my heartiest congratulations on the 40th anniversary of his appointment.

Mr. JOHANSEN. Mr. Speaker, we honor ourselves by honoring John Edgar Hoover who next Sunday marks his 40th anniversary as Director of the Federal Bureau of Investigation.

Both as a personal friend of many years, and on behalf of the citizens of Michigan and my own constituents in the Third District, I am happy to join in this tribute to a great citizen and public servant.

Mr. Hoover's outstanding record of skillful, courageous, and patriotic service is equaled only by the inspiring example of integrity and personal dedication which he has provided.

In a world that too often today tends to emphasize and dramatize materialism and expediency, he stands as the symbol and substance of worthier values. His influence in this respect has always been outstanding so far as the young people of our Nation are concerned.

The Federal Bureau of Investigation in its efficiency, record of accomplishment in behalf of national security, and demonstrated respect for the rights of individual citizens, is a reflection of his wise, dynamic, and dedicated leadership.

Mr. Hoover's most enduring tribute is the overwhelming confidence that the American people have in him and in the Federal Bureau of Investigation.

It is a matter of profound gratification that the President of the United States has indicated his intention to waive the mandatory retirement of Mr. Hoover which otherwise would become effective next January 1. I know I speak for the citizens of my State and district in expressing the hope that Mr. Hoover will continue for many more years as Director of the FBI.

In their behalf, I extend to J. Edgar Hoover warmest congratulations and best wishes.

Reflecting the sentiment of the citizens of my State is an editorial which appeared in the April 7 issue of the Flint Journal. Under permission to extend and revise my remarks, I include this editorial:

UNITED STATES CAN ILL AFFORD TO FORCE RETIREMENT OF FBI DIRECTOR

It is difficult to think of the Federal Bureau of Investigation without thinking of J. Edgar Hoover, and vice versa. The names Hoover and FBI are synonymous.

The success of the FBI as this country's No. 1 deterrent to crime and subversion can be accurately traced to Hoover's assumption of command in 1924 and the leadership he has provided over 40 years.

Now his retirement is a subject of discussion in Washington. Unless action is taken to prevent it, he will have no choice but to step down when he reaches the compulsory retirement age of 70 next January 1.

This would be most regrettable in view of the public confidence and support of this man of integrity who has served so faithfully under eight Presidents while remaining above the strife of petty politics.

This also would be most ironical in view of the fact that so many others in positions of responsibility in our Government are well past 70. Just for starters, two Supreme Court Justices, 11 Senators and 25 Representatives are older than that. Five Congressmen have passed the 80-year-old mark.

Of course it is no secret that there are those throughout the country who have criticized Hoover and the FBI, either because their toes have been stepped on or because they don't like the tone of the Department's frequent reports on crime in the United States. They resent Hoover's straight-from-the-shoulder talk. He pulls no punches in presenting facts, and the truth usually hurts.

But the most organized pressure aimed at the FBI Director is Communist inspired.

Hoover stands as the most effective single deterrent against espionage, sabotage and other subversive activities that our country possesses. He personally stands as a symbol of our Government's vigilance in protecting this country from within against the enemies of freedom and democracy—both in the eyes of Americans and foreign agents.

Nothing would give greater aid and comfort to the Communists than the retirement of Hoover. He has been their No. 1 thorn in this country for four decades. They have worked for years to plant the idea in the heads of Americans that Hoover has organized the FBI into a "Fascist secret police force" whose aim it is to "destroy our democratic rights."

The Communists in our ranks, and those comparative few who have been misled by their crusade, have had little success in creating such an image. Despite their efforts, and those of Hoover's personal enemies, the man who 40 years ago took over an important department and built it into the most respected and effective law enforcement agency in the world, generally is looked upon by the public as a tower of strength whose FBI leadership is indispensable to our national safety and security.

There have been few public servants in our country's history quite like this FBI head. While compiling an enviable record as an administrator, law enforcement officer and protector of democracy, he has rejected one financially attractive offer after another from business and industry to enlist his services. He could have increased his salary many times over on numerous occasions.

Only a man of great dedication and devotion to duty could have demonstrated such restraint. His is a rare quality in this day of the fast buck.

Another mark of the man which has added to his prestige and stature is his ultimate scorn for self-glory. His service has exemplified the complete submergence of the man within the job.

Through the years he has withstood repeated attacks by those who stood to gain from his removal from office. He has put service above all else.

We hope that he will continue to think first of service, and listen to those who will urge him not to retire. And we hope that the Government will think first of the country's security and make it possible for him to remain on the job should he choose. We can ill afford to lose the services of such a dedicated crusader against crime and subversion at a time when the enemies of society and our form of government are so numerous and so active.

No man is indispensable. Some, however, are irreplaceable. J. Edgar Hoover is one of them.

Mr. RIEHLMAN. Few Americans have gained the eminence and the respect of their fellow citizens as has J. Edgar Hoover, Director of the Federal Bureau of Investigation.

This great fighter for freedom has been maligned and insulted by all the subversive groups in our country and abroad. In spite of those indignities, he has continued to lead the FBI brilliantly in its vigilant struggle against those elements which would destroy democracy.

Since he became Director, the FBI has been a model agency with never any hint of scandal or irregularities concerning it.

We all owe Mr. Hoover a debt of gratitude for his generous and untiring efforts to keep America free and to ferret out those people who would change our country into the pattern of a foreign ideology.

I offer him my warm congratulations on completing 40 years of service to his country.

I sincerely hope we will have him for many more years in his sensitive and responsible position.

Mr. BOW. John Edgar Hoover will be honored in American history long after many men of higher rank have been forgotten.

During his long tenure as Director of the Federal Bureau of Investigation, his name has become a symbol of honesty, courage, patriotism, and strength.

America is fortunate to have had the services of this outstanding man during some of the most trying years of our history. We are fortunate that he can and is willing to serve past the time when most men are willing to rest upon their laurels.

I cannot picture John Edgar Hoover in retirement. He is constantly alert and continually at work to perfect our defense against crime and subversion.

I consider it a high privilege to have been associated with Mr. Hoover and to make some contribution, however small, to the successful operation of his Bureau. It is a privilege to pay tribute to him on this important anniversary.

Mr. CLANCY. Mr. Speaker, as the 40th anniversary of the appointment of Mr. J. Edgar Hoover as Director of the Federal Bureau of Investigation nears, I wish to join in paying tribute to this unique public servant. His lengthy record of achievement is almost unrivaled in the annals of Government service.

Under his forceful leadership the FBI has become a law enforcement agency of unparalled caliber. Mr. Hoover has given instintingly of his time and energies in executing his heavy responsibilities, and has justly earned the respect and admiration in which he is held by his fellow Americans, as well as thousands of other citizens of the free world.

No doubt well-deserved praise will be heaped upon him from many quarters, and I wish to add my voice to those commending Mr. Hoover for his four decades of unselfish service at the helm of the FBI. During these many years he has, through his own personal conduct, set an inspiring example for the employees under his aegis. His integrity and courage have been reflected by the men and women of the FBI in the discharge of their vital responsibilities. We are very grateful for the work that the Bureau is doing in the Cincinnati district, and I can personally attest to the high quality of the personnel in our area.

As many of you know, Mr. Hoover, who was born in the Nation's Capital on January 1, 1895, will celebrate his 70th birthday next year. I strongly support the resolution urging the President to waive the mandatory Federal retirement age of 70 and hope our Nation will be fortunate enough to have the continued dedicated leadership of Mr. Hoover.

Mr. ANDERSON. Mr. Speaker, I am certainly very happy to be able to join with my colleagues in the House of Representatives in paying tribute to a great American, Mr. J. Edgar Hoover, upon his completion of 40 years of loyal and devoted public service. There are certainly many reasons why Mr. Hoover richly deserves the ecomiums of praise which are being accorded him today not only here in the House of Representatives but throughout the length and breadth of our land. However, there are two reasons in particular upon which I would like to dwell for just a few minutes.

As a former prosecuting attorney in my home county in Illinois I had occasion more than once to call on the men of the FBI to assist me in connection with criminal investigations being conducted by my office. On every such occasion I found the FBI agents to be well-trained, efficient, and most loyal and dedicated public servants. Thus, there can be no question but that in the law enforcement field thousands of local law enforcement officers will be forever indebted to Mr. Hoover and the men under him in the FBI for the cooperative efforts that they have made in fighting crime. I could detail many personal experiences showing that without the invaluable aid and assistance of the FBI and its laboratory, crimes would have gone unsolved and criminals remained unapprehended.

I am also grateful to Mr. Hoover for his shining example on another and quite different score. For many years the newspapers and periodicals of our country have carried Mr. Hoover's observations on the important place of religious faith and spiritual ideals in the life of our Nation. Particularly at this time in our history when a tide of humanistic secularism seems to be sweeping over America it has been immensely reassuring to find the towering figure of Mr. Hoover with all of his prestige and authority standing squarely behind the idea that only a Christian America can continue to survive the storms that are buffeting our world. His own exemplary conduct as a public official plus his unashamed attachment to a deeply held religious conviction have served to strengthen the hand of those who are seeking to reinculcate in American youth the importance of spiritual values.

In conclusion, Mr. Speaker, Mr. Hoover has been the epitome of what I think every person in Government service would like to become. He has earned respect and admiration for his unswerving devotion to duty and the modest, unassuming way in which he has gone about the discharge of his important duties. In some countries, an organization like the FBI would surely have become in time a national police force and hence an instrument of public terror and repression. Under Mr. Hoover we have had no reason to fear such a development, for he has always stood squarely on the side of those who believe in maintaining law enforcement as primarily a local function and responsibility.

Mr. Speaker, I know that I bespeak not only the sentiments of the residents of the 16th Congressional District whom I am privileged to represent in the Congress, but the sentiments of countless other Americans when I wish Mr. Hoover the continued blessings of a long and useful life. I hope that for many years yet he may be able to remain at the helm of his present post where he has served the cause of democracy and our country so well.

Mr. DAVIS of Tennessee. Mr. Speaker, nothing gives me more pleasure than to join my many colleagues in expressing appreciation for the dedicated service that Director J. Edgar Hoover has given his country.

I first met the Director when I was police commissioner in the city of Memphis, Tenn., and from that date I have counted him as a warm personal friend. He has brought to law enforcement in the Nation the highest possible degree of efficiency, removed the Federal investigation of law violations from politics, and by his superior integrity, loyalty to country, and ability has built a far-flung department of excellency.

Indeed, he has always possessed an uncanny vision and has developed procedures in law enforcement which have been followed by like agencies in the various subdivisions of our Government. With an engaging personality, an astute mind and unlimited energy, he has truly made for himself a remarkable record personally and an outstanding long list of achievements for his department.

That he may enjoy long and continued good health, enthusiasm, and dedication is my sincere wish.

Mr. HALEY. Mr. Speaker, it gives me great pleasure to join our colleagues in congratulating the Honorable J. Edgar Hoover on the occasion of the 40th anniversary of his service as Director of the Federal Bureau of Investigation. Not only is Mr. Hoover to be congratulated because of his long tenure of office, but certainly he is to be commended for the outstanding service he has rendered to the American people. I hope that we shall be the recipients of many more years of his distinguished service.

Under Mr. Hoover's leadership, the Federal Bureau of Investigation has stood as our Nation's bulwark against communism during these 40 years.

The Bureau is one of the few agencies of the Federal Government which has always enjoyed the respect and confidence of the American people. There have been times when the public has felt that corruption has prevailed in some operations of the Federal Government and when storm clouds have flown over other Federal departments and agencies, but the faith of the people of this Nation in the Federal Bureau of Investigation and its Chief has never been shaken nor has there ever been any question about the conduct of these people or this operation.

The Bureau, also, is one of the few agencies of the Federal Government that has found the Congress inclined to increase its budget and its authority when such increases were not sought by the Bureau. Mr. Hoover has upheld the position that the Bureau was a factfinding and a law enforcement agency and he has insisted that it should never be allowed to develop the powers which are known in a "police state."

Mr. Hoover has said that he had enough power to carry out the responsibilities of the Bureau—he has never sought to expand its programs and authority beyond that which was reasonable. The legislation that he has sought has been legislation which was necessary to provide adequate safeguards for the American people.

We have been fortunate, indeed, to have the distinguished service of such an able man for so many years.

Mr. ZABLOCKI. Mr. Speaker, I wish to associate myself with the remarks of

my Speaker and those of the distinguished chairman of the House Committee on Un-American Activities and others made in tribute to the esteemed Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover.

His record of 40 years as the administrator of the FBI is unparalleled in the history of our Nation. Almost singlehanded, he molded the Bureau into the most efficient crime and subversion control agency in the world. At the same time, he has been keenly aware of his responsibilities in a democracy that guarantees freedom of action and freedom from fear for its citizens.

The dedication to duty and service to his country which have marked the life of J. Edgar Hoover justly has made him a hero to our youth and a model to us all. On this day, commemorating his 40 years as FBI Director, we join in paying tribute to his achievements. We hope that he will continue to enjoy the health and stamina to allow him to continue in his efforts for many years to come.

Mr. GROSS. Mr. Speaker, I am pleased to have this opportunity to join with the gentleman from Louisiana [Mr. WILLIS] and other Members of the House in support of House Resolution 706, extending congratulations and good wishes to Mr. J. Edgar Hoover on the 40th anniversary of his service as Director of the Federal Bureau of Investigation.

As the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT] has well said it is not alone the quantity of his service as represented by those 40 years—even more importantly it is the quality of service he has given this Nation.

Mr. Hoover's record as a public servant is unexcelled. It is truly a remarkable record and I wish to express my gratitude.

Mr. WHARTON. Mr. Speaker, it is indeed fitting that the House of Representatives, by resolution, has offered congratulations and best wishes to J. Edgar Hoover on the 40th anniversary of his appointment as Director of the Federal Bureau of Investigation. Few men of our time have contributed so much toward the maintenance of democracy and endeavored to improve law enforcement, and I am pleased to join in saluting Mr. Hoover.

His appointment in 1924 as head of a little known and newly formed Bureau, where he had served as deputy during the previous 3 years, marked the beginning of a transformation in Federal law enforcement that was destined to face problems previously unknown to civilization. Ranging from the ravages which organized crime created in the 1920's to the current dilemma posed in insuring the protection of our national security, the Bureau has become strong and resolute under the leadership of Mr. Hoover because he has succeeded in transforming his personal sense of justice into the characteristic hallmark of the agency he heads.

This achievement has long since been recognized both within and outside of the Government. Virtually every civic organization has named him for an honor and both the Congress and the Executive have saluted him. As recipient of the President's Distinguished Service Award in 1958, Mr. Hoover exemplifies both the vitality and devotion of governmental service, but I doubt that any tangible award will ever give him the satisfaction he must feel in realizing that he has made our justice a better brand through his efforts.

It is for these reasons that I am proud to extend the gratitude of all my constituents in the 28th District of New York to this great American and bid him every best wish for continued good health and success for many more years of distinguished service to our country.

Mr. TUCK. Mr. Speaker, I deem it a duty and a privilege to join many others across the land in their praise of that distinguished gentleman and public servant, Mr. J. Edgar Hoover, now closing out 40 years of outstanding leadership as the Director of the Federal Bureau of Investigation.

I commend him most highly as a Government official who has directed the operations of one of the most efficient departments in the Federal Government. During his long years in office, his service has been beyond blemish. As the head of a police agency that on many occasions naturally was subject to resentment on the part of those under investigation, not once has he conducted himself, or permitted the men under his direction to conduct themselves, in a manner that would invite public ridicule.

His department, in my opinion, is thoroughly and completely organized. Its operations are efficient, effective, and exemplary. As a member of the House Un-American Activities Committee, I have had closer than average acquaintance with these operations, and I can say sincerely that I am comforted by the knowledge that Mr. Hoover and the FBI are functioning.

While I praise this official as an able and dedicated department head, I also praise him for his human traits. I know of numerous occasions when children have been taken on tours of the FBI headquarters that Mr. Hoover has laid aside his busy daily routine to shake hands with them and discuss his activities. There is no better way to create respect for the Federal Government than through the eyes of children.

I cannot be too lavish in my congratulations. He is a man of patience and understanding. In my opinion, the United States has been fortunate during the last 40 years to have him as the Director of its most important policing agency. I hope he may continue as head of the Federal Bureau of Investigation for many years to come.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD and to include extraneous matter, on the resolution paying personal tribute to J. Edgar Hoover.

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

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the resolution was agreed to unanimously.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BURKE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Abele	Feighan	Mailliard
Andrews, Ala.	Finnegan	Martin, Calif.
Ashmore	Fino	Mathias
Avery	Forrester	May
Baring	Fulton, Tenn.	Meader
Barrett	Gallagher	Miller, Calif.
Bass	Garmatz	Miller, N.Y.
Bennett, Mich.	Gill	Minshall
Berry	Goodell	Olsen, Mont.
Bolling	Grant	Pilcher
Bolton, Oliver P.	Gray	Powell
	Griffin	Rains
Brademas	Griffiths	Reid, Ill.
Brock	Hagan, Ga.	Rooney, N.Y.
Buckley	Harsha	Scott
Burkhalter	Harvey, Mich.	Selden
Burleson	Hawkins	Shriver
Celler	Hays	Sikes
Chamberlain	Henderson	Smith, Iowa
Colmer	Hoffman	Stubblefield
Cooley	Holland	Taft
Cramer	Horton	Teague, Tex.
Curtis	Huddleston	Thompson, La.
Derounian	Johnson, Pa.	Udall
Diggs	Jones, Ala.	Watson
Dorn	Kee	White
Dowdy	King, Calif.	Whitten
Elliott	Kirwan	Wickersham
Fallon	Lindsay	Williams
Farbstein	Lloyd	

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

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

There was no objection.

AUTHORIZING APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION, 1965

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, and on behalf of my colleague, the gentleman from Missouri [Mr. BOLLING], a member of that committee, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the State of the Union for the consideration of the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE] and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 710 provides for consideration of H.R. 10945, to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. The resolution provides an open rule, waiving points of order, with 2 hours of general debate.

This year, pursuant to legislation enacted during the 1st session of the 88th Congress, the Joint Committee on Atomic Energy, for the first time, reviewed the authorization for all appropriations to the Atomic Energy Commission, including both construction and operating funds.

During 18 days, occupying 60 hours, the committee, in public and executive session, reviewed each Atomic Energy Commission program in considerable detail.

The review was conducted with the objective of assuring that the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare. It is believed that H.R. 10945 provides for a prudent authorization, sufficient to assure the continuation of essential activities in both the peaceful and military applications of atomic energy.

The bill would authorize appropriations for fiscal year 1965 in the amount of $2,636,577,000.

Mr. Speaker, I urge that House Resolution 710 be adopted.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this resolution (H. Res. 710) makes in order the consideration of the bill H.R. 10945, a bill to authorize appropriations to the Atomic Energy Commission. After general debate which shall be confined to the bill and not to exceed 2 hours, the bill shall be considered for amendment under the 5-minute rule.

Mr. Speaker, in hearings before the Committee on Rules, it was abundantly clear that this bill had been given lengthy and most careful consideration by the Joint Committee on Atomic Energy.

The total authorization is $2,636,577,000. Mr. Speaker, for those of us who are interested in economy and in preventing and eliminating waste, and I number myself among them, there is one thing in this bill which I think is of great interest and importance. I refer to that section of the bill, section 107, having to do with fission product contracts. This provision of the bill authorizes the Commission to enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purpose of making available fission products from Commission reactors with or without charge for commercial application.

Mr. Speaker, I think that is a most progressive step. In the first place, it will prevent the waste of this material which does, I am reliably informed, deteriorate. It will also, for those who are interested in free enterprise, help in the development of some of the commercial uses to which this material can be put.

Mr. Speaker, I know of absolutely no objection to the consideration of the bill at this time, and yield back the balance of my time.

Mr. DELANEY. Mr. Speaker, I have no further requests for time. Therefore, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10945, with Mr. BURKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. HOLIFIELD] will be recognized for 1 hour and the gentleman from California [Mr. HOSMER] will be recognized for 1 hour.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 20 minutes. For the benefit of Members, I should like to make a preliminary statement.

So far as I know, there is no controversy over this bill. The Rules Committee has graciously allowed us 2 hours for general debate. It is not the intention of the speaker to utilize a full hour unless it is necessary, and I understand from my colleague, the gentleman from California [Mr. HOSMER], that we may be able to shorten the time for debate. We know that some Members have engagements out of town and are anxious to get away.

However, I wish to say that I believe a bill of this importance and of this magnitude should be explained; therefore, I shall explain it section by section at this time.

Mr. Chairman, the bill before the House now, H.R. 10945, authorizes appropriations for the Atomic Energy Commission for fiscal year 1965.

This year, pursuant to legislation enacted during the last session of the Congress, the Joint Committee on Atomic Energy, for the first time, reviewed the entire AEC budget, including both operating and construction funds. In 60 hours of public and executive hearings over a period of 6 weeks, the committee considered each atomic energy program in considerable detail. We compiled a hearing record of better than 2,000 pages and issued a comprehensive report on this legislation.

This bill was reported by the Joint Committee without dissent. It represents the combined and agreed judgment of Members from both sides of the aisle and both Houses. It provides for a prudent authorization which we believe is essential to the conduct of vital activities in both the peaceful and military aspects of the atomic energy program.

The Members may be interested in figures comparing this year's AEC authorization with last year's bill. Well, that comparison cannot be made since this is the first year in which authorization of all appropriations is required. However, I can tell you that the ceiling on appropriations set by this bill is about $60 million less than the appropriation for fiscal year 1964. The Joint Committee, in this bill, recommends an approximate $28 million reduction below the authorization requested by the Atomic Energy Commission for fiscal year 1965. I believe these figures demonstrate that Congress is really "on top" of the budget for the national atomic energy program.

Section 101(a) of the bill authorizes approximately $2.3 billion for operating expenses under the AEC's 13 major programs. I would like to point out several highlights of the committee's action on this authorization:

First. In the civilian power program, the Commission requested $5 million for a 5-year cooperative program with Canada in the development of heavy water reactors. The Committee allowed an authorization of only $1 million. This is a 5-year program and it was the committee's view that the Congress should have an opportunity to pass on it each year.

Second. In the cooperative power reactor demonstration program, although no new authorization was requested, the committee, in its report, included strong words of guidance as to the future of the program. Although no power reactor is yet producing competitive electricity, substantial gains have been made in recent years. On this basis, the committee stated that:

> Further assistance in the cooperative power reactor demonstration program for light water moderated and cooled reactors of the types proposed by utilities in the past year cannot be further justified.

The committee called for a "shift in emphasis" toward reactors which show the promise of significantly increasing

the Nation's energy resources—the so-called advanced converter and breeder reactors which produce almost as much, or more, fuel than they consume. This position was first expressed by the joint committee last year in its report on the fiscal year 1964 authorization bill.

Third. In the Euratom program, the committee recommends authorization of $3 million for the start of the second 5-year cooperative program with the European Atomic Energy Community. The first 5-year program has been very successful. Euratom matches the U.S. contribution and all U.S. dollars are spent here in the United States. There is a complete exchange of information between the researchers on both sides of the Atlantic.

Fourth. In the merchant ship reactors program, the committee recommended against authorization of a $13.5 million program for the development of a merchant ship reactor prototype. The request for this program was submitted in the form of an amendment after the completion of the committee's hearings. We felt that a program of this importance should be reviewed on the public record before being authorized. When the AEC is in a position to present the full details of the program in public hearings, the committee would be receptive to further consideration of this matter.

Fifth. In the SNAP program, which is aimed at the development of compact sources of nuclear energy in the space program and here on earth, the committee added $14.6 million for a flight test of the SNAP–10A reactor. I believe it would be appropriate to say a few words about the background of the committee's action here.

The development of the SNAP–10–A reactor has cost about $100 million over a 7-year period. Last year, just as it stood on the verge of its payoff demonstration—a flight test in outer space—the Department of Defense suddenly decided that there was no "urgent requirement" for the reactor.

Mr. Chairman, I have followed the atomic energy program and other research and development programs for over 20 years. It has become all too common for the user agency, at the critical point of demonstration, to declare that "no requirement" exists for the product of the research and development program. As a result, programs which cost hundreds of millions of dollars are canceled just as we are about to get a return on our investment. This is intolerable.

Accordingly, the committee recommends an authorization of $14.6 million for a SNAP–10A flight test. This test will be a "first in space" for the United States—a demonstration of the practical use of nuclear reactor systems for power in outer space.

To partially offset this increased cost, the committee has recommended a $10 million reduction in other advanced SNAP work. This work should be deferred as a matter of priority in order to help finance the SNAP–10A flight test.

Sixth. The committee rejected the Atomic Energy Commission's request for funds to develop an advanced Pluto reactor.

The Pluto project is aimed at the development of a nuclear reactor to power a supersonic military vehicle in the earth's atmosphere.

The Pluto development program has been highly successful, and the AEC is now in the final stages of preparing for a ground test of a prototype reactor—a reactor designed to meet all the necessary requirements to fly a vehicle at supersonic speeds.

The committee's hearings clearly developed the fact that the next logical step in the Pluto program is a flight test of the Pluto reactor. However, instead of requesting a flight test, the Air Force and AEC proposed the development of an advanced reactor. In fact, the Air Force, which has the responsibility for developing the flight test vehicle, has still not come up with a flight test plan.

The committee believes that the next logical step is a flight test and that any make-work activity in this program cannot be justified. Pluto funds were therefore cut by $1.5 million.

It is our hope that the Air Force, the Department of Defense and AEC can quickly prepare plans for a flight test. As we indicated in our report, we will reconsider the follow-on program if the committee is presented with a definite flight test plan.

The joint committee stands ready to support the advanced development of the Pluto project, but it is up to the AEC and DOD to make a responsible decision on future plans for the project, including plans for a flight test.

Seventh. In the physical research program, the committee recommends a reduction of $4 million below the AEC's request. In particular, the committee recommends a cut of $1.8 million in high energy physics. It is our view that a definitive and approved national policy on high energy physics must be established before further increases in this program are allowed. High energy physics has grown rapidly in the past few years—it will continue to grow in the future. It is therefore vital that we know where we are going in this field. The committee has therefore asked for a study of the high energy physics program to be made by the AEC and other Federal agencies and to be submitted to the President and the Congress.

High energy physics is vitally important to the future security and welfare of the country. It must receive firm direction and guidance.

Eight. Finally, in recent years, Members of the Congress have become increasingly concerned about the growth in the number of Federal research contracts at university campuses. This was a matter of special interest to the joint committee this year. We recommended a tightening-up of these "off-site" research contracts and enforced our recommendations with specific cuts in the high energy physics, chemistry and biology and medicine programs. We also recommended a substantial cut of $1.5 million in the training, education, and information program, which provides scholarships and other forms of academic assistance.

I believe this will give the Members some idea of the close scrutiny to which this program was subjected.

Thus far, I have discussed primarily the peaceful applications of atomic energy. It should be remembered that better than 60 percent of the appropriations authorized by this bill go into the military aspects of the atomic energy program. These funds are used for the development, production, and storage of atomic weapons and the production of weapons material. These funds also help to implement the test ban treaty safeguards in order to guarantee the security, strengths, and freedom of this Nation.

Section 101(b) of the bill provides an authorization of approximately $338 million for plant and capital equipment in the atomic energy program. The amount is $3 million less than requested by the AEC. Our principal cut in this area was in the special nuclear materials program. We believe that substantial savings can be realized, in part, as a result of the cutbacks in the production of weapons material announced by the President.

In section 102 of the bill, authorization for 8 prior-year projects amounting to $35,550,000 is rescinded. These projects have either been deferred or canceled and these rescissions will properly reflect their current status.

Sections 103, 104, and 105 of the bill provide certain limitations and conditions on the use of funds authorized by this bill.

Section 106 of the bill extends for 1 year, to June 30, 1965, the date for approving proposals under the third round of the cooperative power reactor demonstration program. Although the Commission's authority under this program is extended for 1 year, I believe it is important for me to emphasize the point I made earlier; namely, that further assistance for "established" light water reactors is not contemplated. Our effort will now be shifted toward the development of breeder reactors—reactor concepts which may give America an unlimited supply of energy to supplement our coal, oil, and gas resources.

Finally, section 107 of the bill provides the AEC with necessary contract authority to enter into arrangements with private industry for the construction and operation of an isotopes production and packaging plant. This facility will use the waste products from our production reactors and convert them into packaged isotopes which will be of value in many peaceful applications of atomic energy.

Mr. Chairman, I present this bill to the House, secure in the knowledge that it represents the best thinking and judgment of the Atomic Energy Commission and the Joint Committee on Atomic Energy.

In these days of large expenditures for research and development programs, I believe we have given this bill a prudent and thorough review.

Our authorization is intended to insure, in the words of the Atomic Energy Act of 1954, that:

> The development, use and control of atomic energy shall be directed so as to

make the maximum contribution to the general welfare.

At the same time, we have attempted to insure, in the words of the same legislation, that the development of atomic energy shall be:

> Subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

Mr. Chairman, I would like to reiterate that this bill was reported out by the joint committee without dissent. I urge its enactment in the form reported by the committee.

Mr. Chairman, I would be remiss if I did not express my sincere appreciation to my colleagues on the Joint Committee for their constant attendance at committee hearings and their earnest assistance in working out all of the many problems in this authorization bill. The gentleman from California [Mr. HOSMER] and his colleagues on the minority side of the committee cooperated fully in the consideration of the bill with the members on the majority side. This bill bears the imprint of the thinking of all the members and I trust that the other body will pass the bill without amendment.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. Mr. Chairman, I rise in support of H.R. 10945 to authorize appropriations for the Atomic Energy Commission.

The previous speakers have given the House some idea of the review to which this bill was subjected by the Joint Committee on Atomic Energy. We heard all the testimony; evaluated the evidence, and reasoned together in order to bring a good bill to the floor. This has been done and H.R. 10945 deserves your support.

Our whole approach in handling this bill was to assure that each program presented by the AEC was fully justified on the public record.

Viewed in this light, the committee's action in the maritime reactor program is completely justified and reasonable. On April 10, 1964, after the completion of our public hearings and, indeed after our executive deliberations on the bill, the AEC submitted a proposed amendment to authorize $13.5 million for a cooperative arrangement with industry in the construction of a prototype maritime reactor—the so-called 630–A.

Even the sketchy details furnished to us by the AEC at this late date, indicated that a rather complex program of work extending over the next 5 years was involved. To authorize such an extensive program, based upon the limited information available to the committee would have been inconsistent with our whole approach in handling this bill.

I am an ardent supporter of a modern merchant marine fleet and I believe my feelings in this regard are generally shared by most members of the committee. Indeed, in its report on the AEC authorization bill, the committee stated:

> In the committee's view, a cooperative arrangement with industry for the construction of a merchant ship prototype reactor is desirable.

However, a project of this magnitude must be carefully and responsibly considered. As the committee noted in its report, we would be receptive to considering such a project for authorization at future hearings when the details of any arrangements are more fully developed. I know that this is a good faith pledge by the committee.

Of this you can be sure—for any project or program authorized by this bill, the joint committee did everything possible to obtain a complete and thorough justification. I urge the enactment of H.R. 10945.

In closing, Mr. Chairman, I want to compliment the gentleman from California [Mr. HOLIFIELD], for his diligence in conducting the hearings on this legislation. The gentleman from California attended, I believe, every meeting and went through this very substantial document in a thorough manner. The rest of us attended as many meetings as we could. These were substantial.

Mr. Chairman, the committee has come up with a bill that every Member of the House can support in the forwarding of a good nuclear program, both for the military and in the peaceful uses of atomic energy.

I urge full support of this bill.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I rise in support of H.R. 10945, the bill now before the House to authorize appropriations for the Atomic Energy Commission for fiscal year 1965.

I am delighted to support this bill because I believe it is a prudent, well-considered measure. The atomic energy program continues to be of great importance to the Nation.

The nuclear weapons and nuclear vessel propulsion systems developed in this program are the backbone of America's deterrent strength. The Rover and SNAP programs, involving the "marriage" of space and the atom are critically important to the national space program. The civilian power program is helping to reduce the cost of electric power and may ultimately guarantee an unlimited source of economic energy. And in a host of other fields the atom is at work in the preservation of food, the improvement of agricultural practices and the treatment of man's most feared diseases.

The cost of this program is modest in comparison to the multibillion-dollar research and development programs conducted elsewhere in the Federal Government. And the benefits are real, tangible and present.

This bill provides the means to carry out this worthwhile program.

I would like to highlight two specific parts of this bill. My good friend, the gentleman from California, has discussed the committee's action with respect to the SNAP program. As he noted, the committee added $14.6 million for the flight testing of the SNAP–10A reactor—a compact source of electric energy for use in space.

The case of SNAP 10–A illustrates something that I have discussed in past speeches—the so-called "requirements merry-go-round." The merry-go-round usually starts when the user agency, such as NASA or DOD states that it has an "urgent requirement" for a certain type of gadget. The research and development agency, such as AEC, gets started and pours its money and talent into the development of the gadget required by the user agency. Typically, the research and development work is successfully completed and then, when the project stands on the verge of its "payoff" the user agency suddenly declares that the "requirement" no longer exists.

I have been associated with research and development programs in the Government for more than 20 years and it is my experience that first-of-a-kind devices are not utilized until they are first demonstrated in their intended environments. In my view, as long as a prospective use exists for the product of a research and development program, the responsibile agency should support the project up through its demonstration.

If we keep canceling programs just short of their goals, then the American people will surely begin to question further expenditures for research and development. Moreover, if we had allowed the "requirements merry-go-round" to spin around endlessly, we would not now have a hydrogen bomb or a nuclear submarine.

By authorizing this flight test for SNAP–10A, the Congress will be taking a responsible action—an action which will clearly demonstrate the creative role which can be played by the modern Congress in the atomic age.

Finally, Mr. Chairman, I am pleased that the committee added $500,000 for the conduct of work by the Midwestern Universities Research Association—the MURA group. In total, this will allow $1 million for work by MURA in fiscal year 1965.

Much of our work in high energy physics research has been concentrated on the east and west coasts. It is important that the Nation be able to draw upon the talents and energies of the many brilliant scientists who live and work in the heartland region of America. The Midwest will be richer for this action by the Congress, as will the Nation.

Mr. Chairman, I wholeheartedly support this bill. It is in the spirit of President Johnson's admonition that the Nation must get a dollar's worth for a dollar spent. I urge the enactment of this bill.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I rise in support of H.R. 10945, the bill to authorize appropriations for fiscal year 1965 to the Atomic Energy Commission.

Before getting into the substance of my remarks, I would like to extend a tribute to the distinguished vice chairman of the Joint Committee, the gentleman from California. His patience, skill, and wisdom were of critical importance during the Joint Committee's consideration of this bill. The fact that a bill of this magnitude and complexity can be reported without dissent is a compliment to the leadership of this committee.

As my colleague has already pointed out, the Joint Committee for the first time this year reviewed the entire atomic energy budget, including both operating and construction funds. After participating in this extensive review, it is my conclusion that the Congress was wise last year in imposing the statutory requirement for prior authorization of all appropriations to the Atomic Energy Commission. I believe we have injected an added measure of political and fiscal responsibility into this important scientific program.

It should be pointed out that this bill does not deal with the matter of the promised test ban treaty safeguards insofar as their overall implementation is concerned. Neither does it deal with the wisdom or unwisdom of the cutbacks announced by the President in the production of fissionable materials. This bill merely provides the funds necessary to support production at the levels fixed. It is another forum in which the fixing of the levels should be discussed.

Last year, in discussing the AEC authorization bill on the floor of the House, I spent a considerable amount of time on the importance of nuclear energy as a means for enlarging the Nation's energy resources. I talked about the importance of developing advanced converter and breeder reactors that regenerate almost as much, or more, fuel than they consume.

I am pleased to report that this year's AEC authorization bill is a sharp departure in the direction which I, and others on the joint committee, have recommended. The $78 million authorization for the civilian power program provided in this bill will almost entirely be used for research and development on reactors which utilize nuclear fuel more efficiently. Our ultimate goal is the development of reactors that "breed"—reactors that will give us a virtually unlimited supply of energy.

This is a relatively modest research program, but a critically important one. As in most scientific endeavors, we will not reach the ultimate objective by "wishing" for it or expecting some miracle "breakthrough." We will have to take a number of distinct technical steps, each of which will help to take us down the path to our goal.

Do we get something back for our investment in the meantime? The answer is: Yes—definitely, yes. Even if the interim reactors do not "breed," that is, produce as much or more fuel as they consume—they produce nearly as much fuel as they use. The result is that we will constantly be expanding our Nation's energy resources as we move toward breeder reactors.

The investment is modest and I know of few expenditures which the Federal Government can make that will return a comparable dividend.

Should the investment be made now? Definitely yes. This growing industrial society of ours has an insatiable demand for electricity. Our requirements have doubled almost every decade. Unless our conventional fuel resources are supplemented, we may find that all our readily extractible coal and oil reserves will be depleted during the first few decades of the next century. We cannot wait until we are confronted with a shortage to begin research on new sources of energy. The time to invest and do research is now. The modest expenditures for the civilian power program can make a major contribution to the economic welfare of future generations of Americans.

Finally, I would like to highlight another area in which this bill represents true vision. The Joint Committee added $1 million above the AEC's request for the Plowshare program—a program for the peaceful uses of nuclear explosives.

During our hearings on the authorization bill, Plowshare scientists stated that progress in their program could be speeded up if a higher level of funding were provided. The committee evaluated their testimony and all the evidence and responded by increasing the Plowshare budget from $11 to $12 million.

Mr. Chairman, many studies are underway now concerning the future of the Panama Canal and possible alternate canal construction. I do not know what specific conclusions these studies will develop, but I do know that in the next decade or two, a sea-level transisthmian canal will be required. It is a necessity in order to accommodate the increased traffic and larger sized naval and commercial vessels of the future.

It may be possible, using nuclear explosives, to build a canal at less cost and within a shorter time period. Nuclear explosives may also make it possible to consider longer and more difficult canal routes.

However, if we are to be able to use Plowshare in such canal construction, the effort must be stepped up. This is the purpose of the increased authorization for this program—we hope it will accelerate the development of cleaner nuclear explosives and vital excavation technology.

I would be remiss if I did not mention one further point about this program. We know that large-scale nuclear excavation experiments must be conducted before we can prove the feasibility of using nuclear explosives for excavation. However, the executive branch is not sure about the extent to which it calculates. It has hamstrung itself by entering into the nuclear test ban treaty. They are studying the problem now.

Mr. Chairman, I would like to reiterate my support for this bill. It is worthy of the support and approval of the House and I urge its enactment.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES.]

Mr. BATES. Mr. Chairman, the bill before us now would authorize appropriations to the Atomic Energy Commission for fiscal year 1965 in the amount of approximately $2.6 billion.

I would like to discuss briefly two important aspects of this proposed legislation and then to say a few words of a general nature.

First, I would like to discuss the budget review process to which this bill was subjected. We may not all be atomic energy experts, but many of us have a background in business. As businessmen, we know that one of the factors to weigh in deciding about the worth of a proposal is the review it has been given. Now, what has happened on the long road traveled by this bill, from its inception to the present moment?

First, the various divisions in the AEC gathered together the budget estimates from the field offices. After reviewing these estimates, the total division request was approximately $3.3 billion.

The AEC then began its internal review and chopped about a half billion dollars from the divisional request—a cut of approximately 15 percent.

The bill then went to the Bureau of the Budget where another $340 million was cut, thus reducing the request another 12 percent. Finally, the review by the joint committee resulted in selectively cutting another $28.5 million. Thus, on its way to and through Congress, this bill was cut by better than 25 percent.

I believe we can all trust that this bill has been searchingly and thoroughly reviewed.

The second aspect of this authorization which I believe is significant is the purpose for which it is requested.

Broadly speaking, the AEC programs fall into two general categories: First, those which primarily contribute to the defense of the Nation; and second, those which further the peaceful uses of atomic energy.

It is important to keep in mind that 60 percent of the funds you are being asked to approve today fall into the first category—essentially the military aspects of the atomic energy program. Under this authorization we build, store, and test nuclear weapons; implement the test ban treaty safeguards and develop reactors for the propulsion of submarines and surface ships. The majority of the funds authorized here are to perpetuate the military strength of the United States.

The remaining funds—something over $900 million—is used for the advancement of the peaceful uses of atomic energy in such fields as civilian nuclear power, peaceful uses of nuclear explosives, and a host of other applications which are of direct importance in our everyday lives. In view of the expenditure involved, it seems to me that we are getting our money's worth out of this program.

In summary, Mr. Chairman, I believe this is a "tight" bill, but a well-balanced bill. The estimates in the bill appear to be proper and justified—the purpose of the bill is worthwhile. I join my colleagues in urging its enactment.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I would like to join my colleagues in endorsing H.R. 10945, the AEC authorization bill for fiscal year 1965.

In particular, I would like to join in the tribute to our distinguished vice-chairman who has done such a fine job in the handling of this very difficult legislation. We on the committee are proud of his leadership and the House may also be grateful for having such a knowl-

edgeable and hard-working individual as the gentleman from California [Mr. HOLIFIELD]. I would like also to commend the ranking House Member of the committee the gentleman from California [Mr. HOSMER] for his diligence and effective work on the bill now before us.

In particular, I would like to talk about two programs in this bill which have not as yet been covered in detail by my colleagues.

The first is our uranium procurement program for which this bill would authorize $267,455,000 in fiscal year 1965. This is a decrease of more than $50 million from the level of expenditures in this program in fiscal year 1964. Of course, all of these funds are for the purpose of fulfilling previously existing long-term contracts.

In these days of decreasing requirements for nuclear material for weapons purposes, there may be a tendency to be critical of these expenditures. It is always easy to be critical if one has 20–20 hindsight.

However, if one looks back only a little more than a decade ago, the United States was really a have-not nation in terms of uranium supplies. We were almost completely dependent upon foreign sources, particularly those in the Belgian Congo and South Africa.

And now, only 10 years or so later, the United States can boast one of the largest developed uranium ore reserves in the world. We have succeeded in meeting the requirements of our military program and we have substantial amounts of uranium for future use in the civilian nuclear power industry. I doubt that any mineral in the world has been so successfully exploited in such a short period of time.

As chairman of the joint committee's Subcommittee on Raw Materials, I would like to pay tribute to the miners, the millers and those Government officials in the uranium procurement program who have done such an outstanding job.

Second, I would like to call attention to the authorization in this bill for the special nuclear materials program. The primary purpose of this program is the production of fissionable materials for nuclear weapons. Here again, a magnificent job has been done in the production of weapons material which is necessary to keep the Nation strong.

The authorization for this program in fiscal year 1965 is down about $75 million from the 1964 level of $475 million. In large part, these considerable savings are due to the production cutback announced by the President on January 8, 1964. Further savings will be realized as a result of the cutbacks more recently announced by the President on April 20.

The administration has carefully examined our production of enriched uranium and plutonium and determined that these cutbacks can be made safely without impairing, in any way, the national security.

These cuts are wise and I commend President Johnson for his forthright and decisive action in this area. He has taken the Nation another step on the path toward peace and security.

Mr. Chairman, H.R. 10945 is a good bill, and I urge its enactment by the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. SLACK].

Mr. SLACK. Mr. Chairman, I had originally intended to offer an amendment to this bill. The amendment would write into the Authorization Act a specific prohibition against the Atomic Energy Commission engaging in further research and development work on advanced thermal reactors for the production of civilian nuclear power. It also would require that AEC devote its manpower and money to the more significant and meaningful task of developing fast breeder reactors.

Upon further consideration, I have decided not to offer the amendment presently, but to press for the adoption of legislation which I have introduced to accomplish this purpose. No purpose would be served in delaying consideration of the pending authorization bill. It represents months of work by the Joint Committee on Atomic Energy and the report which accompanied this bill clearly indicated that the joint committee is keeping a careful check on the program. I wish to commend the gentleman from California [Mr. HOLIFIELD] for his handling of this important legislation.

Another reason for not offering the amendment today is that the pending bill does not authorize any appropriation for building advanced thermal reactors. Further, I realize that it would be unfair to the Members of this body to ask them to make a judgment on a matter this important after only brief debate and discussion. Fundamental questions of emphasis for our nuclear research program are involved, and they demand the most careful and deliberate consideration.

However, the question of what type of civilian nuclear power program this Nation should have cannot be evaded long. I have introduced legislation which would write a prohibition against further research and development except on fast breeder reactors, or upon reactor concepts which the AEC determines will make a significant contribution to a workable breeder reactor.

I introduced this legislation, and I recommend it to the attention of this House, for several reasons.

First, as the Representative of a district which is a major producer of bituminous coal, I am alarmed at the rate at which civilian nuclear power, with the aid of massive Government subsidies, is becoming a significant supplier of commercial nuclear power. I do not believe it is right for the Government to spend untold hundreds of millions of dollars in promoting a commercial industrial enterprise which cannot help but injure existing industries.

Second, the more I studied the present program, the more convinced I became that the subsidized commercial nuclear powerplants currently being built and developed by the Government are not only unneeded, but, in the long run, they will work against the people of this Nation ever enjoying the full benefits of atomic power. This is because the so-called thermal converter reactors, the concepts of which are a product of long and expensive Government-financed research and the development of which is being subsidized on a vast scale by the Government, are wasteful of our Nation's nuclear resources. These relatively inefficient converter reactors use more nuclear fuel than they manufacture and every time one of these subsidized plants is built a large part of our nuclear reserves is committed to this one plant over its lifetime.

Dr. Frank Pittman, Director of Division of Reactor Development of the Atomic Energy Commission, alluded to the danger of depleting our uranium supplies in an address before the Atomic Industrial Forum in November of 1962. Dr. Pittman declared then:

> If a large fraction of the total uranium content of our uranium and thorium reserves can be utilized through breeder reactors, our nuclear reserves are enormous. If, on the other hand, only the energy of U^{235} can be utilized, the nuclear reserves of this country cannot have a significant impact upon the long-range energy picture.

There is no question but that, at some time in the future, this Nation will have to have the energy which is locked up in our nuclear resources. The Atomic Energy Commission, the Joint Committee on Atomic Energy, and independent nuclear experts are agreed that the key to efficient utilization of nuclear resources lies in the development of fast breeder reactors. These reactors, unlike these now receiving chief attention, will breed or manufacture more nuclear fuel than they consume. Thus, only the breeder reactors have the potential of realizing the maximum benefit from the atom.

Recently Kenneth D. Nichols, former General Manager of the AEC, made a public statement in which he called for a concentration of effort on fast breeder reactors. He opposed the construction of large prototype plants, in the 500,000-kilowatt range, embodying improvements in the reactor concepts now in use. This statement by Mr. Nichols confirms the argument I made when I introduced the legislation to which I referred.

Mr. Nichols, a highly regarded and respected figure in nuclear power circles, is reported to have said that the contribution of so-called advanced converter reactors to better utilization of nuclear fuels will not be on such a scale as to justify the taxpayers' money in the venture.

Also, he said that nuclear power economics are working against these advanced converter reactors, pointing out that plants presently being built are anticipating lower costs than were expected a few years ago.

I believe that Mr. Nichols is absolutely correct in calling upon AEC to abandon its plans to build four of these large advanced reactors and, instead, to look toward the development of the fast breeder reactors.

Mr. Nichols position is particularly noteworthy because he is still active in the nuclear field, serving as a consultant to Westinghouse, which has contracts

to build several of the larger converter reactors which are soon expected to be in commercial operation. His opinion, on a matter of this importance, cannot be lightly dismissed.

Mr. Chairman, nuclear power for civilian use has developed at a rapid pace in recent years. Private utilities have announced their willingness to build the converter reactors without a subsidy of any kind to produce commercial power for sale to customers. Apparently, AEC wants to refine and improve this concept, using taxpayers funds. I submit, Mr. Chairman, that additional research designed to improve and refine this reactor concept should be done by private industry, which is already deriving the benefits of past Government research and subsidy and will benefit from further research and development work.

There is no shortage of coal and other fossil fuels from which to generate electric power now or in the foreseeable future. At some time in the future, perhaps several generations from now, nuclear power will be needed to supplement and complement power from conventional plants. The AEC should be looking ahead to this date and spending its funds and manpower on developing fast breeder reactors—which can multiply the life of our limited nuclear resources and meet the longterm energy requirements of the Nation.

Mr. Chairman, I yield back the remainder of my time.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for the complimentary phrases he used in regard to the committee's action. I assure him that the research work and the interest of the committee toward the fast breeder reactor is equally shared with him in this regard. We shall have this matter under constant consideration.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I rise in support of H.R. 10945, the authorization bill for the Atomic Energy Commission for fiscal year 1965.

It was my privilege to participate in the hearings and committee deliberations on this bill and I can say, unequivocally, that this bill has received the utmost thought and careful consideration. I wish to add my tribute to the distinguished vice chairman of this committee, the gentleman from California [Mr. HOLIFIELD], who labored so hard and long to assure that this bill would be sound. Mr. Chairman, he has achieved his objective. The AEC authorization bill is a good one and it is deserving of widespread support in the House. I also commend the distinguished gentleman from California [Mr. HOSMER], who has given the minority members of the committee real leadership in formulating what I believe is essentially a sound bill.

In the field of nuclear weapons, the joint committee has reaffirmed its continuing interest in assuring that the United States has a program second to none. We have recommended the authorization of all the funds requested by the AEC for the implementation of the test ban treaty safeguards. This authorization provides funds for the development, production, and storage of nuclear weapons; for nuclear weapons testing and for important special test detection activities.

The nuclear weapons program must receive all the resources necessary to maintain the strength and security of the Nation.

In the field of peacetime applications, the committee has recommended an authorization which will allow the civilian nuclear power program to move into the next phase of its objectives. Up to now, we have placed emphasis on the "first generation" of ordinary water-type reactors. Although such reactors are not yet competitive, important gains have been made and their future development can now be left largely up to private industry.

In this next phase, the AEC will be doing research and development on more advanced concepts which utilize nuclear fuel more efficiently—reactors on the road to the "breeder" which produces more fuel than it uses.

In the nuclear space program, $84 million is provided for the Rover nuclear rocket project. Rover may be the key to the space program which goes beyond the moon to the farthest reaches of the universe. And this bill provides approximately $77 million for the SNAP program which is aimed at the development of small nuclear-electric power sources for use in the space program, as well as in other applications.

Other parts of the bill provide funds for important programs aimed at studying the effects of radiation on man and his environment. The list of important activities covered by this bill is endless.

But I would like to say a special word about the physical research program. Physical research is basic research—we cannot predict its results; nor can we define its applications. Yet we know that it is vitally important to the future security and welfare of the Nation. One need only remember that just a few years after the discovery of the atomic nucleus, we were able to utilize this knowledge in building the atomic weapons that brought World War II to a close. The history of basic research is replete with other examples of the critically important dividends resulting from our investment in basic research.

Having stated the case for physical research, I would like to add a word of caution concerning the high-energy physics program. At the present time this program is growing steadily without any firm guidance. I share the conclusion expressed in our committee report that a long-range national policy on high-energy physics must be established by the executive branch.

I therefore believe the committee was correct in cutting the authorization for this program pending the submittal of a report to the Congress.

At the same time, I was pleased that the committee added $500,000 for the work of the Midwestern Universities Research Association. The funds for MURA—a total of $1 million—will permit increased competition in the design of future high-energy physics machines. It is desirable to evaluate several alternative designs before selecting the one best suited to achieving the objectives of the program. The work of the MURA group should help in this regard.

In a larger sense, the funds for MURA will help to provide new vitality for the growth of science in the Midwestern States. We have a storehouse of scientific talent in the Midwest and it is vital that we tap this reservoir of skill and knowledge.

In summary, I believe that the bill now before the House provides necessary funds for a worthwhile program. I support its enactment.

Mr. LAIRD. Mr. Chairman, will the gentleman yield to me at that point?

Mr. ANDERSON. I will be very pleased to yield to the distinguished gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. First I would like to commend the committee for giving consideration to the MURA team. This is a very highly skilled team of physicists from the midwestern universities group. This group, though, has had a very troubled history in this area. Back some 7 years ago the Atomic Energy Commission encouraged them to come up with a proposal for a high-energy type of reactor. They came up with this particular proposal and were told to take it back and take the road of high intensity. They recently submitted a program for a high-intensity reactor and have now been told by the scientific advisers to the President and by the Atomic Energy Commission that, no, now we want a high-energy one. It seems to me that the buck has been passed back and forth and the net result has been that the midwestern section of the United States has not moved forward as rapidly as they should. The responsibility for this, I think, is because of the kind of direction that we have had from the Atomic Energy Commission.

Does the gentleman care to comment on that?

Mr. ANDERSON. Well, the gentleman will recall that just a few minutes ago I made the remark that we felt there was some lack of guidance or guidelines in connection with the whole high-energy physics program here in the United States and we felt there had been some deficiencies in that regard in the executive branch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. ANDERSON. Before we proceed to fund that program further, at least in some of the amounts that have been suggested, we ought to have some kind of a basic report from the executive branch laying down what the guidelines for this program will be in the future. I am sure the gentleman is familiar with the Ramsey report which suggested, I think, eventual expenditures of something in the nature of $1 billion for accelerators and the high energy physics

program. Before we launch into anything that ambitious, I would agree with what I believe is the principal point the gentleman was making, that we ought to have some firmer direction and guidance from the executive branch. I would concur.

Mr. LAIRD. The problem here is as far as the high intensity proposal which was recommended in the Ramsey report, they recommended that we proceed with a high intensity proposal, but it took this midwestern universities research group about 5 years to plan this high intensity type reactor. Now the rules have been changed. We are going back and they have to reorient their whole line of thinking along the same lines they were following prior to the 5 years they put into this proposal. Now they are apparently being told to think in terms of a high energy type reactor.

Mr. ANDERSON. I think the gentleman has performed a very useful service here today in pointing out that past history. But I would stand by the statement I have previously made, that looking to the future, I am glad we have gone ahead and appropriated an additional half a million dollars so that rather than close this down, we may look to the day when the Middle West will participate in this kind of activity to the extent that we should, given some of the great universities in that area, and the number of Ph. D.'s and engineers and physicists that we graduate. I certainly think the Middle West should share with the East and the west coast in the high energy physics research program.

Mr. Chairman, I wholeheartedly support this authorization bill and urge the Members of the House to approve it.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, I rise in support of H.R. 10945, the fiscal year 1965 AEC authorization bill.

I am proud to support this bill because I know of the hard work that has gone into its preparation and review. It is a good bill with a worthwhile objective—the full exploitation of atomic energy for the security and welfare of the Nation.

The dividends resulting from the atomic energy program are almost too numerous to mention. We have produced the weapons that make the Nation strong; the reactors to feed our growing demand for electricity; the technology to preserve food, and a thousand other useful applications.

But of all the results of our program, I know of no more successful development than the nuclear submarine. Today, mated with the Polaris missile, the atomic submarine is the vital muscle of our national defense.

I am proud to say that the Joint Committee on Atomic Energy and the Congress were instrumental in this development. We lent the critically important support needed by Admiral Rickover, under whose firm guidance and direction this program has progressed.

But the modern Navy needs more than just submarines—it requires a modern surface fleet and this means a nuclear surface fleet.

Today we have three nuclear surface vessels—the carrier *Enterprise*, the cruiser *Long Beach*, and the destroyer *Bainbridge*. The performance of these nuclear surface vessels has been outstanding—they played a vital role during the Cuban crisis of 1962. And since that time, important technical strides have been made so that today we can produce reactor plants which last twice as long, and have twice the power of the reactor plants in the carrier *Enterprise*.

Today, it can be stated that the United States is preeminent in the field of nuclear surface vessel propulsion. This is a proud accomplishment.

Yet, despite these great achievements, the Department of Defense refuses to install nuclear power in the next aircraft carrier CVA–67. Last year, the Joint Committee held hearings on this subject and issued a comprehensive report.

Based on all the testimony presented to the committee, the extensive supporting data, and the views of every responsible naval official, the committee concluded that first, nuclear propulsion provides significant military advantages for surface warships; second, increased costs attributable to nuclear power are minor; third, the new aircraft carrier, CVA–67, should have nuclear power; fourth, all future firstline surface warships should have nuclear power; and, fifth, research and development programs for nuclear-powered surface warships should be continued.

The Secretary of Defense claims that a nuclear carrier would be too expensive. But he grossly exaggerates the increased costs. I would like to include in the RECORD a brief analysis of the costs of a conventional and a nuclear carrier which clearly makes this point.

Nuclear and conventional aircraft carrier cost estimates

I. CONSTRUCTION COST COMPARISON

	Millions
A. Navy estimate:	
Nuclear aircraft carrier (including 7 years' fuel)	$403
Conventional aircraft carrier (does not include 7 years' fuel)	277
Difference	126
Breakdown of excess $126,000,000 for nuclear ship:	
Purchase and installation of nuclear plant	81
Nuclear core (7 years of operation)	32
Ship arrangement which results in 100 percent more aviation fuel and 60 percent more ammunition carrying capacity	13
Total	126

B. Secretary of Defense overestimate of nuclear carrier costs:

The Secretary of Defense testified he would have to ask Congress for $163,000,000 more. The additional $37,000,000 ($163,000,000—$126,000,000) was attributed to the cost of an extra squadron of aircraft.

Nuclear and conventional aircraft carrier cost estimates—Continued

II. TOTAL OVERALL LIFETIME AIRCRAFT COST COMPARISON (25-YEAR LIFETIME)

	Millions
A. Navy estimate (lifetime cost):	
Nuclear carrier:	
Ship construction, operation, and maintenance	$862
Air group construction, operation, and maintenance	5,000
Total	5,362
Conventional carrier:	
Ship construction, operation, and maintenance	685
Air group construction, operation, and maintenance	5,000
Total	5,685
Nuclear carrier excess lifetime costs (3 percent)	[1] 177

B. Secretary of Defense estimate (lifetime cost):

The Secretary of Defense added $308,000,000 to the lifetime costs because of the added squadron of aircraft. This figure nearly triples the Navy's estimated cost differential.

[1] This differential does not include the costs attributable to delivery of fuel by oiler to the conventional carrier. Therefore, if these costs were included, the differential would be less than 3 percent.

The simple fact is that a nuclear carrier with its complement of aircraft would cost about 3 percent more over its lifetime than a comparable conventional vessel.

If, because of this minor difference in cost, we build an obsolete conventional carrier, then I can only conclude that sharp pencils have replaced sharp thinking in the Pentagon.

There is still time for reason to prevail. We can still install nuclear power in the next aircraft carrier without any significant delay in the delivery date of the carrier.

I hope that this matter will be reconsidered in the Congress and the executive branch. The future of the modern Navy rides on this decision.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Chairman, the importance of the authorization appropriation request for the Atomic Energy Commission cannot be overstressed and I urge the approval of this authorization.

Los Alamos, N. Mex., is the atomic city of the Nation and has been the primary center for the development of the peaceful use of atomic energy, as well as for the further experimentation and development of nuclear energy for defensive and offensive purposes.

The United States is first in the production of an atomic weapons system and in the peaceful harnessing of the atom. We cannot afford to allow these programs to slow down.

Although this year there will be a definite reduction in the amount of fissionable uranium to be produced, the approximate cost of uranium and other raw materials necessary for the development of weapons, reactors, and medical

research at Los Alamos is estimated to be $76,624,000. The emphasis of the nuclear development program has in the last few years turned to the peaceful implications and uses of this most powerful form of energy. The extent to which it can be applied in the production of power in areas that now lack adequate water or fuel supplies for the production of electrical power, for the exploration of space, for the construction of canals and dams, for the study of isotopes and atomic particles still unknown, and for its applications in the advancement of technology to lessen the physical burdens of mankind, is unlimited. The possibilities are limitless, but positive results do not just happen.

Millions of dollars and thousands of additional man-hours must go into further research if the promises of the peaceful application of atomic energy are to be fully realized. Most essential to the survival of man is the study of the effects of atomic radiation on man, on animals, on vegetation, on water, and on soil. To understand the true consequences of an atomic attack, or the effects of nuclear tests in the atmosphere, extensive research in the biological and medical sciences must be pursued. The cost of research for biology and medical activities is approximated at $6,451,000 for Los Alamos. This amount will enable a continuation of projects already in progress. As all scientific research is involved in the discovery of the unknown, there can only be a suggestion as to what will be found and what can be made applicable. As long as the general value of these activities is understood, the moneys to be authorized must be placed in proper perspective as the primary means for the conquering of cancer and other such destructive diseases.

We all know that the atomic reactor is the source of considerable scientific information. It is through the reactor that much of the research data on isotopes and nuclear particles is obtained. Los Alamos has the finest and most up-to-date reactor equipment, and it is essential that this be maintained. Reactors are extremely costly, and the research and development that goes into the production of one requires an authorized appropriation of $7,697,000. To operate the reactors it is necessary to authorize an appropriation of $32,335,000; for maintenance and new equipment, $2,781,000 is needed, and for construction, an additional $2,561,000 has been requested.

The most important responsibility of the Atomic Energy Commission at Los Alamos is in the area of weapons research and development. The authorization request totals $310,524,000 for fiscal year 1965. The position of the United States as the world's leader in the atomic weapons arsenal depends largely on the activities being carried out at this center. It is beyond the comprehension of most of us to understand the complex tests and extensive research being done, but it is not beyond our understanding to relate the success of these activities to the welfare and security of our Nation.

In order for us not to fall behind, but rather to go forward, the activities of weapons development must be continued. Our defense system must not be geared solely to an all-out nuclear war. None of us wants to contemplate the horrors of such an occurrence. Therefore, our attention must be turned to the performance of nuclear weapons in a limited war situation. The enormity of this task requires extensive expenditures and we must not be negligent in granting Los Alamos financial capability as requested in this authorization bill.

The justification for approving the authorization appropriation request by the Atomic Energy Commission is obvious to all of us who realize the tremendous expense of keeping our Nation in constant preparedness. Every day, experimentation is being conducted, and every day, the security and inviolability of our Nation is strengthened. With Los Alamos lies the atomic development of our Nation. Let us not slacken the rate of progress, but rather facilitate and increase it. I strongly urge that we approve the authorization request now under consideration in its entirety.

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I rise in support of H.R. 10945. It is my firm opinion and view that the Atomic Energy Commission has made a reasonable request. The authorization is prudent, yet sufficient to assure the continuation of the essential activities of atomic energy applications for both peaceful and military uses. Surely we must provide for both.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, I asked for this time to direct a few questions to the chairman of the Joint Committee, the gentleman from California [Mr. HOLIFIELD]. First, I should like to thank him for the kind treatment he extended my colleague from the coal regions, the gentleman from West Virginia [Mr. SLACK]. This, of course, is in accordance with the fine attitude that he has always taken toward those of us who come from the coal fields. I should like to tell him that I am looking forward to appearing before that committee on hearings to be held later this month on the omnibus bill.

Mr. Chairman, I looked over the report which accompanies this bill and I found the names of several institutions in many parts of the country where you expect to expend money and certain items that are carefully itemized. I have listened very diligently but I have not heard nor can I find one word that was in discussion on the floor of the House several sessions ago, named Hanford. Are there any items in this bill or any expenditures for Hanford?

Mr. HOLIFIELD. There are some line items for construction of facilities at Hanford.

Mr. SAYLOR. In view of the President's recommendation, as I understand it——

Mr. HOLIFIELD. Mr. Chairman, I should also note that there is no additional authorization for construction of the new production reactor at Hanford.

Mr. SAYLOR. In view of the President's statement to the press a short time ago and a statement which I understand the Joint Committee on Atomic Energy concurred in, that we are going to cut back on the production of plutonium in this country, what can the gentleman tell us in the future of the project at Hanford?

Mr. HOLIFIELD. Mr. Chairman, in the announcement of the President of January 8 there was an announcement which would result in the shutting down of three of the older reactors that were anywhere from 15 to 20 years of age at Hanford. The shutting down of those reactors is made possible, however, by the fact that we will have the new production reactor which will not only produce plutonium but will also produce electricity which can be sold and which will, in effect, contribute to the amortization of the cost of that plant. This will, of course, make the plutonium that much cheaper.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOSMER. I believe it should be made perfectly clear that this bill in no way expresses the feeling of the committee about the cutback. This is in response to the level that has been fixed, the mechanical response, in terms of the amount of dollars needed to operate these activities.

There are other places to delve into that—the wisdom or lack of wisdom—of the production levels that have been fixed, but it is not in this bill.

Mr. SAYLOR. The only reason I ask this question is because I think the Members of the House and the public are entitled to know what we might expect to be done with the development that is going on at Hanford at the present time.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield further, the NPR, the reactor to which the gentleman refers, will be operated. There is no necessity for any authorization of funds for the construction of that reactor. That has already been taken care of by the Congress. The closing down of the older reactors comes about as a result of the basic authority in the act which gives to the President the right to set the level of plutonium production. The level of production that was set by the President was on the basis of our inventory and the estimate of future needs. This has allowed the closing down of three of the older reactors at Hanford, and one at Savannah River. Savings will result from the shutdown of these reactors.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SAYLOR. Might I ask this question of the chairman: If these reactors to which the chairman of the committee has referred are going to be shut down, will they be placed in a standby condition? Is this the anticipation?

Mr. HOLIFIELD. Yes; consideration will be given to placing them in a standby condition.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to my colleague, the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. The chairman of the committee has, of course, given a pretty good description of what is going on at Hanford. But, there is considerably more going on than that, I believe. As the gentleman indicated, three of the reactors, the older ones—I believe they are the oldest ones in existence and least modern—will be closed down. On the other hand, the NPR in which the gentleman is interested is probably one of the most efficient producers of plutonium and, therefore, will be continued in operation, we believe, for some time in the production of plutonium for Department of Defense requirements.

Now, the Atomic Energy Commission has gone to great lengths in trying to find private industrial groups to take over many of the facilities that are being closed down at Hanford, as a result of this cutback in production of plutonium and U^{235}.

There has been a great deal of interest evidenced by different companies in the use of production and research facilities which are already there. This, in my opinion at least, is all to the good. Instead of going through GSA procedures, let us say, of declaring all of these facilities surplus and getting 10 cents, if you got that, on the dollar for these facilities, solicitations have gone out to various segments of industry to determine their interest in taking over the facilities.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WESTLAND. Mr. Chairman, if the gentleman will yield further, bids have already gone out to industry. As I stated earlier, there has been a great deal of interest evidenced in these facilities.

Mr. Chairman, we from the State of Washington at least hope that industry will come in there and use these facilities and pay for them so that the Government will get back something on its investment. This will provide some jobs out there.

Mr. SAYLOR. Let me ask this question: If the President in his wisdom has determined that the time would arrive where the production of plutonium at Hanford, even in the new plant, is not needed, what would the gentleman anticipate the future of the Hanford plant would then be?

Mr. WESTLAND. It is practically impossible to answer that question. Even the Department of Defense will not go beyond 4 years in its firm estimates of requirements for plutonium. They have current estimates and it is on that basis that these three reactors at Hanford are proposed to be closed. I do not believe that the DOD is going to propose to the AEC to cut out everything in weapons production. Under the President's recommendation and under the suggestion of the AEC, the least efficient reactors have been scheduled to be put out of business.

Mr. SAYLOR. My question is, If the new reactor at Hanford produces more plutonium than is necessary for the Department of Defense, then should we reopen one of the old reactors and close down the new one?

Mr. WESTLAND. I think it would be silly to cut down or stop an efficiently producing reactor for the purpose of bringing in one that is old and less efficient in its production.

Mr. SAYLOR. It depends upon how efficient it is, and how much is produced?

Mr. WESTLAND. That is correct.

Mr. SAYLOR. One of the things that has caused trouble is overproduction of plutonium in this country.

Mr. WESTLAND. That is why they plan to cancel out three of these reactors before overproduction results.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. HOLIFIELD. The recent cutback by the President of April 20 did not refer to plutonium. It referred to U^{235}, which is a different element, as the gentleman knows, and of which we have an abundant supply. We do not have an overabundant supply of plutonium. However, if we do keep operating all of the plutonium plants I think probably there would be in the future a surplus of plutonium for weapons.

Mr. SAYLOR. I thank the gentleman.

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Chairman, I would like to say a few words about a proposal to require the AEC, at its own expense, to transmit electric power for the operation of the Stanford accelerator by means of underground transmission lines. The facts can be set forth plainly and clearly. I believe that after the facts have been stated, calm reason and good judgment will lead reasonable men to reject this proposal.

BACKGROUND OF THE STANFORD LINEAR ACCELERATOR

First, I would like to say a word about the background of the Stanford project. The Stanford linear accelerator was authorized by Congress in 1961 at an estimated total cost of $114 million. The accelerator is now under construction on the campus of Stanford University at Palo Alto, Calif. When completed in 1966, it will be the highest energy linear accelerator in the world.

The Stanford accelerator will be a unique research facility which qualified scientists throughout the United States and the world will employ in their search for the most fundamental knowledge of nature's basic building blocks. We expect that this facility will contribute to man's understanding of the fundamental physical aspects of the universe. It should do much to enhance the scientific and technological stature of the United States.

Although its initial construction costs will be about $114 million, it is expected that $20 million a year will be spent in the operation of this facility. A staff of approximately 700 will be required to run it. I believe I have said enough to indicate that the very presence of this facility, from the standpoint of prestige and economic value, will be a major asset to this area of the Nation.

ELECTRIC ENERGY REQUIREMENTS

The Stanford accelerator will require large amounts of electrical energy, not only for the operation of the accelerator itself, but for many items of auxiliary equipment that are associated with the research to be conducted at the facility. In its initial stages, approximately 80,000 kilowatts of electric energy will be required. Ultimately, if it is used at its full design level, up to 300,000 kilowatts may be required.

In January 1963, the Pacific Gas & Electric Co. signed an agreement with the AEC to furnish electrical power for the construction and operation of the accelerator complex. Rates and terms were agreed to, all of which were conditioned on the utility's construction of an overhead transmission line which the company planned to build to the accelerator center. The estimated cost of this transmission line—a cost which would be picked up by the AEC in its rate payments—was $668,000. The lines were to consist of two 300-megawatt circuits which would provide all the power the accelerator might require, plus the insurance of a backup circuit if the power over one circuit was interrupted. I would like to stress again that the cost for constructing this transmission line, which will satisfy all of the foreseeable requirements for the accelerator complex, is $668,000.

Shortly after the agreement with P.G. & E. was signed in January 1963, a problem developed in the community. Great pressures were exerted on the AEC by local residents to get the AEC to consent to the idea of building underground transmission lines. Applications by P.G. & E. for the construction of overhead transmission lines were repeatedly delayed by the city of Woodside and the county of San Mateo. Finally, the community action took the form of a complete refusal to permit P.G. & E. to serve the project unless this was done by an underground transmission line, for which the AEC would have to bear the extra cost.

KEY FACTS IN THE DISPUTE

I would like to clearly set forth the basic facts involved in this dispute between the local residents of Woodside, Calif., and the Atomic Energy Commission:

First, it must be borne in mind that the best electrical service from the standpoint of the project's needs happens also to be the cheapest. Steel towers with two 300-megawatt circuits would cost about $668,000. This is not the prettiest installation—but it is the cheapest and the best.

Second. Over the past 5 months, the AEC has tried to negotiate a reasonable

settlement of this problem with the local communities. AEC indicated that it would be willing to agree to a more attractive, although more expensive, single pole overhead transmission line. The AEC even agreed to an underground line and to make a reasonable contribution to the extra cost entailed if the local communities would also make a substantial contribution to the extra cost involved. The AEC made this offer despite the fact that such a line would be considerably less beneficial to the project than an overhead line, in terms of power and reliability.

Third. Now, what cost differentials are involved between overhead and underground transmission lines?

First, consider the orginally planned installation and twin 300-megawatt overhead transmission lines. As I have noted already, it would cost about $668,000. If placed underground, the same lines are estimated to cost $6,440,000.

There is a less adequate overhead installation with only a single 300-megawatt line which the AEC was willing to accept as a compromise. That would cost $992,000. An equivalent underground line would cost $3,644,000.

Finally, the AEC was willing to consider an underground line of 180 megawatts which might only satisfy the minimum needs of the project for the first few years of its operation. Such a line was estimated to cost $2,640,000. Nevertheless, the AEC was willing to contribute to the extra cost involved if others would also bear a substantial part of the additional cost. No such compromise was acceptable to the officials of the town of Woodside and San Mateo County.

Fourth. Now, let us talk for a moment about the so-called conservation issue involved in this dispute. The proposal for the construction of overhead transmission lines has been variously characterized as "debauchery of the landscape" and "desecration" of one of nature's last undisturbed areas.

I have traveled on several occasions in the area surrounding the Stanford campus. It is one of the loveliest areas of California and perhaps the Nation. One finds many beautiful homes placed on 3-acre minimum lots.

However, I also saw overhead transmission lines in the same area. As a matter of fact, I have been informed that between the date of its incorporation in 1957 and June 1963, 251 new wooden power poles were erected within the town of Woodside. From June 1963 to March 25, 1964, 26 additional poles were constructed. These new poles supplement 1,430 overhead power poles now within the city of Woodside. It is thus apparent that overhead transmission lines are no stranger to the residents of Woodside, Calif.

I would also like to call to the attention of the Members a letter from Dr. W. K. Panofsky, who is the director of the Stanford Linear Accelerator Center. Dr. Panofsky is himself deeply interested in conservation matters and states that he is a member of the Sierra Club—a prominent conservation organization in California. Nevertheless, Dr. Panofsky, in a recent letter to Senator KUCHEL, a copy of which was furnished to the Joint Committee, stated:

> I feel compelled to inform you that from the point of view of the disturbance of the landscape, the case made by the Woodside residents is a weak one; moreover, I cannot see how it can be considered a conservation issued at all. Under no circumstances can I see any justification in the actual situation for such terms as "debauchery of the landscape" "desecration," etc.

Finally, I would like to stress that the construction of overhead transmission lines to the Stanford project will involve the construction of only five additional poles through the city of Woodside. In short, Mr. Chairman, there really is no conservation issue here at all. The question is: "Is it worth a $2 to $5 million outlay by the Federal Government so that a few residents of a local community may enjoy an unhampered view of a horizon which is already cluttered with well over 1,500 electric energy transmission poles?"

Fifth. Finally, I would like to say a word about the precedent involved here. Keep in mind that there are no underground transmission lines in the town of Woodside or in the unincorporated areas of San Mateo County. There may be some underground distribution lines, but these are much less costly than underground transmission lines. As a matter of fact, transmission lines are generally placed underground only in large cities.

If the Federal Government were forced by these local jurisdictions to adopt practices which are much more costly than those conforming to community, regional, or even national standards, then I can foresee other communities attempting to force the Federal Government into the same posture. How will we justify the construction of overhead transmission lines to service future Federal facilities when the local residents near those facilities can point to Woodside and say, "See what you did for the people of Woodside—we demand at least equal treatment." I do not think that we are ready for this kind of a run on the Federal Treasury.

BACKGROUND OF JOINT COMMITTEE INTEREST

The Joint Committee on Atomic Energy has had a longstanding interest in the Stanford project. Indeed, at one point the committee held up authorization of the project so that its cost estimates could be refined and sharpened.

In connection with the present dispute, the committee held hearings on January 29, 1964, at which all of the interested parties were afforded an opportunity to testify. All the facts were brought out at this hearing. In addition, the members of the AEC, the city of Woodside, the county of San Mateo, and Stanford University were heard. Moreover, members of the Joint Committee have actually been out to the site to look into the situation firsthand. This hearing entitled "Stanford Accelerator Power Supply" has since been printed and is available.

In our view, the Atomic Energy Commission has been sympathetic and reasonable in its efforts to negotiate a fair settlement.

When faced with the adamant attitude of the local officials, the AEC could do nothing but act under the authority granted by the Atomic Energy Act of 1954, as supplemented by the AEC authorization and appropriation acts, to acquire a right-of-way by eminent domain so that the Government could build a transmission line to bring power to the accelerator. The AEC's authority under the Atomic Energy Act of 1954 to acquire a right-of-way by eminent domain is clear. Moreover, the intent underlying the authorization and appropriations acts which provide for the Stanford project, support the Commission's authority in this regard. Some local residents have questioned whether section 271 of the act limits the Commission's authority in this respect. I will simply say that section 271 was intended to apply to regulatory controls over the generation of electricity by nuclear power. It has nothing whatever to do with the present situation.

Mr. Chairman, I believe that I have set forth the facts as clearly as I can. I shall be opposed to this proposal and I believe that on the basis of the facts in this case, others should arrive at a like judgment.

Mr. LIBONATI. Mr. Chairman, H.R. 10945, authorizing the appropriation for the Atomic Energy Commission for 1965, provides the sum of $2,298,467,000 for operating expenses and $338,110,000 for plant and capital equipment. Also, $13,500,000 in a proposed amendment for a cooperative arrangement with industry in the construction of a 630A prototype merchant ship reactor; the total appropriation of $2,665,042,000.

The committee alerted its attention to the levels of the essential activities of the peaceful and military programs toward the development, use, and control of atomic energy for the maximum contribution to the general welfare of the Nation and in the public interest; also, in the common defense and security of our allies and ourselves.

The purchase of uranium concentrates was projected at 15,677 tons for 1965, a decrease of 14 percent. National operations producing 11,625 tons—purchases 1,247 tons from Canada and 2,805 tons from South Africa.

A strong support of reactor program in the research field toward accomplishing by corrective engineering design and other improvements that will enable their erection on general sites and also perfect a better approach to safety problems.

The committee cut $3 million in capital equipment applied as follows: $1 million markdown against capital equipment; $2 million against special equipment for curium separation and packaging. The suggestion of the President announcing a reduction in the production of plutonium and enriched uranium—necessitating the closing of four of the producing reactors.

A reduction in the weapon program of $11,157,000 and $22,153,000 decreases for plant and capital equipment are in conformity with the test ban treaty prescriptions and the Soviet Union's reduction in this field.

The support of studies in research in the chemistry, biology, medicine, and also the European and Canadian cooperative operations were confirmed in adequate appropriations.

The committee and its chairman, the gentleman from California [Mr. HOLIFIELD], are to be complimented on their forward thinking in providing appropriations for the special purposes that mean so much in the safety and security of our Nation, and the development of modern industry in the atomic field.

Mr. SAYLOR. Mr. Chairman, some weeks ago I introduced legislation dealing with the program for indemnity insurance which the Government, through the Atomic Energy Commission, offers to private utilities as only one form of subsidy to encourage the construction and operation of large commercial nuclear powerplants.

I am sure that some of my colleagues have dismissed this legislation as more or less a technical amendment to a highly involved complex problem. But I can assure them, and this House, that while the subject may be technical in nature it is nevertheless of great importance to those areas of the Nation which produce coal, and natural gas, large supplies of which go into the generation of electric power.

Stated in simple terms, what this bill does is to require that before a nuclear powerplant can qualify for this Government insurance subsidy it must receive an operation permit prior to August 1967, the expiration date of the insurance program as authorized by the Price-Anderson Act.

The Atomic Energy Commission insists that nuclear powerplants are completely safe and that the type of reactors which are presently being given subsidies are proven from the standpoint of reactor reliability and engineering feasibility. Yet, despite this claimed safety and proven nature of the reactors, the utilities planning these large, commercial nuclear facilities cannot obtain private indemnity of the amount required. Therefore, the Government is making the $500 million in insurance available at a cost far less than the companies are paying for an additional $60 million in coverage through private companies, the maximum that private underwriters will grant.

If there is no element of danger in these nuclear plants, if they are as safe and as good as the AEC claims they are and now ready to displace coal as the major fuel source for generating electric power, then the utilities should be able to obtain all the insurance coverage necessary from private sources, and not underwritten at what amounts to a subsidy from the taxpayers. But the builders of these plants, who like to brag in many instances that they are not subsidized, are insisting that they be assured of this subsidized Government insurance program coverage even though the plant will not go into operation until after the Price-Anderson Act expires.

This is not right. Nor is it fair to the coal industry, which through hard work and initiative on the part of labor and management has won an increasing share of the utility market in recent years for the Government to continue to subsidize these nuclear powerplants—not experimental plants, mind you, but commercial operations.

It has been reported that in trade papers the Jersey Central Power Co., which plans to build a 500,000-kilowatt nuclear plant on its system, has informed the AEC it wants assurances that it will qualify for the subsidized insurance before it undertakes the project, even though the plant will not be in operation before the present program expires. Jersey Central said it made the decision to build the nuclear plant strictly on economic grounds. It brags that it has not asked for a subsidy. The company meant, of course, that it was not asking for a direct Government subsidy. It does want the subsidized insurance and reportedly it is using a threat not to build this plant as pressure to obtain the insurance.

Jersey Central agrees with the claims about the complete safety of nuclear plants. Why then should the Government subsidize insurance on this commercial plant any more than it should subsidize insurance on a coal-fired plant? This is a commercial operation. It is being built because Jersey Central believes it will make more money for its shareholders than would a coal-fired plant. This decision was made in an atmosphere of free enterprise. No one can complain about the Jersey Central decision. The company can invest its stockholders' money as it thinks best. But it should be prepared to go all the way with free enterprise and to make arrangements for its own insurance through private sources. But no, this company wants the Government to subsidize its insurance.

Government-subsidized nuclear power is a direct threat to coal, Mr. Chairman. The AEC has spent $1.5 billion to date on the civilian nuclear power program. Nuclear power is the creation of the Government.

AEC brags that it has developed nuclear power to a point where it is more profitable for utilities in some cases to build nuclear plants.

Fine. But now that the technology has been developed, let the Government step aside. Let the utilities build the plants and pay the entire bill. Let them own their own nuclear fuel—and not get it free from the Government or at less than half the cost of owning it themselves. Let the manufacturers of reactors pay the full research and design cost and not take continued handouts from the Government. I am sure General Electric and Westinghouse can afford to pay their own way. Let the AEC stop buying back from these utilities the plutonium created by the burning of the Government-owned fuel for a stockpile which is already too large.

And finally, Mr. Chairman, let these utilities pay the entire cost of indemnity insurance. This is no job for the American taxpayers.

I urge my colleagues to study this matter carefully. This bill would put a little more free enterprise and less Government subsidy into the commercial nuclear power industry.

Mr. GONZALEZ. Mr. Chairman, I rise for the purpose of bringing before my colleagues certain questions pertinent to the operations of the Atomic Energy Commission. The activities of this agency have long been shrouded in secrecy. This is as it should be, in view of the need to preserve and protect our national security. But, these covers of secrecy have served also to obscure the control of the Congress over the AEC. The Joint Committee on Atomic Energy has served ably and has a commendable record. But, despite its efforts the average Member of this body has been unable to make independent judgments about the operations of the AEC.

My experience with the AEC in recent months have not been happy.

The Atomic Energy Commission operates a weapons plant at Medina, which is in my district. Last November, there was a tremendous explosion at that facility. Although claims were settled very quickly, it was only this week that I was given a personal briefing and told what had happened. Five months after the event I have enough information that I can tell people what happened, and what the chances may be for a repetition of this shattering experience.

On April 3, the AEC announced that it would close the Medina facility in 1966. My first knowledge of this announcement came when I was asked about it by a reporter.

More than 600 people are to be left without employment, and the economy of my district will lose a $4 million annual payroll. Yet, despite the dimensions of this event, I learned only this week—a month after the announcement—the details behind the closing of the facility. What I have learned causes me to rise and tell my colleagues that what the AEC plans to do is ill-advised at best and folly at worst.

The AEC says that it plans to consolidate in 1966 its weapons operations into two plants rather than the present four. Those at Medina and at Clarksville, Tenn., will be closed and their operations consolidated with plants at Amarillo, Tex., and Burlington, Iowa. The purpose of this move is to effect annual savings estimated at some $3 million.

The briefing given me by the AEC convinces me that the consolidation is based on swampy reasoning and had its foundations on shifting sand.

The AEC will not be saving any money by this move, and I question whether it will protect the national interests and security.

Addressing myself to the first point, I believe that I can demonstrate that the AEC is not going to effect any real savings at all by consolidating its weapons plants—in fact, that it may cost the Government money.

The AEC tells me that it has a $17,616,000 investment at Medina. Additionally, they have about $2,200,000 in Clarksville. Now, in order to effect an "estimated" savings of $3 million annually, they want to abandon investments totaling $19,816,000 and then invest another "estimated" $4,500,000 in the modification of Amarillo and Burlington in order to handle the increased load resulting from the consolidation.

So, in order to "save" that "estimated" $3 million we are asked to write off at least $23,316,000. Now, in order to justify these losses—assuming that the savings are going to be at what they are now estimated—will take about 8 years. Therefore, no real savings will take place until 8 years after the consolidation, or 1974.

But, the AEC does not know what its needs are going to be in 1974. It may have to invest even more money at that time, or it may want to reclaim and reopen Medina and Clarksville or some other plant at a cost far greater than the first $20 million investment that they now want to abandon.

Mr. Chairman, the data, which I have been able to acquire through a great deal of effort, cause me to believe that the joint committee should go into far greater detail in investigating the AEC claims of savings and economy. Even more, the committee should address itself to the question of whether this so-called economy move is in the best interests of national defense.

There are other questions, too, to which this committee and the joint committee should know the answers. For example, why has the AEC found it necessary to enter into negotiated contracts with just one company in certain phases of its work? In the present instance, why has one company been given the contract for all four AEC facilities which manufacture and handle high explosives? And why, for example, are other companies involved in similar agency-wide management contracts?

We have no way of knowing whether contracting out is either less expensive or more efficient than doing the work in-house.

It is curious to note, Mr. Chairman, that some investments of the AEC cannot be defended "on the basis of economics." Sometimes, by their own admission, they need to invest large sums of money in order to make their operations a little more convenient.

The point here is that national security operations—especially operations involving our prime deterrent or nuclear weapons—economy is not an issue.

The AEC says to me on the one hand that economy dictates its proposal to consolidate its weapons operations. Aside from the fact that there are no economies that could be realized from their plans, they turn around and say to the Joint Committee that a $2 million investment at Lawrence Radiation Laboratories is justified on the grounds of convenience—economy has nothing to do with it. If economy is good for the gander, it must be good for the goose, but, evidently not in this case.

I doubt that any of our colleagues here are willing to cut corners when it comes to providing for our defense. Yet, the AEC is apparently willing to do so. They intend, willy-nilly, to consolidate weapons operations—who knows, how far they are to cut them?

Long experience dictates that we not only have enough capacity to take care of our present needs—it also dictates that we have excess capacity in order to take care of any emergencies.

By closing two plants, the AEC is going to put its eggs into two baskets. Thus, by halving the number of plants, they double the risk of loss of capacity through attack or through some other catastrophe.

It seems to me that the national interests would better be served by keeping the Clarksville and Medina facilities open, even on a reduced scale, if only to keep our emergency capabilities at an acceptable level.

In view of the fact that the AEC has so far justified its move on grounds of economy—and, that even these claims are grounded on a shaky foundation—I feel that the Joint Committee should thoroughly investigate the proposed consolidation. Further, I respectfully suggest the committee might discover some real economies by instituting a rigorous review of the present contractual arrangements between the AEC and its various managers.

Finally, I would hope that we will not be led by blind hopes of false economy into weakening our defense capabilities in any way.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, the sum of $2,636,577,000 as follows:

(a) For "Operating expenses," $2,298,467,000: *Provided*, That in the total amount authorized by this subsection there is included the amount of $1,000,000, which is in addition to the amount of $5,000,000 previously authorized in section 110 of Public Law 86-457 for use in a cooperative program of research and development with the Government of Canada: *Provided further*, That in the total amount authorized by this subsection there is included the amount of $3,000,000 which is in addition to the sum of $22,500,000 previously authorized for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European Atomic Energy Community.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, $338,110,000 as follows:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 65-1-a, radio-surgery facility, Richland, Washington, $250,000.

Project 65-1-b, isotopes production plant, Richland, Washington, $9,000,000.

(2) ATOMIC WEAPONS.—

Project 65-2-a, materials processing facilities, Mound Laboratory, Miamisburg, Ohio, $565,000.

Project 65-2-b, analytical laboratory expansion, Rocky Flats, Colorado, $3,000,000.

Project 65-2-c, weapons production, development and test installations, $10,000,000.

Project 65-2-d, process facility addition, Savannah River, South Carolina, $3,700,000.

Project 65-2-e, high velocity test facility, Sandia Base, New Mexico, $1,350,000.

(3) ATOMIC WEAPONS.—

Project 65-3-a, environmental control facilities, Kansas City, Missouri, $1,000,000.

Project 65-3-b, utility and supporting services additions, Rocky Flats, Colorado, $2,245,000.

Project 65-3-c, supplemental water supply, Los Alamos Scientific Laboratory, New Mexico, $1,550,000.

Project 65-3-d, experimental physics facilities additions, Lawrence Radiation Laboratory, Livermore, California, $4,090,000.

Project 65-3-e, chemistry development facilities, Lawrence Radiation Laboratory, Livermore, California, $2,000,000.

Project 65-3-f, base support facilities, Nevada Test Site, Nevada, $620,000.

(4) REACTOR DEVELOPMENT.—

Project 65-4-a, zero power plutonium reactor, National Reactor Testing Station, Idaho, $3,000,000.

Project 65-4-b, power burst facility, National Reactor Testing Station, Idaho, $8,100,000.

Project 65-4-c, research and development test plants, Project Rover, Los Alamos, Scientific Laboratory, New Mexico and Nevada Test Site, Nevada, $3,000,000.

Project 65-4-d, modifications to reactors, $3,000,000.

(5) PHYSICAL RESEARCH.—

Project 65-5-a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, $25,000,000.

Project 65-5-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $1,650,000.

Project 65-5-c, electron linear accelerator, Argonne National Laboratory, Illinois, $875,000.

Project 65-5-d, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $1,700,000.

Project 65-5-e, accelerator improvements, Cambridge and Princeton accelerators, $1,350,000.

Project 65-5-f, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $850,000.

Project 65-5-g, transuranium research laboratory, Oak Ridge National Laboratory, Tennessee, $1,850,000.

(6) PHYSICAL RESEARCH.—

Project 65-6-a, lecture hall and cafeteria, Brookhaven National Laboratory, New York, $2,300,000.

Project 65-6-b, site utilities, Brookhaven National Laboratory, New York, $675,000.

Project 65-6-c, computer data processing building, Lawrence Radiation Laboratory, Berkeley, California, $2,400,000.

Project 65-6-d, heavy ion linear accelerator additions, Lawrence Radiation Laboratory, Berkeley, California, $525,000.

Project 65-6-e, high energy physics laboratory, California Institute of Technology, California, $2,000,000.

(7) BIOLOGY AND MEDICINE.—

Project 65-7-a, co-carcinogenesis research laboratory, Oak Ridge National Laboratory, Tennessee, $2,070,000.

Project 65-7-b, atmospheric physics building, Richland, Washington, $373,000.

Project 65-7-c, biomedical and animal laboratory, Lawrence Radiation Laboratory, Livermore, California, $3,500,000.

(8) COMMUNITY.—

Project 65-8-a, classroom addition, Cumbres Junior High School, Los Alamos, New Mexico, $340,000.

Project 65-8-b, classroom addition, White Rock Elementary School, Los Alamos, New Mexico, $260,000.

Project 65-8-c, water distribution system additions, phase III, White Rock, Los Alamos, New Mexico, $290,000.

Project 65-8-d, sewage disposal plant, White Rock, Los Alamos, New Mexico, $610,000.

(9) GENERAL PLANT PROJECTS.—$43,250,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—$3,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $186,772,000.

SEC. 102. PROJECT RESCISSIONS.—(a) Public Law 85–590, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 59–e–3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, $950,000.

Project 59–e–12, research and engineering reactor, Argonne National Laboratory, design and engineering, $1,000,000.

(b) Public Law 86–50, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 60–e–7, nuclear test plant, Army Reactor Experimental Area (AREA), National Reactor Testing Station, Idaho, $5,000,000.

(c) Public Law 86–457, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 61–f–8, materials research laboratory, University of Illinois, $5,600,000.

(d) Public Law 87–315, as amended, is further amended by rescinding therefrom the authorization for a project, except for funds heretofore obligated, as follows:

Project 62–a–4, solvent purification installation, Savannah River, South Carolina, $500,000.

(e) Public Law 87–701, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 63–e–3, organic reactor project, $20,000,000.

Project 63–j–3, two mobile irradiators, $700,000.

(f) Public Law 88–72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 64–e–6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, $1,800,000.

SEC. 103. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (4), and (5), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (3), (6), (7), and (8), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b)(9) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be $100,000 and the maximum currently estimated cost of any building included in such project shall be $10,000.

(2) For all other programs, the maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000.

(3) The total cost of all projects undertaken under subsection 101(b)(9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 104. The Commission is authorized to use funds appropriated pursuant to this authorization, and other funds currently available to the Commission, for the purpose of performing construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 105. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 106. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85–162, as amended, is further amended by striking out the date "June 30, 1964" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1965".

SEC. 107. FISSION PRODUCT CONTRACTS.—(a) Without regard to section 3679 of the Revised Statutes, as amended, the Commission is authorized to enter into contracts for such periods of time as the Commission may deem necessary or desirable, for the purpose of making available fission products from Commission reactors, with or without charge for commercial application.

(b) Any contract entered into by the Commission pursuant to this section shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contract, and any appropriation presently or hereafter made available to the Commission shall be available for payment of such costs which may arise from termination as the contract may provide.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of this section, the basis for the proposed arrangement or amendment thereto which the Commission proposes to execute (with necessary background and explanatory data) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days: *Provided, however,* That the Joint Committee, after having received the basis for the proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period.

Mr. HOLIFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: Page 9, line 20, strike out "maybe" and insert "may be".

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know so little about this subject that perhaps I will not properly phrase the questions I want to ask. But how does U^{235} stockpile? Does it deteriorate, and over what period of time?

Mr. HOLIFIELD. There is no deterioration of the U^{235}, which is extracted from the raw uranium ore. It has very little deterioration.

Mr. GROSS. There is very little deterioration in the stockpile you have?

Mr. HOLIFIELD. That is true, practically none.

Mr. GROSS. On page 9 of the bill, the provision providing authority to make efficient fissions available with or without charge for commercial uses, does that mean a substantial amount of money would be involved in the material that could be given to commercial producers or users?

Mr. HOLIFIELD. I will say to the gentleman that we have these concrete canyons, as they call them, out there, in which we place this waste material. It is very dangerous material. The amount that would be given would be very infinitesimal in regard to the full supply. It would be mostly for experimental use and for some limited commercial use. We hope in time to be able to develop these interests. A particular section here is to encourage private industry to take this material and try to find uses for it. They can use it for various things such as irradiating vegetables, foods, and things like that. There may be various uses for it that we do not at this time foresee.

Mr. GROSS. Do I correctly understand that this is waste material?

Mr. HOLIFIELD. It is waste material, absolutely. It is waste material we have accumulated during the separation of the bomb material from the uranium ore.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. BURKE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10945) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEERMANN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 3, not voting 87, as follows:

[Roll No. 123]

YEAS—341

Abbitt	Bates	Bromwell
Abernethy	Battin	Brooks
Adair	Becker	Broomfield
Addabbo	Beckworth	Brotzman
Albert	Beermann	Brown, Calif.
Alger	Belcher	Broyhill, N.C.
Anderson	Bell	Broyhill, Va.
Andrews, N. Dak.	Bennett, Fla.	Bruce
	Berry	Burke
Arends	Betts	Burton, Calif.
Ashbrook	Boggs	Burton, Utah
Aspinall	Boland	Byrne, Pa.
Auchincloss	Bolling	Byrnes, Wis.
Ayres	Bolton, Frances P.	Cahill
Baker		Cameron
Baldwin	Bonner	Cannon
Barrett	Bow	Carey
Barry	Bray	Casey

Cederberg	Joelson	Reid, N.Y.
Celler	Johansen	Reifel
Chamberlain	Johnson, Calif.	Reuss
Chelf	Johnson, Wis.	Rhodes, Ariz.
Chenoweth	Jonas	Rhodes, Pa.
Clancy	Jones, Mo.	Rich
Clark	Karsten	Riehlman
Clausen, Don H.	Kastenmeier	Rivers, Alaska
	Keith	Rivers, S.C.
Clawson, Del	Keogh	Roberts, Ala.
Cleveland	Kilgore	Roberts, Tex.
Cohelan	King, N.Y.	Robison
Collier	Kirwan	Rodino
Conte	Kluczynski	Rogers, Colo.
Corbett	Knox	Rogers, Fla.
Corman	Kornegay	Rogers, Tex.
Cunningham	Kunkel	Rooney, Pa.
Curtin	Kyl	Roosevelt
Daddario	Laird	Rosenthal
Dague	Landrum	Rostenkowski
Daniels	Langen	Roudebush
Davis, Ga.	Lankford	Roush
Dawson	Latta	Roybal
Delaney	Leggett	Rumsfeld
Denton	Lennon	Ryan, Mich.
Derwinski	Lesinski	Ryan, N.Y.
Devine	Libonati	St. George
Dingell	Lindsay	St Germain
Dole	Lipscomb	St. Onge
Donohue	Long, La.	Saylor
Downing	Long, Md.	Schadeberg
Dulski	McClory	Schenck
Duncan	McCulloch	Schneebeli
Dwyer	McDade	Schweiker
Edmondson	McDowell	Schwengel
Elliott	McFall	Secrest
Ellsworth	McIntire	Senner
Everett	McLoskey	Sheppard
Evins	McMillan	Shipley
Fallon	Macdonald	Short
Fascell	MacGregor	Sibal
Findley	Madden	Sickles
Fisher	Mahon	Sisk
Flood	Marsh	Skubitz
Flynt	Martin, Mass.	Slack
Fogarty	Martin, Nebr.	Smith, Calif.
Ford	Matsunaga	Smith, Va.
Foreman	Matthews	Snyder
Fountain	Michel	Springer
Fraser	Milliken	Staebler
Frelinghuysen	Mills	Stafford
Friedel	Minish	Staggers
Fulton, Pa.	Monagan	Steed
Fuqua	Montoya	Stephens
Gary	Moorhead	Stinson
Gathings	Morgan	Stratton
Giaimo	Morris	Sullivan
Gibbons	Morrison	Talcott
Gilbert	Morse	Taylor
Glenn	Morton	Teague, Calif.
Gonzalez	Mosher	Teague, Tex.
Goodell	Moss	Thomas
Goodling	Multer	Thompson, La.
Grabowski	Murphy, Ill.	Thompson, N.J.
Green, Oreg.	Murphy, N.Y.	Thompson, Tex
Griffin	Murray	Thomson, Wis.
Gross	Natcher	Toll
Grover	Nedzi	Tollefson
Gubser	Nelsen	Trimble
Gurney	Nix	Tuck
Hagen, Calif.	Norblad	Tupper
Haley	O'Hara, Ill.	Utt
Hall	O'Hara, Mich.	Van Deerlin
Halleck	Olsen, Mont.	Vanik
Halpern	Olson, Minn.	Van Pelt
Hanna	O'Neill	Vinson
Hansen	Osmers	Waggonner
Harding	Ostertag	Wallhauser
Hardy	Passman	Watts
Harris	Patman	Weaver
Harrison	Patten	Weltner
Harvey, Ind.	Pelly	Westland
Healey	Pepper	Whalley
Hébert	Perkins	Wharton
Hechler	Philbin	Whitener
Herlong	Pickle	Widnall
Hoeven	Pike	Willis
Holifield	Pirnie	Wilson, Bob
Horan	Poage	Wilson, Charles H.
Horton	Poff	
Hosmer	Powell	Wilson, Ind.
Hull	Price	Wright
Hutchinson	Pucinski	Wydler
Ichord	Purcell	Wyman
Jarman	Quie	Young
Jennings	Quillen	Younger
Jensen	Randall	Zablocki

NAYS—3

O'Konski	Pillion	Siler

NOT VOTING—87

Abele	Ashmore	Bass
Andrews, Ala.	Avery	Bennett, Mich.
Ashley	Baring	Blatnik
Bolton, Oliver P.	Gill	Miller, N.Y.
	Grant	Minshall
Brademas	Gray	Moore
Brock	Griffiths	O'Brien, N.Y.
Brown, Ohio	Hagan, Ga.	Pilcher
Buckley	Harsha	Pool
Burkhalter	Harvey, Mich.	Rains
Burleson	Hawkins	Reid, Ill.
Colmer	Hays	Rooney, N.Y.
Cooley	Henderson	Scott
Cramer	Hoffman	Selden
Curtis	Holland	Shriver
Davis, Tenn.	Huddleston	Sikes
Dent	Johnson, Pa.	Smith, Iowa
Derounian	Jones, Ala.	Stubblefield
Diggs	Karth	Taft
Dorn	Kee	Tuten
Dowdy	Kelly	Udall
Edwards	Kilburn	Ullman
Farbstein	King, Calif.	Watson
Feighan	Lloyd	White
Finnegan	Mailliard	Whitten
Fino	Martin, Calif.	Wickersham
Forrester	Mathias	Williams
Fulton, Tenn.	May	Winstead
Gallagher	Meader	
Garmatz	Miller, Calif.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Hoffman.

Mr. Miller of California with Mr. Brown of Ohio.

Mr. King of California with Mr. Minshall.

Mrs. Kelly with Mr. Abele.

Mr. Ashmore with Mr. Johnson of Pennsylvania.

Mr. Feighan with Mr. Harsha.

Mr. Gray with Mr. Shriver.

Mr. Hays with Mr. Cramer.

Mr. Sikes with Mr. Oliver P. Bolton.

Mr. Garmatz with Mr. Derounian.

Mr. Jones of Alabama with Mr. Martin of California.

Mr. Fulton of Tennessee with Mr. Harvey of Michigan.

Mr. Rooney of New York with Mr. Brock.

Mr. Buckley with Mrs. Reid of Illinois.

Mr. Andrews of Alabama with Mr. Mathias.

Mr. Whitten with Mr. Bennett of Michigan.

Mr. Winstead with Mr. Fino.

Mr. Colmer with Mr. Moore.

Mr. Williams wtih Mr. Meader.

Mr. O'Brien of New York with Mr. Curtis.

Mr. Rains with Mr. Mailliard.

Mr. Gill with Mr. Kilburn.

Mr. Holland with Mr. Taft.

Mr. Ashley with Mr. Avery.

Mr. Blatnik with Mr. Miller of New York.

Mr. Farbstein with Mr. Pool.

Mr. Gallagher with Mrs. Kee.

Mr. O'Brien of New York with Mr. Grant.

Mr. Davis of Tennessee with Mr. Pilcher.

Mr. Brademas with Mr. Burkhalter.

Mr. Finnegan with Mr. Diggs.

Mr. Dorn with Mr. Edwards.

Mr. Forrester with Mrs. Griffiths.

Mr. Hagan of Georgia with Mr. Karth.

Mr. Baring with Mr. Hawkins.

Mr. Henderson with Mr. Smith of Iowa.

Mr. Dowdy with Mr. Scott.

Mr. Huddleston with Mr. Udall.

Mr. Stubblefield with Mr. Tuten.

Mr. Selden with Mr. Ullman.

Mr. White with Mr. Wickersham.

Mr. Watson with Mr. Bass.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks during the debate on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

There was no objection.

TO PROMOTE THE CONSERVATION OF THE NATION'S WILDLIFE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 793), to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and without objection, appoints the following conferees: Messrs. ROGERS of Texas, JOHNSON of California, DUNCAN, SAYLOR, and SKUBITZ.

There was no objection.

THE AMERICAN SPEECH AND HEARING ASSOCIATION

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

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

There was no objection.

Mr. YOUNG. Mr. Speaker, in performing our duties as Members of Congress, on occasion we are made aware of examples of outstanding service to the Nation on the part of organizations of high purpose. The American Speech and Hearing Association is such an organization, and it has recently been my gratifying experience to become aware of the help extended by this group in an area of overwhelming need.

The American Speech and Hearing Association was founded in 1925 as a scientific and professional association and has a current membership of approximately 10,000. Its purpose is to encourage basic scientific study of the processes of individual human speech and hearing, promote investigation of speech and hearing disorders, and foster improvement of therapeutic procedures with such disorders; to stimulate exchange of information among persons thus engaged, and to disseminate such information. Among its creditable undertakings was the establishment in 1956 of the American Speech and Hearing Foundation as a charitable trust to advance scientific and educational endeavors in speech pathology and audiology.

Let us look for a moment at the magnitude of handicap and human need of this nature among both children and adults in the Nation. Within the total population of handicapped children in the United States, it has been noted that the largest group consists of children with speech and hearing problems, more than 3 million as of 1960. Percentage-

wise, this represents approximately 5 percent of the total school-age population and about 1.3 percent of more than 21 million children under the age of 5 years.

Data on the prevalence of speech and hearing problems in adults are not as complete as are the data for the population of school-age children. A recent estimate places the incidence at 3 percent of the population over 19 years of age having speech problems and 2.1 percent having handicapped hearing problems. Thus, over 6½ million American adults are striving to meet the challenges of daily life and to surmount these handicaps. In my State, one of the finest and most modern facilities for this purpose is the Houston Speech and Hearing Center, a member agency of the national association, located in the Texas Medical Center and headed by Dr. Jack L. Bangs.

Mr. Speaker, it is highly fitting that we pause to take cognizance of the fine contributions being made by the American Speech and Hearing Association in this field of human handicap.

A TEMPTING TOOL FOR GOVERNMENT NEWS MANAGEMENT

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

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, 70 radio and television stations and 2 daily newspapers in the delta area of the United States are receiving over long-distance wires financed entirely by the taxpayers farm news written, edited, and distributed entirely by employees of the U.S. Department of Agriculture.

This is part of the fast-growing wire news dissemination apparatus originating in the Agricultural Marketing Service of USDA. This apparatus is a tempting tool for Government news management, and as such poses a serious threat to the press freedom guaranteed by the first amendment of the Constitution.

Last week—April 28 CONGRESSIONAL RECORD, pages 9387–9393—I reviewed the New Market News Service which was inaugurated last August without legislative authority by the USDA's AMS. Under it, anyone may tap directly into AMS's vast market and crop-reporting wire network simply by renting a teletype receiving machine and paying the long-distance toll charge to the nearest of the 200 AMS offices scattered from coast to coast.

Although few have signed up for the news service to date, AMS officials confidently predict tie-in customers receiving data on all commodities will soon dot the landscape.

This New Market News Service threatens the existence of a private news service known as PAM. It probably will put that service out of business, as PAM cannot compete with the heavily subsidized tie-in service AMS now make possible. When private competition disappears, farmers and the food industry generally will rely solely on Government sources for market information.

AMS is a respected Government service. It has commanded respect and rendered valuable service for many years. I am not suggesting that it be abolished. I am not urging that its official interoffice wire network be abolished. My one and only suggestion is that AMS be prohibited from competing with private enterprise in wire news dissemination.

One of the reasons AMS has held respect is that it has been kept on a competitive basis with private news-gathering and news-dissemination organizations. Up to now, AMS has not been permitted to destroy its private competition and thus gain a monopoly.

It is dangerous to deny even a respected institution of long standing the discipline and benefit of competition.

For example, if AMS should gain a monopoly position and at some future date slide from its present high standards, would corrective discipline be brought to bear—if at all—in time to prevent severe harm to farmers, as well as to the broad public interest?

Given a fair competitive situation, PAM and other privately operated services, will profit or fail on the integrity of their information. Governments, on the contrary, do not necessarily rise or fall on the integrity of their news releases and reports.

If a reporter is inaccurate, warped or slanted in his writing, he will lose his job. If a wire service—AP, UPI, PAM or otherwise—goes astray it will lose customers to its competitor.

But when USDA writers—there is a king-size difference between writers and reporters—feed copy into a Government leased wire network, they risk their jobs only when they get out of tune with their boss. Their boss, of course, has a far broader base of interest than simply news dissemination.

Government domination of news gathering and dissemination ends the discipline of competition, the essential for continued accuracy, quality, and integrity.

The Government wire apparatus that has developed in the delta area has significant—and ominous—differences from the New Market News Service.

The delta network feeds 70 radio and television stations and 2 daily newspapers, and in this system, at no point between the news source and the news desk of those mass media does the private reporter make an entry.

The assembly, evaluation, preparation, editing and wire delivery of the information is entirely at Government expense and entirely under Government control.

In the case of the New Market News Service the private tie-in customers pay for the long-distance connections. In the delta network, which combines weather and farm news, even the long-distance tolls which bring the wire service copy to the communities where the radio and television stations and the newspapers are located are paid by the U.S. taxpayers.

The delta system is unique, and it illustrates the quiet, unobtrusive and innocent manner in which a giant Government-dominated wire news network can develop.

The USDA's AMS wire network connects over 200 regional Government offices where market and crop information is gathered and transmitted.

At the Memphis AMS office, Government employees select from the AMS flow of copy the material considered to be of greatest interest to farmers in the delta region.

This region includes all of Arkansas, northern Mississippi, western Tennessee, southeast Missouri and northeast Louisiana.

Perforated teletype tapes of this material are then transmitted over a special local line from the AMS office to the Weather Bureau Office. There the tapes are fed by Government employees into the Weather Bureau wire network, consisting of 70 radio and television stations and two newspapers.

Government employees control the information and the network from stem to stern.

Government has no trouble retaining control, because it pays the entire cost of this news-gathering and news-dissemination network—including toll charges for private long-distance lines which are leased by the Government for the sole purpose of serving radio and television stations and newspapers.

The bulk of the farm news is ordinarily transmitted just before noon each day, but it is not confined to that period. It is fed intermittently with weather news anytime, day or night, although most copy of all kinds is handled between the hours of 9 a.m. to 5 p.m.

The only expense assumed by any of the 72 nonpaying "customers" is a $44-a-month fee to cover teletype receiving machine and local line rental, payable to American Telephone & Telegraph Co., plus the cost of paper and typewriter ribbons.

The rest of the service is provided entirely without charge by the U.S. Government. The Government-paid wires are open 24 hours a day.

Until April 1963 the information carried by the Weather Bureau wire network originating at Memphis was carefully limited to weather.

During the past year, however, the service has been enlarged to include AMS-prepared farm news, primarily crop and market news about cotton, fruits, vegetables, and livestock.

One step leads to another.

To the casual observer, the addition of farm news to the weather network perhaps seemed a logical use of idle time on the wires. Why not make the service to the radio and television stations and newspapers more complete and thus more valuable?

No doubt it has been favorably received by the media. And why not? It has the same siren-type appeal of other Federal-aid dollars—the irresistable lure of something for nothing. In fact, a survey of the media made in 1962 indicated a desire for an enlargement of the scope of the news carried by the Weather Bureau wires. Page 36 of the 1962 report of the survey made jointly by the

Commerce Department and the Agriculture Department contained this significant statement:

Ninety percent of the radio and TV personnel interviewed on the Midsouth Weather Bureau network stated that they would like to receive and would use specified, timely market news reports in addition to the weather information which they are now getting over this network. They expressed an interest in market news information for cotton, livestock, dairy, poultry, grain, fruits, and vegetables. Many of the stations now depend largely on the national wire services for their market news information and the coverage provided is insufficient to meet their needs. Station personnel expressed a strong desire for additional, timely reports on products grown and marketed in their area in addition to market news reports that affect local market conditions. Every station wanted market information for noontime broadcast and some wanted information for early morning broadcast. Approximately 60 minutes of circuit time daily would provide the desired market news. The Midsouth Weather Bureau network can handle this additional traffic load if it is scheduled properly so that it will not interfere with transmission of the special agricultural weather reports.

On the surface it looked like a good deal, and the media grabbed for it, momentarily forgetting their deep concern for press freedom and their fear of Government news management.

If this step is accepted, what will be next? The taxpayer-hired wires still have some idle time, most of the night, in fact.

Why not feed in a digest of information put together by each of the Departments—State, Defense, Post Office, Justice and so on? Each is a major news source. Then why not let the White House publicity staff utilize whatever idle time remains? What better news source than the White House?

In time the Weather Bureau wires could be kept humming day and night feeding Government-prepared copy to the news desks of radio and television stations and the newspapers. In such circumstances, how long could the competitive privately financed and privately controlled Washington press corps stay in business?

The long-range threat to press freedom implicit in the news dissemination activities recently undertaken by the Department of Agriculture is not as ridiculous as it might at first seem.

These services are appealing because they are available to the media on a virtually no-cost basis. They look good if you do not look beyond the dollar sign.

To illustrate, a representative of a livestock association called recently to assure me that several of his members like the New Market News Service of USDA because it costs less than comparable private news service.

To them, it was simply a matter of dollars and cents. In that respect, they are like the farmers who voted last May in favor of the wheat certificate plan. Two-dollar wheat had strong appeal. Other farmers—a majority, fortunately—looked beyond the dollar sign, saw a threat to freedom in the Government-subsidized and Government-controlled scheme, and voted "No."

To those who are attracted by the price tag, I respectfully recommend a little review of history. Two chapters should be adequate: Peter Zenger's historic court battle against Government censorship in colonial days, and Dr. Goebbels' use of government propaganda to make possible Hitler's Nazi regime in Germany in the 1930's.

These chapters underscore the fundamental importance of news gathering and news distribution that is independent of government. Unhappily, the new wire news services provided by USDA will strengthen rather than weaken Government influence in this field.

They eliminate the reporter—the fellow who has a nose for news, digs in deep, verifies the facts, and writes them up without fear or favor. He has to be big enough to question and probe kings, presidents, secretaries, and Congressmen—strong enough to brush off bribes—tough enough to withstand pressure and threats—courageous enough to write the truth as he sees it—not slanted to official viewpoint, but crisp with clarity and bristling with integrity.

Government employees, by the very nature of their employment, cannot possibly be reporters in the great tradition of the free press. They are writers, not reporters. There is a big difference. It is as big as the difference between dictatorship and freedom.

In the new USDA wire services, Government employees control the copy from front to back. They do the preparation, the rewrite, the editing. They even feed the copy into the wire circuits. Absent is any screening, checking, probing, digging, and evaluation by persons independent of Government control.

What is wrong with all this?

No. 1: Government is not always a reliable source of information. Government is inclined to tell what appears to be good for Government—whether truthful or not. Arthur Sylvester, Under Secretary of Defense, declared last year that Government has the "inherent right to lie."

During the past year I have documented several instances in which Agriculture Secretary Freeman used exaggerations, half-truths and misleading data to sell a viewpoint. The most glaring examples occurred just before the House of Representatives voted a 2-year extension of the feed grains program in 1963.

No. 2: A Government wire service, even on the specialized and limited scale now authorized, is a tempting propaganda weapon. No law limits it to statistical and strictly market data.

In fact, USDA's publication AMS 510 announcing the New Market News Service announces on page 11:

In addition, all circuits carry a variety of additional marketing information—as it is available—crops and livestock production, storage holdings, meat productions, and various USDA news releases of importance to marketers.

The phrase "news releases of importance to marketers" is broad enough to cover about anything. Government officials could use the wire service to propagandize farmers in future referendums.

No. 3: Government has shown it will abuse propaganda opportunities. Last year's prize example was the memorandum issued April 12, 1963 by the USDA's Deputy Administrator of ASCS, Ray Fitzgerald, in connection with the wheat referendum. In it, he informed State ASC committemen of the dependence of radio and TV stations on Federal licensing, an urged them to act aggressively to get the stations to carry USDA's viewpoint on the wheat referendum.

Government already does too much propagandizing of the American people.

No. 4: The new USDA wire services establishes the power of censorship. For example, AMS retains the right to discontinue the New Market News Service to any customer. The Weather Bureau controls the free long-distance wire service to radio and TV stations and newspapers. Government has the right to grant—or deny—these valuable services. This right is open to abuse and would enable vindictive Government officials to retaliate effectively against media which fail to cooperate.

MANAGED NEWS

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

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

There was no objection.

Mr. HALL. Mr. Speaker, yesterday, I called the House's attention to the slanted reporting of the Indiana primary election, occurring over the Columbia Broadcasting System Tuesday night, using as the basis for my challenge to CBS, the fact that the alleged 11 percent "crossover" of Republican votes was the pure hypothesis of CBS pollster, Lou Harris, formerly in the employ of both President Kennedy and the Democrat national committee. I further challenged CBS to survey Indiana, and count the number of affidavits which Indiana Governor Welsh flatly stated his poll workers would force any Republicans to sign who attempted to vote in the Democrat primary. I am advised by some of my friends in the Indiana delegation, that the Harris propaganda put out over the national airwaves about an alleged 11 percent Republican vote for Governor Wallace was an absurd statement which could not stand the light of investigation and counting of affidavits.

I regret to say, Mr. Speaker, that while CBS yesterday afternoon invited me to discuss this serious charge before their cameras in the Senate TV gallery, and indeed graciously allowed me some 5 minutes; they apparently felt the charge struck too close to home, and did not permit an airing of the charge on last night's CBS news. In fact, one might say they added insult to injury by repeating Harris' allegation of a crossover, this time using 10 percent instead of 11 percent, again stating it as a fact, without even acknowledging responsible Republican challenges as to its validity. At this

rate it will be down to a credible figure, about a week from now.

May I add one further word, Mr. Speaker, and point out that the National Broadcasting Co. is no less blameless. For indeed Frank McGhee on the same night in question also used the 11-percent figure. I understand our major wire service also used the figures espoused by the former employee of the Democrat National Committee.

I suggest, Mr. Speaker, that Mr. Lou Harris is doing a far better "hatchet job" for the Democrat National Committee than he was ever able to accomplish while in their employ. What concerns me is that two of our greatest television networks are a party to such actions. I believe there should be national network responsibility for news commentary and documentaries, no less binding than the standards of fair play which already are applicable to individual station outlets. And I speak as one who has supported their freedom as one of the strongest backers of the Rogers bill, adopted by this House.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the majority leader as to the program for the balance of this week and the program for next week if he can tell us at this time.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the minority leader, there is no further legislative business for this week.

The program for next week is as follows:

Monday is District day. There are no District bills to be considered.

On Monday, the deficiency appropriations bill, 1964, will be called up.

On Tuesday, the agriculture appropriation bill, 1965, will be called up for consideration.

For Wednesday and the balance of the week: S. 2214, amendment to International Development Association Act. This is under an open rule with 2 hours of general debate.

This is subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later.

Mr. HALLECK. I thank the gentleman.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

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

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

There was no objection.

HAPPY BIRTHDAY, PRESIDENT TRUMAN

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RANDALL. Mr. Speaker, President Harry S. Truman will be 80 years old tomorrow, May 8. Once more it is my privilege and pleasure to pay tribute to a truly great American on the occasion of his birthday. Every Member of this House is honored as the elected Representative of one or more distinguished persons. It is my good fortune to number among my constituents our former President whose name and deeds will live on throughout history as one of the outstanding leaders of our century.

In Independence, Mo., no reminder is needed as his birthday approaches. The postmaster down to the newest clerk know because they struggle with the annual deluge of mail from well-wishers throughout the world and in every walk of life. His ability to appeal to people in every strata of society made Mr. Truman one of our truly great Presidents.

I recall my first effort here on the floor of the House in eulogy of my No. 1 constituent. It was in May 1959 on the occasion of his 75th birthday. During each of the last 5 years I have made remarks here in the House on the greatness of Harry Truman. For this reason it becomes increasingly difficult to say something that has not been said many times in the past. For that reason, I do not intend to dwell today in detail on his actions as President of the United States, but instead, to spend a few minutes in consideration of some of his special abilities and some of the characteristics that made up his personality.

First and foremost it is his ability to reach difficult decisions that earned for him a niche in the alltime hall of greatness. He had not been trained for the awe-inspiring job that was loaded on him in April 1945. He had to shoulder the duties and responsibilities of the heaviest and most powerful office in the world after only a little over 3 months as Vice President. Yet, from these very first days, there was not exhibited one second of weakness or one instance of uncertainty in our battle to win the war we were then waging. One of our leading newspapers called Mr. Truman's ability to reach difficult decisions, "a gift for being right on the big issues." Without any doubt, Mr. Truman is destined to live in the books as one of the strongest and most decisive of the American Presidents.

When Germany fell in May 1945 only a little over a month after he had become President, Mr. Truman was faced with a decision as to whether or not to use a new and terrible weapon against the remaining enemy—Japan. He did not shirk this responsibility. He faced squarely the fact that the loss of lives in these two enemy cities would be much less than the death toll required for victory and peace without the atomic bomb.

Another momentous decision came in 1950. It was an equal display of courage then when he placed American power behind the United Nations in Korea. This decision to arrest Communist aggression has been likened or compared to the famous decision by President Lincoln after the firing on Fort Sumter.

In each of the moments when President Truman took responsibility for American lives, he displayed the kind of moral courage that is even rarer than the physical courage that motivates a man to advance on the battlefield under fire. As a former soldier he was an expert in waging war but he always sought peace. He picked up the Charter of the United Nations where it had fallen from the stilled hands of his predecessor. He agreed to meet with Stalin. Very soon after the war he saw the threat to Greece and Turkey which resulted in the Truman doctrine and announced to the world that we would not stand by to watch our friends cut up without contributing our help. This concept was later broadened into the Marshall plan; the North Atlantic Treaty Organization; and the Berlin airlift. This same Truman doctrine ultimately resulted in technical assistance to the undeveloped nations now known as point 4.

If one word can summarize Mr. Truman's hopes and aspirations as President, it is "peace." It was certainly not the false peace of the appeasers. When the Presidential seal was changed and the head of the American eagle turned toward the talon holding the olive branch instead of toward the arrows of war, it is significant that the arrows of war are left on as a part of the seal to symbolize and emphasize that we had not laid aside our instruments of war which might tempt an enemy to attack us or to tempt an aggressor into believing we were afraid to defend ourselves.

President Truman's vision was also displayed on the domestic side by many acts of farsightedness that have earned him his place in history. He knew he had to brave the wrath of persons who disagreed with his policies—such humane things as the extension of low-cost housing; the extension of social security; and the admission of many displaced persons who had suffered for freedom's sake during World War II. He came out for selective service very shortly after the end of history's most terrible war. This he knew would be unpopular. The people were war weary. But he knew our enemies would seek to take advantage of our weariness. There were many angry people but all of those

who disagreed never doubted his sincerity. Any of the decisions I have mentioned would have marked Harry Truman as a strong President. Taken together they have earned him an enviable place in history.

It is one thing to earn a niche in history but it is something else quite different to enjoy the lasting love and respect in the hearts of all mankind. As President, Mr. Truman proved he was more than the elected ear of his people. He was more than a Commander in Chief of the Armed Forces. He was even more than the leader of his party. Above all this, he was a human being, a very human being. This characteristic is best summed up by a member of the White House staff when he learned Mr. Truman would not seek reelection, saying "little people all over the world have lost their greatest friend."

What kind of a man, then, was he who came to be known as the greatest friend of little people? In an article written about Mr. Truman in 1949, it was said Mr. Truman is one of those men who lives rather than formulates a philosophy of life. Another commentator pointed out that Mr. Truman displays those virtues we are always trying to press upon our children such as patience, persistence, modesty, and loyalty. Those of us who have the pleasure and privilege to know Mr. Truman, recognize that if our 32d President has one dominant trait of character it is honesty. Honest with himself, honest with others, Harry Truman never pretended to be something he was not. It is this rare trait that endeared him to millions of people throughout the world.

As head of the most powerful Nation in the world, it would have been easy to project a false or exaggerated image. Even on election night in November 1944, radio listeners thought there might have been a mixup on the wire when with all ears tuned to Kansas City to hear from the running mate of President Roosevelt, all they heard was piano music. He, for one, had peace of mind to relax while he waited to learn whether he would be Vice President of the United States.

Another notable quality Mr. Truman always displays is his enthusiasm and love for life. His brisk stride on those regular early morning walks demonstrates this. The 1948 campaign, when he astounded the pollsters and nearly everyone else, showed him as a man who was really having a good time as he campaigned. As President he never lost this enthusiasm for life or his love for the little people. He was a man who never forgot the long road he had traveled from his birthplace at Lamar, Mo. to 1600 Pennsylvania Avenue. Even the White House staffers loved him because as one of them put it "he was human and reasonable, but never moody." They pointed out that instead of ringing for someone to bring him a book or a chair, he did most of these things for himself.

An unknown side of Mr. Truman's makeup came to light in a story told by Eric Sevareid in the Washington Star in February of this year. It displays Mr. Truman's respect for the dignity of the individual. The former President was lacking in sensitivity to criticism against himself, but he was never lacking in sensitivity about the feelings of other people. An incident recently brought to light recalls that when lecturing to a student audience a college boy stood up to ask the former President what he thought of the State's Governor, whom he described as "our local yokel." The use of this somewhat less than praiseworthy term caused Mr. Truman to scold the student for his lack of respect, not for the person holding the office, but for the high office occupied by that person—the chief executive of that State. The boy turned pale and it was obvious that he was very hurt and sank back into his seat. Mr. Truman immediately realized the detrimental effect that a public scolding by a former President of the United States could have on this young man's pride. He feared it might leave a scar on his emotional system and damage his self-respect, even to the point of affecting his entire future life. Knowing the power of a President to hurt the feelings of another human being, the former President, after the lecture, sought out the boy in an effort to reassure him. He requested the dean of the college to furnish him future reports on this young man's progress and now it is no secret that since that day Harry Truman followed this lad's career with the interest of a friend. Instead of leaving an emotional scar, Mr. Truman turned this incident into an opportunity to bolster the boy's pride, self-respect, and self-confidence by knowing that a former President was interested in his future. I am sure this story gives a new insight into the way of life of Harry Truman, and is a new addition to the storehouse of memories about the man from Missouri.

When Mr. Truman left the Presidency, he once again displayed those characteristics which made him such a lovable person. He left without regret but with anticipation for the active years that lay ahead. He did not leave office as a wealthy man. Yet, he refused lucrative offers which, had he accepted, he feared, might lessen the respect for that high office. He decided that he could use his knowledge best by writing a few books and some articles for newspapers and magazines. He has lectured repeatedly on government and history, in schools and colleges without honorarium.

His dream to establish the Truman Library is the best evidence of his determination to share the knowledge he gained as President. One of his greatest delights today is to guide his friends through the Truman Library in his home city of Independence. Opened in 1957, it houses 5 million documents from the Truman administration, and thousands of gifts and mementoes from Mr. Truman's years in the White House. In the auditorium of the library it is estimated that Mr. Truman has talked to 250,000 students since he left office. He likes to say these students ask better questions than reporters because they are really looking for information while reporters want only headlines.

In the library there is an exact replica of Mr. Truman's office in the White House and on the desk is the famous sign, "The Buck Stops Here."

As he guides his friends through this great library and points out the many things of interest connected with his administration, it makes an observer feel that this gentleman of 80 years is a kind of spectator in review of his own past. But he is a spectator who is always interested with an interest that never seems to lag.

After he left the White House, when on the train ride back to Independence, he said he was going to rest in his rocking chair and that he had brought some rocking chair oil so it wouldn't squeak. If Harry Truman has been sitting in a rocking chair, it must have mighty large wheels. He has really never "retired." You and I know he has traveled all over the world and was only recently a special emissary for President Johnson to the funeral of King Paul in Greece.

It is no secret to say that he has discontinued his famous morning walks, at least in his home town of Independence, Mo., but let us hasten very quickly to point out that the reason has nothing to do with our former President's age. He says it is because his many friends and neighbors stop him so many times to say "good morning" that it makes him late at the Truman Library. He still arises just a little after daybreak and reads the newspapers until Mrs. Truman has breakfast ready. He likes to arrive at the library ahead of his staff because he says this gives him a chance to read all of the mail before they screen out unpleasant letters.

Mr. Truman has lived a life that was full to the brim. He is contented with life and relishes every day of it. He says he feels fine now and enjoys to contemplate or assess his former years. When he returned to "civilian" life, as he called it, he said he expected to live to be 100. The way he put it is: "Old Annie Domini's been after me a long time, but I have outrun her so far." He is a little stouter now than he used to be, but his handshake is just as firm and that personality just as contagious. All the world joins together today in the hope and prayer that his expectations come true and he has at least 20 more birthdays. If our prayers are answered, everyone knows it will be just as difficult to keep Mr. Truman in a rocking chair at 100 as it has been for the first 80 years.

RUMANIAN INDEPENDENCE DAY

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, the 10th day of May is the national holiday of the Rumanian people. All over the United States there will be Rumanian organizations commemorating this occasion. In my own city of Cleveland, people of Rumanian descent

will gather at Carpatina Hall for celebrations.

The history of Rumania is a fascinating one, and its location on the border of such warring nations as Russia and Turkey made it a frequent victim of strife and a pawn in European power politics.

In 1878 at the Congress of Berlin, Rumanian independence was officially recognized by the great powers. Within 4 years of achieving freedom the people decided to raise their country to a kingdom. On May 10, 1881, Charles I was crowned by the will of his people, King of Rumania. A prosperous era began and lasted some 60 years, until the invasion by international communism.

On March 6, 1945, in violation of its solemn undertakings, the Soviet Union intervened in Rumanian affairs and installed the first of a series of puppet regimes which have been in control ever since. With the occupation by Soviet troops landowners were disposed and practically all banks, factories, and transportation facilities were nationalized. Individual freedom was systematically eliminated by Communist terror squads.

During all these years of enslavement, Rumanians have cherished and revered the 10th of May as their national holiday despite official Communist efforts to alter the anniversary to the 9th of May. Even though the Communist government hoists the flag on the 9th, Rumanians in their captive homeland celebrate the following day in their hearts. The 10th of May remains as the symbol of their permanency and preseverance through woes and hardships to restore freedom to their nation. Is it asking too much of Americans to set aside a few moments to salute the courage of these people? I join with all freedom-loving Americans in keeping alive the aspirations and dreams of a free Rumania under God.

FACTS AND FIGURES ON FARM INCOME

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

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

There was no objection.

Mr. HOEVEN. Mr. Speaker, last week the Department of Agriculture published two of its periodic publications dealing with farm prices and income which are most interesting and illuminating.

In its monthly publication "Agricultural Prices" the Department reported that the parity ratio as of April 15, 1964, was 75. This was the lowest monthly parity ratio since August 1939 and the lowest April 15 parity ratio in history. "Agricultural Prices" also reported that the parity index which measures farmers' living and production costs reached an alltime high on April 15. In describing the reasons for the drop in the parity ratio the Department said that beef cattle prices averaged $18.10 per hundredweight, down 50 cents from March and $2.40 from April 1963. Prices of steers and heifers at $19.70 per hundredweight were the lowest since April 1957.

In the "Farm Income Situation No. 194" the Department of Agriculture states:

> Realized net farm income this year may fall somewhat short of the $12.3 billion in 1963, but by less than the 5 percent or more that was forecast last fall. Although the prospects are for some decline in aggregate realized net farm income in 1964, farm numbers will continue to decline and income per farm will probably run about the same as the record $3,430 realized in 1963.

During the first quarter of 1964 farm operators' realized net income at the seasonally adjusted annual rate was $12 billion. This compares with the 1963 first quarter rate of $12.7 billion and for the entire year of 1963 of $12.3 billion. In other words, net income in the first quarter of 1964 is running at a rate of $300 million less than for the whole year 1963, and at a rate of $700 million less than the rate for the first quarter of 1963. If the total net income in 1964 is 5 percent less than it was in 1963, this would mean a drop of $610 million in 1964. The only way that the per-farm income is able to stay at approximately $3,400 a year is that the number of farms in the country continues to decline.

The "Farm Income Situation" also states:

> Cash receipts from farm marketings in 1964 may be down fractionally from the record high of $36.2 billion in 1963. Slightly lower farm prices probably will more than offset a larger volume of marketings. Government payments probably will be one-fourth higher than last year's total of $1.7 billion; payments under the newly enacted 1964 wheat and cotton legislation and an anticipated increase in payments under the 1964 feed grain program will account for the increase. Realized gross farm income may well equal or exceed the $41.1 billion record total reached in 1963.

Thus it can be seen that even with a 25-percent increase in the amount of Government payments, the farmer will end up with less money than he had in 1963. The "Farm Income Situation" goes on to estimate that:

> Cash receipts from farm marketings this year probably will be slightly lower than the estimated record high of $36.2 billion in 1963. Marketings of livestock and livestock products will be larger in volume than the 1963 record high, and prices will probably average below those in 1963. Crop marketings in 1964 may be about the same in volume as in 1963, while prices will most likely average lower. Receipts from crops will be augmented by increased payments to farmers for participation in the 1964 wheat, cotton, and feed grains programs.

The "Farm Income Situation" also points out that cattle and calf prices at the farm will probably average lower this year while marketings will be larger than in 1963.

In the Commodity Letter of the Wall Street Journal of May 5, 1964, the following statement appeared:

> Farm commodities head still lower in price despite the economy's continuing climb. While business generally pushes steadily higher, farm prices move in the opposite direction. Prices farmers received for their products at mid-April fell to 236 percent of the 1910–14 average, 6 points less than a year ago and the lowest for this season since 1957. Such basic farm products as beef cattle, poultry, wheat, eggs, cotton, and tobacco now bring lower prices than a year ago.
>
> A number of farm products may well slide further in price over the coming months. Wheat and cotton are expected to show price declines when the new farm law goes into effect July 1. Sugar prices soften as a result of a bumper beet crop. Some foreign farm commodities are likely to decline, too. Coffee prices are threatened by a possible boost in export quotas, which would swell shipments from Brazil's reserve stock.
>
> The cost of goods and services farmers buy keeps rising, cutting farm purchasing power to the lowest point since 1939.

The net impact on farmers is that the cost-price squeeze is now as bad as it was in the late depression years and that farm income in 1964, in spite of record high payments, is going to drop.

These are the facts and figures, Mr. Speaker, in spite of the glowing figures of farm prosperity being put out by the Johnson administration.

PROMOTION OF GALA FOR JOHNSON LEAVES TAINT OF PRESSURE

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

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

There was no objection.

Mr. NELSEN. Mr. Speaker, increasing numbers of Federal employees have complained about the tactics that have been employed in the sale of $100 tickets for political fundraising affairs. This practice has been growing progressively more prevalent and brazen, and it threatens the entire Civil Service System.

There are almost daily reports of arm twisting, but politicians belittle them, and the Civil Service Commission does not stir on the ground that they have had no signed complaints and, therefore, no basis for action. It is understandable that no Federal employee would dare to sign a complaint because of the fear of losing his job, when he sees what happens to men who have dared to talk. Battle Hales was denied promotion, because he talked out of turn, in the eyes of Secretary Freeman. Jerry Jickis, who revealed to Congress questionable use of foreign aid funds in Cambodia, was fired. Otto Otepka, a State Department security officer, presented information to the Congress and has been in hot water ever since.

So it is easy to understand that a career employee would be most hesitant about signing a complaint.

I call to the attention of the Civil Service Commission that it has the authority as expressed in existing law to initiate its own investigation. This Commission was established by the Congress for the express purpose of protecting the integrity of our Civil Service System, and if improper political pressures are being used, as many are reporting, it is the Commission's duty to initiate action under the authority they now have.

For example, as I reported to the President last week, my own files contain a considerable amount of information which could be useful, and it is evident from such articles as the one by Jerry Kluttz in the Washington Post of May 28, that there is plenty of material if there were a will to act.

Perhaps the only course is that proposed by Senator WILLIAMS of Delaware, who called for a Justice Department investigation to determine whether laws are being violated, and to propose legislation if needed.

I ask that Mr. Kluttz' article be included at this point in my remarks.

The article follows:

[From the Washington Post, May 28, 1964]

PROMOTION OF GALA FOR JOHNSON LEAVES TAINT OF PRESSURE

(By Jerry Kluttz)

The Democratic gala is over but the political taint from it lingers on in Federal offices here.

There isn't much doubt that Tuesday night's $100 Democratic fundraising salute to President Johnson was actively promoted in Federal offices in violation of the spirit if not the letter of the law which makes it illegal to solicit political funds on Federal property.

In the past the State Department with its large body of professional Foreign Service personnel was bypassed by political fundraisers. But things have changed and scores of higher paid employees there were sent invitations to the gala at their offices.

The employees charge that the Protocol Office there not only distributed the invitations, and apparent violation of law, but also made calls to jog them into responding to them. This is the story of one of the employees:

"About 2 weeks ago a mysterious-looking letter was hand-delivered to my office in the State Department. * * * Inside was an invitation to the gala honoring President Johnson.

"Monday the Protocol Office called to ask if I were going to the gala. * * * On inquiring of some of my colleagues, I found that they, too, had received handwritten, hand-delivered invitations at their offices as well as solicitous calls from the Protocol Office. There was more than a little consternation in the minds of many of them.

"I'm at a loss to explain why the invitation was a matter of protocol * * * but the incident has begun to worry me. Lots of timid souls clearly attended the gala for fear that some of their colleagues, who are dependent on political patronage for their jobs, will record the fact and remind any and all who might be interested.

"This may be okay for Assistant Secretaries or even Deputy Assistant Secretaries but for those who are supposedly part of the Civil Service and Foreign Service this potential for alfresco blackmail is a serious business.

"I am sure the President wants a Civil Service and a Foreign Service which will give him, through his appointees, the best professional advice possible, without fear or favor. After all, one of the hardest problems of being President is making the bureaucracy work effectively for the program of his administration.

"Those who were in charge of issuing invitations didn't help the President. Somebody ought to tell him."

Representative NELSEN, Republican, of Minnesota, charged on the House floor that topgrade employees in Rural Electrification were asked to buy $100 tickets in their offices. Senator WILLIAMS, Republican, of Delaware, is sponsoring a resolution to direct the Attorney General to investigate the charges.

Employees in Small Business, Housing and Home Finance, Office of Emergency Planning and Post Office, among others, have called to say they were "invited" to attend the gala by either phone calls or personal contacts at their offices.

In most cases they say they were asked to attend cocktail parties which were held prior to the gala and given by agency heads. Those who attended the parties were expected to attend the gala.

A postal official commented yesterday that he had never seen employees "so eager to buy the $100 tickets" and he added that he had heard no one in the Department complain about the pressure.

"Pressure wasn't necessary to sell the tickets this year," he explained, "the employees bought them willingly because I suspect they feel that Mr. Johnson will be around for awhile."

A Commerce official said the "educational" approach was used to sell tickets to employees there. He simply said that employees in the top grades were given the "opportunity" to contribute to the party of his choice and he expressed the personal belief that those who could afford it should contribute to help sustain the two-party system. He also said no pressure was necessary to sell $100 tickets to the gala.

Complaints from employees who charged their arms were twisted to buy tickets were far fewer than last year. Two reasons were were cited for the slump in complaints. First, that employees were getting accustomed to the pressure, and secondly, tickets sold better this year as many business firms bought them.

A CAPTAIN'S LAST LETTERS FROM VIETNAM

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

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

There was no objection.

Mr. MICHEL. Mr. Speaker, the May 1, 1964, issue of U.S. News & World Report carried the very illuminating story of one of our pilots, the late Edwin Gerald Shank, Jr., and his role in the fighting in South Vietnam. The fact that Captain Shank lost his life while piloting a T–28 raises a number of serious questions. The T–28 is really nothing more than an unarmed trainer.

I am aware, of course, that under the Geneva accord there can be only replacement of current implements of war and fears have been raised that the war might escalate if we replace these obsolete planes with up-dated jet fighters. Personally I think it absolutely absurd to be sending our highly skilled and trained airmen, soldiers, and sailors into any area of armed conflict without the very best and most advanced equipment available. It would seem to me very appropriate for the Armed Services Committee of the House to probe this matter thoroughly and give the American people an accounting of just what is going on in South Vietnam. It is quite obvious that even with Defense Secretary McNamara practically commuting from Washington to South Vietnam the real facts are being withheld from the American people. It is indeed unfortunate that we must get the true picture only from enterprising reporters on the scene, or from the publishing of excerpts of one Capt. Edwin Gerald Shank, Jr.'s, letters back home to his wife and children.

Captain Shank was born June 21, 1936, in the small farming community of Winamac, Ind., where he attended grade school, high school, and then went on to Notre Dame where he graduated in 1959. He became a Reserve officer and was called to active duty in the Air Force in August of 1959 and was later assigned to South Vietnam as a pilot of a T–28 trainer. Captain Shank is survived by his wife, a son, and three daughters. His last daughter he never saw. Captain Shank at 27 was killed while flying an air strike against the Communists on March 24, 1964, and I include the article appearing in U.S. News & World Report at this point in the RECORD:

"WE ARE LOSING, MORALE IS BAD—IF THEY WOULD GIVE US GOOD PLANES"

(Air Force Capt. "Jerry" Shank is dead—a combat casualty of the war in Vietnam. While he lived and fought "Jerry" Shank wrote to his wife and family in Indiana every chance he got—sometimes twice a day. Those letters make up a moving battle diary of a war in which more than 15,000 Americans are fighting and dying in combat against the Communists. Excerpts from his letters are presented here with the permission of his widow. All references, by name, to his Air Force companions have been eliminated to spare them any possible embarrassment).

November 14, 1963: We are using equipment and bombs from WW2 (meaning World War II) and it is not too reliable. This is an interesting place here. Everybody works together, officers and enlisted. We are out there lifting bombs and such. Every possible time we give the men a chance to ride. On a test hop or something like that—it gives them a little motivation. We cannot take them on missions, because we have to have our VNAF (Vietnamese Air Force) student pilot along.

We 23 Air Force run the whole T–28 war in the Mekong Delta. This will give you some idea of Uncle Sam's part in the war.

November 22, 1963: Been real busy with the armament job—really makes a day go fast. Got all kinds of problems—cannot get parts or books or charts describing the different bombs and systems. The Air Force has not used any of this equipment since Korea, and everybody seems to have lost the books. The main problem is personnel—no good officers or NCO's over here that really know their business. Most of them are out of SAC (Strategic Air Command) and have dealt only with nuclear weapons. This does not apply over here; what we need is someone from World War II. Some days it is like beating your head against a brick wall.

November 27, 1963: Sunday all hell broke loose with the Vietcong [Communist Vietcong guerrillas]. We had a big airborne operation against them—both choppers and parachutes. I woke up at 4:30 to fly my first night attack—darker than hell. * * * By 9 o'clock in the morning we had launched 12 sorties, which is a lot for our little operation. The Vietcongs got one chopper and one B–26 that day, but we (T–28's) hurt them bad. There is far more detail to this, but I do not want to put it in a letter.

I am up to 20 missions now and am real confident in myself. I do good work, I feel like a veteran and I feel like a different man. I think I am older.

I have changed my opinion about the Vietcong. They are not ornery little fellows. They are mean, vicious, well-trained veterans. They are killers and are out to win. Although this is called a "dirty little war"

and it is far from the shores of old U.S.A., it is a big, mean war. We are getting beat. We are undermanned and undergunned. The United States may say they are in this, but they do not know we need help over here.

If the United States would really put combat people in here we could win and win fast. It seems to be the old story of a half-hearted effort.

December 4, 1963: I have debated for a week and a half now over telling you of Black Sunday—November 24, 1963, I am going to tell you and, if you do not want to hear about these things again, well, say so. You do have a right to know.

This was not a typical day. We flew 20 sorties. But the Vietcong hurt us bad. All in all that day, 23 airplanes were hit, 1 B–26 crew lost their lives, 3 choppers crashed. The Vietcong won.

What they had done was pull into the little village and commit their usual atrocities, then pull out. But all they had were small arms and rifles on them. So headquarters thought they would teach this little group of Vietcongs a lesson and sent this operation I spoke of in after them.

But the crafty little b——s withdrew from the town into foxholes and bunkers and hiding places they had been secretly building for a week. Also, they had many friends in there plus large antiaircraft guns and all sorts of machineguns. So when the first wave of troops went in, they thought it was just a routine chase of Vietcongs. But they soon ran against the Vietcong wall and we pilots soon discovered that they had more weapons than pistols and homemade guns. Shrewd plan—and they won.

We could have won but I could write a chapter on that. I hope you were able to follow that, Connie. A lot happened that day and it happened fast and furious. It's not a good thing to tell a wife, but she has to know—no one else will say it—no one else can or will, I guess. There are no heroes over here but there are a lot of fine men—America better not let us down. We can use help. We can win, but America must come over, for the Vietnamese will never hack it alone. We've either got to get in all the way, or get out. If we get out the Vietcong will be in Saigon the next day.

December 14, 1963: I do get a kick out of the Vietnamese people. They're poor, dirty, and unsanitary according to our standards, but they're happy and some are hard working.

December 16, 163: The Vietcongs [Communist guerrillas] sure gave them a rough time.

The Vietcong are kind of a Mafia. They terrorize and then they sell "insurance" so that the people will not be harmed again. They strike especially villages where Americans have been seen. They terrorize these villages and then blame it on Americans by saying, "If Americans hadn't come to your village, we would not have plundered and killed, so if you don't want it to happen again, pay us money and don't let Americans into your village."

So you see, they gain from this. First of all, they get money or food; secondly, they instill a dislike for Americans—dirty b——s. But I do like the Vietnamese I've met and talked to. They are friendly, happy, and childlike—good people.

December 21, 1963: We got a briefing today of the total result of that operation on November 24. I'll repeat it briefly.

The airpower got credit for 150 to 200 killed. No one can be sure of the amount, for the Vietcong carry off all their dead and wounded. They never let you know for sure how bad you hurt them.

Anyway there were approximately 700 Vietcongs dug in with three 50-caliber antiaircraft guns and three 30-caliber antiaircraft guns, plus many hundreds other machineguns. They were waiting for us, but we hurt them even though we lost. We lost because we had them trapped and they got away.

It's so mixed up over here—there are over 3,000 Air Force in Vietnam, yet there are only 50 combat crews (B–26 and T–28). What a ridiculous ratio. Also, the Army tried to show the Air Force is no good and vice versa. Ridiculous. Down at Soc Trang, Army and Air Force will die for each other, but up with the colonels and generals it's a big fight for power. And most of these idiots don't even have any idea of what it's like out in combat. * * * They're trying now to find out why we pick up so many hits. The dumb b____s. We get hit more now because the Vietcong have very fine weapons. There are Chinese over here now.

I think the next few months will tell. Either the Vietcong will quit or this will turn into another Korea. I hope it doesn't take the United States too long to realize this.

December 22, 1963: Flew another mission today. We escorted three trains across no man's land and then struck some Vietcongs. Our FAD (the guy in the L–19 who tells us where to hit) received three hits, but we got them. I'm credited with destroying a 50-caliber antiaircraft gun. Bombed him out of this world. I guess I'm a true killer. I have no sympathy and I'm good. I don't try to rationalize why I do it. No excuses. It's a target and I hit it with the best of my skill. It's a duel; only (I repeat) only the best man wins. You can't afford to be second.

December 30, 1963: Well, here goes. I got shot down yesterday. We were escorting a C–123 and I picked up three slugs in my airplane. One went into my fuel strainer and I lost all my fuel. I made it to a field called Pan Tho and landed safely. Me and the airplane are both okay, not a scratch except the three bullet holes. No sweat.

January 3, 1964: Down at Soc Trang, one of the airmen came up with the idea of putting chunks of charcoal in our napalm tanks. Napalm is a gasoline which is jelled into a mass about the consistency of honey. We carry two tanks of it, each weighing 500 pounds. When you drop it, it ignites and spreads fire about 200 to 300 feet. With charcoal in it, the charcoal is thrown about another 200 feet farther, like a burning baseball, and does further damage to Vietcong houses. We've had it at Soc Trang and it works real well.

Tomorrow three birds are going out with one-half of their load of straight napalm and the other half with charcoal napalm (Madame Nhu cocktails). A photo ship is going along to take pictures. If higher headquarters thinks it's all right, then they'll buy us the charcoal. So far we've been buying it ourselves or else "borrowing" it from the kitchen.

January 7, 1964: Morale's at a big low over here, especially among the combat crews. It's the same old stuff we got in MATS. No consideration for the crew.

Lost two guys today. One was a pretty good friend of mine. The only guess is—the airplane just came apart. B–26—third or fourth that have done that now. * * * Pretty bad day—just hard to find any good news to write. Can't even talk to anybody—nobody has anything to say. Just a blue day.

I don't know what the United States is doing. They tell you people we're just in a training situation and they try to run us as a training base. But we're at war. We are doing the flying and fighting. We are losing. Morale is very bad.

We asked if we couldn't fly an American flag over here. The answer was "No." They say the Vietcong will get pictures of it and make bad propaganda. Let them. Let them know America is in it.

If they'd only give us good American airplanes with the U.S. insignias on them and really tackle this war, we could possibly win. If we keep up like we are going, we will definitely lose. I'm not being pessimistic. It's so obvious. How our Government can lie to its own people—it's something you wouldn't think a democratic government could do. I wish I were a prominent citizen or knew someone who could bring this before the U.S. public. However, if it were brought before the average U.S. family, I'm sure all they'd do is shake their heads and say "tch-tch" and tune in another channel on the TV.

January 9, 1964. Had a good target today finally. Felt like I really dealt a blow to the Vietcong. On my second bomb I got a secondary explosion. This means after my bomb exploded there was another explosion. It was either an ammo dump or a fuel-storage area. Made a huge burning fireball. You really can't tell when you roll in on a pass what is in the huts and trees you are aiming at. Just lucky today, but I paid them back for shooting me down.

January 15, 1964. Another B–26 went in yesterday. Nobody made it out. A couple of guys I knew pretty well "bought the farm."

One of the new guys busted up a 28 (T–28) also yesterday. He thought he had napalm on but he had bombs. So at 50 feet above the ground he dropped a bomb. It almost blew him out of the sky. But he limped back to Bien Hoa and crashlanded. The airplane burned up, but he got out all right.

That news commentary you heard is absolutely correct—if we don't get in big, we will be pushed out. I am a little ashamed of my country. We can no longer save face over here, for we have no face to save.

We are more than ever fighting this war. The Vietnamese T–28's used to come down here to Soc Trang and fly missions. But lately, since we've been getting shot so much, they moved up north. I kid you not. First they didn't want to come to Soc Trang because their families couldn't come. Second, because they didn't get enough per diem [additional pay]. Third, because they didn't want to get shot at. There were a couple of more reasons, but I can't remember them. These are the people we're supposed to be helping. I don't understand it.

January 20, 1964: I have never been so lonely, unhappy, disappointed, frustrated in my whole life. None of these feelings are prevalent above the other. I guess I should say loneliness overshadows the others, but that's really not true.

I am over here to do the best job possible for my country—yet my country will do nothing for me or any of my buddies or even for itself. I love America. My country is the best, but it is soft and has no guts about it at all.

I'm sure nothing will be done over here until after the elections. Why? Because votes are more important than my life or any of my buddies' lives. What gets me the most is that they won't tell you people what we do over here. I'll bet you that anyone you talk to does not know that American pilots fight this war. We—me and my buddies—do everything. The Vietnamese students we have on board are airmen basics. The only reason they are on board is in case we crash there is one American adviser and one Vietnamese student. They're stupid, ignorant sacrificial lambs, and I have no use for them. In fact, I have been tempted to whip them within an inch of their life a few times. They're a menace to have on board.

January 26, 1964: I've done almost nothing all week. I needed the rest very badly. I actually think I was getting battle fatigue or whatever you call it. I've got 50 missions, almost all without any kind of a break, and it was telling on my nerves and temper. I feel real good today after all that sleep. I kinda hate to go to work tomorrow, for we start 2 weeks of combat again. But I'm rested for it now and am ready.

January 31, 1964: All you read in the paper is the poor leadership of the Vietnamese, but we are just as bad. Everyone over here

seems to be unqualified for his job. Like me—I'm a multipilot, but I'm flying TAC fighters. We have no fighter pilots in our outfit. I'm not complaining, but, if the Air Force was serious, they would have sent over experienced fighter people. The same on up the line.

February 2, 1964: I'm getting to like Vietnam. Maybe I didn't say that right. I think it is a pretty country. These little villages in the delta are about as picturesque as you'll find. Tall palm trees, fields of rice, and all kinds of flowers. The people seem happy enough, if it wasn't for the terror of Vietcong raids.

February 6, 1964: We scrambled after a fort under attack. We hit and hit good, but it got dark so we headed up here for Bien Hoa. Pretty hot target and we both were hit. Coming in here to Bien Hoa they warned us that Vietcong were shooting at airplanes on final approach. Well, we made a tight, fast approach and held our lights (it was pitch black) until almost over the end of the runway. I forgot my landing gear and went skidding in a shower of sparks down the runway. Airplane's not hurt too bad. I'm not even scratched. My pride is terribly wounded. That was my 62d mission. I thought I had it "wired" after that much combat experience. Then I go and goof so badly.

February 17, 1964: All B–26's are grounded, so we are the only strike force left.

A B–26 crashed at Hurlburt last week. Another came with the wind just coming off. Finally the Air Force is worried about the airplanes—finally, after six of my friends have "augered in."

February 21, 1964: Tuesday evening ——— ——— got shot down. He fell in his airplane next to a Special Forces camp and got out without a scratch. The airplane burned completely up, though. [Another airman] was going in on his seventh strafing pass and never came out of it. Don't know what happened—whether he got shot or his controls shot out. That was two airplanes in 2 days. Kind of shook us up.

Not only that, the B–26's have been grounded since Monday because the wings came off one again at Hurlburt. So after the last crash the whole USAF fighter force is down to six airplanes. This should set an example of how much Uncle Sam cares. Six airplanes. Might as well be none.

Rumor now is that B–26's will fly again only with great restrictions. * * * I'm pretty well fed up. Poor B–26 jocks are really shook. That airplane is a killer.

February 24, 1964: We're down to five airplanes now, all of them at Soc Trang. We have actually got nine total, but four are out of commission because of damage. The B–26's aren't flying yet, but they've been more or less released. I don't know what United States is going to do, but whatever it is I'm sure it's wrong. Five airplanes can't fight the war—that's just ridiculous. Tell this to my dad. Let him know, too, how much the country is letting everyone down. * * * We fight and we die but no one cares. They've lied to my country about us.

February 29, 1964: We've got a new general in command now and he really sounds good. Sounds like a man who is out to fight and win. He's grounded the B–26's except for a few flights. But they have to level bomb, not dive bomb—no strain for the aircraft that way. He has ordered B–57's (bomber-jets) to replace them, and has asked for immediate delivery. He has also demanded they replace the T–28's with the AD–6. The AD–6 is a much more powerful single-engine dive bomber. It was designed for this type of work and has armor plating. We are pretty excited about all the new airplanes. We can really do good work with that kind of equipment.

March 13, 1964: McNamara (Secretary of Defense) was here, spent his usual line, and has gone back home to run the war with his screwed-up bunch of people. We call them "McNamara's band." I hope and pray that somehow this man does something right pretty soon.

Just one thing right will help immensely. He did send a representative over here. All he did was make the troops sore.

One of our complaints was that we can't understand the air controller, so he suggested that we learn Vietnamese. We said we didn't have that much time, so he suggested we stay here for 2 years. A brilliant man. He's lucky to be alive. Some of the guys honestly had to be held back from beating this idiot up. This man McNamara and his whole idiot band will cause me not to vote for Johnson no matter how much I like his policies.

McNamara is actually second in power to Johnson. But, as a military man, he finishes a definite and decided last—all the way last.

Rumors are fast and furious. Nothing yet on B–57's. Rumors that B–26's are all rigged up with extra fuel tanks for long overwater flights. B–26 should never fly again, even if rejuvenated. Also a rumor that B–26 pilots will get instruction in the A–1H—another single-engine dive bomber. All is still in the air—all rumors.

March 22, 1964: Been flying pretty heavy again. We've only got 20 pilots now and 11 airplanes. It keeps us pretty busy. Also got two more airplanes they're putting together in Saigon, so we'll soon be back up to 13 airplanes again. Hope these last for a while.

(That was Captain Shank's last letter. He was killed in combat 2 days later.)

REPRESENTATIVE GENE SNYDER PRAISED

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

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I like to call to the attention of the House a fine article which appeared in the Voice of St. Matthews, a weekly newspaper in St. Matthews, Ky. It commended our colleague, Representative GENE SNYDER, for his outspoken courage in addressing himself to the issues of the days despite threats or possibilities of personal defeat at the polls. We need more men like Representative GENE SNYDER.

The article follows:

SNYDER DOESN'T FEAR LABOR BRASS THIS YEAR

It isn't surprising that the Louisville Central Labor Council has already announced its intentions to help defeat Third District Congressman GENE SNYDER.

His conservative record, as are all conservative records, is repugnant to the labor union. The union fought the former first district magistrate tooth and toenail in his initial bid for the representative seat, and it can be expected to do so this year, and more so.

The fact that has been so hard for such extreme liberal partisans, as the council, to swallow is that SNYDER, though just a country boy, has been more effective at his Washington post than most people dreamed he would be as a freshman Representative.

It can be said with some authority that Congress this year didn't just happen to drastically cut foreign aid appropriations. It took men like SNYDER, who kept an ear open to their constituents, and who got their points across on the floor, to effect a reduced appropriation.

Liberals haven't liked this, for they still believe that there is such a thing as pie in the sky. Most people now are learning differently, and are leaning more to views similar to SNYDER's.

Of course, SNYDER isn't worried at all—that the local labor union has already announced against him. He got a large share of the membership vote 2 years ago, and he will do even better this time.

It is surprising that top labor officials still believe they can lead their members by the nose.

KLUCKHOHN BOOK CITES OTEPKA CASE

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

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, Frank Kluckhohn has written two new books, "The Inside on L.B.J." and "Lyndon's Legacy." They are just off the press. In the latter book, chapter 5 is devoted to the infamous Otepka case which has been one of the storm signals on the path of the New Frontier which should alert all Americans to the appeasing policies of the State Department and their appalling lack of proper security measures. Mr. Kluckhohn has done an excellent job on this part of "Lyndon's Legacy" and I include that chapter with these remarks:

"LYNDON'S LEGACY," CHAPTER 5—AN END TO SECURITY—THE OTEPKA CASE

"For on his choice depends the safety and the health of the whole state." Shakespeare, "Hamlet"—I, iii, 17.

It was a foregone conclusion that with Adam Yarmolinsky—the great critic of Federal security against loyalty and security risks—actually in the Kennedy-Johnson inner circle, there would take place an effective smashing of security procedures in sensitive Federal departments and agencies. The effective smashing of the Security Office of the State Department might well be called Adam Yarmolinsky's "51st case."

The last hurrah for the State Department's security setup came immediately after the advent of the Kennedy administration, when the State Security Office ruled that now Assistant Secretary of State Harlan Cleveland should not be given even a temporary security clearance, and this ruling was upheld by the State Department's Acting Administrator of Security.

However, Secretary of State Dean Rusk personally waived security requirements for Cleveland. Rusk revealed this in a letter he wrote to a Congressman, and claimed that his personal clearance of Cleveland was "based on FBI reports"; but if this is so, the State Department's professional security officers certainly had drawn quite different conclusions from Rusk's.

Indeed, a Senate Internal Security Subcommittee report issued in the autumn of 1963 revealed that up to mid-1962—more than a year before—Dean Rusk had personally waived security checks for 150 new key State Department employees, most of them over the violent objections of State's Security Office. In fact, many others had been personally cleared by Rusk and were working

in the State Department without the Security Office's even knowing about them.

After the State security office had refused clearance to Cleveland, the security division was reorganized, reportedly along the lines planned by William Wieland, "ex-president of the Fidel Castro Fan Club."

The first reorganization move of the Kennedy administration was to abolish the jobs of 23 of State's professional agents. They were given 30 days to show cause why their jobs should not be abolished. Other security men were given minor and meaningless jobs calculated to make them resign. Many key security professionals, who had memorized dozens of security files and who could be "troublesome" if they were accorded too much of "the treatment," were sent abroad to meaningless jobs. Some of these were given foreign assignments on security, which were so laughable, they could be compared to giving J. Edgar Hoover a job as a traffic cop.

One top security official who received a show cause notice was Otto Otepka, chief of all personnel security, whose "security risk" findings at State skyrocketed into headlines across the Nation in the summer and autumn of 1963, when Otepka revealed to the Senate Internal Security Subcommittee that Assistant Secretary of State Harlan Cleveland was trying to worm Alger Hiss and a number of other known security and loyalty risks back into the State Department. Otepka told the Senate subcommittee a lot more about the hanky-panky at State, too.

Otepka was no mere cog in the wheel in the State Department's security setup. He was the top man, the ranking Deputy Director of the Security Office, and was in charge of the entire personnel security organization of the U.S. State Department, both in Washington and in American embassies and consulates throughout the world.

Otepka was a hard-nosed security boss and, until the advent of the Kennedy administration, his security office of the State Department had been one of the most highly professional organizations in the Federal Government. It was Otepka's security organization, for instance, which—only a short time before Otepka received his pink slip from the Kennedy reorganizers—had fingered Foreign Service Officer Irving Scarbeck, who was subsequently convicted and imprisoned for giving American secrets to a female Soviet Polish spy in Warsaw. The Communist Mata Hari revealed in a U.S. court that the Soviet espionage apparatus had forced her to become Scarbeck's mistress in order to wean American secrets from him.

Otepka was absolutely nonpolitical, and had been drafted into the State Department in 1953 from the Civil Service Commission because he was regarded in Government circles as one of the finest, most dispassionate and most objective appraisers of personnel records in Federal career service. In the Federal Government since 1936, Otepka has the ability to realize that many people may have at least one skeleton in their family closets, but never to let this by itself disqualify an applicant for service, recognizing that in some cases, one can tell a workman by his chips. In fact, in 1958, Otepka was given the State Department's Meritorious Service Award for his outstanding work.

As chief of personnel security, it was Otepka's duty to investigate State Department mistakes about hailing Castro as a Robin Hood and letting Fidel establish a Communist bastion and a staging area for communizing all of Latin America, 90 miles from American shores. Of course this involved investigating William Wieland, who had been Chief of State's Office of Middle-American Affairs during the Eisenhower administration and who is a carryover onto the New Frontier. Otepka did a thorough investigation of Wieland and wrote a sizzling report on him, which has never been published; but it is known that Otepka said Wieland definitely should be dismissed.

Wieland had not been fired by the administration; in fact, the President was pleased with Mr. Wieland. This was brought to national attention at Kennedy's January 24, 1962, press conference when he informed the Nation that he had personally cleared Wieland for security (making it clear that he had acted on Dean Rusk's advice) and asserted that Wieland could perform his duties "without detriment to the interests of the United States."

Indeed, far from being dismissed, Wieland was, in fact, the senior officer (with two others, one of whom was reportedly J. Clayton Miller) who reportedly planned the Kennedy administration's "reorganization" of the State Department's security setup. Naturally, the State Department has denied that Wieland even had a hand in helping to smash State's security organization. Even putting aside Wieland's hideous pro-Communist record, it was a case of a man under investigation as a loyalty and security risk firing his chief investigator, Otto Otepka.

As soon as the State security office had been effectively smashed, the Foreign Service officer in charge, William Boswell, was one of those transferred overseas.

What security against loyalty and security risks now remains in the State Department? Even those few experts still in State's security office are so subjected to pressures from the top that there is no longer any effective security there. Actually, the New Frontiersmen and the Foreign Service are still policed, except that they now police themselves—politically, but certainly not for security and loyalty, most observers declare.

Self-policing of "security" is now standard procedure throughout much of the Federal Government under the Johnson administration. This chapter on State Department security is written only to give the public an idea of the situation throughout Washington and at our Government posts overseas.

This self-policing of security procedures extends even to our supersecret Government agencies which handle atomic and military secrets, as could be seen in the autumn of 1963, when two traitors were tabbed by the FBI for feeding top-secret Strategic Air Command (SAC) secrets to a ring of Soviet spies. Both men, John Butenko and Jack Conklin (Conklin died mysteriously in an auto crash before arrest) worked for International Electric Corp. on highly secret Air Force contracts and had been cleared by the Air Force Office of Special Investigation, which explained, "It is up to the individual plant to determine what type of clearance is required for an employee. The plant itself can give a lower clearance classification."

When the case broke it was discovered that Butenko, who held a top-secret security clearance, had Russian parents, a police record, and had been fired from the Navy in the middle of World War II on a medical discharge "because of constitutional traits which rendered him unfit for naval service." Conklin, who had a secret security clearance, had also been strangely discharged from the service in the middle of World War II, had a police record for cruelty to his child, was a habitual drunk, had been married five times, had beaten his fourth wife, and wife No. 5 never knew about wife No. 4.

The New York Journal-American's reporting of the case declared: "Is the Nation's internal security being jeopardized by inadequate screening of persons working on 'classified' Government defense contracts?" The answer is "Yes."

What happened to Otto Otepka is an excellent example of what now happens to anyone working for the Federal Government during the Johnson administration who raises questions about loyalty or security, or who knows too much.

During Otepka's decade of service as a State Department top security official, he had appraised the file of every State Department employee. Otepka was a highly competent professional security agent, as seen by his sleuthing and breaking of the Irving Scarbeck case. In some cases Otepka refused, after careful and impartial investigation, to clear State Department employees, among them Assistant Secretary of State Harlan Cleveland.

Otepka obviously was a danger to the administration, because of his detailed knowledge and prodigious memory of the pro-Communist records and activities of New Frontier appointees, as well as other appointees' "defects" in character. So Otepka was to be ditched, along with the 23 other State security officers. However, such a howl was raised in Congress, that Otepka was retained, but the New Frontiersmen officially abolished his job and he was demoted to the relatively minor job of evaluating security files. A concerted effort was then made to get rid of Otepka, and finally, when he had adamantly refused to resign, State Department VIP's tried to shunt him off to the National War College in May 1962. He refused to go, recognizing the move as another step in the plan to get rid of him.

In October 1962, the Senate Internal Security Subcommittee held hearings to investigate William Wieland, and subpenaed Otto Otepka for testimony; and what Otepka told the Senators blew the whistle on Wieland. Otepka also told the Senators that in the adverse report he had written on Wieland after his investigation, he had specified and documented "serious questions of the man's integrity," and had urged that Wieland's case "should be reviewed and adjudicated under the Foreign Service regulations of the Department of the State."

Early in 1963, as part of the Senate subcommittee's continuing interest in Wieland and in other controversial State Department security cases, the subcommittee scheduled hearings to delve into additional State Department cases. Otepka was subpenaed to testify in secret session.

Otepka testified for 6 days—and what he told the Senators nearly blew the ceiling out of the hearing room, with what one Senator on the subcommittee termed "political dynamite."

One Senate aid, emerging bug-eyed from the hearing room, grimly told the author: "The number of security risks whom Otepka turned down—only to have them 'cleared' by the top brass of the State Department—is greater than anyone in the Nation has realized."

It has been made public that Otepka declared the State Department to be riddled with men of questionable security backgrounds, many of them in the high echelons of the Department.

It is known that Otepka named Walt "The-Soviets-Are-Mellowing" Rostow (who sets all policy for the State Department and has set the pattern for the whole "Soviets-are-mellowing" policy throughout the administration); Harlan Cleveland; and William Wieland as being among the men whose backgrounds he considered "questionable."

Then the Senators called to these secret hearings several State Department officials to testify about the same cases which Otepka had discussed. These officials swore that the facts were absolutely opposite to what Otepka had described, and furthermore, they said, Otepka had never even brought these questionable cases to their attention.

The Senators recalled Otepka and ordered him, under oath, to document his previous testimony about the questionable security cases.

Otepka produced State Department memorandums and papers from State Department files, in what one Senator described as "ironclad documentation" of every word Otepka

had previously uttered about the security cases involved, and in documented refutation of what the State Department officials had sworn about these same cases.

Furthermore, Otepka also proved that the State officials had lied under oath when they testified that they knew nothing about the cases and that Otepka had never brought the cases to their attention. Otepka produced papers about the cases, initialed and noted in reply to Otepka's bringing the cases to their attention—by the very same State Department officials who had sworn they knew nothing about them.

The personal cost to himself of Otepka's testimony can never be fully realized by the American public. After he gave his first testimony, and word of it reached the White House, Otepka was given the full treatment with ruthless efficiency, reportedly at the personal order of Bobby Kennedy.

On June 27, 1963, Otepka was called into the office of John J. Reilly, State's chief security officer, and a personal friend of Bobby Kennedy. Reilly told Otepka that his duties were being taken away from him. His new assignment was to update a handbook on security. As the two men walked back to Otepka's office, six security officers joined them, entered Otepka's office, seized all his records, the contents of his 14 safes, and started making arrangements to change the combinations. Otepka went out to keep a luncheon appointment, and when he returned, he found that he was barred from his office and given a cubbyhole in which to update his handbook. His secretary was taken away from him and he was to be allowed secretarial help only with the permission of Reilly.

His cubbyhole was "bugged;" his telephone was tapped and then taken away from him; the trash from his wastebasket and "burn bag" was collected and searched surreptitiously by Reilly, who had the little burn bag (which is used to destroy classified waste material) marked with a red *X* and brought to the State Department mailroom, where he sneaked it into his briefcase. Junior G-man Reilly then laboriously pasted together scraps of Otepka's torn papers, peered at reams of wornout typewriter ribbons, and devoted hours of the taxpayers' time and money to "git" Otepka. Otepka faced Reilly and asked him for an explanation of the whole thing, but Reilly refused to explain. Finally Bobby Kennedy dispatched FBI investigators to interrogate Otepka for hours on end.

But bravely Otepka struggled on. He refused to resign. He forced the security risks to fire the security officer.

The Senate subcommittee hearings were getting so hot, that Secretary of State Dean Rusk conferred personally and privately with President Kennedy about strategy in the matter of purging the patriot who had struggled to keep security risks out of the State Department. The decision was reached. On August 15, Abba Schwartz, the State Department's Administrator of Security—a political appointee who has had some experience in immigration cases, but who does not have a single day's training in security procedures or regulations—issued an order forbidding State Department employees to appear before the Senate Internal Security Subcommittee, or to have anything to do with the Senate subcommittee personnel. Reilly also gave the same order to his own personnel. The move was lashed in Congress as "an outrageous interference with the right of Congress to investigate, and an interference with the right of free speech."

On September 23, 1963, as soon as the Senate was sewed up to approve the testban treaty, the State Department held charges of "misconduct" against Otepka for allegedly improperly turning over State Department documents to J. G. Sourwine, chief counsel of the Senate Internal Security Subcommittee. Otepka was given 10 days to answer the charges, procured a 10-day extension, and was scheduled to be suspended without pay. Since the State Department could not charge Otepka with falsifying testimony before the Senate subcommittee—because he himself had refuted the perjured testimony of State Department officials—they charged him with "misconduct" in giving documents to Sourwine.

The fact is, however, that Otto Otepka had responded to the subpena of a duly constituted subcommittee of the U.S. Senate to substantiate charges he had made against alleged security risks in the State Department—in answering Senators' specific questions—by producing documented evidence carrying notes and initials of the selfsame State Department officials who had sworn they had never laid eyes on the documents. Otepka's act of refuting, chapter and verse, with documented evidence—under subpena of a Senate subcommitee—the perjury of the New Frontiersmen about security cases was alleged by the New Frontiersmen to be a violation of security.

The State Department, caught dead to rights in the act of lying to a Senate subcommittee, based its flimsy charges against Otepka on the basis that he violated a 1948 Executive order issued by Harry Truman—to bar congressional probes into the case of convicted Communist William Remington and into the Alger Hiss case—which says that files on Government employees are not to be given to Members of Congress, except through the President.

However, that same year, 1948, Congress passed a law, title V, section 52 of the United States Code, which reads:

"The rights of persons employed in the civil service of the United States * * * to furnish information to either House of Congress or to any committee or member thereof, shall not be denied or interfered with."

Furthermore, in 1958 a concurrent resolution was passed by both Houses of Congress which reads:

"Any person in Government service should put loyalty to highest moral principles and country above loyalty to persons, party or Government department."

Otepka cited the United States Code statute in his October 14 rebuttal of the charges against him, and furthermore he denied that he had ever furnished classified documents or other restricted information to any unauthorized person. Moreover, Otepka cited a Senate report as proof that Dean Rusk himself had shown classified loyalty documents to a Senator.

In the meantime, the Senate Internal Security Subcommittee, enraged by the total lack of cooperation and the gag order of the State Department, had been trying since early July to get Dean Rusk to testify about the case in secret session. Rusk had first pleaded that he was too busy about negotiations with Russia; then the Senators forced him into making several appointments to testify, all of which he broke. Finally, on October 2, the entire bipartisan Senate Judiciary Committee took the unprecedented step of dispatching a U.S. Senator to deliver a document by hand—a 10-page bill of particulars and statement of charges to Dean Rusk, who was having secret conferences in New York with Soviet officials. The committee dispatched Senator THOMAS J. DODD, vice chairman of its Senate Internal Security Subcommittee, with the document and a covering letter signed by Senator JAMES O. EASTLAND, chairman of the committee.

The sizzling document charged the State Department with covering up laxity in State Department security operations; it charged perjury by the State Department officials who had testified in opposition to Otepka's documented evidence; and it demanded that Dean Rusk produce witnesses, including himself, to testify about the questionable security procedures and cases in the State Department.

At a press conference, President Kennedy was questioned by a reporter about the State Department gag order, about the whole Otepka scandal in which Otepka had named William Arthur Wieland, Walter W. Rostow, and many others, Kennedy completely evaded answering the questions about Rostow and Wieland and many others, and simply said that Rusk would appear before the Senators and clear up all those little difficulties.

The Senators finally got Rusk into the testimony chair and grilled him for hours in secret session. Unless Rusk performed some magicians' tricks, he must have had some pretty uncomfortable hours trying to answer the Senators' charges. At this writing Rusk's testimony has not been released, but not a few Americans are looking forward with interest to seeing it.

On October 3, the St. Louis Globe-Democrat revealed that it was beginning to appear that there is even more behind the effort to oust Otto Otepka "than was first suspected":

"Suspicion is strong in Washington that the plot against him goes even beyond the State Department—that the character moving in on Otepka is a more powerful figure in our Government than the Secretary of State—none other than the President's brother, Attorney General Bobby Kennedy.

"What's it all about?

"It's more because Mr. Otepka is a career man in Government service of unquestioned loyalty who thinks Congress is entitled to know what's going on, who wants real security measures carried out. In other words, Mr. Otepka has been a hard-line, anti-Communist State Department official—just like Miss Frances Knight, Director of the Passport Office, who has been in constant hot water with her superiors for the same reason.

"With Bobby Kennedy trying to move in Kennedy people to run things the administration way, Mr. Otepka drew the line at some characters he considered dubious.

"The flimsy charges about what he told the subcommittee are reported incidental to getting rid of the State Department security official who guarded the door."

Not incidentally, the three-ring-circus Valachi hearings were stage-managed by Bobby Kennedy at precisely the same time as the Otepka case broke into October's headlines. The Otepka case, of course, is of enormous significance to the future well-being of our national security; whereas, according to FBI Director J. Edgar Hoover (and as corroborated by Hoover's opposite number in the Canadian Government), every word uttered by Valachi has been known for years by U.S. law enforcement officers. Many observers asserted flatly that staging the Valachi hearings at that precise moment was an attempt by the Kennedy administration to distract public attention from the security risks scattered throughout the Kennedy administration—as then being enunciated by Otto Otepka.

On November 5, Otepka received his dismissal notice from the State Department. Senators immediately rose to Otepka's defense. Senator STROM THURMOND declared that Otepka was "railroaded with methods characteristic of a police state. Otepka should be reinstated, exonerated, and commended for his courage. The dismissal points to the pressing need for a full investigation of the State Department."

THURMOND denounced Otepka's dismissal as "a clear-cut case of retaliation against a Government witness for cooperating with a Senate committee." He declared that the State Department action is "an offense against the Congress," which may "constitute contempt of the Senate, which is punishable by imprisonment."

THURMOND declared that the "American public, newspapers, and private citizens have joined in demanding that the State Department, this bureaucratic nightmare, be cleaned out * * * the State Department is in bad need of a purge."

The Senator further declared, "It now appears that a purge of personnel is being attempted. Unfortunately, it is the very opposite of what the critics of the State Department have in mind, for it is, in effect, an attempted purge of patriots. * * * The State Department's attempted purge of patriots must not be tolerated, and this very attempt is further evidence that a thorough investigation of the State Department is in order."

The Charleston News and Courier pointed to the fact that the possibility of disloyalty in high echelons of the State Department is hardly to be written off: "In view of the fact that persons of proven disloyalty have held high posts in the State Department in years past, the subcommittee has a duty to dig deeply."

A sample of what one newspaper described as a case "which demonstrates honor as it now exists on the New Frontier" came to light in November. Three of the State Department officials whom the subcommittee had summoned to discuss Otepka's previous testimony and his whole case were: Elmer Hill, Chief of State's Technical Services Division; John Reilly, Otepka's boss, Deputy Assistant Secretary of State for Security, who is a personal friend of Bobby Kennedy, placed over Otepka when the New Frontier made its debut, and the man who set up the bugging of Otepka's cubbyhole, the tapping of Otepka's telephone, and the months-long harassment of Otepka—all reportedly at the personal order of Bobby Kennedy; and David Belisle, Reilly's special assistant.

The Senators asked the three men whether or not they knew anything at all about the bugging and telephone tapping. All three men swore under oath that they knew nothing about it. But in November, when the subcommittee's investigators informed the Senators that they had ironclad evidence that the bugging and tapping had been done, and that Hill and Reilly had actually set it up, Senator Thomas Dodd charged Hill and Reilly with perjury. Quick as a wink, all three men hastily dispatched letters of clarification to the subcommittee. Hill and Reilly admitted that they had not told the whole story under oath, and had, in fact, been the men who bugged and tapped Otepka's cubbyhole. On November 17, Reilly and Hill resigned from the State Department. Belisle pleaded that he had no firsthand knowledge of the shenanigans, but admitted that he knew about them, and that he had been out of the country when they took place. At this writing, Belisle is still ensconced in the State Department, and Bobby Kennedy has not yet given his friend Reilly a new job on the New Frontier.

At this writing, the Otepka affair bodes to be one of the bitterest clashes between the State Department and the Senate in American history, and M. Stanton Evans, editor of the Indianapolis News, has written an excellent prognosis of the case:

"The episode as a whole presents a rather unhappy picture of operating procedure in Foggy Bottom. We have, in order:

"1. State Department Official William Wieland covering up the true nature of Fidel Castro's 26 July Movement, helping steer the United States into diplomatic catastrophe in Cuba.

"2. State Department higher-ups covering up for Wieland, overriding sensible security practices to do so.

"3. State Department denial of the true facts of the security situation, in order to cover up for their previous coverup of Wieland.

"4. State Department reprisals against a man courageous enough to tell the truth about security procedures, in order to cover up for their general coverup in the security picture as a whole.

"In an interview with Williard Edwards of the Chicago Tribune, Otepka commented concerning coverup No. 3: 'This put their testimony in conflict with mine and with my official knowledge. Their testimony was untrue. Since they had used the subcommittee forum to make their statements, I felt entitled to rebut their statements and present the true facts. * * * I'm charged with violation of orders when all I did was defend myself.'

"Considering the Department's overall record in this field, it seems unlikely its campaign against Otepka is inspired by zeal for security. The Kennedy officials are obviously concerned to prevent Congress from knowing of their misfeasances—merely the latest flowering of Executive arrogance toward the legislature. The Senate Internal Security Subcommittee means to assert the rightful prerogatives of the lawmaking branch, and it is to be hoped the result will puncture the hubris of the foreign policy bureaucracy.

"There are yet other ramifications of the Otepka case, embracing Assistant Secretary of State Harlan Cleveland. According to testimony before the subcommittee, Cleveland has been bringing people of dubious security status into the State Department. Simultaneously, evidence has accumulated suggesting a sustained effort to dismantle the security office of the Department—a move described by former Security Chief John W. Hanes as either 'incompetence or a deliberate attempt to render the State Department's security section ineffective.' It was Otepka's difference with the New Frontier on these matters that allegedly brought on the vendetta against him. The subcommittee has also been examining this aspect of the controversy."

The lesson of the Otepka case is plain. The State Department security against penetration by Communists and against other security risks has been smashed and exists effectively no longer.

And the man most knowledgeable on the subject, the man who struggled hardest and the most bravely to keep security in the State Department, is a man hunted, then destroyed, by the security risks themselves.

Why? Because he did a good job, and because he answered the subpena of a duly constituted committee of the Senate and told what is going on in the State Department, revealing that the men around the President use strange means to get their strange friends into the State Department over the violent objections of men like Otto Otepka.

Another man ditched by the administration's effective smashing of security in the State Department is Elmer Hipsley, who had been in charge of worldwide physical security in State's Office of Security, as Otepka had been in charge of worldwide personnel security.

Hipsley had been responsible for the safekeeping of such vital items as secret documents, secret codes, and safes in U.S. embassies around the world. He was responsible for the personal safety of the Secretary of State wherever the Secretary traveled; and for the protection of all foreign officials visiting the United States.

Hipsley, big, red-haired and a tough ex-policeman, was—like Otepka and others—nonpolitical. In fact, he had entered State from the Secret Service. He is personally a quiet, though a fabulous, man. During the course of his work Hipsley has met the leaders of communism personally, and he understands and detests communism.

Hipsley was the Secret Service agent alone with Franklin D. Roosevelt when he died in Warm Springs, Ga., in 1945. Hipsley stood behind F.D.R. at Yalta, and knows firsthand what transpired at that disastrous conference. Hipsley was with President Harry Truman at Potsdam, and is believed to have handed Truman the message of the first atomic bomb explosion at Hiroshima.

Hipsley is respected by international security men ranging from Scotland Yard to Moscow and the Sûreté. In his work he has known many of the world's Communist leaders, including Stalin—who did a good deal of talking with F.D.R. at both Yalta and Teheran.

Although every patriotic American detests Khrushchev and the Communist slave system, many Americans were genuinely concerned about the possibility of war or similar disaster should harm befall the Soviet boss when he made his first unprecedented visit to this Nation in September 1959, and covered 6,000 miles from east coast to west and back. Elmer Hipsley was in complete charge of Khrushchev's safety from the time his plane set down at Andrews Air Force Base until his departure and, as Americans will recall, Nikita arrived, saw Eisenhower, and departed without an incident.

Security arrangements for a trip of this kind take not only highly professional skill but also most detailed planning, involving split-second timing. The problem was complicated by the fact that we have no national police force in the European sense of the word. While Hipsley had the support of the Secret Service, FBI, CIA, and other Federal agencies, he was largely dependent upon his own arrangements with local police forces, whether Khrushchev was traveling slowly through crowded cities or eating lunch in the middle of an Iowa wheat field.

Khrushchev, receiving hostile treatment from American crowds and protesting pickets, tried to gain sympathy by making a play involving security. Khrushchev complained that he was not being permitted to go to Disneyland, on the outskirts of sprawling Los Angeles, although it was his own security chief, General Zaharov, who had made that decision. After that play fizzled, Khrushchev claimed our security was so tight that he was not able to meet Americans freely. As he traveled north toward San Francisco, photographs showed Khrushchev visiting with some children at the Santa Barbara station platform where his train stopped. The Washington Daily News (a Scripps-Howard paper) printed this picture and captioned it, "Khrushchev after the Relaxation of Security." In the photo, standing with his arms almost circling Khrushchev, was the omnipresent Hipsley. Incidentally, the crowd in San Francisco belied press reports by being as hostile as crowds elsewhere.

Elmer Hipsley's finest protective job, however, was in connection with Khrushchev's historic visit to New York, along with all the satellite stooges from Europe and even Cuba, for the opening of the United Nations General Assembly in 1961.

Few in Washington thought that so many Communist masters of mass murder and bloody oppression could escape from New York unscathed or without some incident. There was Nasser of Egypt in an area of strong Jewish concentration. There was a racial minority in New York (and a large one throughout the Nation) from every satellite nation which has been raped and subjugated. There were, for example, Baltic and Polish peoples whose whole families had been executed or who were still in slave-labor camps. With luck, it was said in Washington, Red leaders might leave the United States alive; but without incident? Impossible.

"New York's finest"—her police force—received well-deserved credit for the fact that nothing happened. (Actually, so many New York police were assigned to guard Khrushchev on his first visit to New York

that the city later sent a bill to the U.N. for $1 million in an attempt to recoup for the taxpayers' money they had expended. The U.N. never paid. By statute, the State Department—and that meant Elmer Hispley—was in charge of the safety of all these visitors when they were away from the U.N. building itself.

In a control room in the Waldorf-Astoria, although it was never revealed, sat Hispley with a top New York police official. An around-the-clock agent was assigned to every foreign visitor. When one of the visitors prepared to leave his quarters or office for another location, Hipsley's agent reported. So close was the coordination that sometimes the New York police officer and sometimes Hipsley himself cut in on the radio bands and set up police protection along the route of travel. When Castro, faking an incident, moved from midtown to a Harlem hotel, it was Hipsley who accompanied him on his midnight shift. When it was all over, and Khrushchev left, one of his last acts was to give Hipsley grudging thanks for his protection.

As for Castro, Hipsley had protected him on his first trip to the United States, too. When Fidel's security guards fell asleep, Castro slipped out onto the women-laden Washington streets to try his luck. It was Hipsley who saw to it that police cars discreetly trailed him—something unknown to the Cuban dictator to this day.

To Hipsley flowed police and other security agency reports of all kinds, including those about would-be killers moving in from Miami to get Castro, or of a man slipping in from Mexico to kill Khrushchev. And Hipsley's orders were to prevent that man from getting to his target—to take him "out of play." In addition, so-called "nut" reports run into thousands during such visits, since the mentally disturbed often react violently to certain visitors receiving top billing in the news. It has been Hipsley's job to separate the nut reports from genuine threats when the cards are down—a business he has spent a lifetime learning.

Some might ask, "Why stop assassins from killing Castro, or Khrushchev, or other world Communist leaders?" There is probably no one who knows and detests communism more than does Elmer Hipsley. But he is a "pro" at his job—and the United States cannot afford the game of having its official guests either assassinated or molested.

For a professional job well done, one might expect a decoration of Hipsley. No. He was given a pink slip, too, just like Otepka's. Then, when the fear of investigation and consequences developed, the group at State headed by J. Clayton Miller, the IPR man whom President Kennedy publicly "cleared" at Dean Rusk's request, officially minus Wieland, naturally, since Wieland was not officially involved—even though he sat in the same office—put through the reorganization plans for the Office of Security. Hipsley was taken from a worldwide anti-Communist operation to a small domestic operation with 20 men under him. Later he was sent to Switzerland, no less, as security officer. This was a long, long way from effective control of anything resembling worldwide physical security for the State Department.

BE FAIR, MR. BLATNIK

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

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

There was no objection.

Mr. STAFFORD. Mr. Speaker, I take pleasure in placing the following editorial from the distinguished trade publication Engineering News-Record in the RECORD:

BE FAIR, MR. BLATNIK

The Highway Investigating Subcommittee headed by Representative JOHN D. BLATNIK, Democrat, of Minnesota, has announced plans to stage another round of hearings. This time the target will be alleged misdoings in Louisiana's Federal-aid roads.

It is now almost 4 years since the Blatnik subcommittee began its investigations. The first hearing dealt with the Skelly bypass near Tulsa, Okla. Subsequently, the subcommittee has probed highway affairs in other States.

The subcommittee's activity to date has had several effects. For one, the Bureau of Public Roads and the various State highway departments have been forced to tighten controls over materials, construction procedures, right-of-way takings and other phases of their work. In this respect, the investigations have been beneficial.

On the other hand, by focusing attention on the comparatively minor number of misdoings (as compared with the tremendous amount of work being done honestly and well) the subcommittee has provided ammunition for widespread, vicious attacks on the highway program in the national press and on national television. In this way, the subcommittee's actions have served to undermine public confidence in the highway program.

Also, these subcommittee hearings can be unnecessarily, cruelly damaging in their effect on individuals involved. In the Tulsa case, the Blatnik group—over the protests of at least one of its members at the time, Representative GORDON SCHERER, Republican, of Ohio—called before it the principals in the contracting firm of A. H. Layman & Sons. The Laymans were under a total of 21 indictments by an Oklahoma grand jury, so spokesman Andrew H. Layman, Jr., had no choice but to take the fifth amendment at a time when it was especially embarrassing and unpopular to do so. When later the Laymans finally came to trial in Oklahoma, the judge quickly quashed every charge against them. But by that time, barred from bidding on Federal-aid projects and suspect for its refusal to testify before the Blatnik committee, the Layman organization, which had been highly respected by engineers and contractors in Oklahoma, was no more.

The Blatnik subcommittee can perform a useful function. The function will be enhanced if it will avoid sensationalism, leave partisan politics to some other arena and place its findings in proper perspective.

J. EDGAR HOOVER

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

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

There was no objection.

Mr. BROTZMAN. Mr. Speaker, I would like to add a word regarding Mr. J. Edgar Hoover and the FBI.

Just prior to being elected to this body I had the pleasure of serving as U.S. attorney for Colorado. In that capacity, I worked closely with Mr. Hoover, Mr. Scott Werner, the agent in charge in Colorado, and numerous agents in the Bureau.

These are dedicated, sincere, Americans and I commend J. Edgar Hoover who has given his life to the cause of law enforcement with justice.

I thank the gentleman from Louisiana for introducing this resolution.

MR. HOOVER AND HIS FBI

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WYMAN. Mr. Speaker, I wish to join with his many friends throughout the United States and the world in congratulating the distinguished head of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, on his four decades of outstanding leadership.

Under Mr. Hoover's direction the FBI has become a vital, efficient, highly capable, and most effective nonpartisan Federal investigating agency. It is a great team—no gestapo, no storm troops, no pomp and circumstance, just dedicated, hardworking, loyal, and courageous Americans.

As attorney general of my State for nearly a decade and as president of the National Association of Attorneys General I have had good reason to know personally of the cooperation and helpfulness of Mr. Hoover in the common areas of interest and concern in law enforcement of the States and the Federal Government. This country could well use a little more of such cooperation these days.

The United States has good reason to be proud of J. Edgar Hoover and the FBI he has developed. We are each of us a little safer and the country a whole lot better off because of Mr. Hoover and his FBI.

BUFFALO EVENING NEWS EDITORIALIZES ON HEARINGS OF HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. PILLION] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PILLION. Mr. Speaker, on April 29 and 30, 1964, the Committee on Un-American Activities, of the House of Representatives—HUAC—held hearings in the city of Buffalo. The purpose of these hearings is to investigate the un-American propaganda and agitational activities within the United States. The diffusion of subversive propaganda that is instigated from foreign countries which attack our constitutional Government and seek to overthrow our Government by force, violence or revolution, is also the subject of this committee's hearings.

The ultimate legislative objective is to enable the House of Representatives to appraise the administration and the efficacy of our present laws. The hearings also serve to develop facts upon which remedial legislation can be predicated.

Of greater import than the legislative purpose of these hearings is the exposure to the public of the sinister, underground operations of the Marx-Lenin Communist and Socialist world revolutionary destructionists.

To successfully defend this Nation and our freedoms, we must comprehend not only the theories of communism, but also know the tactics and methods by which these enemies carry on their subterranean war. The public is entitled to know not only the nature of the Communist activities, but also the identity of its directors, its membership and its supporters.

The hearings in Buffalo revealed that there has been an extensive network of Communist infiltration and subversive activities in the Buffalo area. The hearings also flushed out into the open hundreds of individuals who sought to disrupt the hearings of this congressional committee in accordance with the policies and directives of the Communist Party in the United States.

The Communist Party, U.S.A., recognizes that the worst enemies of communism are truth and exposure.

The Buffalo Evening News is one of the world's outstanding newspapers. It has the largest daily circulation of any New York State newspaper outside of New York City. Its circulation covers all of western New York, and extends into Canada and Pennsylvania.

The Buffalo Evening News gave full coverage to the hearings of the House Un-American Activities Committee, held in the city of Buffalo, on April 29 and 30, 1964. Its reporting was accurate, complete and in the best tradition of American journalism.

The management and the staff of the Buffalo Evening News are to be commended for performing a most valuable public service.

Mr. Speaker, I am pleased to insert, at this point in the RECORD, two editorials from the Buffalo Evening News. These editorials reflect the sound judgment and the high standards of patriotism and public service that has been characteristic of the editorial staff of the Buffalo Evening News, headed by its editor, Mr. Alfred Kirchhofer.

The editorials follow:

[From the Buffalo (N.Y.) Evening News, Apr. 30, 1964]

PREJUDGING THE HCUA

Just the name of the House Committee on Un-American Activities seems enough to trigger a picket line response—an almost visceral reaction, especially on the part of students and others whose intellectual curiosity, one might think, would impel them to want to know more precisely what they are protesting against, or for, before they move to the emotional barricades.

Take yesterday's HCUA subcommittee hearing in Buffalo. Hardly anyone seemed to want to know what, exactly, the committee had come here to learn. That it was here was enough to cause its friends to cheer it as a mighty bulwark of patriotism, its foes to decry it as an enemy of civil liberties. Sides were taken, statements issued, ads published, pickets marched, throngs clamored for entry to the courtroom to demonstrate in person.

And all this took place before the committee had said what it was here for, before the first witness was summoned. Many of the committee's opponents, to be sure, have been campaigning for years for its abolition, feeling its very existence serves no legitimate legislative purpose and constitutes a threat to fundamental individual freedoms. That such groups would use the occasion of the committee's presence in Buffalo to reiterate their views is natural and should be respected.

When such opposition extends to prejudging this particular hearing, however, or when it involves an assumption that the committee is only here to pillory good citizens and engage in reckless character assassination, it discredits its own pretensions to intellectuality.

At the least, the committee was entitled to a withholding of judgment until it performed some act for which it could be rightly criticized. Its performance can be better judged when the hearings are concluded. But for our part, we see no reason to quarrel with its stated purpose. And we suggest that those who denounce the committee in general might be more persuasive if they directed their attentions to that stated purpose and indicated which part of it, if any, they feel is none of Congress—or the public's—proper business.

The HCUA subcommittee has come here, it says, because of significant changes in the structure of the U.S. Communist movement, which it has reason to believe had their inception here in Buffalo.

Specifically, it declares, its preliminary investigations indicate that "in this city, within recent years, there have sprung up two new Communist organizations known as the Workers World Party (an offshoot of the Trotskyite Socialist Workers Party) and the Progressive Labor Movement (a Peiping-oriented offshoot of the Communist Party).

The second group appears to be the one in which the HCUA is currently most interested. For, if it is correct, the Progressive Labor Movement as organized here in Buffalo by two functionaries expelled from the orthodox State Communist Party has grown into the principal apparatus of the ultra-militant Chinese Communist movement in America, with present headquarters in New York.

Most of the 50-odd students who visited Cuba last summer were members of this Buffalo-spawned group, the committee statement alleges, and "it is significant that while in Cuba the group visited the Red Chinese Embassy, but ignored the Soviet Embassy."

What useful information can be learned about these matters from hostile witnesses summoned to a public hearing is not yet clear. Nor should we ever be unmindful of the danger that individuals can be unfairly damaged by careless name dropping or unwarranted innuendoes in the course of such an inquiry.

But as to the stated purpose of this hearing the House committee thinks it is the business of Congress and the public to know everything that can be learned about the objectives, methods, and organizational structure of the U.S. Communist Party and its various offshoots. And so do we.

[From the Buffalo (N.Y.) Evening News, May 1, 1964]

HCUA: A SIZEUP

The House Committee on Un-American Activities has come and gone, and with what results?

1. Its Buffalo hearing was certainly no witch hunt. It was conducted by Acting Chairman JOE R. POOL, Democrat, of Texas, with impeccable regard for proper congressional procedure and for the constitutional rights of all those summoned to testify. There was no abuse of hostile witnesses; on the contrary, all the abuse and disorder and indignity in the hearing itself came from those bent on discrediting the committee.

2. As a quest for new information, the public hearing aspect of the investigation probably told the HCUA nothing it did not already know. For everything it heard from its one friendly witness it presumably knew before, and from every other witness it drew the same fifth amendment blank.

3. As a means of alerting the community to the present nature of the Communist movement—its objectives, its structure and tactics, and its internal fissions—the committee performed a legitimate and useful service. Both in its statement of purpose and in the persistent relevance to that purpose of its line of questioning of the balky witnesses who had all been identified by at least one witness as belonging to the Communist movement, it gave thoughtful people in this community much to ponder.

4. As for serving a legitimate legislative purpose, this Buffalo hearing opened up at least one explicit new area which requires serious and immediate congressional attention. Our present Federal laws on internal security are replete with references to the Communist Party U.S.A. as part of a world conspiracy controlled from Moscow.

The question raised here is whether that premise still holds with respect to those Communists who have been expelled from the orthodox Moscow-directed party and have switched their primary allegiance to Peiping. The point is a particularly important one for Congress to inform itself about, for the splinter factions—especially those adhering to Mao in his struggle with Khrushchev—are generally more violent, radical, and overtly dangerous than the Moscow-disciplined party.

NEW ENGLAND AGRICULTURE THREATENED BY UNEQUAL GRAIN SHIPPING RATES

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, in the CONGRESSIONAL RECORD, volume 109, part 19, page 25434, I discussed the problem of feed grain rates to New England, and my State of New Hampshire. Expressing my concern for New England agriculture because of unequal rates for feed grains, I included correspondence addressed to the chairman, General Freight Traffic Committee, Eastern Railroads, New York City.

Last winter, as a result of the combined efforts of New England leaders, lower feed grain shipping rates were announced. Although the reduction in rates amounting to $2.20 a ton, was less than had been hoped for and was less than the situation and fairness required, this was at least a promised step in the right direction.

Now I have been advised that this announced relief has been rescinded and suspended. This disheartening development calls for immediate and concerted action. New England agriculture still constitutes an important part of our economy. In spite of shorter

growing seasons and transportation problems, farmers in New England have succeeded in meeting these challenges. It is not fair, however, to ask them to do the impossible. The shipping rate differentials pose a direct threat of incalculable harm.

Typical of the outrage caused by the cancellation of the promised reductions are two telegrams that I received today which I include at this point in the RECORD.

MAY 6, 1964.

Hon. JAMES C. CLEVELAND,
U.S. House of Representatives,
Washington, D.C.

We were advised today that the Chicago Board of Trade and the Buffalo Corn Exchange filed emergency proposals for amending the approved reduction in transit freight rates to New England Docket Bulletin No. 193.

The Traffic Executive Association of Eastern Railroads upon receipt of these amended proposals immediately cancelled the approved reductions that were to become effective July 1, 1964.

This is a serious blow to the New England agricultural industry efforts to secure rail freight rates on grain and grain products more nearly equal to those in effect in the Middle Atlantic and southeastern regions. Copies of this telegram are being sent to all New England senators and representatives as well as Governors and commissioners of agriculture.

We request you contact immediately Mr. R. C. Gill, chairman, Traffic Executive Association of Eastern Railroads, 1 Park Avenue, New York City, requesting emergency reconsideration.

J. E. Bressette, chairman, New England Grain and Grain Products Transportation Committee, 343 Winter Street, Waltham, Mass.

MAY 7, 1964.

Representative JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

This association which represents some 130 members of the New England feed industry being vitally concerned with the future of New England agriculture is extremely disturbed with the decision of the Traffic Executives Association, Eastern Railroads to rescind Docket Bulletin TEA–ER 193. The New England market had counted heavily on these reduced rates to counteract point to point reductions in Pennsylvania and the Delmarva.

Docket Bulletin No. 195 mileage rates will afford these areas an even greater advantage because of their geographical location to Ohio and Michigan which are the normal supply origins on corn to the East. Without the relief provided in Bulletin 193 the New England feed, poultry, and dairy industry would be seriously damaged. Many years have been spent by the new England interests in procuring rate reductions to no avail. We must now turn to our leaders in State government. This message is being cabled to all New England senators, representatives, Governors, and commissioners of agriculture. We entreat that you immediately contact Mr. R. C. Gill, chairman, Traffic Executive Association, Eastern Railroads, 1 Park Avenue, New York, N.Y. to reconsider their action.

ROLAND C. KOELSCH,
President, Boston Grain & Flour Exchange, Inc.

GREEK ORTHODOX CHURCH SUPPORTS CIVIL RIGHTS

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it has come to my attention that the Greek Orthodox Archdiocese of North and South America has recently issued a statement concerning their position on civil rights. The statement issued by the Standing Conference of Canonical Orthodox Bishops in the Americas on civil rights is eloquent.

On March 25, on the occasion of Greek Independence Day, I referred to Greece as a cradle of freedom and liberty. The following statement befits the proud tradition of freedom and liberty that for centuries the world has associated with the greatness and nobility of that country's proud heritage:

The Standing Conference of Canonical Orthodox Bishops in the Americas, in an official meeting on Friday, April 24, 1964, in New York City, gives praise to God for the majesty of His kingdom and the blessing of His mercies which so abundantly grace our land.

Throughout the ages the Orthodox Church has survived centuries of persecution which, even to this day continues to be imposed upon untold millions of Orthodox Christians in many lands. The Orthodox Church has borne the yoke of oppression and is wholly aware that persecution, prejudice and intolerance is the greatest sin that the free soul of man can bear. We therefore, extend and join with our fellow Christians and citizens everywhere in deploring all vestiges of segregation that deny to free men, the dignity of equal rights. We pray that the spirit of compassionate patience and understanding brotherhood will penetrate the hearts of all men and women whose leadership must guide the destiny of the great racial challenge facing America.

As children of God, made in His image, we urge that all men of all races exercise disciplined restraint in declaring their God-given beliefs and rights so that these blessings may be freely gained in a society which constitutionally and spiritually guarantees these rights.

The church deplores violence, but upholds the right of free men and women to act as the people of God in expressing their right to the God-given principles which no man can be denied because of color or creed. The power of love is the power of God, and as God is love, so love is the greatest power of His children on earth. We prayerfully beseech our fellow citizens, and especially the leaders of our Nation, to direct their actions with the power of love as their beacon of eternal hope, a hope which will not be denied in an America which gives to all men, the example of His word.

We pray that all men may transcend the limitations of human frailty, and as God-fearing Christians and dedicated Americans, transmit the spirit of prayer of our Lord and Saviour, Jesus Christ: "Thy Will Be Done on Earth as It Is in Heaven."

TREASURY DEPARTMENT STATEMENT ON RELATION OF CONTRIBUTIONS PLEDGED BY OTHER PROSPEROUS COUNTRIES TO IDA AND U.S. ASSISTANCE TO THOSE COUNTRIES

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

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

There was no objection.

Mr. REUSS. Mr. Speaker, there will shortly come before the House an opportunity to authorize continued U.S. participation in the International Development Association. The advantages to the United States of this step are many. Perhaps the most important immediate advantage is that our proposed contribution of $312 million will make available an additional $438 million already pledged by the other industrial—part I—member countries of IDA. The contributions of the other countries are just as much a pledge of their resources as any U.S. contributions are a commitment of our resources to the common development effort. They are in no sense a "double dipping" into or diversion of U.S. funds in the name of other countries.

However, some doubts have been expressed concerning the validity of the pledges made to IDA by the other advanced industrial countries. For example, a table of figures on page 7974 of the CONGRESSIONAL RECORD of April 15 compared the new pledges of these countries to IDA with the U.S. assistance to them in the past and at present. A statement prepared by the Treasury Department, analyzing this table and showing why the U.S. assistance totals in the table are misleading, follows:

CONTRIBUTIONS OF ILA PART I COUNTRIES AND U.S. ASSISTANCE

(By Treasury Department)

1. The total of U.S. assistance to IDA part I countries from July 1, 1945, through June 30, 1963, is, of course, very large. But only about $1 million of assistance was extended during the period fiscal year 1961–63, which was the period during which payments to IDA began. The overwhelming bulk was extended during the Marshall plan period and the early 1950's. The fact that we provided large amounts of aid in the past to the Western European countries can surely not be a reason for not participating now in an increase of IDA's resources. Failure by us to participate with $312 million will mean that other countries will be released from pledges totaling $438 million. We would thus lose the opportunity to have those countries we helped in the past assume an increased share in the future of the burden of development assistance.

2. The figures in the table under consideration include $270.6 million of military assistance in the total of $654.5 million in fiscal year 1963. There is no reason to relate these national security expenditures in fiscal year 1963 to the amounts other countries are putting up through IDA, since U.S. military assistance is not made available in a form that would permit a recipient country to devote it to its IDA contribution. Moreover, the Church amendment to the Foreign Assistance Act has prohibited new military assistance commitments to those countries included as IDA part I countries after July 1, 1963. Eight of the IDA part I countries, pledging $313 million of the $438 million pledged to IDA by part I countries under the new proposal, are no longer receiving any military assistance at all. Payments to IDA under the present proposal are to be made during fiscal years 1966, 1967, and 1968; only

two countries, whose IDA contributions amount to only $48 million, or 11 percent of foreign contributions to IDA, will still be receiving military assistance during the fiscal year 1966–68 period, and deliveries to both these countries should be completed in fiscal year 1968.

3. The largest component of the figure cited in the table for so-called U.S. assistance to IDA part I countries in fiscal year 1963 is $368.2 million in Export-Import Bank loans. To include these figures in the table is misleading. Lending by the Export-Import Bank is for the purpose of financing exports of U.S. goods and services and is done on terms which enable the Bank to pay the U.S. Treasury for the cost of money borrowed from the Treasury, as well as an annual dividend from the Bank's earnings. Furthermore, only three part I countries received these Export-Import Bank credits—which are on hard terms—in fiscal year 1963.

4. The only other element of so-called U.S. assistance to IDA part I countries in fiscal year 1963 was $15.7 million for essentially humanitarian programs of food distribution, under Public Law 480, almost all of which was in two countries, Italy and Japan.

5. Only economic assistance under AID can reasonably be included to support the claim made by the April 15 table. But of such aid there was virtually none in 1963—less than $500,000—and as of early 1964 the pipeline for such aid was less than $63,000.

In summary, U.S. assistance to IDA part I member countries in fiscal year 1963 which is of any relevance to the size of their contribution to IDA resources is less than $500,000. There is no reasonable basis for including hard Export-Import Bank loans in the total of U.S. assistance to these countries nor military hardware or training funds provided for our national defense, nor food for peace contributions given for humanitarian reasons and largely through private voluntary nonprofit institutions.

WIDENING HORIZONS FOR FUTURE WATER SUPPLY

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

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

There was no objection.

Mr. SISK. Mr. Speaker, on April 24 my home city of Fresno, Calif., was honored to be the host at a meeting of the Central Valley East Side Project Association which had as its guest and principal speaker, Commissioner of Reclamation Floyd E. Dominy. Commissioner Dominy's analysis and comment on present and future water problems of the West were so important and penetrating that I believe they are worthy of the attention of the members and of widespread study.

He spoke of matters now pending before the Congress—the proposed Auburn-Folsom south unit of the Central Valley project, and the Pacific Southwest water plan. And he analyzed urgent future developments—the East Side division of the Central Valley project. I would like to commend Commissioner Dominy on his personal share in widening our horizons for future water supply and to urge that his remarks be studied and I am requesting their inclusion in the RECORD, as follows:

WIDENING HORIZONS FOR FUTURE WATER SUPPLY

Every time I come into this Central Valley, I am impressed that you are operating under a cycle of amazing growth that must be almost as unnerving to you participants as a game of Russian roulette. Perhaps this simile is inappropriate. You are not using a bullet and a revolver; water is the unknown quantity in the game you play. But if and when your water supply reaches its final limits, the game of California expansion—two words which are almost synonymous—is over.

This self-defeating growth cycle runs something like this. You find water to expand agricultural production, to help support concurrent population growth. The expanding agriculture and its associated processing industries contribute to new growth in towns and cities, and this expansion helps attract new industries. All of this growth, based on a once-adequate water supply, results in a new influx of people. Agricultural development is pushed out to new lands and the water supply becomes inadequate. So once again, you seek new water supplies, to expand agriculture and support the new population, and the cycle goes on and on.

Here in the east side of the San Joaquin Valley we have seen a good demonstration of this California growth pattern. Back in 1880 there were only about 140,000 irrigated acres here on this side of the valley. And by the turn of the century, there were only some 100,000 residents here. Today, there are approximately 3 million irrigated acres on the east side. By 1960, the population had topped 1 million, with about 25 percent of the increase occurring since 1950.

Impressive as this growth has been, projections of the census figures indicate that this area may double in population in 20 years.

I came here today to discuss with you what can be done to meet the problem of these ever-widening horizons for water supply here on the west ocast. And I feel that I am meeting with farsighted friends, who are familiar with the problems and frustrations of water resource planning and development. California State officials and water-user organizations like yours have achieved an international reputation for long-range planning and followup action to remedy incipient water problems before they become distressingly acute.

The history of the development of the Central Valley project is a case in point.

We in the Bureau of Reclamation do not forget that this great project was originally conceived and planned as a California State water project. And if it hadn't been for the depression of the thirties, the State of California probably could have embarked on the construction of this project—just as you have recently made State water resource development history by embarking upon the $2 billion State water plan.

At any rate, the Bureau of Reclamation came into the Central Valley as a working partner in this development in the depression years of the late 1930's. This long-deferred development was welcome news to the residents of the valley, because the critically dry years of the late 1920's and the early 1930's, together with declining ground water levels, had served notice that the essentially local measures which had been used were inadequate and that a large-scale import water supply was required.

You know, perhaps better than I, the story of growth of the Central Valley project into one of the most extensive artificial water transport systems in the world. It is a hydrological accomplishment of such importance, that it annually attracts hundreds of engineers, economists, and natural resource administrators from all parts of the world. And the system is, very justifiably, the feature of a current exhibit at the New York World's Fair sponsored by the Department of the Interior with the Bureau of Reclamation as a major participant.

Frequently we in Reclamation are asked to give dates on when our projects were started and when they were completed. The request for a starting date is easy, but few of our projects will be completed in our lifetime. Most large multiple-purpose developments, like the Central Valley project, are designed for expansion, with additional units being proposed as the needs develop.

The first irrigation unit on the Central Valley project went into operation in 1940, and the Friant-Kern Canal began operating in 1949. The great transmountain diversion in northern California—the Trinity division—is now substantially completed, and construction is underway on the Sacramento River and the San Luis divisions.

The large proposed addition that is closest to your hearts, of course, is the east side division.

Some 20 years ago, when plans were being finalized for Friant-Kern Canal, it was evident that the east side of San Joaquin Valley would require additional water from a northern source. It was believed Millerton Lake would supply most of the supplemental needs for 20 years or more. Shortly after Friant-Kern Canal went into operation, the Bureau began receiving requests for additional water which could be supplied on a permanent basis. These requests continued to increase, reaching a total by about 1955 of nearly 1 million acre-feet of additional water. With such strong evidence of need for water, the east side division investigations were initiated. These planning studies are now well along and the feasibility report is being revised by the Bureau of Reclamation for reissue, formal review, and submittal to the Congress. We contemplate completing this feasibility report within the next few months.

The proposed facilities, when operated coordinately with the present features of the Central Valley project, would provide a water supply of about 1½ million acre-feet annually to the east side division. This supply would be used primarily for irrigation. Additional municipal and industrial requirements also would be served. The principal proposed facilities will comprise nearly 450 miles of canals, 5 dams and reservoirs of varying sizes, 10 pumping plants, a power transmission system, and provision for project drainage. This development is estimated to cost about $600 million, exclusive of distribution systems which will be required for at least some of the areas to be served.

For the first 60 miles, as most of you know, the proposed east side canal would have the same location as the proposed Folsom-South Canal. Preferably they would be constructed as one canal. Current legislation before the Congress for authorizing Auburn-Folsom-South unit provides for enlargement of the canal of the east side division. In a sense, therefore, the first unit of the east side division already is under consideration by the Congress.

The overall area under consideration in the east side division investigation embraces more than 5 million acres and includes essentially all of the east side of San Joaquin Valley from Mokelumne River and Folsom South service area on the north to the foothills south of Kern River. Although nearly all of the easterly San Joaquin Valley is included in the area of consideration, it does not follow that all of this vast acreage will need or desire water from the east side division. It is necessary to study the entire area, however, because of the interrelationship of existing water supplies.

We believe the east side division will need to import approximately 1½ million acre-feet of water to the east side within possibly 15 or 20 years after the project goes into operation. The project features proposed are planned for that purpose.

The requirements for imported supplemental water will increase after the initial east side importation by possibly another 2 million acre-feet or more. When our continuing service area studies are completed in approximately 3 years we will have a more refined estimate of the probable future requirements.

I would like to point out, however, that the initial facilities now being proposed are planned to provide for importation of future additional water, primarily by operation of the canal system over a greater portion of the year. Additional storage reservoirs will be required at that time, both along the canal and farther north in the areas of surplus water. Thus, not only the present but also the future needs of the east side San Joaquin Valley are being considered.

Our studies also have contemplated that a portion of the total east side San Joaquin Valley requirement would be met by the State of California. The State is moving ahead rapidly with its very important water project. The California aqueduct as planned included capacity for some service to lands in the San Joaquin Valley. Recently, contracts have been executed by the State with Kern County Water Agency and certain water districts for water service. A portion of the area covered by these contracting agencies lies within the east side of San Joaquin Valley. Therefore, part of the total east side requirements will be met from this imported supply. This will be evaluated in determining the future requirements for the east side division.

At the present time, the east side San Joaquin Valley is a modern, progressive, and highly developed area which affords its residents a relatively high standard of living. To maintain and expand this economy, however, additional water is required.

The substantial existing and increasing water needs of the area can be met only through importation of large quantities of additional supplies from surplus water sources outside the area. Problems of inadequate water quantities, poor water quality, and high water costs will increase as overdraft continues in the valley. The east side division will provide the potential for serving the estimated initial supplemental requirements and at least a large portion of the more distant future needs.

Over the past several years the Friant-Kern and Madera Canals have been real lifesavers for major areas of the San Joaquin Valley. We want to bring the Auburn-Folsom South unit along very soon to provide the same type of benefits for that area and follow at an early date with the east side division to complement both Madera-Friant-Kern and Folsom-South systems.

I wish to acknowledge personally all the assistance your association has given us in the east side division investigation. I urge you to continue and, if possible, to increase your outstanding efforts in support of this proposed project. Accomplishment of your goal—an authorized, constructed, and operating east side division—is primarily something that your association and the people of the San Joaquin Valley will have to spearhead. You are the ones most vitally affected by the proposed development, and you are the ones who can most effectively present your needs and your desires to the Congress. We will be happy to assist all that we can.

In considering the future water supply requirements of this area, it is necessary for us to look beyond the horizons of the valley itself. This has been demonstrated by the importations of water from the Trinity River watershed, and in other long-range planning for this area, both on State and Federal levels.

In fact, many parts of the arid and semi-arid West are reaching the point in water resource development where only two courses of action appear to remain open: (1) Salvage and recovery of wasted water from existing supplies, and (2) the construction of large, complex projects serving a large regional area, and involving transbasin distribution and exchange of limited available water supplies.

This is the challenging situation now confronting the five-State Pacific Southwest, where acute water supply conditions are aggravated by a population increase every decade nearly equal to the area's 1940 population. Projections of population growth indicate that by 1990, about 25 million people will be living in this area, in contrast to only 4½ million in 1940. Population pressures of this kind—if not to the same degree of intensity—are stimulating long-range water resource planning throughout the West, and in more humid sections of the country as well.

The Pacific Southwest water plan was developed by the Bureau of Reclamation in this atmosphere of need to serve the portions of the five States involved. A preliminary report was issued in August 1963, and transmitted by the Secretary of the Interior for review and comment by the Governors of the States, interested local agencies, and other Federal agencies. On the basis of the many constructive suggestions received, the plan presented in the preliminary report was revised substantially and presented in the Secretary's report of January 1964.

This report recommends immediate authorization of the initial plan which requires all-out Federal, State, and local cooperation in a regional approach to meet the needs of the Pacific Southwest. Hydropower would be the paying partner in this multimillion-dollar development—similar to the financing program worked out for the Central Valley project.

The Central Valley is not included in the geographic area embraced within the Pacific Southwest, as defined in the project plan, but the proposed developments for the east side division and the Pacific Southwest plan are very definitely interrelated. For example, one of nine major features proposed for immediate development under the Pacific Southwest water plan is the enlargement of approximately 130 miles of the California State water project aqueduct—from Wheeler Ridge at the southern end of San Joaquin Valley to Cedar Springs Reservoir. This participation will reduce the ultimate financial requirements for the California State water plan, permitting the State to either reduce its planned investment or to expedite its construction program.

Two other major features of the initial plan which will be recommended for authorization upon expedited completion of the required feasibility studies are of direct interest to central and northern California. They are:

1. North coastal California reservoir storage projects to develop a firm annual yield of 1.2 million acre-feet. Reservoirs on the Trinity and South Fork Trinity Rivers were identified tentatively in the report. The report contemplates further detailed studies of all major north coastal streams and visualizes the possible development of a joint project for the Pacific Southwest, State of California, and Central Valley project.

2. Enlargement of the prospective east side division of the Central Valley project to transport the additional water southward along the east side of the San Joaquin Valley to connect with the proposed enlarged California aqueduct at Wheeler Ridge. Measures will be included which may be required for the protection and enhancement of the Sacramento-San Joaquin Delta as a result of the water plan.

Just as the financial keystone of the Central Valley project is power revenues, from Shasta and other hydroplants, the keystone of the Pacific Southwest water plan is the proposed Pacific Southwest development fund. Revenues would accrue to that fund from the proposed Bridge Canyon and Marble Canyon powerplants, and the fund also would receive the net revenues from the existing Hoover powerplant and the Parker-Davis powerplants after those Federal projects have met their existing financial obligations.

These revenues would assure repayment of the cost of projects proposed under the initial plan, would guarantee the availability for consumptive use of 7.5 million acre-feet of water a year in the lower Colorado, or its equivalent, regardless of anticipated future shortages, and would protect "areas of origin"—areas from which water may be exported—from any future damage.

This proposed protection to the areas of origin is particularly important to California since the north coastal streams are being considered as the source for 1.2 million acre-feet annually of imported water for the Pacific Southwest. These areas of origin would be afforded a guarantee that exportations would be subordinate to all existing and anticipated future needs to the extent of permitting retention of water in the watersheds of origin if future needs exceed present estimates. They also would be guaranteed that additional costs of future projects, caused by the preemption of lower cost water sources, which otherwise would benefit the areas of origin, or the State insofar as its water supply is diminished, would be offset by development fund revenues to the extent that costs would be no greater than if there had been no export under the plan. In addition, financial assistance would be provided from the development fund to assist in area of origin project development, if such assistance is not otherwise provided.

I have mentioned that facilities are proposed in the plan for conserving and conveying water from northern California to southern California to help meet the guarantee of a regional supply of the equivalent of 7.5 million acre-feet of water for consumptive use per annum in the lower Colorado River. These facilities will be recommended for authorization following completion of expedited feasibility studies.

The plan contemplates that the entire length—approximately 350 miles—of the proposed east side canal from the Hood-Clay pump channel to Kern River near Bakersfield would be enlarged for conveying the additional water for the Pacific Southwest area. In addition, a southerly extension of about 40 miles of canal would be required from Kern River to connect with the California aqueduct near Wheeler Ridge. The opportunity exists for worthwhile cost savings to both the east side division and the Pacific Southwest water plan through incorporation of the proposed enlargement. However, the need for additional water in the east side division is urgent, and this very important development should not be delayed pending completion of additional studies for the Pacific Southwest water plan. The additional investigations needed for final refinement of the proposed combined development, therefore, are a matter of the utmost urgency, both to avoid any delay to east side and for realization of the potential savings to the Pacific Southwest water plan.

The Pacific Southwest water plan also proposes the establishment of a regional water commission for overseeing and coordinating the required future planning and development program. The proposed initial plan as the first step of a comprehensive plan will meet only the most immediate and urgent demands for increased water supplies for the

Pacific Southwest. Further detailed planning will be necessary for works and programs beyond those recommended for authorization as part of the initial plan. Because of the numerous water development functions involved and the many interests affected, coordination of these long-range plans by a regional water commission is recommended.

The essence of the Pacific Southwest water plan comprises moving ahead immediately with the authorization of those water conservation projects for the areas that are sound, needed, and wanted; to expedite feasibility reports on conserving and conveying additional water from northern to southern California; and to establish the means whereby the long-range water needs of the area can be supplied.

The Pacific Southwest water plan provides a positive approach to a solution to meet the challenge of the existing and increasing water crisis in the Pacific Southwest. Through progressive united action of agencies at all levels of Government, the required water supplies will be obtained, thus permitting the Pacific Southwest area to keep pace with its needs and sustain its expanding dynamic economic growth.

There have been many comments on the plan, both in its original form and as revised to reflect the comments of the States. I must pay tribute today to your Governor, Pat Brown, and Hugo Fisher, head of the California Resources Agency, for their statesmanlike approach to the program.

Some Californians are taking the view that California must be guaranteed all of its water as allocated in the Supreme Court decision to the possible detriment of the other Lower Basin States, should there be years of shortage. This would hardly be acceptable to the other States and will surely result in a stalemate and inaction on any solution.

Mr. Fisher, on the other hand, has testified before Congress that this is not an equitable approach to the problem and has joined with Governor Brown in urging a regional development that will avoid squabbling over shortages by insuring a full 7,500,000 acre-feet annually to the Lower Basin States. This is the logical and reasonable approach and the course which Secretary Udall is seeking to follow by the Pacific Southwest water plan.

The Central Valley project in its initial and expanding stages contemplated development of local sources of supply as fully as possible prior to importing water from areas of surplus. All areas have benefited—for example, the San Joaquin Valley areas receiving the water—and the areas where the additional waters are conserved. In the latter case, benfits have resulted from project construction, power development, flood control, and additional fishery and recreational uses.

The Pacific Southwest water plan in a similar manner also contemplates optimum development of local supplies first—and then proposes importation of additional water from north coastal streams. Substantial associated benefits can accrue to these north coastal areas and to the Central Valley project including the east side division through this plan.

So in summary, we have considered briefly two prospective developments—east side division and Pacific Southwest water plan. These are both highly important to the areas included, to the States involved, and to the Nation as a whole. These projects as proposed are related physically, to some extent financially, and they certainly are related politically in obtaining their congressional authorizations and necessary appropriations of funds. Both widen the horizons for future water supply for this and other areas that vitally need such development.

In closing, I wish to state that the Bureau of Reclamation is fortunate to have the opportunity of cooperating on the proposed east side division with such an excellent group as your association. May I express to you my sincere wish that the east side division be authorized and constructed as early as possible. To that objective I pledge you all the assistance we can give.

THE AMICIS AWARDS DINNER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RODINO. Mr. Speaker, on April 29 in my hometown of Newark, N.J., months of hard and dedicated work culminated in a never-to-be-forgotten affair. For, on that night occurred the first awards dinner ever to be held in New Jersey for the purpose of giving recognition to outstanding Americans of Italian heritage.

The event was sponsored by AMICIS—Active Member Italian-American Community Interest—and honored five individuals in four categories who received awards donated by the Italian Tribune, a Newark weekly newspaper.

I know that the officers and members of AMICIS want to make this an annual affair. And from the glorious success of their inaugural efforts, I am confident that it will be so.

To my dear friend, Vincent Tuzzolo, president of AMICIS, must go the greatest credit for this success. For it was he who conceived of the idea and who coordinated all of the careful, detailed planning for the affair. He was ably assisted by his fellow officers, Orlando Nappi, vice president; Joseph Nappi, secretary; and Steve Parillo, treasurer, and by many AMICIS members.

From a wealth of outstanding candidates in the four categories, Louis Papera was named "New Jersey's Outstanding Italian-American Citizen"; Miss Rose Marchese, "Woman of the Year"; Peter Rizzolo, "Hall of Sports"; and Samuel Champi and Frank Cosentino, "Scholastic Awards."

Highlighting the moving ceremonies was the congratulatory message from President Johnson. I had been commissioned to deliver and read the President's words and looked forward to my task. Unfortunately, I was not able to leave Washington on that legislative day, so my district secretary, Anthony Suriano, read the message for me.

The President's message follows:

There is nothing that cheers me more than to publicly applaud the achievement of good citizens.

Tonight you have chosen to illuminate the work and the wisdom of five outstanding Italian-Americans: Louis Papera, Rose Marchese, Samuel F. Champi, Frank Charles Cosentino, and Pete Rizzolo.

From an ancient culture which was old and brilliant long before this continent was known to man, Americans of Italian ancestry have brought to this land good things which have helped this Republic. This is a Nation of immigrants. Too often too many of our people forget that.

The men and women you honor tonight have by their sacrifices and their energy made their community and their country a better place to live. There is no greater work our citizens can do.

I salute the five honorees tonight. And in the doing, I give thanks for all the millions of Americans of Italian ancestry who have poured into the bloodstream of this country much of its courage, culture, and compassion.

Joining the President in sending letters and wires of congratulations were our beloved Speaker of the House, our colleague from New Jersey [Mr. MINISH] and Antoinette Torregrossa.

While neither my neighbor, the good gentleman from New Jersey [Mr. MINISH] nor I was able to be there, there was a host of dignitaries from all walks of life among the happy crowd that overfilled Biase's Restaurant, where the award dinner was held. These included our good friend and former colleague, the present mayor of Newark, Hugh J. Addonizio; the State senator from Essex County, C. Robert Sarcone; Mayor Ralph G. Conte of Bloomfield; New Jersey's ABC director, Joseph Lordi, who represented Governor Hughes; Newark City Council President Ralph A. Villani; Essex County Sheriff Le Roy J. D'Aloia; Newark's Chief Magistrate Nicholas Castellano; Newark Councilmen Joseph V. Melillo, Anthony Giuliano; and Montclair Police Director Angelo Furtunato.

Father Sebastian Chiego, pastor of the Church of the Assumption, Roselle Park, was the principal speaker. Father Gaetano Ruggiero, pastor of St. Lucy's, Newark, offered the invocation and benediction.

Fred J. Matullo, publisher of the Italian Tribune, who deserves much of the credit for the evening, was there, but deferred to his editor, John Sileo, for rendering the thanks to AMICIS for its sponsorship and to the hundreds who had contributed to the evening's success.

And I must add a final credit for insuring that what had been well planned was also well executed, as Judge Horace A. Bellfatto in his role as master of ceremonies kept the schedule of events moving smoothly and pleasantly.

It was fitting that the recipients covered a broad spectrum of the Italian-American community. Louis Papera, now 84, is a quiet, unassuming humanitarian and industrial leader, who made invaluable contributions to our Nation as a businessman and as a World War I appointee of President Wilson. Miss Rose Marchese is a saintly lady who has given her entire life to social work, delivering the sick and the needy from the depths of human degradation. Peter Rizzolo, in his prime, was one of the greatest all-round athletes our Nation has ever known. Cadets Champi and Cosentino are presently sophomores at the U.S. Military Academy at West Point, where each has distinguished himself in the classroom, on the athletic fields and as leaders of their classmates.

Too often we accept for granted the positive contributions made to our communities by our fellow citizens. And too often publicity is given to those few whose actions have brought dishonor upon their neighbors and communities. So it is especially heartwarming to see what I hope will be a precedent take

place in my own community. We should never forget the good that men do for their fellow men. We should acclaim them publicly while they are still with us. This is what AMICIS has done. And our community is the better for its inspired event.

RUMANIAN INDEPENDENCE DAY

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

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

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, May 10 is Rumanian Independence Day.

The history of the Rumanian nation dates back to the first century A.D. when the land called Dacia was first settled by Roman legions. These first settlements were scattered during centuries of invasions by tribes from the east and the north. But the roots of a language and a culture which set Rumania apart from other nations of Eastern Europe persisted throughout these centuries and so well withstood alien influence that the Rumanian language today is in some respects closer to Latin than is Italian.

The last and greatest invasion came from the south. The Ottoman Turks subjugated the Rumanian regions of Walachia and Moldavia in the 14th century, and for 500 years they dominated the life of these communities, exacting tributes, imposing rulers, and carrying out reprisals when resistance to foreign domination arose. Turkish power began to wane in the 18th and 19th centuries. The reawakened forces of nationalism, the intervention of foreign powers, and the weakening of Turkish administration in the Balkans and Eastern Europe all contributed to the achievement of Rumanian independence in 1877. But that independence was precarious. As World War II drew to a close, Rumania was again invaded. The invaders remained to impose an alien system of government, to exact tribute from the Rumanian economy in order to bolster their own weakened economy, to reenslave the peasants who had been emancipated only in 1864, and to make Rumania part of a vast and harshly ruled empire.

The new master was, of course, the Soviet Union. The menace had long been present; the neighbor to the north and the east stood at last completely unmasked. Early in the 19th century during the Napoleonic wars Russia had occupied the Rumanian provinces for 6 years. Deportations, the requisition of labor, the carrying off of produce had aroused Rumanian fears and suspicions during these 6 years. The Russians withdrew in 1812 but designs and intrigue were not at an end. Posing as protectors of the Rumanians against the Turks, they actually aimed at territorial aggrandizement. Rumanian uprisings in 1848 were suppressed by joint Turkish and Russian military intervention. A new Russian occupation came during the Crimean War. In 1877 as the Rumanians declared their independence, they joined with Russia to contribute to a substantial Russian victory over the Turks. A loss of territory was the Rumanian reward. The Treaty of Berlin of 1878 recognized Rumanian independence, but the Russians had seized and held southern Bessarabia. The Rumanians regained Bessarabia following World War I, but a change in regime in Russia had not put an end to Russian territorial ambitions. Following the Soviet-Nazi Pact of 1939, the Soviet Union seized Bessarabia and northern Bukovina. Today these territories remain lost to Rumania and stand as symbols of the tyranny practiced by a supposedly benevolent neighbor.

On May 10, 1877, Rumania declared her independence. Today, Rumanians are not free to celebrate this occasion. But there is evidence that the spirit that led them to struggle for independence in the 19th century is very much alive. Today, Rumania is increasing her trade and contacts with the West. She is resisting Soviet economic plans to maintain her in the subservient position of a primarily agricultural nation and is rapidly building her own industry over Soviet opposition. She is pursuing an independent line in the Soviet-Chinese dispute and is seeking to reinforce her ties with Yugoslavia. True, the road to real independence remains long. But as we observe the occasion of Rumania's Declaration of Independence in 1877 and salute the courage of Rumanians of those years, we would also do well to notice and applaud the efforts of this people today to free themselves of the tutelage of a foreign oppressor. Surely, first steps will be followed by others. The tide of foreign domination must once more recede.

THE USEFULNESS OF KNOWLEDGE

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

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

There was no objection.

Mr. DOWNING. Mr. Speaker, one of our major problems in this Nation has been the proper role of education in our modern society and the proper role of Government in education.

Clearly one of the most urgent questions in this important area is an answer to the question: How do we provide universal educational opportunities for an expanding population without minimizing our quality standards?

The first part of the answer has to be a definition of the problem, and one of this Nation's leading educators recently gave us a fundamental definition of the problem that should significantly shape our quest for the whole answer.

Dr. Julius A. Stratton, president of the Massachusetts Institute of Technology, formulated the definition in an address entitled, "Liberal Education and the Usefulness of Knowledge," at Charter Day exercises at the College of William and Mary at Williamsburg, Va. Many people who were present for Dr. Stratton's address have termed it most outstanding. I am sure my colleagues will agree, and I am most grateful that you have given me permission to insert it in the RECORD.

The address by Dr. Stratton follows:

LIBERAL EDUCATION AND THE USEFULNESS OF KNOWLEDGE

(By Julius A. Stratton, president, the Massachusetts Institute of Technology)

Many of you here this morning—most of you, indeed—have the good fortune to claim Virginia as your home; and as Virginians you are rightfully proud of the name and traditions of William and Mary. Yet you should bear in mind that in a larger sense, William and Mary belongs to all Americans. For from this college over the years have come statesmen and diplomats, judges, writers and scientists—an extraordinary procession of great men who have given leadership to our country, and who have helped to shape our most fundamental ideas on freedom and justice.

I am deeply grateful for the privilege of having a part in your ceremony today, and for the honor you pay me. In return, I hope that I may speak for all those who, although neither Virginians nor alumni of William and Mary, wish your college well on its 271st anniversary.

It was in 1693 that their majesties the King and Queen of England, Scotland, France, and Ireland granted to their faithful subjects overseas the right "to found and establish a certain place of universal study." One of the greatest centuries in the annals of human progress was drawing to a close. It has been called the century of genius, a watershed of modern history marking a transformation from the old to the new in almost every aspect of life in the Western World.

The 17th century inherited the ideas of Copernicus and Galileo, and it bequeathed to our age the foundations and structure of modern science through the labors of such men as Harvey, Huygens, Boyle, Hooke, Leibnitz, and Newton. Metaphysics gave way to physics, to experiment, and to empirical and inductive processes of reasoning. Men began to reject the supernatural in a search for rational explanations. The center of intellectual interest and inquiry moved from classical studies and formal theology to the questions of how God had constructed our material universe and what laws He had devised for its operation.

The same century saw the establishment of the Royal Society in Britain and the most celebrated scientific academies on the Continent. Through these societies and in the spirit of the time, physics became allied with philosophy. Descartes, Pascal, and Leibnitz, for example, were philosophers as well as mathematicians. In due course the new concepts of science flowed over into the older domains of moral philosophy, ethics, and political theory, stirring new ideas on the organization of the state and the inherited rights of man.

Thus Hobbes, though a stanch Royalist, began to write of a social contract between the subjects and their prince. And John Locke, in his efforts to establish the title of your own King William to his throne through consent of the people, published in 1690 his "Two Treatises on Government," wherein he proclaimed in words foreshadowing the American Declaration of Independence that: "All men possess natural rights of life, liberty, and property; that for the protection of these rights people create governments; and that if a government fails to fulfill its task, the people may logically assert the equally natural right of revolution."

And so the founding of William and Mary coincided with the opening of the modern

age. In 1693 the stage was set for the great enlightenment of the century to follow, with its "exaltation of reason, its faith in progress and the perfectibility of man, and its preoccupation with the natural rights of the individual."

Yet for all the obvious similarities in our modes of thought, despite all the basic principles we seem to hold in common, there remains an enormous gulf socially and intellectually separating the world of the Reverend James Blair from our own.

President Blair created this college—as your Dean Jones remarked in his own Charter Day address—as a "company of scholars free from control by royal or civil authority." Yet I suspect that the very idea of academic freedom within the college as we understand it today—the freedom to pursue knowledge for its own sake wherever it may lead, and the freedom to report openly upon the progress of the search—would have simply appalled him.

Education at the outset of the 18th century was still a privilege to be enjoyed only by a small elite. Another hundred years were to go by before a most illustrious graduate of William and Mary was to express in everlasting words the conviction that equality of opportunity in education is imperative for the survival of a successful democracy.

But it is in the accumulated store of knowledge that we differ most—then and now.

The first president and his six masters were men of great erudition. As we look back over the years, they appear to us as scholars of universal interests—a type that has almost disappeared from our contemporary academic scene—professors who lectured with equal authority on rhetoric, mathematics, moral philosophy, and the Hebrew tongue.

They were indeed erudite, but they were not, in fact, all giants. It profits nothing to gaze back with nostalgia upon an age when the learned might still aspire to embrace all knowledge, when the arts and sciences were easily woven into a single fabric, and the research professorship was yet to be devised.

Over the 270 years that have intervened since the founding of this college, not a great deal has been added to our understanding of the Greek and Latin texts. But the subject of mathematics referred to in the early curriculum was hardly more than elementary arithmetic, with perhaps a little Euclid thrown in. Newton and Leibnitz independently conceived the basic ideas of the calculus about 1665. The "Principia"—the most important contribution to science ever made by a single man—appeared only 6 years before the granting of your charter. The entire development of Newtonian mechanics, with its stupendous philosophical implications, lay ahead. Chemistry had emerged from alchemy but had still to await the discoveries of Cavendish, Priestley, and Lavoisier.

A new light was dawning on the horizon. But the progress of science was to gather momentum for another two centuries before the advent of the great, explosive, forward surge into the unknown which is both the glory and the peril of our time, and which differentiates our own generation from any that has gone before.

I have been speaking of men and ideas that prepared the way. Some 65 years after the founding of the college there came here a man who was in every respect a product of the enlightenment, and who expressed in his entire approach to science and learning a concept that I have taken as the central theme of my remarks to you today.

William Small, in whose memory you have dedicated your splendid new physical laboratory, was a member of this faculty from 1758 to 1764. He arrived as professor of natural philosophy and mathematics, but after the manner of the day his interests ranged far and wide. Indeed there was a year when he took over the chair of moral philosophy as well, and added metaphysics and natural history to his lectures in physics. In the annals of William and Mary he justly holds an honored place. He brought to Virginia the new viewpoint of science, and you remember him especially as the much beloved teacher of Thomas Jefferson.

But then, unhappily, he quarreled—rather bitterly—with the board of visitors over a principle of academic freedom and tenure, whereupon he departed for England, never to return.

Small settled in Birmingham. There he found himself again among kindred spirits, and for the brief 10 years that remained to him he lived out a fascinating and productive life.

You will remember that in the 18th century—and for a long time thereafter—the doors of Oxford and Cambridge were closed to members of the noncomformist sects. And so, in the midlands about Birmingham and Manchester, and in the north, the Quakers, the Presbyterians, and other dissenting groups began to form their own schools.

One of the most famous was the academy at Warrington; another, the Manchester New College.

Standards were high—so high indeed that many an Anglican family chose to send their sons to these academies rather than to the universities. But it was in the new pattern of their curriculums that they broke most radically with the traditional Oxford plan.

They were in many respects the precursors of contemporary American institutions. Without abandoning the Greek and Latin classics, they began for the first time to emphasize the importance of modern languages as well as the ancient. They introduced English literature and modern history—an extraordinary innovation for the time. Economics appeared, and the beginnings of modern political theory. And above all, they emphasized the physical sciences and their useful applications.

These dissenting academies were the first to attempt an education in the knowledge of their times. And from this intellectual environment came scientists, doctors, inventors, engineers—a new breed of men from whom stemmed in large measure the industrial revolution.

In Birmingham in the 1770's scientists and men of affairs mingled and conversed endlessly, and foremost among them was William Small.

He became an intimate friend of James Watt—the originator of the steam engine in its modern form—and of John Wilkinson, whose boring machine made the Watt engine a commercial success.

With Josiah Wedgwood, who made pottery, with Erasmus Darwin, the grandfather of Charles, with Joseph Priestley, the chemist, he founded the Lunar Society—a short-lived but celebrated dinner club, meeting on nights of the full moon so that members might make their way safely home. Discussion in this group must have been a heady experience. Conversation ranged from the latest work of Priestley on combustion, the experiments of Benjamin Franklin on electricity, the discovery by Dr. Withering—a member—of the action of digitalis on the heart, to the newly published works of Jeremy Bentham on government and Adam Smith on the "Wealth of Nations."

Here, if ever, was a productive union of science and industry, reflecting a passionate interest in science for its own sake, yet responding to a persistent belief that science has an ultimate purpose beyond the satisfaction of simply knowing—that the ultimate value of science is measured in service to man.

All the historical evidence shows that in these gatherings the influence of William Small was profound. He appears "in the deepest sense to have been the spirit that set the meetings in motion. He brought to Birmingham the sense of personal exchange which had meant so much to Jefferson: the sense that science and culture are matters which are learned in conversation rather than in formal teaching."

The legacy he left in Williamsburg was, I believe, an idea of the dignity and importance of useful knowledge. He impressed it upon the mind and character of his most brilliant student, Thomas Jefferson. And in Thomas Jefferson we have the most perfect exemplification of a union of thought and action, of the joining of principle and application.

The measure of a college is read in the lives of its graduates. And the graduates of William and Mary, in the trying, perilous early years of our country, turned their learning to good account in the service of the Nation.

There is one more chapter in the history of William and Mary which bears upon my presence here today.

In 1828 William Barton Rogers, a graduate of the college, succeeded his father as professor of chemistry and natural philosophy—the chair held some 60 years earlier by William Small.

I am sure that all of you know something of the story—how for 7 years Rogers served with distinction on your faculty; how his interest led from physics and chemistry into geology, economic geography, and paleontology; how in 1835 he moved from Williamsburg to the University of Charlottesville where in due course he was elected chairman of the faculty; and how finally he came to Boston to become the founder of the Massachusetts Institute of Technology.

In a very real sense Rogers was the intellectual and spiritual heir of William Small. Few men have foreseen with a more prophetic vision the developing role of science in the political and industrial as well as the intellectual life of the Nation.

It was here in Virginia that his ideas were conceived and began to take form. His concern for the relevance of knowledge was in the tradition of the early masters of the college.

The academic philosophy of MIT today is still guided by a plan of education designed by William Barton Rogers 100 years ago. And through it all is woven the influence of Small—of the men who conversed in the Lunar Society—of the Warrington Academy—of Franklin and Jefferson.

And so we have come full circle to the present. The world in which we now live is not even remotely comparable to that of Blair or Small or even Rogers. And education, no longer solely a privilege of the few, has assumed a dominant and ever-expanding role in our national development.

The change is reflected most dramatically in the colossal increase in the number who seek education and in an overburdening of all our existing resources. In part, of course, this is simply the consequence of our growing population, of a more affluent society, and of the rising aspirations of our people. But more fundamentally, this pressure of numbers arises from a new national need. At the root of the matter is the scientific and technological revolution of our age. This revolution, and all it implies, is transforming the basic process of society, the character of industry, the conduct of politics, and the whole scale of our affairs. It has advanced manyfold the requirements of the professions. Individual and national survival are now directly linked to the quality of education as well as to its universality.

One of the most urgent problems for our generation is how to provide this universality of opportunity in education that was the

ideal of Jefferson, to meet the growing demands at every level, and yet to maintain the quality of our standards.

As one observes the current growth and expansion of our universities and our colleges, it is natural to feel a deep concern that the individual may be swallowed up in the anonymity of these vast complexes.

The roots of our American democracy, the strength of our form of society draw upon the individual—upon the diversity of his origins, the variety of his ideas and faiths and beliefs, and the freedom and abundance of opportunity to develop them and to express himself without constraint.

But the diversity of patterns in our historic plan of education—chaotic though it may at times appear—is designed precisely to respond and to encourage this same variety of needs, talents, and ambitions—to recognize that there are many roads to learning. We must at all costs preserve this diversity—and the freedom of choice and action which it allows—not only in the variety of our institutions, public and private, but within the universities and colleges themselves.

These thoughts about the role of the individual lead us directly to another problem arising out of the changing character of our colleges and universities. There is a deep concern on the part of many for the fate of liberal education itself.

Certainly all the forces of development appear to threaten it both as an ideal and as a reality. At the root of the matter, of course, is the tremendous accumulating store of new knowledge, the proliferation of new fields, of new principles, of factual information. The response of education to this great outpouring has in turn been a fragmentation into smaller areas of learning, an increasing emphasis upon early specialization, and the growing importance attached to graduate and postdoctoral study and to research.

Again, it is the new science that has been principally responsible; yet comparable forces of change and expansion are working in every field of scholarship, including the humanities. Much of the old unity is indeed gone forever, and no single man will ever again aspire to the command of all knowledge.

Yet I take a hopeful view. In the progress of modern science one can observe strongly countervailing forces working toward new unities. It is characteristic of the great new advances of recent years that they cut boldly across the traditional boundaries of specialization. Thus, for example, physics, chemistry, mathematics, biology, engineering, and management all enter into the effective outcome of any of our great new ventures into space. Modern medicine is progressing through focusing of many disciplines upon a single problem.

The importance of the individual component is giving way to the larger significance of the system, and it is this larger system—the total problem—that is forcing the synthesis of knowledge and bringing about the new unities.

I should like hopefully to believe that these unifying forces are real and not illusory, that they are the consequence of a deeper insight into the nature of things. As science proceeds, new factual knowledge will continue to be generated in appalling abundance. But as our understanding increases, many of the facts themselves become trivial, and we may put them aside in some storage system for retrieval when we need them.

Surely this constant search for synthesis, for new unities, must be the true road for science and the mission of the university of the future. Otherwise, higher learning will become little more than a jungle of facts and techniques.

At the heart of this whole matter there lies a deeper question. What in fact constitutes a liberal education in a lasting sense? What values do we wish to preserve?

Is a liberal education to be identified solely with the seven traditional arts? These indeed are a means, and indispensable to the well-educated man or woman. But they are not sufficient in themselves, and knowledge alone is not enough.

Liberal education is determined fundamentally not by subject matter but by an attitude towards knowledge and life, a way of approaching new problems, a tolerance and open-mindedness in the endeavor to understand the views of others. Courses not only in science, but also in engineering and other clearly professional fields, can in the hands of a gifted teacher contribute as much to the development of a liberal mind as lectures on Plato or Milton. And it is equally true that history and art and literature may and often are taught in a manner that is both narrow and confining to the spirit. The essence of the matter lies not so much in the content as in purpose.

The basic aim of liberal education is to help the student to learn how to learn, to discriminate between the significant and the trivial, to develop a sense of taste and style in all things, to establish with growing maturity clear and valid goals, and to gather fortitude for the task.

These are the precious values that we wish to conserve. They will not be gained easily by simply reading books. They are the product of the free and constant interchange of ideas between student and teacher, of the environment of a college, of a total experience.

The current and sometimes bitter tensions that have developed of late between the sciences and the humanities represent one special and critical aspect of this whole problem of liberal education. That conflict is by no means merely a child of our own age. In an interesting and very perceptive address at the Rockefeller Institute, Marjorie Nicolson reminds us of the 18th century quarrel of ancients and moderns. Out of that literary controversy came Swift's famous "Battle of the Books"—a satire in which the moderns undertook to displace Homer, Plato, Herodotus, and Livy from their high peak. It was, as Miss Nicolson says, the first skirmish in the long warfare between science and the humanities, anticipating C. P. Snow by some 200 years.

In our day the humanists are prepared to share the peak, and they ask only for "balance." But "balance," as Clark Kerr has remarked in his Godkin Lectures, has never been a static thing. The Renaissance, he points out, changed the balance of the 16th century, and science is changing the balance today.

It is indeed unfortunate that the cultivation or even survival of the old liberal arts should seem to be imperiled by the current prosperousness of science.

Yet I share with President Kerr the view that in this controversy the role of Federal funds and subsidies is greatly exaggerated. Despite the common belief, it has been my observation that the brightest students are influenced in their choice of fields by the prospect of new horizons and exciting ideas. It has been ideas and not simply money that have drawn students into nuclear physics, and I think that there is more than a little significance to the fact that lately the engineers have joined the humanists in lamenting their loss of a place in the sun. The cause of the humanities will not be advanced, nor will we arrive at a desirable balance merely by the expedient of a moratorium on science. And it is folly to imagine that the progress of knowledge can be contained by artificial limits. On the contrary, we must move positively and build upon strength in every field, endeavoring to infuse new life, new interests, and a new relevance in the whole wide spectrum of the arts.

And now upon this note of relevance, I return finally to my original theme—the importance of useful knowledge. We in the academic world are forever confronted with the age-old duality of purpose—the antithesis of knowledge for its own sake and knowledge as a means to a practical end. I am sure that to this audience I need make no plea for the importance of basic research as a national goal and as a function of the college and the university. Men and women will devote their lives to the search for knowledge as an end unto itself, and universities must encourage and protect and support them.

But a university is more than an individual. It is a social institution, and it must serve a larger purpose. The cultivation of learning for itself alone is a necessity but not a sufficient purpose. In his classical work on the "Aims of Education," Whitehead speaks of the evils of barren knowledge.

"The importance of knowledge lies in its use, in our active mastery of it—that is to say, it lies in wisdom. It is a convention to speak of mere knowledge, apart from wisdom, as of itself imparting a peculiar dignity to its possessor. I do not share," he says, "in this reverence for knowledge as such. It all depends on who has the knowledge and what he does with it."

Thus, the final measure of the search is in the service to mankind. And so I believe that a university must concern itself with the transfer of the products of pure scholarship to the satisfaction of human wants. The university should offer a haven to the student and scholar, but it cannot remain isolated and remote from the social and political environment of its time or from the community of which it is a part. In these views I find no inherent conflict, no irreconcilable break with the traditions of liberal education. For the purpose of liberal studies is to provide the kind of understanding by which we learn to judge and shape the conduct of our lives. From them we derive the values and principles that can help us to direct knowledge toward good as well as useful ends. These values must be developed and tested in the real context of the contemporary world.

I have taken William Small today as a symbol as much as a historic man—as one who represented the union in one spirit and mind of the desire to know, to understand, with the urge to apply his learning to useful purposes. He represents the tradition of William and Mary and of its graduates through the years—a tradition which you carry on today in his name.

ADMIRAL WANTED

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CAREY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CAREY. Mr. Speaker, the New York congressional delegation, with the support of city and State officials and leaders in business and labor has been earnestly seeking a fair share of ship repair and construction for the New York Naval Shipyard. Thus far our efforts have met with mute response from the Department of Defense.

The latest blow was the award of the aircraft carrier CVA 67 to the Newport News Shipbuilding Corp. That award was made with the speed of light following bid openings and I believe Congress should take a look at the circumstances of this award.

Bids were submitted by only two firms other than the successful bidder. One bidder had never before built an aircraft carrier and tendered an outlandish offer. The other had had some unpleasant experiences in building a previous carrier and did not even submit an offer.

Hence it appears that Newport News received this award practically by default and at its own figure which may or may not be competitive.

I believe that the Armed Services Committee would do well to inquire into the circumstances of such awards among the hundred leading defense contractors to determine if the intent of Congress in competitive bidding is being followed.

I would like to know personally what special attraction Newport has which has enabled it to achieve a position as a comfortably subsidized public shipyard under private ownership.

I mean in no way to impugn the management or skills of this shipyard.

I am forced to admire the success of this corporation in gaining a backlog of several hundred million dollars of Navy contracts when shipyards in my own area are being dismantled for lack of work.

Frankly, I am looking for the secret weapon that seems to be necessary to convince Defense officials that our 165-year-old shipyard can do an equally good job.

In short, what does Newport have that New York does not?

One thing we lack is a board of directors managing our shipyard and specifically a director who is the retired Chief of Naval Operations.

Without criticism or implication, I note that Adm. Arleigh Burke, who retired in 1961, is a director of Newport News Shipbuilding Corp.

From 1962 to 1963 defense contracts at Newport increased by $36 million. With the award of this new carrier its backlog reaches a new peacetime high.

I do not suggest for a minute that Admiral Burke's activity is in any way questionable and his board membership and Newport's increase may be nothing more than a pleasant coincidence.

Unquestionably, his years of valorous and splendid service to country has given Admiral Burke a capacity for management advice which is of value to defense contractors.

It is just plain good business sense to seek the services of such a man and the corporations which have done so have no cause to regret it.

To the prejudice of no one I note that Admiral Burke is a director of 4 among the Nation's 100 largest defense contractors.

Without comment or connotation I list the levels of defense contracts in those corporations for the years 1962 and 1963.

[In millions of dollars]

	1962	1963
Texaco, Inc.	108.0	120.5
Chrysler	181.5	186.2
Newport News Shipbuilding	185.0	221.0
Thiokol Chemical	178.2	238.6
Total	652.7	766.3

It is significant that the total gain among these corporations in the years cited is over $114 million.

I do not mean to lend any interpretation to these figures that would suggest any colorable activities on the part of Admiral Burke. It just seems too bad that there are not enough retired admirals to go around and that the New York Naval Shipyard and other naval shipyards are forced to operate without a board of directors or friends at court.

Before these shipyards are lost to our Nation forever I believe that the administration, Congress, and in particular the Committee on Armed Services, should take a hard look at the shift of work away from the yards, particularly through noncompetitive bidding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KING of California (at the request of Mr. ALBERT), from May 6 through the balance of the week, on account of official business.

Mr. HAGAN of Georgia (at the request of Mr. ALBERT), for today, on account of official business.

Mr. HARSHA for Thursday, May 7, 1964, on account of official business with the President in Ohio.

Mr. OLIVER P. BOLTON (at the request of Mr. MCCULLOCH), for today, on account of official business attending the Appalachia Conference at Athens, Ohio.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. ICHORD (at the request of Mr. DELANEY), for 30 minutes, on Monday, May 11.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. RIEHLMAN and to include a survey he has taken in his congressional district.

Mr. PHILBIN.

(The following Member (at the request of Mr. BEERMANN) and to include extraneous matter:)

Mr. CUNNINGHAM.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. GRANT.

Mr. MOORHEAD.

Mr. SICKLES.

Mr. DANIELS.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1252. An act for the relief of Bozena Gutowska;

H.R. 1266. An act for the relief of John Kish (alias John Mihai);

H.R. 1435. An act for the relief of Leon Llanos;

H.R. 1439. An act for the relief of Ioanna Ganas;

H.R. 3654. An act for the relief of Paolo Armano;

H.R. 5083. An act for the relief of John Stewart Murphy;

H.R. 6133. An act for the relief of Miss Carmen Rioja and child, Paloma Menchaca Rioja;

H.R. 6568. An act for the relief of Frances Sperilli;

H.R. 6837. An act for the relief of Mrs. Eleonora Vasconi (nee Trentanove);

H.R. 8469. An act for the relief of Dr. Salim Akyol; and

H.R. 9573. An act for the relief of Wolfgang Stresemann.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, May 11, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2039. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program to Ethiopia, showing that substantial quantities of equipment have been furnished in excess of the country's ability to effectively utilize and maintain the equipment; to the Committee on Government Operations.

2040. A letter from the Comptroller General of the United States, transmitting a report on the review of the military assistance program for Indonesia, showing that military assistance has been provided to the Government of Indonesia under Presidential determinations, without regard to the other requirements of the act, as authorized by section 614(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2311); to the Committee on Government Operations.

2041. A communication from the President of the United States, transmitting amendments to the request for appropriations

transmitted in the budget for fiscal year 1965 in the amount of $800,000 for the General Services Administration and $100,000 for the Securities and Exchange Commission (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

2042. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to certain plans for works of improvement relating to the following watersheds: Lee-Phillips, Arkansas; Prairie Creek, Ind.; Little Choconut, Finch Hollow, and Trout Brook, N.Y.; Patterson, Brixius, Grey Creek, N.Y.; Dunn Swamp and Cedar Branch tributaries, North Carolina; and Lyon Swamp-White Oak Swamp, N.C., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2043. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to certain plans for works of improvement relating to the following watersheds: Buckeye, Arizona; Lower Bayou, Okla.; Upper Bayou, Okla.; Okmulgee Creek, Okla.; and Turkey Ridge Creek, S. Dak., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2044. A letter from the Secretary of the Air Force and the Secretary of Agriculture, transmitting a notice of the intention of the Department of the Air Force and the Department of Agriculture to interchange jurisdiction of military and national forest lands, as authorized by law, within the boundaries of the Black Hills National Forest, Wyo., pursuant to 70 Stat. 656; to the Committee on Agriculture.

2045. A leter from the Secretary of the Treasury, transmitting a draft of a proposed bill to eliminate the requirement for notice of shareholders meeting by certified or registered mail; to the Committee on Banking and Currency.

2046. A letter from the Comptroller General of the United States, transmitting a report on the review of the unnecessary costs incurred through leasing rather than purchasing of electronic data processing equipment at the Evanston, Ill., commodity office of the Agricultural Stabilization and Conservation Service, Department of Agriculture; to the Committee on Government Operations.

2047. A letter from the Administrator, Federal Aviation Agency, transmitting the Fifth Annual Report of the Federal Aviation Agency, covering fiscal year 1963, pursuant to section 313(e) of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2048. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill to transfer certain functions of the Secretary of the Treasury, and for other purposes; to the Committee on the Judiciary.

2049. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of a proposed bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 11175. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

H.R. 11176. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. ASPINALL (by request):

H.R. 11177. A bill to provide for the restriction of certain areas in the Outer Continental Shelf (known as the Atlantic Missile Range) for defense purposes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 11178. A bill to clarify the definition of the words "initiation fees" as used in part II of the Internal Revenue Code; to the Committee on Ways and Means.

H.R. 11179. A bill to amend the District of Columbia Teachers' Leave Act of 1949 to remove certain limitations, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOLIFIELD (by request):

H.R. 11180. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. O'BRIEN of New York:

H.R. 11181. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11182. A bill to extend the judicial district of Hawaii to include American Samoa; to the Committee on the Judiciary.

By Mr. RYAN of Michigan:

H.R. 11183. A bill to amend the act of September 30, 1961, as it affects televising of professional football games in competition with certain interscholastic football games; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 11184. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. AYRES:

H.R. 11185. A bill to amend the Technical Amendments Act of 1958 to extend the period during which section 1306 of the Internal Revenue Code of 1954 (as enacted by such act) was effective; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 11186. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

H.J. Res. 1022. Joint resolution authorizing the establishment of a National Railroad Museum in the city of Oneonta, N.Y.; to the Committee on Interstate and Foreign Commerce.

H. Con. Res. 298. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

H. Con. Res. 299. Expressing the sense of Congress with respect to the persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BATES:

H.R. 11187. A bill for the relief of Ioannis Vasiliou; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 11188. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Lt. Col. Harry L. Haverstick against the United States; to the Committee on the Judiciary.

H.R. 11189. A bill for the relief of Charlotte Beulah Norrthon; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 11190. A bill for the relief of Hamendra C. Parikh; to the Committee on the Judiciary.

H.R. 11191. A bill for the relief of Henry Ramon Lara, M.D.; to the Committee on the Judiciary.

H.R. 11192. A bill for the relief of Tsu Hsien Wong and his wife, Chin Lee Wong, and their child, Leonora Wong; to the Committee on the Judiciary.

H.R. 11193. A bill for the relief of Ilias Kiriakow and his wife, Maria Kiriakow, and their children, Xristin, Markos, and Emelia Kiriakow; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 11194. A bill for the relief of Antonio Forlini Santopietro and his wife, Annita Lombardi Santopietro, and their children, Giuseppina Forlini Santopietro, Rosa Forlini Santopietro, and Giovanni Forlini Santopietro; to the Committee on the Judiciary.

By Mr. ELLSWORTH:

H.R. 11195. A bill for the relief of Mrs. Eleni Bacola Ciacco, M.D.; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 11196. A bill for the relief of Alton G. Edwards; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 11197. A bill for the relief of Mrs. Huldah C. Pearson; to the Committee on the Judiciary.

H.R. 11198. A bill for the relief of Anderson G. Matsler, sergeant major, retired; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 11199. A bill for the relief of the estate of Donovan C. Moffett; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 11200. A bill for the relief of Mrs. Anisse Nichan Vizoyan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

886. By the SPEAKER: Petition of D. Richard Simeone, health officer-secretary, Board of Health, Cliffside Park, N.J., relative to their sincere appreciation of the valued services rendered by the late General Douglas MacArthur as a loyal soldier and a dedicated servant and patriot of our Nation; to the Committee on Armed Services.

SENATE

THURSDAY, MAY 7, 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).

Rev. John T. Tavlarides, dean, St. Sophia Greek Orthodox Cathedral, Washington, D.C., offered the following prayer:

Glory to Thee, O God Almighty, for Thou art the Father and our hope, Thou art the Son and our refuge, Thou art the Holy Spirit and our protection.

Surely Thou art our hope as You order our lives according to Your commandments, making our motivations pure and our decisions right ones, as You illuminate us with a watchful mind, a prudent reason, and a vigilant heart.

Surely Thou art our refuge as Your goodness and compassion and forgiveness are manifest in the sanctification of our souls, in the purification of our

minds, and in the correction of our thoughts to do justice to all those entrusted to us and to make America a laboratory of salvation from want and hopelessness.

Surely Thou art our protection, as we wrestle with the vexations of our conscience and seek to elicit certainty and truth from the turbulence of our responsibilities in this august body of the senatorial dignity. Because our fallibility has treacherously betrayed us, we must fear to do our bidding and not Yours.

Hearken to our petitions and deliver us from evil and pain and surrender to hopelessness.

Grant peace to the world and to our spirit.

Increase the spiritual stability of the American people.

Enlighten us, Your servants in the U.S. Senate, to please You first and always. We pray for those who love us and for those who hate us, for those who take pity upon us and those who cause us to suffer, for those in concord with us and for those in disagreement with us. For all these and for ourselves we pray and say: Lord, have mercy; Lord, have mercy; Lord, have mercy. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 6, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 9280) for the relief of Donald J. Kent, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9280) for the relief of Donald J. Kent, was read twice by its title and referred to the Committee on the Judiciary.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, under the usual circumstances, and that statements therein be limited to 3 minutes.

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

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its work today, it stand in recess until 10 o'clock tomorrow morning.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the new report of nominations on the Executive Calendar will be stated.

FARM CREDIT ADMINISTRATION

The Chief Clerk proceeded to read sundry nominations in the Farm Credit Administration.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

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

[No. 205 Leg.]

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hayden	Moss
Bartlett	Hickenlooper	Mundt
Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pearson
Boggs	Inouye	Pell
Burdick	Jackson	Ribicoff
Cannon	Johnston	Saltonstall
Carlson	Jordan, Idaho	Scott
Case	Kennedy	Smith
Church	Lausche	Sparkman
Clark	Long, Mo.	Symington
Cotton	Magnuson	Talmadge
Curtis	Mansfield	Thurmond
Dirksen	McCarthy	Williams, N.J.
Dodd	McGee	Williams, Del.
Dominick	McGovern	Yarborough
Douglas	McIntyre	Young, N. Dak.
Ervin	Metcalf	Young, Ohio
Fong	Miller	
Gore	Monroney	

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT,] the Senator from Louisiana [Mr. LONG], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Michigan [Mr. MCNAMARA], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. KEATING], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are detained on official business.

The Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATION, 1964, FOR DEPARTMENT OF STATE (S. DOC. NO. 71)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1964, in the amount of $41,400,000, for the Department of State (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Lee-Phillips watershed, Arkansas, Prairie Creek, Ind., Little Choconut, Finch Hollow, and Trout Brook, N.Y., Patterson, Brixius, Grey Creek, N.Y., Dunn Swamp and Cedar Branch tributaries, North Carolina, and Lyon Swamp-White Oak Swamp, N.C. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF NOTICE OF INTENTION OF INTERCHANGE OF JURISDICTION OF MILITARY AND NATIONAL FOREST LANDS

A letter from the Secretary of the Air Force and the Secretary of Agriculture, reporting, pursuant to law, on the notice of intention of those Departments to interchange jurisdiction of military and national forest lands (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF FEDERAL AVIATION AGENCY

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency,

for fiscal year 1963 (with an accompanying report); to the Committee on Commerce.

REPORT ON REVIEW OF THE MILITARY ASSISTANCE PROGRAM FOR INDONESIA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on a review of the military assistance program for Indonesia (with an accompanying report); to the Committee on Government Operations.

REPORT ON FURNISHING OF MILITARY ASSISTANCE TO ETHIOPIA IN EXCESS OF THE COUNTRY'S ABILITY TO EFFECTIVELY UTILIZE THE EQUIPMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the furnishing of military assistance to Ethiopia in excess of the country's ability to effectively utilize the equipment (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED THROUGH LEASING RATHER THAN PURCHASING CERTAIN ELECTRONIC DATA PROCESSING EQUIPMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred through leasing rather than purchasing electronic data processing equipment at the Evanston Commodity Office of the Agricultural Stabilization and Conservation Service, Department of Agriculture, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

TRANSFER OF CERTAIN FUNCTIONS OF SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to transfer certain functions of the Secretary of the Treasury, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Buckeye watershed, Arizona, Lower Bayou watershed, Oklahoma, Upper Bayou watershed, Oklahoma, Okmulgee Creek, Okla., and Turkey Ridge Creek, S. Dak (with accompanying papers); to the Committee on Public Works.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, from Charles Kessler, College Point, N.Y., relating to the Alaskan disaster; to the Committee on Appropriations.

A letter, in the nature of a petition, from Hilary J. Deason, secretary of the convention, Diocese of Washington, Mount St. Alban, Washington, D.C., relating to enactment of the civil rights bill; ordered to lie on the table.

WOMAN'S DEPARTMENT OF EL PASO CHAMBER OF COMMERCE URGES GUADALUPE NATIONAL PARK—RESOLUTION

Mr. YARBOROUGH. Mr. President, I am deeply gratified by the almost unanimous support being given to the creation of a Guadalupe Mountains National Park in west Texas. My bill, S. 2296, would preserve some 70,000 acres of this picturesque mountain range. Among the most recent of the many resolutions that have been passed endorsing the proposal is one from the Woman's Department of the El Paso Chamber of Commerce. I ask unanimous consent that it be printed in full at this point in the RECORD.

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

RESOLUTION OF WOMAN'S DEPARTMENT, EL PASO CHAMBER OF COMMERCE

Whereas the proposed Guadalupe National Park is an area unique in history, geology, flora, and fauna; and

Whereas it is presently in an undisturbed, primitive, native state; and

Whereas it is one of the few surviving areas of its kind in this Nation; and

Whereas it is practical and possible at this time to preserve it for future generations; and

Whereas it is clearly in the national interest that this be done: Now, therefore,

The Woman's Department of the El Paso Chamber of Commerce does by this resolution endorse and commend the proposed Guadalupe National Park, and urge its incorporation within the national park system.

Mrs. RICHARD G. MILLER,
Chairman-Director, Woman's Department of the El Paso Chamber of Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

S. 2370. A bill authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorized appropriations for that purpose (Rept. No. 1021).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. HARTKE:

S. 2813. A bill to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency; to the Committee on the Judiciary.

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

By Mr. CURTIS:

S. 2814. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to private nonprofit libraries for the blind; to the Committee on Government Operations.

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

By Mr. MOSS:

S. 2815. A bill for the relief of Mehdi Heravi; to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 2816. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. INOUYE:

S.J. Res. 175. Joint resolution to authorize the President to issue annually a proclamation designating the last week in June of each year as "National Environmental Health Week"; to the Committee on the Judiciary.

PROHIBITING UNAUTHORIZED USE OF THE GREAT SEAL OF THE UNITED STATES

Mr. HARTKE. Mr. President, some time ago it was brought to my attention that although the first legislation concerning the great seal of the United States dates from September 15, 1789, there has never been a statutory provision concerning reproduction of the design of the great seal for private purposes. Over the years the Department of State, in whose Secretary, custody of the great seal die and press are entrusted, has received hundreds of complaints and inquiries about commercial reproduction of this symbol of the U.S. Government.

Various organizations and individuals have reproduced the seal for their private purposes; and although the Department of State has sought to dissuade such private and unauthorized use, it has never had any statutory power to prevent these abuses. Facsimiles of the great seal have been used on letterheads, program cards, and newspaper advertisements. Its commercial use has been sought for reproduction in connection with merchandise such as jewelry and leather goods.

When this matter came to my attention, Mr. President, I made inquiry of the State Department, whose reply notes various instances of exploitation of the Federal coat of arms and states:

Such instances of private exploitation or proposed exploitation of the coat of arms are becoming more numerous and more various.

And adds—

The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

The letter, signed by Assistant Secretary of State Frederick G. Dutton, concludes:

The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole. Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

Therefore, Mr. President, I introduce—for appropriate reference, to accomplish this end—a bill to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency. I ask unanimous consent that the letter of Secretary Dutton, to which I have referred, be printed following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objec-

tion, the letter will be printed in the RECORD.

The bill (S. 2813) to amend title 18 of the United States Code so as to prohibit the use of likenesses of the seal of the United States falsely to indicate Federal agency, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter presented by Mr. HARTKE is as follows:

APRIL 13, 1964.

DEAR SENATOR HARTKE: Thank you for your letter of April 4, 1964, requesting comment on a suggestion for a law to regulate reproduction of the Great Seal of the United States for private purposes.

Legislation concerning the use of the original Great Seal of the United States dates from September 15, 1789. An act of Congress approved that day placed the Great Seal in the custody of the Secretary of State and provided that it should be affixed only to documents of certain kinds and then only on the authority of the President's signature. The relevant provisions of law today are title 4, sections 41 and 42, of the United States Code.

The device or design of the obverse of the Great Seal is the coat of arms of the United States. The coat of arms is an official emblem, mark of identification, and symbol of the authority of our Government. The Government displays the coat of arms on currency, stationery, publications, military uniforms, public monuments, public buildings, and other property that it issues, owns, or uses. The coat of arms today connotes Federal property, ownership, or authority, or some other direct relationship to the U.S. Government.

While the Great Seal die and press are in the custody of the Secretary of State, and their use is strictly guarded by law, there is not now and never has been any statutory provision controlling the reproduction of the seal design (the coat of arms) for private purposes.

The question of use of the coat of arms of the United States for private purposes is an old and recurring one. The Department has never objected to private reproduction of the device for purely educational, informative, or patriotic purposes, as in textbooks, in encyclopedias, or on monuments to war heroes. As a matter of longstanding policy, however, the Department, when asked its opinion, has tried to discourage the use of the coat of arms in advertising or in any other form of private commercial exploitation. One reason for this policy is that such use gives the public the false impression of Government participation in or endorsement of a private business undertaking. At the same time, the Department has for many years indicated that it is not authorized by law either to grant or to withhold permission to reproduce the device for private purposes. In other words, it cannot enforce its policy.

Regarding the need for legislation, the Department has noted, or has had brought to its attention, numerous instances of employment of the coat of arms in ways which it considers inappropriate. These instances, most of them in advertising matter, include use by a motel in North Carolina, a book publisher, an insurance company, a Washington restaurant, and firms manufacturing wall plaques, paperweights, ashtrays, phonograph records, greeting cards, and costume jewelry. Such instances of private exploitation or proposed exploitation of the coat of arms are becoming more numerous and more various. The Department's traditional endeavor to deal with the situation by means of moral suasion results in unfairness through disadvantage to those persons and firms that abide by the Department's request to desist. The Department is convinced that the Government should begin to exercise suitable control over use of the coat of arms.

In some areas the Government is now dealing effectively with a similar problem regarding the seals and emblems of Federal departments, agencies, and other organizational units, especially those pertaining to the armed services. It has been able to do so at this lower level because statutes authorize the formulation and enforcement of regulations controlling reproduction of these devices, including the seal of the Department of State. Some of this authority lies in title 18, section 701, of the United States Code. The Veterans' Administration and the Air Force, however, cite as the basis for the regulations they have issued regarding their devices simply the provisions of law that give the heads of those agencies authority generally to perform their duties (United States Code, title 38, sec. 210, and title 10, sec. 8012).

The coat of arms of the United States is unique in that it belongs not to any department, agency, or other unit of the Government, but to the Government as a whole. Accordingly, the Department feels that the Government needs legislation to control the use of the coat of arms for private purposes.

If I can be of further help to you at any time, please do not hesitate to call on me.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

AMENDMENT OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. CURTIS. Mr. President, there is a very fine institution in Lincoln, Nebr., which for many years has published books in braille, primarily religious publications, for individuals of all ages. The institution serves many denominations. Their braille publications, religious in nature, go all over the world.

I find upon checking the statute that all other libraries and educational institutions are eligible for consideration with regard to the distribution of surplus property. But the act is not sufficiently broad enough to cover an institution such as this.

Therefore, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949 relating to surplus property.

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

The bill (S. 2814) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus personal property to private nonprofit libraries for the blind, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Government Operations.

CIVIL RIGHTS—AMENDMENTS

Mr. MILLER submitted amendments (No. 575), intended to be proposed by him, to the amendment numbered 513 to 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, which was ordered to lie on the table and to be printed.

Mr. PROUTY submitted an amendment (No. 576), intended to be proposed by him, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted amendments (No. 577), intended to be proposed by him, to the amendment numbered 513 to House bill 7152, supra, which was ordered to lie on the table and to be printed.

Mr. SMATHERS submitted three amendments (Nos. 578, 579, and 580), intended to be proposed by him, to House bill 7152, supra, which were ordered to lie on the table and to be printed.

Mr. TOWER (for himself and Mr. THURMOND) submitted an amendment (No. 581), intended to be proposed by them, jointly, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

ESTABLISHMENT OF NATIONAL ECONOMIC CONVERSION COMMISSION—ADDITIONAL COSPONSOR OF BILL

Mr. McGOVERN. Mr. President, at its next printing, I ask unanimous consent that the name of the Senator from New Hampshire [Mr. MCINTYRE] be added to the bill (S. 2274) to establish a National Economic Conversion Commission, and for other purposes.

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

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1964—ADDITIONAL COSPONSORS OF BILL

Under authority of the orders of the Senate of April 29 and May 4, 1964, the names of Mr. BARTLETT, Mr. BAYH, Mr. BURDICK, Mr. DODD, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MCNAMARA, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, and Mr. WILLIAMS of New Jersey were added as additional cosponsors of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, introduced by Mr. RANDOLPH (for himself and other Senators) on April 29, 1964.

A DANGEROUS SOLUTION

Mr. TALMADGE. Mr. President, one of the most iniquitous provisions of the so-called civil rights bill now pending before the Senate is the so-called fair employment practices section embodied in title VII of the bill.

If enacted, this legislation would make the Federal Government a senior partner in virtually every business in the country which employed 25 or more persons. Federal commissioners would be given the power to dictate to private businessmen whom they must hire, and the conditions of employment in almost every regard. Lost in the process would be the right of employers and employees and labor unions to decide employment matters in accordance with their own free will and according to the dictates and needs of those persons concerned.

Mr. President, there appeared in the May 4 issue of the Columbus, Ga., Enquirer an excellent editorial calling attention to the dangers of this so-called FEPC legislation. As stated by the Enquirer, title VII is not only a bad solution, but it is a dangerous proposal.

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

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

INEFFECTIVE—AND DANGEROUS

I

One of the most convincing arguments against the FEPC provision of the civil rights bill is the dismal failure of State FEPC laws in improving the job situation for Negroes.

Alabama Senator JOHN SPARKMAN, in speaking against the bill last week cited the unemployment rate for Negroes in those States with FEPC laws as compared with States that have no FEPC.

The figures are taken from the last census, but they are proportionately true today as well.

Highest nonwhite unemployment was in States with large Indian populations but few Negroes. North Dakota, 25.2 percent nonwhite unemployment, was the worst. Montana, 24.8; and South Dakota, 28.8; followed.

White unemployment in these States was sharply below nonwhite: North Dakota, 5.6; Montana, 6.8; and South Dakota, 4.1. Although these States do not have FEPC laws or commissions, States that do have them reported higher nonwhite unemployment than Southern States.

To list a few: California, 10 percent nonwhite unemployment; Illinois, 11.5; Maine, 17.8; Michigan, 16.3; Ohio, 11.9; and Washington State, 13.4.

For comparison, consider that Georgia in the same period had only 6.3 nonwhite unemployment; Alabama, 8.4; Florida, 6.7; Louisiana, 9.5; Mississippi, 7.1; South Carolina, 5.7.

These figures are taken from the CONGRESSIONAL RECORD of April 21, and were inserted by Senator SPARKMAN. They had earlier been put in the RECORD by Senator ALLEN ELLENDER, of Louisiana, and have not been challenged by proponents of the bill. They are taken from Federal statistics.

Senator JOHN STENNIS, of Mississippi, pointed out from the figures, that 24 of the 25 States with FEPC laws had higher nonwhite unemployment rates than his home State, which has the largest percentage of nonwhite population.

Equally impressive was the fact that the differential between white and nonwhite unemployment in Mississippi was smaller than in most of the FEPC States.

II

The arguments against the so-called fair employment section of the rights bill are too powerful to be ignored by even the most ardent supporter.

The section's objective is to insure by law that employers or unions will select their workers without considering race or color.

This is a sword that cuts many ways. Selection based partially on race was common for many of the nationalities that have blended into the melting pot of America. Indeed, white Anglo-Saxons do not have access to all areas of employment or business.

And as has been often pointed out, the Train Porters Union, headed by crusading Philip Randolph, admits no whites to its ranks.

Admittedly, employers discriminate on the basis of race, but the Negro is not the only victim. The Indian suffers to an even greater degree.

But the presence of a problem, or transgression, does not necessarily indicate that a governmental solution is either possible or desirable.

FEPC laws on the State level have proven a sorry solution, and there is little reason to believe they would be more successful from the Federal level—unless the Government simply took over the hiring and firing policies of some firms by sheer force.

It might be done in the name of justice, with high and noble motives. But that is the way of dictators, who invariably advertise their actions for the public's good.

III

President Kennedy did not include the FEPC provision in his original bill.

It should be completely omitted. It is a bad solution for an admitted problem—but even worse, it is a dangerous solution.

Bare unemployment figures do not tell the full story of the Negro's economic conditions, of course, but he is as much the victim of the agricultural revolution, as his skin color, and the remarkable fact is that Southern States have been able to control their unemployment as well as they have, both for whites and nonwhites.

But the essential question raised by the FEPC section is not whether there is discrimination, but whether a law on the subject can be effective or proper—or worth the risk to the overall freedom of the Nation?

SLAYING OF INVESTIGATOR FOR NEW YORK CITY WELFARE DEPARTMENT

Mr. DOUGLAS. Mr. President, on April 10 Miss Eileen Johnston, daughter of Mr. and Mrs. J. M. Johnston, of Elgin, Ill., was stabbed to death in the Harlem section of New York City. Mrs. Douglas and I have received the following letter from Mrs. Johnston, addressed to my wife, which I should like to read into the RECORD:

MAY 1, 1964.

DEAR MRS. DOUGLAS: I am writing this to you in the hope the message may get to your husband, Senator DOUGLAS.

Our daughter, who was 28 years old and a case investigator for the New York City Welfare Department was slain in Harlem on April 10. She was with a group of fellow workers and apparently was stabbed because of her white face. The news breaking today seems to indicate other white people have been slain, too, by a young group of Negroes incited by Black Muslim groups.

We are heartbroken about our daughter because she was so anxious to help the civil rights cause, and she was such a wonderful person—such a waste. If the civil rights bill had been passed, these people might be alive today. How many more people must be slain before white people wake up to the fact that we are not going to have even a semblance of peace in our country. This summer will be tragic in New York City and Chicago if the civil rights bill is not passed soon.

I realize you agree and sympathize with us, Mrs. Douglas, but thought perhaps a personal tragedy might help the Senator in preparing a speech for the bill.

We blame our daughter's death on the extremists in both black and white groups. Somehow or other, the moderate reasoning man must be heard.

Sincerely yours,

(Mrs. J. M.) BLANCHE H. JOHNSTON.

This letter is beyond and above all praise. It would have been very easy, and indeed natural, for Mr. and Mrs. Johnston to have yielded to anger and to a desire for vengeance. The guilty should, of course, be detected and punished to the full extent of the law. Let there be no mistake about that. But the Johnstons looked below the surface of the terrible crime to the deep social and psychological reasons why many Negroes have been filled and are filled with hatred of the white race. This has been created by many centuries of brutal wrongs which many whites have perpetrated upon the Negroes. And while it is undoubtedly true that the mere passage of the civil rights bill would not remove these deep feelings of anger and of wrongs, stretching over the centuries, it is nevertheless true that the passage of the civil rights bill will be some slight contribution toward healing the feelings of bitterness between the races which has grown up.

Medgar Evers and the four little Negro children of Birmingham were martyrs on the one side as Eileen Johnston has been on the other. Can we not learn from these human sacrifices? The nobility of Miss Johnston's parents should make us all better men and women.

DR. BENJAMIN SPOCK ON CHILDREN AND DISCRIMINATION

Mr. YOUNG of Ohio. Mr. President, Dr. Benjamin Spock, of Cleveland, Ohio, is universally recognized as one of the outstanding pediatricians in the world today. His contributions to medicine and to the welfare of millions of children living today and to generations yet unborn have been immense.

Dr. Spock has not limited his good work to the field of medicine. He has also devoted a great deal of his time and efforts to other problems affecting all Americans, and indeed all mankind. He has given of himself tirelessly to many worthwhile organizations and causes and today is in the forefront of those citizens active in the struggle for civil rights for all Americans.

On May 2, 1964, Dr. Spock spoke at the Lutheran Church of the Reformation, a few blocks from the Capitol, on discrimination and its effect on children. Surely, no man is more qualified to discuss and analyze this vitally important subject. His address was part of the civil rights program being conducted by religious leaders of all faiths. I commend it to my colleagues and ask unani-

mous consent that it be printed in the RECORD as a part of my remarks.

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

CHILDREN AND DISCRIMINATION

Children are affected by discrimination in different ways. Psychological studies have shown that the Negro child in America becomes convinced at an early age that he is inferior, because of the color of his skin. The belief will come partly from the treatment he receives from white children and adults, partly from what his parents must tell him directly, or indicate to him indirectly. What this really means is that the Negro child becomes prejudiced against himself, at the start of life, by accepting the white man's prejudice against him. At a later age period, experiments involving Negro and white students who take tests in each other's presence show that a Negro who actually scores just the same as a white student will characteristically rate his own performance as inferior. This unrealistic sense of inadequacy gets expressed, of course, in low expectations for himself in school and career. It also follows that each Negro comes to think less well of his family, his friends, his race, than they deserve. And he himself is similarly held in lowered esteem by them. So there is a vicious cycle in operation, which keeps the self-confidence of all members of the race depressed.

Human beings are strongly influenced by what others expect of them. This has been demonstrated in a variety of natural situations and also in experiments. When they feel that others expect them to behave well or to achieve highly, they tend to meet the challenge. If others expect them to be loafers or scoundrels—even though they are really high-principled—they let down their standards to some degree. It's bad enough, for instance, when the community expects further delinquent behavior from a youth of any color who has already served time in a training school, because this helps to discourage him and make him cynical ("What's the use of trying if that's what they think of me!"). But to a degree this is his own fault because he did get himself into trouble before. On the other hand, there are many white people who expect most Negro youths to be lawless because of their skins. This surely increases to some degree their temptation to misbehave, as it would increase the temptation of white youths. The reason the great majority of Negroes don't succumb is that they are actually brought up with such extra high standards of behavior that the liability is canceled out. A physician who takes care of both white and Negro children can easily see that conscientious Negro parents instill a greater obligation to lawfulness and politeness than white parents need to do. They must do this, they explain, because Negroes will be blamed first whenever there is trouble.

To me it seems remarkable that most Negro children grow up not only conscientious but unhostile—friendly. It speaks for the parents' maturity and their forgiveness toward white people that they haven't instilled a fierce hatred of the race which has deprived them and insulted them for so long. How do they manage to teach their children that God is in heaven and that human beings are generally trustworthy? I doubt if I could have done it, if I had had to prepare my sons for what Negro youths must face.

What I said about the effect of the community's expectation on whether a child will be law abiding has also been shown to be clearly true of schoolwork. If a teacher believes that a certain student—of whatever color—is stupid, even though he really has a satisfactory aptitude, his actual performance in that classroom will be poor. He will also appear stupid to a visitor to the class. He will have a dull look in his eye and an inattentive manner. He is not dull, and not even inattentive. He is reacting to the explicit or implicit scorn of the teacher with a resentment which he does not express openly because he is too polite. His restrained resentment takes the form of seeming to ignore the teacher and the teaching material. Experimental projects carried out by the Bank Street College of Education in New York have shown that some of the most withdrawn and indifferent Negro pupils can respond dramatically to teachers who like them, believe in them, and will go halfway to find their interests.

It is easy to see why racial discrimination undermines Negro children. But it's also true—though not as easily visible—that it is harmful to white children, too. When they are taught that Negroes are dirty or diseased or bad, they are really being taught that they must be afraid of them. This kind of fear also produces hate. Back in the olden days some parents tried to make their children behave by threatening that the policeman would get them, or the bogeyman. Then they came to realize that fearfulness in the child is too great a price to pay for obedience. In modern times most religious teachers have refused to instill the fear of hell fire or the fear of an angry God, sensing that these dreads will impair a child's character rather than strengthen it.

There are parents who don't teach a specific fear of Negroes but who show by their manner that they feel more uneasy, for instance, if they find their children playing with an unknown Negro child than with an unknown white child. In discussing the news of the day they may use a tense tone in mentioning the entrance of Negroes into a local school or residential district. These vague expressions of apprehension are as disturbing to children as specific fears, sometimes more so. Children have had less experience with the world, so their imaginations are less realistic, more morbid. A parent's reference to obscure danger may arouse fantastic alarms in a young child's mind. It has been learned, for example, what terrifying ideas they will formulate about a relatively simple operation like removal of tonsils and adenoids. We must go a step further and recognize that the mere fact that a white child's parents don't meet Negroes socially will give him a slight sense of strangeness and uneasiness, which most of us realize is still in us in adulthood when we try to overcome this social barrier.

We have plenty of evidence that children turn out most successful—occupationally, socially, academically, emotionally—if they can grow up feeling that there are no ordinary situations they can't cope with adequately, no people that they can't deal with agreeably. For their own sakes they should be able to feel this way about Negroes—as well as about white people of different backgrounds and manners.

Another harm to the white child in learning prejudice is that it gives him a scapegoat for his own inadequacies. When I hear an adult sneer at Jews or Catholics I feel embarrassed for him that he has revealed so publicly his uncertainty about his own worth and that he has to take such a childish and spiteful way to try to overcome it. The capable and confident person doesn't need to boost himself by trampling on others. It's healthier for children to grow up believing that they must prove their capabilities, rather than that they can claim superiorities that have no basis in reality.

Some honest parents say, "I don't particularly want to teach my child prejudice and I regret the damage that discrimination does to Negroes. But I'm still not for integration of schools because I fear its effect on my child's education."

This fear has been based primarily on the knowledge that Negro children on the average have lower scores on intelligence tests and show less academic aptitude than average white children. In actuality there are very bright Negro children, as well as average and dull ones—the same range as for white children. But there is a larger proportion of Negroes in the lower brackets and this is what brings the average down. There is no proof, however, that Negroes are innately less endowed with gray matter. Most psychologists believe that the intellectual and academic differences are explained by cultural deprivation of the Negro. I agree with this view. The study which particularly impressed me (regarding the power of environment to influence intelligence) showed that a group of white children, born illegitimately to mentally retarded mothers but adopted into above-average families, developed intelligence roughly similar to those of their adopting parents. The majority of Negroes are up against multiple cultural disadvantages: poor education, irregular and low-paying jobs, poverty, crowded living quarters, no tradition of reading books, little intellectual stimulation, no hope for betterment, the constant humiliation from the white world. Children from any background would be unable to develop superior intelligence if brought up in such an environment. Other groups in America's past have started from poverty and slums, but they were able to escape as soon as they learned American ways and developed capabilities. The Negro because of his skin is chained to a slippery incline. He must struggle excessively to climb upward, but if he or his children are not able to persevere they'll slide to the bottom again.

Actual studies of the effects of integration of schools, in Louisville and Washington, show academic improvement for the Negroes and no academic disadvantage for the white children. The improvement in the Negroes was anticipated, because a great majority of Negro schools in the past have been inferior—in equipment, in the level of training of their teachers, in the morale of teachers and pupils, as well as in the readiness of the pupils to learn. So integration provided better teaching and also new hope.

As to why the school progress of the white children was not slowed there are reasonable explanations:

Since the work of the Negro children improved, the difference between them and the white children was minimized.

Since the neighborhoods where Negroes of limited educational background live are usually nearest to neighborhoods where whites of limited educational backgrounds live, the Negro children who are less advanced scholastically will usually be integrated into nearby schools where the white children are also less advanced.

Even when children with widely different aptitudes do go to the same school, as is true, for instance, of the single high school in small cities, they will usually become separated into more advanced and less advanced classes.

In other words, the quicker children and the slower children—either Negro or white—will rarely be combined in the same classrooms. Of course, any classroom will have children with a moderate range of aptitudes. That's why, in many school systems, the class is divided into subgroups. Even when children of widely different aptitudes are combined in the same class it has been shown in experiments that a good teacher can move them all along at their different rates, provided there aren't too many in the class. This was the system in the little red schoolhouse of hallowed fame.

Residential integration is often opposed by conscientious parents in a neighborhood of private homes for fear that the supposed delinquency of Negro children may prove contagious to their own. This is the most unlikely danger of all. Negro parents have at least as high standards for their children's

behavior as white parents of the same educational and economic level. The Negro children who are involved in delinquency are not those whose parents can afford to buy homes. They are predominantly from the lowest economic level and from broken families, as are the white children who become delinquent.

I am saying that the fears of white parents about school and residential integration are not justified by theory or experience. To those parents who say, "I still want to postpone it," there are several answers:

The social tensions and the harm to adults and children, white and Negro, which result from segregation are not stationary today—they are increasing steadily.

Because automation is eliminating the unskilled jobs upon which Negroes have had to depend, there is now chronic, demoralizing unemployment for them, which contrasts more and more glaringly with the mounting prosperity of the rest of the population.

These excessively disadvantaged Negroes are the least able to inspire in their children a conviction about the value of schooling. Their children are further alienated when their teachers are uninspired or prejudiced or antagonistic. They drop out of school in adolescence, find no work, lose hope, and get into trouble because there is no other way to spend their time or relieve their feelings.

The pools of demoralization and resentment, of crime and disease, which are enlarging in the inner cities were not created by the Negroes. They are the end result of the humiliation and the segregation which we have imposed on them. But it is clear that the Negroes will now tolerate them no longer. I think this is fortunate for all of us. But we must have the decency and the gumption to do our part.

We should support the groups in our communities which are working to open schools, residential areas, and jobs. We must be ready to communicate when racial issues arise, with our school and municipal officials. We should make our views known to local papers, banks, and real estate people. At this particular moment it is vital that we speak to our Senators about the urgency of the civil rights bill, or write to them.

The news shows clearly that those who are aroused to fear and antagonism at the prospect of integration are quick and vigorous in expressing their feelings. It is the people of good will who most often fail to speak up.

SECRETARY OF DEFENSE McNAMARA AND SOUTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, on another matter, I am glad to observe in this morning's press that Secretary of Defense, Robert S. McNamara, is going to South Vietnam next week to take another firsthand look at the war in South Vietnam, which has been costing so many American lives. It is reported that he will be accompanied by Army Chief of Staff, Gen. Earle Wheeler, and I am also glad of that.

Some months ago, I heard Secretary McNamara testify regarding the successes he claimed were being made in South Vietnam. However, the fact is that we have been supporting the Vietnamese in waging a purely defensive war.

Mr. President, you who lost an arm in offensive action against dictatorship aggression as a member of the Armed Forces of our country in Italy with the 5th Army, which engaged in one of the great offensives of World War II, know so well that no war can be won by purely defensive tactics.

According to the statement published in the New York Herald-Tribune, Secretary McNamara and General Wheeler will spend only 2 days in Vietnam—arriving one day and leaving on the evening of the following day.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. While we Americans should be glad they are going to be in Vietnam, it seems to me that our Defense Secretary would do well, instead of being taken on a guided tour in Saigon, conferring with the Chief of State of South Vietnam and with our Ambassador, to go out into the field and talk privately with the captains and lieutenants—better yet, with the sergeants and privates. They are the knowledgeable ones. They are the ones who fight and die in combat. Let the Secretary of Defense determine from them whether the Vietnamese really have the will to repel the invaders, whether they have the will to fight, instead of making the prediction, as was done some months ago, that the war would be over and successfully won by 1965, when supposedly our troops are to be withdrawn from Vietnam.

To date we have made no great gains in South Vietnam. At best we are merely holding our own—and just barely that. At times I have the impression that when in South Vietnam the Secretary of Defense and other top civilian and military officials are shown only what certain people want them to see and listen only to what they want them to hear.

I am glad the Secretary is going to South Vietnam but if he is going merely to indulge in a guided tour, and remain in Saigon to talk with the chief of state, our Ambassador, and a few other persons they wish him to see, nothing will be accomplished by such a trip. There must be some changes in the operation over there. For example, is it necessary for us to have so many generals and colonels in South Vietnam? It is reported to me that our command is so top-heavy with high ranking officers that a popular refrain in Saigon goes as follows:

> Oh, dear, what can the matter be?
> Eighteen generals and no strategy.

I, for one, am not even suggesting that we should withdraw from Vietnam; but let us look into the matter thoroughly to determine what should be done, and whether we can instill in the Vietnamese the will to fight to keep their country free. I hope that Secretary McNamara's forthcoming trip will help toward that end.

PENETRATION OF NEGRO CIVIL RIGHTS GROUPS BY COMMUNISTS

Mr. THURMOND. Mr. President, on yesterday, May 6, 1964, I placed in the CONGRESSIONAL RECORD on pages 10184 to 10186 news articles with reference to the infiltration and penetration of Negro civil rights groups by Communists. Earlier on April 27, 1964, I placed some additional materials in the RECORD on this same subject. These articles can be found on pages 9184 to 9185.

Today there has come to my attention an excellent editorial from the Columbia Record of Columbia, S.C., dated May 5, 1964, and entitled "Communism and Dr. King."

Mr. President, the editorial reads as follows:

COMMUNISM AND DR. KING

The Reverend Martin Luther King, the most revered hero of the civil rights movement, has been on the back burner ever since the liberal columnist, Joseph Alsop, recently reported that King had become a tool of Communist collaboration.

A few days after the Alsop column was published in what some persons interpreted as an effort to cloak King with innocence, King failed to appear for a long-scheduled panel discussion before a convention of American editors.

The other leaders of the major civil rights organizations were there: Roy Wilkins of the NAACP, James Farmer of the Congress of Racial Equality (CORE), James Forman of the Student Non-Violent Coordinating Committee (SNICK), and Whitney Young of the Urban League. Dr. King, head of the Southern Christian Leadership Conference (SCLC), was absent, it was explained, because he was presiding over another meeting.

Not much has been heard from him since then in the public prints.

While there is competition among the civil rights organizations for financial support and memberships, none of the groups has dared attack King's image as the deliverer of the Negro cause. He has captured the imagination of white and Negro civil rights groups alike. The president of the student body of a State university in a neighboring State told us that the faculty almost unanimously and the students by a large majority were dedicated followers of Dr. King. The leader of the Southern civil disobedience program is largely responsible for the effective massive support of civil rights legislation by the clergy.

That King associated with Communists, attended Communist front meetings, and had suspect individuals in key positions in his organization was no secret. Facts had been disclosed, but they were revealed by conservative elements and therefore were ignored and disregarded. Alsop's column, plus King's disappearance from his customary high degree of public exposure, indicated Communist influence of surpassing significance. Whatever the crisis was, it was ill timed, because of the civil rights controversy in the Senate and the approaching national elections.

Both South Carolina U.S. Senators have warned of the subversive influence in the civil rights movement. Senator THURMOND has spoken on the subject time after time. Senator JOHNSTON said in a recent letter to constituents: "Communist elements are exploiting racial unrest in the New York area just as they have been exploiting racial tension elsewhere in the Nation. Northern papers in the past have ridiculed such charges coming from myself and other members of the Senate Internal Security Committee, but now FBI Director J. Edgar Hoover has issued strong testimony backing up our charges."

Testifying before the subcommittee of the Committee on Appropriations of the House of Representatives, Mr. Hoover said:

"The approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the

Communist Party, U.S.A. The infiltration, exploitation, and control of the Negro population has long been a party goal and is one of the principal goals today.

"The Communist Party is attempting to use the Negro movement, as it does everything else, to promote its own interest rather than the welfare of those to whom it directs its agitation and propaganda.

"The party is continually searching for new avenues in order to expand its influence among Negroes. In particular, it has sought ways and means to exploit the militant forces of the Negro civil rights movement.

"The number of Communist Party recruits which may be attracted from the large Negro racial group in this Nation is not the important thing. The old Communist principle still holds: 'Communism must be built with non-Communist hands.'

"We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the party's propaganda lures."

From this point the FBI Director spoke off the record. What he said, we do not know, but it is a logical assumption that he got down to specifics. It is also a logical assumption that some of the specifics might have prompted the Alsop column.

Perhaps King's future statements, and their timing, will throw further light on his Communist associations and what future course he will pursue.

FOREIGN TRADE, FOREIGN RELATIONS, AND AMERICAN FARM INCOME

Mr. SYMINGTON. Mr. President, for some time many of us have been gravely concerned with the drop in farm income; and the serious ultimate effect this can only have on our economy.

Negotiations now going on in Geneva re the Trade Expansion Act in general, and beef import problems in particular, will have a decisive influence in the possible solution of this problem.

A recent editorial presented by radio station KCMO in Kansas City, Mo., is pertinent to the situation, particularly for the Midwest.

I ask unanimous consent that this editorial, entitled "Agriculture as the No. 1 Business in Mid-America," be printed at this point in the RECORD.

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

AGRICULTURE IS THE NO. 1 BUSINESS IN MID-AMERICA

It's time to speak up. KCMO Broadcasting presents an editorial on agriculture as the No. 1 business in mid-America.

Agriculture contributes over $8 billion annually to the economy of Kansas and Missouri and through requirements for production materials and services it creates many jobs and industries. Economists claim that each dollar of farm income makes an additional $3 worth of activity in the economy and nearly 40 percent of the workers (or 2 out of every 5) here in mid-America are in farming and related industries.

Kansas Board of Agriculture surveys show that agriculture accounts for a third of the personal net income received in the State which is three times more than the next largest source of income. In addition, Kansas farmers spend a billion dollars of the gross farm income each year for supplies and services required in the business of operating farms. There are comparable figures in Missouri. Farming represents an investment of some $15 billion in the two States, nearly $50,000 per farm. Farmers pay well over a third of all real estate taxes assessed in the area.

Unfortunately, farm income has dropped sharply the last few years and stands to drop more this year and next. In fact, farm prices in relation to the cost of products which farm operators must buy showed a parity ratio of 76 percent at the first of this year—the lowest since 1939. Weak marketing programs and imports of meat and milk products have been important factors in the decline of net farm income.

It is imperative that we strengthen sales and marketing programs for farm commodities in this country and abroad. Farmers want the United States to follow intelligent and enlightened foreign trade policies, but the total cost of such policies shouldn't be loaded on their already overburdened backs.

It is important that we protect farm income which will in turn save jobs for people in related industries when unemployment and poverty confront so many Americans.

HOWARD HANNAH, OF MISSOURI

Mr. SYMINGTON. Mr. President, in Missouri for more than 40 years the one great Democratic gathering to which all Democrats look forward each year is the annual Jackson Day banquet in Greene County. Over the years a number of the distinguished Members of this body have been the featured speakers at these meetings.

As he had for the preceding 21 years, on Saturday night, March 14, Mr. Howard Hannah, of Springfield, was the general chairman of this banquet, at which our colleague, the senior Senator of Idaho [Mr. CHURCH] was the featured speaker.

All of us who were present that night agree that this year Howard Hannah had put on the greatest of all these banquets, which have been getting bigger and finer each year for the 22 years he had served as general chairman.

Then on Friday, April 10, his many friends were shocked by the tragic news that Howard Hannah had been killed in an automobile accident while on vacation in Florida.

In that so many of the present and former Members of this body have spoken at these annual banquets and had become acquainted with Howard Hannah, I believe Senators would be interested in reading the resolution adopted by the Missouri State Democratic Committee at its session on Monday, April 13, at Jefferson City. I ask unanimous consent that this resolution be printed at this point in the RECORD.

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

J. HOWARD HANNAH

The tragic death of J. Howard Hannah has brought a sense of great grief and profound loss to all who knew him.

Howard Hannah was truly "Mr. Democrat" of Missouri in the sense that his life was devoted to the work of the Democratic Party and the solution of its problems. He sought constantly to strengthen party activities by personal example, contributing his time, experience, talents and great leadership at all levels of party organization. He loved politics from the ward and township to the national conventions. He was truly a great student of practical party politics and served through many years as a source of strength for all party work in Greene County and southwest Missouri.

His work as general chairman of the Jackson Day Banquet in Greene County over a period of 22 years served as a foundation for maintaining party unity, solidarity and enthusiasm for the whole State. Few men have ever left a better monument of achievement to stand as a memory of his individual effort.

He gave his service and loyalty to his party unselfishly and asked nothing for himself.

Howard Hannah had many personal friends in all sections of the State. He valued his friends and maintained interest in their problems as if they were his own. Howard Hannah was an affectionate person with deep religious faith that gave him great strength of character.

We extend our sincere and deep sympathy to the family of J. Howard Hannah with whom we share an irreplaceable loss, and that the secretary of State Democratic Committee be instructed to send properly inscribed copies of this resolution to his wife.

Adopted: April 13, 1964, at Jefferson City, Mo.

JOHN M. MCILROY,
Chairman.

PROGRAM FOR THE DEDICATION OF THE GLORIA IN EXCELSIS TOWER, WASHINGTON NATIONAL CATHEDRAL

Mr. MONRONEY. Mr. President, today the Washington Cathedral dedicated its new Gloria in Excelsis Tower. This is the great central tower of the Washington Cathedral and marks another giant step toward completion of this edifice. Plans for the dedication have been made over the past year to make Ascension Day, May 7, 1964, the very special day in the history of Washington Cathedral and the Nation's Capital.

I would like to include the program in full arranged for the dedication and ask unanimous consent that it be printed in the RECORD.

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

Participating in the day's activities and services will be national leaders in the Government, the church, the musical and dramatic arts. The Chief Justice of the United States will speak, and other distinguished Americans will join the ecclesiastical leaders to celebrate this day.

The tower itself has been 2 years in the building. Standing 301 feet tall, it is the highest structure in our Capital, on the highest point in Washington, Mount Saint Alban. To mark its dedication, Cathedral authorities are planning a day of five great out-of-door dedicatory services.

At 12:30 p.m. will come the high point of the program—the assembly of dedication of the tower, to be held on the Pilgrim steps. Here all branches of our Government will be represented, and the Honorable Earl Warren, Chief Justice of the United States, will speak. He will be introduced by Hon. Robert F. Kennedy, Attorney General. The procession for this service will be led by Scottish bagpipers and drummers and the flags of all 50 States. Representatives of many organizations which the cathedral serves will participate, as will representatives of other faiths.

At 4 p.m. there will be a festival evensong and dedication of the 10-bell ring. A procession of choirboys and clergy will move

from the South Portal to the Pilgrim Steps. New music by Stanley Hollingsworth, Ned Rorem, and Leo Sowerby will be performed by the cathedral schools' glee clubs from a balcony high on the south facade, accompanied by wind instruments. From the tower belfry will ring out a peal of bells by a band of the world's leading change ringers. Flying in from Britain especially for the occasion will be members of the Ancient Society of College Youths, founded in 1637. They will take part in a ceremony in which the ropes of the bells will be passed over to boys of St. Albans School who have been trained to carry on the Old World tradition of "change ringing."

Another memorable part of this day will come at 8 p.m. in the evening when "the Gloria" from Bach's "B Minor Mass" will be heard from the south transept steps. It will be performed by the Cathedral Choral Society, the Howard University Choir, and the glee clubs of the cathedral schools, supported by the National Symphony Orchestra, with nationally known soloists participating. This music will form the prelude for the lighting of the tower as evening descends. A dramatic narration will accompany the tower lighting.

The schools and colleges on the Cathedral Close will also take part in the day's program. Beauvoir Elementary School will present a pageant, "The Life of St. Francis," in Bethlehem Chapel at 2 and again at 3 p.m. The Cathedral School for Girls and St. Albans School for Boys will perform Christopher Fry's "The Boy With the Cart" in the cathedral immediately following the 12:30 assembly. Throughout the afternoon there will be a student art exhibit at St. Albans School.

At 10:15 a.m. a festival morning prayer for all the schools on the Close will be held. A "Te Deum Laudamus" has been written for the occasion by John La Montaine

Appropriately, the whole day will begin at 7 a.m. with a Holy Eucharist for the Diocese of Washington. As prelude to the service will be a chorale for brass instruments specially written by Samuel Barber. Clergy and parishioners from many of the churches in the diocese will join together on Mount Saint Alban, led by the Right Reverend William F. Creighton, bishop of Washington, the Right Reverend Paul Moore, Jr., suffragan bishop, and the Very Reverend Francis B. Sayre, Jr., dean of Washington Cathedral.

Ambassadors and diplomatic representatives of many countries will be present, with the British Ambassador, His Excellency, Lord Harlech, welcoming his countrymen, the English bellringers. Justices of the Supreme Court, Senators, Congressmen, and representatives of the executive branch will be among the honored guests. Also present will be the retired bishop of Washington, the Right Reverend and Mrs. Angus Dun, the Reverend David G. Colwell, president, Council of Churches of Greater Washington, Rabbi Lewis A. Weintraub, the Right Reverend Monsignor John B. Roeder, chancellor of the Archdiocese of Washington, and His Excellency, Auxiliary Bishop-elect Spence.

The annual meeting of the National Cathedral Association will be held May 5, 6, and 7 when 78 regional chairmen and delegates from 40 Episcopal dioceses will attend. After a reception on May 5, they will have dinner with Dean Sayre and hear a concert by members of the Cathedral's College of Church Musicians. The following day there will be a discussion meeting in the morning with Mrs. Harold C. Kelleran, associate professor of Christian Education at the Virginia Theological Seminary, addressing the chairmen. That evening will feature the NCA annual dinner at the Sulgrave Club, at which Bishop Moore will speak.

MARINE UNDERWRITERS WIN AN E FOR EFFORTS ON TRADE

Mr. MAGNUSON. Mr. President, each of us is aware of the effort being made to increase U.S. exports.

However, I doubt if we realize how successful that effort has become or, for that matter, how organizations, as well as individual companies, have contributed toward its success.

Only Tuesday, I took part in a ceremony held in the office of the Honorable Dan Martin, Under Secretary of Commerce for Transportation. The President's E Award was being presented to the American Institute of Marine Underwriters.

An excellent description of the award ceremony was printed in the New York Times of Wednesday, May 6. I ask unanimous consent to have this article printed in the RECORD at this point.

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

MARINE UNDERWRITERS WIN AN E FOR EFFORTS ON TRADE

WASHINGTON, May 5.—The American Institute of Marine Underwriters was honored by the Department of Commerce today with the award of the Presidential E for its efforts to increase exports and help reduce the balance-of-payments deficit.

The award for distinguished contribution to the Nation's national export expansion program was presented by Senator WARREN G. MAGNUSON, Democrat, of Washington, to Thomas M. Torrey, president, in the offices of Clarence D. Martin, Jr., Under Secretary of Commerce for Transportation.

As part of its export-promotion efforts during the last 4 years, the insurance group has organized a nationwide campaign to alert marine underwriters to the possibilities of supporting the Government program.

The group has established a regional committee in each of the 39 cities that have a regional export expansion council.

The institute, the national trade association of the American ocean marine insurance industry, representing 150 companies.

Mr. MAGNUSON. It was my pleasure to make the presentation to Thomas M. Torrey, president of the institute, with this commendation for what he and the institute membership had, with planning and foresight, accomplished and to say:

Since World War I the Congress has deemed a strong American marine insurance market essential to the national security of the United States. The industry has responded admirably to the challenge and is today a strong factor in the highly competitive international business of insuring ships and cargoes. The American merchant marine and the foreign trade of our country are more secure because of the availability, the capacity and the technical talents of the American marine insurance market.

When the Government in 1960 initiated the national export expansion program the American Institute of Marine Underwriters, the national trade association of the market, placed itself at the service of the Government. As in war so in peace, the marine underwriters assembled the full strength of their industry on behalf of their country's program to expand exports and to improve the balance of international payments.

The institute's organization of regional committees to parallel the work of the 39 field offices of the Department of Commerce and the 39 regional export expansion councils; the continuous membership of the institute's president on the National Export Expansion Council; and the publication and distribution of 44,000 copies of an "Exporter's Guide to Cargo Insurance" are typical of what has been accomplished.

The President's E Award focuses attention on the accomplishments of American industry, finance, and insurance, agriculture, labor, and transportation in export expansion. The American Institute of Marine Underwriters is most deserving of this award. And it gives me special pleasure on behalf of President Johnson and Secretary Hodges to present the award to Thomas M. Torrey, president of the institute.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. 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. 516, proposed by the Senator from Illinois [Mr. DIRKSEN], for himself, and the Senator from Montana [Mr. MANSFIELD], as a substitute for amendment No. 513, proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. HOLLAND. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Iowa [Mr. MILLER] who I understand wishes to present an amendment.

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

AMENDMENT NO. 575

Mr. MILLER. Mr. President, I thank the distinguished Senator from Florida [Mr. HOLLAND] for yielding to me.

I submit and send to the desk a perfecting amendment to the pending Talmadge amendment and I ask that it be read.

The legislative clerk read as follows:

On page 2, beginning with line 1, strike out all through line 8 on page 3.

On page 3 strike out all of line 9 and insert in lieu thereof:

"TITLE XI—JURY TRIALS OF CRIMINAL CONTEMPTS"

On page 3, line 10, immediately before "In", strike out the single quote and insert in lieu thereof "Sec. 1101.".

On page 3, line 10, beginning with "for willful", strike out all through "District of Columbia" on line 13, and insert in lieu thereof: "arising under any title of this Act in which any imprisonment has been ordered by the court".

On page 3, line 17, strike out the single quote before "This".

On page 3, line 22, strike out the single quote before "Nor".

On page 3, lines 22 and 23, strike out "or in any other provision of law".

On page 4, line 4, strike out the single quote.

On page 4, line 5, strike out "1103" and insert in lieu thereof "1102.".

On page 4, line 7, strike out "repealed." and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: *'Provided further,* That in any such proceeding for criminal contempt in which any imprisonment has been ordered by the court, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases.' "

Mr. MILLER. Mr. President, I ask that the amendment which has just been read be ordered to lie on the table and be printed, be considered as read in order to make it eligible for consideration in the event a cloture motion should be presented.

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

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Do I understand correctly that the Miller amendment which has just been offered has been made the pending question, or that it has just gone through the formality so that it may lie on the table and be available in the event of a cloture motion?

The PRESIDING OFFICER. The amendment has been ordered to lie on the table and be printed.

Mr. MILLER. I thank the Chair.

Mr. HOLLAND. Mr. President, will the Chair kindly restate his ruling. I did not hear it.

The PRESIDING OFFICER. The amendment has been ordered to lie on the table and be printed, in accordance with the request submitted.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. MILLER. If and when I call this amendment up, will it, as a perfecting amendment to the Talmadge amendment, take precedence over the substitute amendment?

The PRESIDING OFFICER. The Senator from Iowa is correct.

Mr. MILLER. I thank the Chair.

I should like to make just one observation. The amendment is similar to the Morton amendment, which was defeated on a tie vote yesterday. However, it makes it clear that there will be a right to trial by jury in the case of criminal contempt where incarceration is involved, but if only a monetary penalty is imposed by the court in criminal contempt cases, the right to a trial by jury will not be guaranteed.

Senators will recall that the Morton amendment would have guaranteed trial by jury in either case. The amendment which I am offering would apply only when incarceration was ordered by the court in a criminal contempt case.

I thank the Senator from Florida for yielding to me.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me so that I may suggest the absence of a quorum?

Mr. HOLLAND. I ask unanimous consent that I may do so without losing my right to the floor.

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. 206 Leg.]

Aiken	Gruening	Monroney
Allott	Hart	Morse
Anderson	Hartke	Morton
Bartlett	Hayden	Moss
Bayh	Hickenlooper	Muskie
Bennett	Hill	Nelson
Bible	Holland	Neuberger
Boggs	Hruska	Pastore
Burdick	Humphrey	Pearson
Byrd, W. Va.	Inouye	Pell
Cannon	Jackson	Ribicoff
Carlson	Johnston	Saltonstall
Case	Jordan, Idaho	Scott
Church	Lausche	Smith
Clark	Long, Mo.	Sparkman
Cotton	Magnuson	Symington
Curtis	Mansfield	Thurmond
Dirksen	McCarthy	Williams, Del.
Dodd	McGee	Yarborough
Dominick	McIntyre	Young, N. Dak.
Douglas	Metcalf	Young, Ohio
Fong	Miller	

The PRESIDING OFFICER. A quorum is present.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the rule of germaneness may be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina [Mr. JOHNSTON] without losing my rights to the floor.

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

MEDICAL CARE FOR THE AGED

Mr. JOHNSTON. Mr. President——

Mr. HOLLAND. I yield.

Mr. JOHNSTON I thank the Senator from Florida for his courtesy in yielding to me at this time.

Mr. President, in the debate on civil rights, many people across the Nation have expressed fear that the Congress has overlooked or will not be able to act upon a program to provide medical care for the aged under the social security program. The President has indicated that he has placed this type of legislation at the top of his list of "musts" during this Congress. I, for one, am ready to support legislation along the lines of the King-Anderson bill of the last Congress.

In this connection, I bring to the attention of the Senate an editorial entitled "King-Anderson Measure for Medical Care for Aged Is Soundly Based," in the Anderson Independent, and ask unanimous consent that the editorial be printed in the body of the RECORD with my remarks.

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

KING-ANDERSON MEASURE FOR MEDICAL CARE FOR AGED IS SOUNDLY BASED

If private insurance companies could handle the medical care needs of older people, and if they were handling those needs—even, we think, if they seemed to be making progress toward handling them—we might not be so sold on the King-Anderson bill, which would finance medical care for the aged under the pay-as-you-work social security system.

But the private companies can't handle the problem. In fact, despite their claims, and despite the claims of the American Medical Association that there is no problem, the problem is getting worse as time goes on.

Take the matter of "guaranteed" health insurance. It sounded like a good idea when it was first broached a few years ago. It means, simply, that any aged person who applies can get health insurance, no examinations needed. Obviously, if you're over 65 and ill, that's the time you need insurance, and if you can't get it you're in trouble.

So the plan was tried. And it hasn't worked out. The Wall Street Journal, no friend editorially of King-Anderson, reports in its news columns that such insurance is becoming increasingly unprofitable. The rates have been boosted sharply. The companies are rechecking—"figure juggling," the Wall Street Journal called it—their claims that such policies covered more than 2 million persons or about 20 percent of all health insurance for those 65 and over.

One reason why the "figure juggling" is necessary—one reason why the guaranteed health insurance isn't profitable—is because of increases in hospital costs, which last year were about double the 1953 costs.

We're not blaming the companies for this. Nor the hospitals. Nor the doctors. Medical care is more scientific than it used to be, and more valuable—and more expensive. We're simply stating facts.

And one fact is that there are today about 17 million Americans aged 65 or over, and by 1970 statisticians calculate that there will be more than 20 million.

And another fact is that people 65 and over need about three times as much hospital care as younger people, but their income-earning days are for the most part finished.

And still one more fact is that the Kerr-Mills program for medical care for the indigent aged has barely got off the ground and isn't going very far when it does.

It is more than pointless, it is cruel to demand that people pauperize themselves in their old age to pay for the ills that flesh is heir to and cannot escape.

The issue has been debated long enough. It is time, now, to act.

DEATH OF R. M. JEFFERIES, FORMER GOVERNOR OF SOUTH CAROLINA

Mr. JOHNSTON. Mr. President, I bring to the attention of the Senate an editorial, from the Anderson Independent of April 22, 1964, concerning the passing of R. M. Jefferies, former Governor of South Carolina. Governor Jefferies was my personal friend over many years. He was one of the most devoted public servants that South Carolina has produced in this era, and certainly one of the most capable people of our time.

R. M. Jefferies helped to give birth to the South Carolina Public Service Authority in South Carolina, the yardstick of power rates in our State, which is more commonly known as "Santee-Cooper." He was a great friend of public power, and a leader in movements to uplift the incomes and education and working conditions of our people.

This editorial pays appropriate tribute to Mr. Jefferies; and I ask unanimous consent to have it printed in the body of the RECORD together with my remarks.

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

R. M. JEFFERIES DEVOTED HIS LIFE TO UPBUILDING OF SOUTH CAROLINA

The occasion was the unveiling of portraits February 11, 1958, in the senate chamber of the statehouse in Columbia, honoring two outstanding South Carolina leaders—Senator R. M. Jefferies and Senator Edgar A. Brown.

In response, Senator Jefferies said in part: "This occasion proves that one does not have to die to receive recognition. The usual order is for such exercises as those today to occur after death. A poet describes it:

" 'When he is hidden from the sun,
And grasses grow where he is laid,
Men mark the good a man has done,
And glorify the name he made.' "

Senator Jefferies went on to observe that "today I have witnessed a ceremony and heard words of praise about my record, which would be performed and uttered for only a few and then only after they have passed from the earthly scene."

The record was then—and is now—one to be praised.

Mr. Jefferies passed from the earthly scene Monday, leaving behind a record of achievement in State government that will stand as a monument to his devotion to happier and more prosperous living for the people of South Carolina.

In representing Colleton County from 1926 until retirement from the senate in 1958, Mr. Jefferies was regarded as a "low country" product. He was born, however, in the "up country" county of Union in Thicketty Creek section, now a part of Cherokee County.

He was one of few men to be elevated to the governorship from the senate. That occurred in March 1942. The late Burnet Maybank, while serving as Governor, ran for the U.S. Senate and was elected. He was succeeded by Lt. Gov. Emile Harley, who died in office after only a few months.

As president pro tempore of the State senate, Senator Jefferies thereupon became Governor, serving ably and well until January 1943, when—having run again for the State senate while Governor—he again became Colleton County senator.

Mr. Jefferies became the first man in the State's history to serve eight successive terms, the eighth election being in 1954.

He was the father of the $100 million Santee-Cooper State public electric power development.

"Perhaps," said Senator Rembert Dennis in the 1958 ceremonies, "and I believe it to be true, Governor Jefferies in self-evaluation of the achievements of his years of labor as a public servant, would modestly point to the successful development and operation of Santee-Cooper as the greatest accomplishment of his many services. Who can question that but for the genius of his legal and managerial leadership, the project surely would have failed."

On the same occasion, Senator Marion Gressette declared: "Senator Jefferies has been a leader in the development of rural electrification. As a result of what he has done, and is doing, 90 percent of the farm homes of this State now are electrified."

Upon retiring from the senate, Senator Jefferies became general manager of the South Carolina Public Service Authority (Santee-Cooper) and still held that vital position—staving off attacks of private power monopolies against the authority—at the time of his death.

His other lasting achievements in helping the upbuilding of South Carolina are many. Space prevents listing all of them, but he played leading roles in improving education, highways, and tax revisions—all to the benefit of the people.

For more than half century he devoted his life to public service and the Democratic Party and his leadership will be keenly missed.

During the 1958 ceremony, he said, "I shall continue to give the best that is in me" and promised, in words of the poet, "To strive, to seek, to find and not to yield."

He fulfilled that promise right up to the time he answered the great call and breathed his last.

Mr. JOHNSTON. I thank the Senator from Florida for his courtesy in yielding to me.

Mr. HOLLAND. I thank the Senator from South Carolina. I have been glad to yield to him.

UNIVERSITY PROFESSORS SUPPORT HARTKE EDUCATION BILL

Mr. HARTKE. Mr. President, will the Senator from Florida yield briefly to me, under the same conditions?

Mr. HOLLAND. Subject to the same understading, Mr. President, and if consent for that purpose is given, I yield to the Senator from Indiana.

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

Mr. HARTKE. I thank the Senator from Florida.

Mr. President, I believe Members of this body are by now well aware of the fact that my college student assistance bill, S. 2490, has been under consideration in recent weeks by the Education Subcommittee. Its four parts—scholarships, expanded National Defense Education Act loans, Federal guarantee of student loans, and work-study program—compromise a comprehensive package approach which has received unanimous acclaim and only minor critical comment from almost all of the responsible leaders of higher education and their organizations in the United States.

The hearings were concluded on April 25, and are presently in the process of printing. One of the letters submitted to the committee for inclusion in the hearing record, a copy of which was sent to me, is from the general secretary of the American Association of University Professors, William P. Fidler. In his cover letter to me, Mr. Fidler wrote:

We think the basic proposals of the bill are excellent indeed, and we are glad to indicate our own support of it. We are grateful to you for its introduction.

The AAUP statement is fairly long, and exhibits a good deal of care in analyzing the provisions of the bill. I shall not ask that the full text be inserted in the RECORD; but I hope that when the hearing record is available, Members of the Senate will look carefully at this statement and the other testimony which detail the reasons for the bill's widespread support.

But I do wish, Mr. President, to note a few sentences from the submission of the university professors' professional organization, composed of men who are in the most direct daily contact with college students. Mr. Fidler states that two basic premises underlie the position of the association:

The first is that no young man or woman who possesses the necessary qualifications and desire for higher education should be denied the opportunity of obtaining such an education solely because of financial reasons. In the opinion of the association, the Hartke bill will further this end significantly.

The other basic underlying motivation for association support is that the need for financial aid to students is already critical. In any event, the important thing in the judgment of the association is that a start be made, in fairness to our young men and women who need assistance now, and for the full utilization of our intellectual resources.

Actually, the views of these men, who are so close to the scene, tend toward the belief that the Hartke bill is, if anything, too modest in its approach. On the expansion of National Defense Education Act loans, they say:

Our one suggestion for change arises from the conviction that an even larger program is desirable, to the end that all qualified students in need of this kind of assistance may be able to obtain it.

On the scholarship program, they say:

The association feels strongly that the need is of such magnitude and of such pressing importance as to warrant an initial program without further delay.

Of the Federal loan insurance program, they believe that "this program is worth undertaking"; and on the work-study program, their statement is that "the association believes that a program of this nature makes good sense."

Mr. President, I am happy to have the support for the Hartke bill of the Association of American University Professors as only one of a number of organizations favoring its enactment. In the future, I shall from time to time call the attention of the Senate to other important views of educational leaders on this bill, in order that Members may be informed before the bill comes to the floor of the Senate.

Mr. President, I thank the distinguished Senator from Florida for his courtesy and his kindness in yielding to me.

Mr. HOLLAND. I thank the Senator from Indiana.

EXECUTIVE SESSION—INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me, if it is understood that he may do so without losing any of his rights?

Mr. HOLLAND. Mr. President, under the same conditions, I am happy to yield to the distinguished majority leader.

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

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination of Virginia Mae Brown to membership on the Interstate Commerce Commission, which nomination is now on the Executive Calendar.

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

The PRESIDING OFFICER. The nomination for membership on the Interstate Commerce Commission will be stated.

The Chief Clerk read the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

Mr. MAGNUSON. Mr. President, a few weeks ago, the nomination of Virginia Mae Brown was sent to the Senate by the President. The Commerce Committee held a meeting at which it considered the nomination. The committee was very favorably impressed with the qualifications of the nominee, who has served in similar work in her native State of West Virginia.

I can best express the committee's opinion of the nominee by saying that insofar as her qualifications were concerned, the committee was unanimous.

The report states, first of all, that she has had legal training, and has served as attorney general of her State; second, she has had judicial experience, as executive secretary of the Judicial Council of West Virginia; third, she has had legislative experience over the past 10 years with the West Virginia Legislature; and, fourth, and most important, she has had a great deal of experience as State insurance commissioner and, more recently, in the West Virginia Public Service Commission, which is comparable, on the State level, with the Interstate Commerce Commission.

So we feel that she is more than qualified.

The nominee made an excellent impression before the committee.

Some individual views and a statement were filed by the Senator from Kentucky, the Senator from New Hampshire, and the Senator from Pennsylvania, on the general question of nominations for membership on the Interstate Commerce Commission; but I believe they also feel that Mrs. Brown, insofar as she personally is concerned, is eminently qualified to serve in the position to which she has been nominated.

Mr. MORTON. Mr. President, as the chairman of the committee has stated, I have no objection to the nomination, and I expect to vote for confirmation of the nomination, for Mrs. Brown is well qualified. However, I point out—and take this time to call this matter to the attention of both the Senate and the administration—that some of us are extremely unhappy about the geographic distribution of the membership of the Interstate Commerce Commission.

With the appointment of Mrs. Brown, the entire Middle West, the great heartland of America, will be without representation on this 11-member Commission; all of the States between Ohio and Idaho will then be without representation on the Commission.

After Mrs. Brown takes her place on the Commission, the geographic distribution of the Commission's membership, by States, will be as follows: Idaho, Virginia, Florida, California, Kentucky, Texas, Georgia, Ohio, Massachusetts, Maryland, and West Virginia.

It will be noted that West Virginia lies in the center of four States which presently are represented by members of the Commission. Those four States are Maryland, Ohio, Kentucky, and Virginia.

The South is well represented, with Virginia, Florida, and Texas.

New England is represented by Massachusetts.

But the great heartland of America, which generates approximately 35 or 40 percent of the long-haul national traffic, has no representation.

This is not a matter that concerns me because of regional parochialism; and I have no doubt that the members of the Commission, most of whom I know fairly well, are honest and conscientious, and try to work for the best interests of the Nation as a whole.

However, so many of the problems which come before the Commission are regional in character, that I believe the membership of the Commission should have adequate regional distribution. Certainly it is difficult for one to be objective if he has grown up in a particular region; such a person is bound to have sympathy for that region and its problems, because he is closer to them and is more familiar with them.

The problems of the Middle West really started the movement which led to the formation of the Interstate Commerce Commission. The Middle West felt—and it was a fact—that because of the rate structures, and so forth, it was being prejudiced; and that feeling led to the establishment by Congress of the Interstate Commerce Commission, as indeed an arm of Congress.

I repeat that I consider Mrs. Brown well qualified, and I shall vote in favor of confirmation of her nomination. However, I trust that when further vacancies on the Commission occur, definite thought will be given by the administration and by the President to establishing more equitable geographic distribution among the membership of the Commission.

In commenting on the pending nomination, in connection with which the administration has so definitely departed from the geographical distribution concept, I can only state that apparently in his eagerness to appoint a woman to a position of public service and responsibility, the President appointed the nominee, regardless of the effect on the geographic representation among the members of the Interstate Commerce Commission.

Mr. SCOTT. Mr. President, I shall support the confirmation of the nomination of Virginia Mae Brown, of West Virginia. I do not believe there is any question that she is qualified. I have joined in the statement, along with the Senator from Kentucky and the Senator from New Hampshire, indicating that the great Middle West deserves recognition by membership on the Commission. We have taken the step that we have for the purpose of making a legislative record, and in the hope that a future appointment may be designated for that great area.

I am not from the Middle West. To a degree I am speaking against interest. But I believe that States with a total population of about 50 million people are not represented on the Commission. Of the larger States, including New York, Pennsylvania, Illinois and California, only California is represented. Pennsylvania lost its member upon the failure to confirm the nomination of a very able incumbent, Mr. Donald P. McPherson, of Gettysburg, Pa. The area of Pennsylvania, New York, and New Jersey also has a cause and an economic interest which would justify its consideration. But the primary purpose at this time is to call the attention of the Senate and the executive department to the fact that there is now no representation from the Middle West on the Commission, and that statement is true for the first time in the 77-year history of the Commission.

Mr. CURTIS. Mr. President, all the information that has come to me in reference to Mrs. Virginia Mae Brown, as an individual, indicates that she is of high character and a very capable person. What I am about to say should be no reflection upon Mrs. Brown at all. But, Mr. President, the appointment is an affront to a great area of the United States. The vast area of the Middle West, including the corn-producing lands, the wheat lands of our country, and the areas in which hogs and cattle are raised, are without representation on the Commission.

Many of our small towns and cities in Nebraska and elsewhere have begun to develop a little industry. Others may or may not succeed. There is no one on the Interstate Commerce Commission who is familiar with the economic problems of that area.

Can it be imagined that an 11-member Commission dealing with transportation would exist without the great cities of Chicago, Omaha, Denver, Kansas City, Des Moines, and all the smaller cities and towns in those areas having a representative on the Commission whose daily life has put him in touch with the economic problems of the area?

Mr. President, I also point out that upon the backs of the shippers in the heartland of America rests the financial burden of keeping our transportation systems going. The people on the two coasts of our country and the gulf coast may have some opportunity to turn to oceangoing traffic. Either we shall have railroads and transcontinental buslines in our country or we shall not. If they are to be maintained by private enterprise, the great burden of the bill will fall on the heartland of America, an area that is far removed from the great markets on both coasts and far removed from foreign markets. Whether we are selling live cattle or meat or whether we are selling wheat or flour, the center of the country from which those products

come is the farthest place from which to ship.

That statement applies also to things that we buy. The center of the country naturally must ship the farthest distance, and the people who live there must pay the greatest bill.

The distinguished Senator from Kentucky [Mr. MORTON] was correct when he said that it was because of the transportation problems and burdens of the great heartland of America that Congress created the Interstate Commerce Commission; and for three-quarters of a century that area has been represented. No one expects the decisions to be sectional or provincial, but this Commission deals with economic problems and facts. That area is entitled to representation on the Commission by individuals who live and work in the area, and whose friends and neighbors are involved in the commerce, industry, and agriculture of that area.

Mr. President, I expect that the nomination will be confirmed. I regret that the President of the United States has not seen fit to recall the nomination and reconsider the economic well-being of the country, rather than act by some rule of thumb, political reason, or other reason, in order to recognize a given area or to add to the number of women in Government. There are capable women in the Middle West who could serve in the capacity of Commissioner. I appealed to the chairman of the Committee on Commerce several weeks ago and asked if the nomination could not be returned in order to have the Executive reconsider it. If we were talking about a three-member Commission, it would be out of the question for some of the great areas of the country to feel that they had to have representation. If we were talking about a five-man Commission or a seven-man Commission there would still be areas that could not be represented. But we are speaking of an 11-man Commission and an area of the United States that is more dependent upon surface transportation than any other area; and yet it is denied representation on the Commission. Whether the act is an oversight, intentional, or political, is entirely beside the point. It is a mistake. It is an affront to a great people. It is damaging to our economy. It would promote an imbalance on the Commission.

While I have no hope for a "nay" vote on the approval of this nomination, and I feel that a yea-and-nay vote would be a waste of time of the Senate, I want the RECORD to show my opposition, that these facts have been called to the attention of those responsible, and that this nomination should not be before the Senate today.

Mr. MILLER. Mr. President, my colleagues from Kentucky, Pennsylvania, and Nebraska have covered this subject very well. On the points that they have covered, I thoroughly concur in what they have said.

There is another aspect, however, that affects me particularly, coming from the State of Iowa. This unfortunate situation would not have arisen had the President seen fit to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission. Clyde Herring, Jr., is the son of a former Democratic U.S. Senator from Iowa. He is a former candidate on the Democratic ticket for Governor of my State. His credentials with the Democratic Party, certainly in Iowa, are second to none.

Probably the only thing in his background that has caused this unfortunate situation is the fact that he was appointed during the Eisenhower administration.

I think it only fair to point out that since I came to the Senate during this administration, there have been many comments to the fact that any Democrat who was appointed to one of the agencies or commissions during the Eisenhower administration would "get the ax" from this administration when his term expired.

This has happened in a number of cases. It is an unfortunate thing for such implications to arise, because the record of the failure to reappoint a number of Eisenhower Democratic appointees lays the foundation for the suspicion that there is too much politics involved in these appointments.

I am now in my fourth year in the Senate. I have heard not one word of criticism by a Republican or Democrat against Clyde Herring, Jr.'s performance on the Commission, and I have heard a good many statements of praise.

Moreover, Mr. Herring served his country in World War II. He was one of the first to go out of this country, to land in North Africa with our foot soldiers. He was a prisoner of war following a battle in North Africa. There are a good many veterans, both Republican and Democrat, in Iowa, who are unhappy about the failure of this administration, and Mr. Johnson in particular, to reappoint Mr. Herring.

Make no mistake about it—there is no oversight involved. I know, from personal conversations with some of Iowa's leading Democrats, that this matter was brought to the attention of the White House on a number of occasions.

Under the circumstances, it is most unfortunate that the President decided not to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission.

Iowa has had a representative on this Commission for a number of years. Prior to Mr. Herring, Judge Mitchell, of Fort Dodge, served with distinction on the Interstate Commerce Commission. Naturally Iowa would like to see its representation continued. The failure to continue it, thus depriving the Middle West of representation on the Commission, only makes matters worse.

I agree that the credentials of Virginia Mae Brown, of West Virginia, appear to be good. I regret that, in the face of her credentials, I must say, in protest against the failure to reappoint Clyde Herring, Jr., to the Interstate Commerce Commission, that I shall not vote for confirmation of her nomination. Instead, I am going to absent myself from this Chamber in protest.

I trust that this administration will find a good post for Clyde Herring, Jr., because he has served well and faithfully, and deserves better treatment than he has received.

It may sound a little incredulous for a Republican from Iowa to say this about a Democrat from Iowa, but it has been my observation, through years of partisan and political activities, that Clyde Herring has been very well balanced. He is not an extremist. He has many friends on both sides of the political picture. This is a healthy state of affairs when it comes to a commission like the Interstate Commerce Commission. If people get the idea that it makes a difference as to how their cases are to be decided by the Interstate Commerce Commission, based on whether they have been active in one party or another, it is not good. That was not the intention when the Interstate Commerce Commission was created.

It is a sad day when we must see a foundation laid for the suspicion that extremists or partisan political considerations are to characterize the operations of this Commission.

I therefore absent myself from the Chamber.

Mr. BYRD of West Virginia. Mr. President, I rise in support of the nomination of Virginia Mae Brown to be an Interstate Commerce Commissioner.

I can appreciate the expressions that have been made by my colleagues, the Senator from Kentucky, the Senator from Pennsylvania, the Senator from Nebraska, and the Senator from Iowa. I understand that they have not opposed the nomination of Mrs. Brown as an individual, but, on the contrary, they have commended her. They have merely sought to emphasize the need for appointments to the Commission which will reflect an even and fair representation of all geographic regions of the country. I can understand the feeling of my colleagues who have spoken in this vein.

I do not agree that the name should be recalled or that the appointment constitutes an affront to any region of the country. I believe that Mrs. Brown will be conscious of the problems of the Midwest. By experience, training, and temperament she is qualified for this appointment.

Mrs. Virginia Mae Brown was born November 13, 1923. She was educated in the public schools of Putnam and Mason Counties, W. Va. She is a graduate of West Virginia University. She is a graduate of West Virginia University's College of Law, having graduated there in 1947.

She is a Presbyterian, a member of the American Bar Association, and a member of the West Virginia Bar Association. Mrs. Brown taught school for 2 years in Putnam County. She was appointed law clerk to the late Attorney General Ira J. Partlow. She was appointed executive secretary of the judicial council, the first woman to serve in this capacity in the United States. She was appointed assistant attorney general by John G. Fox, and reappointed by William Wallace Barron in January 1961. She was appointed to serve as assistant attorney general to Gov. W. W. Barron, the first and only woman to be appointed assistant attorney general in the State of West Virginia, and the first person to serve as an assistant attorney general assigned to the Governor's of-

fice. She was appointed insurance commissioner, May 17, 1961, for the term ending June 30, 1965, the first and only woman to be appointed insurance commissioner in the State of West Virginia, or in the United States. She served in this capacity until her appointment as a member of the public service commission on September 4, 1962, for the unexpired term ending May 31, 1963. I believe Mrs. Brown is the first and only woman to serve on the public service commission in the State of West Virginia.

I believe that Mrs. Brown is capable and highly qualified for the office to which she has been appointed by the President. I believe that she will discharge her duties in a competent manner, and that she will act responsibly, judiciously, and in an understanding and objective manner concerning matters affecting other regions of the country as well as her own.

I trust that the Senate will act quickly to confirm her nomination.

Mr. MORTON. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I point out that my colleague, the Senator from West Virginia [Mr. RANDOLPH], cannot be present today because he is absent on official business, but he joins me in my remarks.

He appeared before the committee in support of Mrs. Brown's nomination. I am confident that were he in the Chamber today, he would speak as I have to commend her and to support confirmation of her nomination by the Senate.

Now I am glad to yield to the Senator from Kentucky.

Mr. MORTON. I wish to make it clear that the Republican members of the Commerce Committee would not suggest that the name of Mrs. Brown be recalled. We were all in agreement as to her qualifications. Our statement was not so much in the nature of an objection as it was to put up a danger signal to the administration so that in the future the geographic balance would be taken into account. We have no desire to delay confirmation of her nomination. We all expect to vote for it.

Mr. BYRD of West Virginia. I certainly did not mean to imply that the minority members of the Commerce Committee had requested that Mrs. Brown's name be recalled.

My reference was to the remarks made earlier today by the distinguished Senator from Nebraska [Mr. CURTIS]. The distinguished Senator from Kentucky may not have been in the Chamber at the time the Senator from Nebraska was addressing the Senate. My remarks were in no way meant to reflect upon the remarks of the Senator from Kentucky, or upon the position of the minority members of the great Commerce Committee.

Mr. MORTON. I thank the Senator.

Mr. THURMOND. Mr. President, as a member of the Commerce Committee who participated in the hearings on this nomination, I assure the Senate that the committee was unanimous in its approval of Mrs. Brown's confirmation.

She impressed me as a very intelligent lady, a lady of high ideals and character. I believe that the President has made a wise choice in naming her to this Commission.

I am pleased that the President is appointing more women to important positions in public life. It is my opinion that Mrs. Brown will fulfill the duties of this office well, that her State will be proud of her, and that the President will be proud that he appointed her to this position.

The nomination of Mrs. Brown has been on the calendar for some time. I suggested earlier that it be brought up for action. I hope the Senate will promptly confirm her nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970?

The nomination was confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

Mr. RANDOLPH subsequently said, during the delivery of Mr. THURMOND'S speech: Mr. President, I express appreciation to my esteemed colleague from South Carolina for granting me the privilege of adding these brief but sincere words of commendation in connection with the action taken earlier today on the nomination of Mrs. Virginia Mae Brown to be a member of the Interstate Commerce Commission.

At the time the nomination was considered, my distinguished and able colleague, the Senator from West Virginia [Mr. BYRD], was in the Chamber. He very thoughtfully expressed my sentiments of agreement with the nomination.

My absence at the time this matter was considered earlier today was occasioned because I was in Martinsburg, where several thousand West Virginians had the privilege of listening to very meaningful remarks by the President of the United States.

I ask unanimous consent that I may include with my remarks a letter which I addressed to the chairman of the Committee on Interstate and Foreign Commerce at the time Mrs. Virginia Mae Brown's nomination was pending. The letter was made a part of the record at the time the hearing on her nomination was heard.

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

Hon. WARREN MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate.

DEAR MR. CHAIRMAN: It is a privilege to commend the President of the United States for his action in having nominated Mrs. Virginia Mae Brown, of West Virginia, to be a member of the Interstate Commerce Commission.

A biographical summary of Mrs. Brown's life and experiences doubtless will be read into the record of your committee. It shows clearly that the nominee is a citizen whose attainments, experiences, and character fit her admirably to be the first of her sex to serve as an ICC Commissioner.

It is my recommendation and hope that your committee will report favorably and promptly to the Senate on the Presidential nomination of Mrs. Brown. I would vote to confirm the nomination with confidence and with official and personal pleasure.

Be assured that I associate myself with the comments for the record by my Senate colleague, the Honorable ROBERT C. BYRD, and by Representative KEN HECHLER of our West Virginia delegation in the House of Representatives.

Sincerely,

JENNINGS RANDOLPH.

LEGISLATIVE SESSION

On motion of Mr. BYRD of West Virginia, the Senate resumed the consideration of legislative business.

THE DETERIORATING SITUATION IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, I am deeply concerned over the deteriorating situation in the Middle East today, where Western positions of strength are in jeopardy from the imperialistic designs of Egypt's President Nasser.

Nasser has 40,000 troops in Yemen supporting Yemeni republican forces. Both armies are Soviet equipped. Under a joint Egypt-Yemen command, these forces have made constant, unprovoked attacks across the Yemen border into the British-protected Federation of South Arabia and on the British fort of Aden. The Egypt-Yemen Command has provoked rebel tribes to raid principal land trade routes.

To prevent further attacks, the British have dispatched additional troops from England to Aden and have increased their forces along the Yemen-South Arabian border.

The purpose behind President Nasser's armed intervention in Yemen is quite clear. He admits he wants to force the British out of Aden and all parts of the Arab world. This would be one step toward control of oil in the Persian Gulf area.

With the British out of Aden, the Federation of South Arabia would collapse, and Saudi Arabia would be forced to come to terms with Nasser. Egypt's hold on Yemen would be cemented and Nasser's dream of an empire of Arab States under his control would be near reality.

Meanwhile, Nasser is pursuing his ultimate goal of driving Israel into the sea.

By rotating his troops in Yemen, he is employing a standard military technique called hardening. Soon he will have the battle-hardened army he has always wanted, supplied with Soviet arms, planes, and bombs. Just last Thursday, he told a neo-Nazi organization that war with Israel is unavoidable.

Mr. President, I am very much concerned that American foreign aid is permitting Nasser to divert other funds to purchase Soviet military supplies and to engage in this imperialistic war in Yemen. Egypt is receiving this aid despite strong protests from many alarmed Americans, and despite a mandate from Congress that no aid should go to a country that is preparing aggression

against another country that receives our aid.

President Johnson just recently expressed his concern over the importance of maintaining peace and justice in the Middle East when he announced a firm stand in support of Israel's water development.

Now it is time for the Johnson administration to reexamine its whole Middle East policy.

I urge specifically that the United States cut off all aid to Egypt.

I further urge that the President consider the possibility of providing Israel with military defense equipment, as was done with the Hawk missile in 1962, to balance the advantage that Egypt now has from aid flowing from both the United States and the Soviet Union.

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. HOLLAND. Mr. President, on Saturday last, May 2, in my fifth major speech on the pending bill, I raised the question of whether the so-called Civil Rights Commission should be extended beyond the termination date now fixed by existing law which is not later than 60 days after September 30, 1964—or approximately 6 months from now. This question is presented in considering title V of the pending bill.

I showed how unfair the Commission has been to Florida, the State I represent in part, by charging in its 1963 report that "the right to vote is still denied to many citizens solely because of their race," which statement is simply untrue.

I showed how unfair the Assistant Attorney General, Mr. Burke Marshall, head of the so-called Civil Rights Division of the Department of Justice, had been to Florida by listing five Florida counties—Flagler, Gadsden, Lafayette, Liberty, and Union—"in which the denials of voting rights were found" in his testimony before the House Subcommittee on Appropriations in January of this year.

I showed how completely false this statement was, showed that the Department of Justice had made no formal investigation excepting for a preliminary records inspection in Union County and included in the RECORD a lengthy letter from Attorney General Marshall in which he exempted Flagler County from the list.

After expressing other objections to the methods of operations of the so-called Civil Rights Commission, which may be found in my remarks of May 2, I sent to the desk three amendments relating to the termination of the Commission. This relates to title V of the pending measure.

The first amendment would terminate the Commission on the date that it would be terminated under the existing law, 60 days after September 30 of this year.

The second amendment would terminate the Commission on January 31, 1968, the date provided for the filing of its "final" report by title V of the pending bill.

The third would terminate the Commission 60 days after it filed its "final" report.

The reason for my filing the amendments was that it is recognized by all Senators that the provisions of title V of the pending bill are not clear on the question of what the termination date of the Civil Rights Commission is.

I have called this matter to the attention of the acting majority leader, the Senator from Minnesota [Mr. HUMPHREY]. He recognized with me that the situation was left obscure by the wording in the bill. He advised me that he was checking with his legal assistants and with the Department of Justice on this point. I am not advised of what has been the result of the checking done by the distinguished Senator from Minnesota.

Because of the lateness of the hour last Saturday and because much of the time allotted me had been consumed in a rather lengthy colloquy with Senator HUMPHREY, the floor leader of the bill, and Senator DOUGLAS, of Illinois, and because Senator ELLENDER was waiting patiently to speak on the bill, I was not able to complete my prepared remarks.

I therefore requested and obtained unanimous consent to continue my remarks on title V of this bill which relates to the Civil Rights Commission at a later time. I now shall proceed to do so.

The Senate has previously graciously set aside the requirements of the germaneness rule of the Senate for the first 3 hours of the debate today. I say that because my remarks will not be addressed to the amendments offered by the Senator from Georgia [Mr. TALMADGE], or to the pending amendment offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], both of which relate to the jury trial question.

As I stated Saturday, I am strongly opposed to the extension of the life of the Civil Rights Commission because of some of its recommendations on other subjects which are included within its 1963 report. On page 125 of the printed report of the U.S. Commission on Civil Rights appears recommendation No. 3 which I feel is hopelessly out of accord with the basic principles of our system of justice. This recommendation reads as follows:

> That Congress amend section 1983 of title 42 of the United States Code to make any county government, city government, or other local government entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers to victims of such officers' misconduct.

If enacted into law, this recommendation would make a whole county government, city government, or other local governmental entity such as a school district, a water supply district, or any other local government whatever, jointly liable with any officer in the event such officer is guilty of misconduct depriving persons of civil rights protected by section 1983 of title 42 of the United States Code. This would mean literally that out of tax money raised from all citizens and property owners of the affected unit of government, money would have to be paid to discharge a judgment rendered against public officers of that unit who were guilty of misconduct against the individual who later secured the judgment; that is, misconduct violative of these particular civil rights mentioned in the section of the code to which reference has been made.

This principle of punishing the innocent along with the guilty is completely repugnant to my idea of the American system of justice and proposes the adoption of a system quite like to that which was followed by the Nazis at Lidici. By making such a recommendation, the Civil Rights Commission, in my opinion, has completely destroyed its ability to retain the confidence of the American public, and it should go out of existence just as speedily as possible.

On page 215 of the printed 1963 report of the Commission appears the following recommendation No. 4:

> That the President request the Secretary of Defense to discontinue ROTC programs at any college or university which does not accept all students without regard to race or color.

This recommendation, in effect, requests the President to disregard the specific provisions of the Morrill Act, as amended, which relate to the operation of ROTC programs at segregated institutions of learning. The applicable section of the Morrill Act reads as follows:

> 323. RACIAL DISCRIMINATION BY COLLEGES RESTRICTED.—No money shall be paid out under sections 321–326 and 328 of this title to any State or territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such college separately for white and colored students shall be held to be a compliance with the provisions of said sections if the funds received in such State or territory be equitably divided as hereinafter set forth. *Provided*, That in any State in which there has been one college established in pursuance of sections 301–305, 307, and 308 of this title, and also in which an educational institution of like character has been established, or may be hereafter established, and is on August 30, 1890, aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money prior to August 30, 1890, under said sections, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under sections 321–326 and 328 of this title between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of said sections and subject to their provisions, as much as it would have been if it had been included under sections 301–305, 307, and 308 of this title, and the fulfillment of the foregoing provisions shall be taken as a compliance

with the provision in reference to separate colleges for white and colored students. (Aug. 30, 1890, ch. 841, sec. 1, 26 Stat. 417.)

Section 304 of the Morrill Act, which I have not quoted in full, includes military tactics among the subjects to be taught at such schools, which were originally primarily designed for the training of persons in the agricultural and mechanical arts.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Are we to understand that the Morrill Act, which makes available certain Federal funds to land-grant institutions, expressly recognizes and provides for the distribution of funds on a separate but equal basis where there is segregation in certain schools?

Mr. HOLLAND. The Senator is correct. That provision was included when it became evident, about 1890, that the Government was losing an opportunity to train some fine young colored people, by reason of the fact that funds for such activities as ROTC or military training in general under the provisions of the Morrill Act prior to that time could not go to institutions at which colored young men were in attendance in many of our States, including some States outside the South. Therefore, that amendment was specifically placed in the Morrill Act, and it has remained in the act ever since. It is in the act now. It has not been subjected to review in the Supreme Court, and has not been set aside by the Supreme Court.

Aside from that, I believe that one of the last things that should be done, after all these measures which deal with racial questions have been settled—and, of course, they have not been settled—would be to upset this provision. This is the only way that thousands of young colored men may have an opportunity to be trained in military skill and science. Furthermore, if the suggestions of the Civil Rights Commission were carried out exactly as made, it would also set aside ROTC units in white institutions in States where both white and colored institutions of higher learning prevail.

Reviewing these very unwise recommendations of the Civil Rights Commission last year, it seems to me that this is perhaps the most unwise recommendation of all. The Commission proposed, long before a settlement of the entire school desegregation question had been accomplished, to cut off a large part of the training of all colored youth in such schools, thereby depriving not only countless thousands of patriotic individuals, who are of good physical quality and high reputation, of the opportunity to obtain any military training, but also depriving the Government of the opportunity of having that portion of our youth militarily trained.

It seems to me that nothing could be more unfortunate than to have such a situation prevail. The thing that I objected to so strongly, in addition to the points I have just made, was that it was proposed to President Kennedy that he shortcut the provision for going to court, and that he, on his own initiative, should immediately make this sweeping change in our security system.

This is not the only such recommendation made last year by the Civil Rights Commission. There seems to be a feeling that they are sort of messianic, and that they do not have to respect the courts or Congress as being of any consideration. They seem to think it is perfectly all right to bypass both, and that it is quite all right to insist that the President bypass both. They do not confine that insistence to matters that do not relate to the intimate defense of our country, but they make the particular recommendation in a field which touches the security and defense of our country.

I cannot imagine a more unwise recommendation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Is it the opinion of the Senator that the President of the United States has the right and the power to regard an act of Congress—which was enacted by Congress, signed into law by a previous President, administered through the years by the President with the concurrence of Congress, appropriations being made under that law—as being unconstitutional in the absence of a court decision so declaring?

Mr. HOLLAND. I do not believe he has. Incidentally, our late beloved President Kennedy so ruled with regard to his own powers on a similar recommendation which was made by the Civil Rights Commission a year earlier, in 1962—and then repeated in the 1963 recommendations—for cutting off appropriations to States and other units of the government in fields other than the military field, because of the existence of segregation.

President Kennedy stated in writing that he felt he had no such power. Notwithstanding that, the Civil Rights Commission in their report to that same President in October of 1963, suggested to the President in the strongest terms possible that he at once terminate ROTC instruction where segregation was in effect.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HOLLAND. I am glad to yield.

Mr. LONG of Louisiana. Did the Senator see the article in the Wall Street Journal yesterday which pointed out the extent to which all-Negro colleges have increased their standards in order to meet the competition of integrated colleges in order to attract some of the finest colored students to such colleges?

Mr. HOLLAND. I have heard about the article. I have not had an opportunity to read it. I am sure it is a fine treatment of the subject.

I know something about this subject. The Florida A. & M. University in Tallahassee has greatly increased the coverage of its instruction field, and has improved it to such an extent that to this day there is not a white student there. It has a full attendance of some 2,800 to 2,900 of our Negro youth, not exclusively from our State. I have previously said that Althea Gibson left New York in order to come there and obtain her education. She then became the leading woman tennis player, not only of this country, but of the world. They have improved their teaching not only in the scholastic field, but in the field of athletic instruction and musical instruction, to the extent that they attract in the aggregate hundreds of ambitious young Negro youths from other States than our own.

I am glad that is so. I am glad that the course which the Senator mentioned—as covered in the article in the Wall Street Journal—is being followed. That is the sensible way in which to meet the problems of inferior education in some quarters for Negro youth. I am delighted that it is being followed.

Mr. LONG of Louisiana. Is the Senator aware of the fact that large industrial concerns of America are sending representatives to all-Negro colleges, just as they send them to other outstanding universities, in order to recruit those students? They find them to be very useful, and very fine employees for their industries.

Mr. HOLLAND. I am aware of that fact. Not only are great corporations doing that, but I have mentioned heretofore the letter which I received several years ago from the dean of the Medical Department of the University of Southern California, in which he asked that I use my good offices with the officials at Meharry, a segregated Negro college in Nashville, Tenn., to have them send some of their best qualified young Negroes, who were seeking doctors' degrees and dentists' degrees, to the University of Southern California. The dean stated that while they were open legally, and he wanted some Negro youths to enroll as students, the Negro youths who had sought to enter the university could not compete with the best qualified students in the examinations, and though many of them passed the minimum requirements, they had not been able to be admitted. He wanted very much to have them enroll there. He wanted to have them as part of his student body.

I forwarded the letter to the President of Meharry, whom I happen to know, and I do not believe anything developed. I do not believe Meharry wanted to part with any of its best qualified students.

Mr. LONG of Louisiana. I ask if the situation in Florida is not similar to the situation in Louisiana. In Louisiana, any qualified colored student can go to Louisiana State University, or he can go to any of the so-called white State-supported colleges, or even Tulane University. Loyola has started accepting colored students. A qualified colored student can go to almost any college in the State of Louisiana—certainly any of the State-supported colleges. There is some resistance to the movement. It might require a court order, but that is easy enough to obtain, as hundreds can testify, because they are in the schools now.

But there also are available to him the all-colored colleges of the State. The overwhelming majority of the colored students prefer to go to the all-Negro

colleges, where they receive education by Negro instructors.

I wonder whether the experience of the Senator from Florida is generally similar to that in Louisiana—namely, that the Negro colleges are reaching the point where, in one respect or another, particularly as regards athletics, but also in other respects—they find themselves competing with some of the white colleges, and in many respects exceed them. Is not that the sort of pride we would like the members of the Negro race to have?

Mr. HOLLAND. It certainly is. I think most of both the young Negroes and the older Negroes in my State want to retain their fine all-Negro schools; and I know they take pride in the fact that in our State there are approximately five Negro presidents of such schools or colleges—some of them public, and some of them private. On the other hand, we know that if there were no longer those all-colored schools, there would be no opportunities for such Negro presidents to serve.

The great majority of the Negro people of Florida are not in accord with the idea of mixing the races in the schools. In fact, although some years ago the courts entered orders which allowed qualified Negroes to enter the white schools, despite that fact, only a handful of them do so. Most of them prefer to go to the Florida Agricultural and Mechanical University, at Tallahassee, or to Negro professional schools outside our State.

The Senator from Louisiana knows that the Florida all-Negro Agricultural and Mechanical University, at Tallahassee, has for many years held the Negro college football championship and has also excelled in other types of competition; and no doubt the Senator knows that Bob Hayes, who won the sprint races in Europe, and who recently broke the world's record in sprint racing on indoor tracks, is a Florida boy and is a student at the Florida Agricultural and Mechanical University, at Tallahassee.

No doubt the Senator from Louisiana also knows that Willie Galimore and a number of other well-known Negroes are members of outstanding football teams. Our people are proud of that fact; and they were also much pleased when—only last year, or perhaps the year before—the coach of the Florida Agricultural and Mechanical University, at Tallahassee—an all-Negro university—was named "Coach of the Year" among the coaches of all schools in the Nation of comparable size. His name is Jake Gaither—a name well known in that area. Although he has been offered many fine positions at other schools, he prefers to remain there and to continue to coach that fine team, which is excelling in competition.

Mr. LONG of Louisiana. Equally fine work is being done at Louisiana Polytechnic Institute, at Ruston; and at Louisiana State University, at Baton Rouge; and also at Louisiana Agricultural and Mechanical College, at Baton Rouge. But I believe the Senator from Florida is also aware of the fact that the all-Negro Grambling College, at Grambling, La., had more of its outstanding players included in the regional and national groups than most of the others did.

Mr. HOLLAND. I am pleased to be able to say the same of Florida A. & M. University and the other fine Florida colleges. The athletic prowess developed at the Tallahassee Negro college is outstanding. The same is true of the fine all-Negro colleges in Louisiana to which the Senator from Louisiana has referred; and I know of one in North Carolina that is also excelling—excelling not only in athletics, but also in outstanding teachers, preachers, doctors, and others of its graduates who are rendering outstanding and very important service to members of their own race and to mankind in general, although most of them have, with pride, chosen to serve the members of their own race; and certainly they are adding to the increasingly high standard of living among the members of their race.

Mr. LONG of Louisiana. Is not the Senator from Florida also aware of the fact that many Negroes are beginning to make increasingly important contributions in the field of science and research, and that that important development was also mentioned in the Wall Street Journal article of yesterday?

Mr. HOLLAND. I thank the Senator from Louisiana for stating that fact, and I am glad to know of it. I have heard the Wall Street Journal article referred to by some Members of the Senate, and I understand the article has already been printed in the CONGRESSIONAL RECORD, even though I have not yet had a chance to read it.

I am sure the Senator from Louisiana will agree with me that the tendency to bypass Congress, bypass the courts, ignore laws which have been on the statute books since 1890, and ignore the all-Negro schools and colleges which have been most valuable and successful since 1890 in training many outstanding individuals, is most regrettable. Of course, that tendency is largely based on a messianic complex, coupled with the view that the laws and the traditions can be ignored. To me, that is an extremely foolish and undesirable attitude.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield again to me?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Florida yield again to the Senator from Louisiana?

Mr. HOLLAND. I yield.

Mr. LONG of Louisiana. Does not the Senator from Florida also agree with me that if all the Negro people in our States begin to count their blessings, instead of constantly looking at the hole in the doughnut, rather than the doughnut, they will see that hardly a college or university in America is not now open to qualified Negro students?

Furthermore, the Negroes now are free to choose between attending white universities and colleges and all-Negro universities and colleges; but most of them realize that the all-Negro universities and colleges pay much more attention to their particular problems and their needs, and in some cases shift the courses in order to make them more attractive to the colored students.

In view of the very great progress being made, certainly the Negroes should be proud of their achievements. It should be noted that today the Negroes are able to choose between attending white colleges and universities and attending all-Negro colleges and universities, and most of them choose to study among the members of their own race, and feel happier there and make better progress. That situation certainly should cause them to be proud and happy, and no doubt it will do so if they will consider the favorable side of the situation and the advantages they have, rather than spend so much of their time feeling that they are being persecuted.

The Senator from Florida has done as much as any man has in helping the members of the colored race in his State advance. Everyone in Florida knows that. I have tried to do likewise in my State. If attention is given to the very great progress being made, instead of to take an attitude that in 1964 an advance must be made at once to the year 2064, the colored people will be well aware of, and much pleased with, the very great progress and advancement being made, rather than have hard feelings, contempt, and hatred between the two fine races stirred up.

Mr. HOLLAND. I agree entirely with the Senator from Louisiana and I am happy to inform him—I am sure this is also true in his great State—that, in my opinion, the great majority of the sound, forward-thinking, decent colored people in Florida—and there are a great many of them in both Florida and Louisiana—feel not differently from the way the Senator from Louisiana and I have expressed ourselves. It is obvious that they do, because they continue to send their children to those schools and colleges.

For example, in my hometown we have a fine principal of the Negro school, which is attended by approximately 1,000 or 1,500 students, and there are perhaps 40 or 50 Negro teachers there. They are doing fine work, and none of them has wanted to enter the white school, or vice versa. If they are left alone by the agitators, I believe they will continue to progress in the way they have, and thus their progress will be definite, permanent, and sure. In recent years they have progressed very far, and they are continuing to make progress. They take pride in that.

When I was a member of the State senate, I took pleasure in handling—because I was asked to do so—the budget of Florida A. & M. College. I was asked to do that, because my broad interest in education was well known. Of course, I was happy to do so. I am happy now that I was able to do it. I am sure that the Senator from Louisiana would have done the same thing. He and I together fought for the anti-poll-tax amendment for years before some of our friends realized that the proposed amendment had merit. Now, of course, it is a part of the Federal Constitution.

We must be practical about these questions and take steps that are in the right direction as rapidly as they can be taken,

but remembering always that coercion and compulsion will not bring the answers, and that the real solution will come from adjustments on the part of both races. They will then be found to be the only kind of adjustments that will be of permanent duration and will help to solve the problems.

I thank the Senator for his very helpful intervention.

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

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Florida yield?

Mr. HOLLAND. I am happy to yield, with the understanding previously stated.

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

Mr. HILL. The distinguished Senator spoke about the fact that the late lamented President John F. Kennedy, in reply to the recommendation of the Civil Rights Commission that he cut off Federal funds to schools, colleges, and universities, stated that he had no such power and no such authority under the law. Is it not also true that he went one step further and said that perhaps he should not have such power or authority?

Mr. HOLLAND. The Senator is correct. I remember that part of the statement. I believe the statement is contained in a later part of my prepared text. When I reach it, I shall be able to place it in the RECORD.

Mr. HILL. In his opening address to the Senate today, the Senator from Florida spoke about how he had brought to the attention of the Senate last Saturday, when he spoke, the misleading false statements, figures, and statistics that had been issued by the Civil Rights Commission. Is that not correct?

Mr. HOLLAND. That is correct. I did so at that time. Since that time I have had occasion to communicate with some of the communities involved, and I find that not only are they grateful to have us call attention to the fact that they have not been violating the law, but they are also very resentful both against the so-called Civil Rights Commission and the so-called Civil Rights Division of the Department of Justice for the mistreatment which those areas received at the hands of those two agencies.

Mr. HILL. The Senator, of course, recognizes that in the bill before the Senate, H.R. 7152, there is a provision for the Commission to collect and study information concerning developments in the field of civil rights. Is that not correct?

Mr. HOLLAND. That is correct.

Mr. HILL. Does not the Senator believe, in view of the experience in Florida and the experience the country has had with the Commission and its false and misleading statements, there might be all kinds of dangers in continuing the Civil Rights Commission and further authorizing it to collect and dispense information?

Mr. HOLLAND. I consider it to be an unsound organization that has rendered bad service. I think it will continue to render bad service. It has in my opinion what I referred to before as a messianic complex. It seems to feel that it is above all other institutions of government and that it has a mission to do, right now, all things that occur to it or to its members or to its staff that they think will correct racial problems. I hope the Commission will be discontinued. I have lying on the desk an amendment which would force the Commission's discontinuance this fall.

Mr. HILL. The Senator knows that in recent months there have been all kinds of civil disobedience. There have been kneel-ins, lie-ins, sit-ins, stand-ins, and many other acts of civil disobedience of all kinds and description.

Mr. HOLLAND. Yes.

Mr. HILL. In my State of Alabama demonstrators went into stores and lay down between counters and in the corridors, so no one could go down the corridors to look at any goods or make purchases. Civil disobedience has taken place in many areas, whether it be New York; Chester, Pa.; Princess Anne, Md.; San Francisco, Cleveland, or many other places. Is that not correct?

Mr. HOLLAND. Such disturbances have occurred. They all point up the fact that there is very bad leadership on the part of some of the high officials of radical groups that are trying to force a solution of these problems by coercive and compulsive methods. That cannot be done. We shall not arrive at a solution of the problems in that way.

Mr. HILL. The Senator is no doubt aware of what happened in San Francisco in the early part of March. He will recall that in the San Francisco Chronicle of March 7, there was a front page article in which it was stated:

> More than 1,000 singing, chanting pickets swarmed onto the sidewalks around the Sheraton-Palace Hotel last night. It was the biggest demonstration yet in the campaign of civil rights groups for the employment of more Negroes. Thirty minutes after the demonstration began, Superior Judge Walter Carpenti signed a temporary restraining order which limits the pickets to 100.

The Chronicle article continues:

> A spokesman for the Congress of Racial Equality said, however, that the pickets would ignore the injunction.

Because the pickets ignored that injunction, there was trouble in San Francisco for many hours.

Mr. President, the distinguished Senator from Virginia [Mr. ROBERTSON] would like to ask some questions for a few moments, since he must leave.

Mr. HOLLAND. Before I yield to the Senator from Virginia, I thank the Senator from Alabama. I well remember the incident in San Francisco in which demonstrators were trying to force themselves into employment in the General Motors Corp., in the San Francisco office, as if forcing themselves on the payroll were a good way to get into a business and gain the confidence of their employer.

I thank the Senator from Alabama. I am glad to yield to the Senator from Virginia, without my losing my rights to the floor.

Mr. ROBERTSON. The Senator from Virginia would not ask the Senator from Alabama to yield but for the fact that the Senator from Virginia must get another X-ray by the virtue of the fact that in this Chamber last week he wanted to enthusiastically support one side on the jury trial question. The shoulder separation was getting along very well, but the Senator from Virginia took his sling off and tried to demonstrate with the left and the right hand. Now the surgeon says that in order to put the collar bone back in place it must be forced open, a nail must be put in, and I must keep my arm in a sling for a month and a half. That is regrettable, but we are expendable. I have never considered myself to be otherwise. I am going to protest against any operation which would take me off the floor before consideration of the bill is finished.

First, I wish to express to the distinguished Senator from Florida my admiration for the wonderful primary fight he made recently in Florida. I was in that State a few weeks before the primary, addressing the wonderful bankers there, and I learned that his opponent was making the civil rights measure an issue in the campaign. Is that correct?

Mr. HOLLAND. Yes. I am sorry to say it became one of the major issues in the campaign. The people of Florida, in all 67 counties, seemed to believe that I was representing their convictions in the matter, because in every county I was fortunate enough to gain the big end of the result.

Mr. ROBERTSON. Not only did the Senator win in every county, but in the total vote, which was rather unprecedented—perhaps over 1 million, which is a big vote in a southern primary—the Senator won by better than 2 to 1.

Mr. HOLLAND. In my modesty, I must admit that I won by 2½ to 1.

Mr. ROBERTSON. I am not up for election this year, but if I were running solely on the civil rights issue in Virginia, I believe I could win by 4 to 1.

Mr. HOLLAND. It would be inconceivable to me that the good people of Virginia would want anyone in the place of the good Senator from Virginia. I believe he will be in the Senate as long as he wants to be. Even if he is unfortunate in results with his arm, I would rather have him on the floor with one arm than almost anybody else I know with both arms in good shape. We are glad to have him present today.

Mr. ROBERTSON. But conditions are changing. There will be 200,000 or 300,000 new voters in Virginia. One of the saddest political comments I have read, which is in the Bible, states: "Now there arose up a new king over Egypt which knew not Joseph."

One can lose contact, or one can advocate changes, and the people will leave him. But I will never change my views that we should fight to the last ditch for the preservation of States' rights and American constitutional liberty. Those fundamental principles are imperiled by the bill.

I realize that the Senator from Florida is now discussing something other than the pending question, which is the Mansfield-Dirksen substitute for an amendment offered by Senator TALMADGE, Senator ERVIN, Senator THURMOND, and myself, to provide for jury

trials in all criminal contempt proceedings.

I was interested in reviewing a report of a very fine Senate committee, the Committee on Commerce, on the so-called Kennedy civil rights bill which was introduced last year. Now we have before us a House bill. We do not know the paternity of that bill. Neither do we know all its meanings.

But we did have last year what was called the Kennedy omnibus bill, in which it was pointed out that in 1883 the Supreme Court had turned down a bill providing that all "Mrs. Murphys" had to accommodate everyone who wished to sleep in Mrs. Murphy's home, whether she wanted them or not. That part was split off from the main bill and sent over to the Commerce Committee on the assumption that we now have a Supreme Court that does not feel it could be bound by the real meaning of the interstate commerce clause of the Constitution, and that if Congress and the pressure groups will strive hard enough, they can induce the Court to rule that if Mrs. Murphy entertains four persons overnight, she is not in interstate commerce, but if she entertains five, she is. If she entertains four by giving them only a bed, but gives one of them breakfast next morning, she would be in interstate commerce again.

That is the theory. I wish to read the names of members of the committee which reported the bill. It is a very distinguished committee.

The Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Texas [Mr. YARBOROUGH], the Senator from California [Mr. ENGLE], the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. HART], the Senator from Nevada [Mr. CANNON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Vermont [Mr. PROUTY], and the Senator from Maryland [Mr. BEALL].

Members of that committee are among the finest of Senators. They did a commendable thing. The report shows that various Senators filed minority views, one by the Senator from Oklahoma [Mr. MONRONEY], one by the Senator from South Carolina [Mr. THURMOND], and one by the Senator from New Hampshire [Mr. COTTON]. But there was a unanimous report with respect to subsection 8(b) and 8(c). I read them to the Senate. The following language is found on page 7 of that report:

> Subsection 8(b): This subsection would provide that in all cases of criminal contempt arising under any court order issued pursuant to this act, the accused, on demand, be entitled to a trial by jury. This would be subject to the exclusion in subsection 8(c).
>
> Subsection 8(c): This subsection would exclude from jury trial contempts committed in the presence of the court, or so near thereto as to interfere directly with the administration of justice, and contempts arising from the disobedience of any officer of the court in respect to the writs, orders, or process of the court.

This wording was in the exact amendment on which the Senate voted last night.

Mr. HOLLAND. It certainly is the substance of it. It sounds exactly like the other one. I remember that the Senator from Washington made it clear that he had sponsored and supported this provision in the bill which the Senator has mentioned and that, therefore, he was taking a position in support of the amendment offered by the Senator from Kentucky [Mr. MORTON].

Mr. ROBERTSON. That is true. The Senator from Kentucky said it was the exact amendment that had been reported by the committee, but that the amendment applied only to "this act."

"This act," in this instance was title II, the accommodations section of the present House bill. But the question I wish to ask is this: After weeks of hearings before that fine committee, did not the committee unanimously report a jury trial amendment for title II?

Mr. HOLLAND. The Senator is correct. The pending bill that came over from the House differs materially from that provision of the bill considered by the Senate Commerce Committee. It differs in philosophy from the recommendations of that committee as to other titles.

Mr. ROBERTSON. That is true; but while the Senator has unanimous consent to speak on a nongermane section, we are really discussing the Mansfield-Dirksen substitute for a complete jury trial.

Mr. HOLLAND. The Senator is correct.

Mr. ROBERTSON. It is not inappropriate—because sooner of later we shall have to vote on the Mansfield-Dirksen substitute—to point out that the only committee which took up any part of the omnibus bill last year and acted on it, unanimously reported a jury trial amendment in conformity with the way all crimes are tried. Has it not been brought out repeatedly on the floor of the Senate, by both Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], by the distinguished Senator from Alabama, the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Virginia [Mr. ROBERTSON], that undoubtedly the framers of the Constitution, when they provided that all crimes should entitle a man to a jury trial, intended also to include criminal contempt?

Mr. HOLLAND. The Senator has made his point very clearly, and so have his associates, the Senators whom he has just mentioned.

Mr. ROBERTSON. Is it not true that in the most recent Barnett case, the distinguished Chief Justice of the United States and three of his colleagues stated that it was a constitutional right

Mr. HOLLAND. The Senator is correct. It was a hairline decision—5 to 4—a decision by the five which was written by Mr. Justice Clark, which stated that Congress had authority to change its decision, and it all but recommended it. Before, all Supreme Court Justices had clearly stated their hostility to the handling of criminal contempt proceedings without a jury trial.

Mr. ROBERTSON. Is it not true that Congress, feeling that courts were hostile to the then relatively weak labor unions, felt that they should be protected from judges who had been proposed by the big corporations and who had been supporting them and had been friendly to them, felt that it should protect young unions from mistreatment by Government injunction and provide a trial by jury in contempt cases involving offenses not committed in the presence of a judge; and did not ask the Supreme Court to hold, whether it was a constitutional right or not, that Congress had the right to provide for a jury trial?

Mr. HOLLAND. The Senator is correct. The Norris-La Guardia Act, to which the Senator has referred, was enacted to make sure that members of labor unions who might knowingly or unknowingly violate provisions of injunctions would be entitled to jury trials in criminal contempt cases.

Mr. ROBERTSON. The distinguished Senator from Alabama pointed out 2 days ago that the Norris-La Guardia Act was followed by the addition of certain provisions in the Landrum-Griffin Act.

Mr. HOLLAND. The Senator is correct.

Mr. ROBERTSON. The question now is whether we are talking about a constitutional right, or what is right for Congress to do. Congress has the right either to guarantee trial by jury to those charged with criminal contempt, or to deny it.

Mr. HOLLAND. The Senator is correct. In my opinion, it is our duty to grant the right to a jury trial. I see no reason why a labor man on the picket line, who might be picked up for being in violation of a court injunction, should be entitled to greater respect and greater consideration in being granted a jury trial, than should the registration officer in my county, who happens to be a worthy woman, or members of my school board in my school district, two of whom are ladies, or any other official or citizen—let us say, for example, that irate fathers or mothers intervene, as did the 20,000 mothers and fathers who marched on City Hall in New York City a few days ago. I cannot see why they are not entitled to just as much consideration in being allowed a jury trial as is accorded under the Norris-La Guardia Act, to members of a labor union.

Mr. ROBERTSON. In the Green case, from which the junior Senator from Virginia quoted Justice Black, there was a strong minority opinion to the effect that jury trials were a constitutional right. When Governor Barnett's case was before the court of appeals, that court split 4 to 4. When it came to the Supreme Court, the Court split 5 to 4. I am not too sure that when it gets to the Supreme Court again, and the Court takes another look, that the majority of 5 will be on the constitutional side.

In the meantime, we cannot rely on it. The people of this Nation are looking to

us not to expand government by injunction and make new crimes under titles II, VI, and VII of the bill, and then haul people before a hostile judge who will put them in jail without a jury trial. Is that not correct?

Mr. HOLLAND. The Senator is correct. I invite attention to the fact that the jury trial issue is still highly controversial. Only yesterday, in voting, in the Senate, there occurred a 45 to 45 tie vote.

I believe we are under a duty, in this group of 100 men and women, to settle this question once and for all by permitting a jury trial at the option of the person charged with the violation of a court injunction in a criminal proceeding. I hope that we shall be successful. I have every confidence that we shall be before we are through.

Mr. ROBERTSON. I have not given up the fight. The Parliamentarian has informed me that even if the Mansfield-Dirksen substitute is adopted, it will not preclude action on my amendment to provide jury trials in FEPC cases under title VII. Therefore that question is coming up again. By the same token, we will call on members of the great Commerce Committee to tell us why they thought jury trials were right last year, but that now they do not think so. They may have an explanation. They are entitled to make an explanation. They are entitled to change their minds. However, it will be interesting to know what the explanation is. It will be interesting to know how fully the people of this Nation accept that explanation.

I now ask my friend, with reference to the substitute, which we are told will be adopted, if it does not provide that a hostile judge, without a jury, in a case of criminal contempt not committed in his presence, could put a man in jail for 30 days.

Mr. HOLLAND. Up to 30 days. He could fine the man up to $300, too. He could do that and still be safe in the knowledge that no jury would have the right to pass on that man's case.

Mr. ROBERTSON. Can the distinguished lawyer, the Senator from Florida, who was a great lawyer in his State before he became Governor and Senator, and has certainly had an opportunity to further study the Constitution since he has come to the Senate, find any reference in the Constitution, in the debates when the States ratified the Constitution, or any discussion anywhere in Congress, or anywhere else, to the effect that being confined in jail for 30 days is not a criminal punishment?

Mr. HOLLAND. No.

Mr. ROBERTSON. Very well. Then how, I ask the Senator, can any Senator stand on the floor of the Senate and say that he will support putting a person in jail for 30 days by a hostile and prejudiced judge, but that he is not denying that person his constitutional right of trial by jury? Can the Senator answer that question?

Mr. HOLLAND. I hope no Senator will rise in his place and take that extremely difficult-to-understand position.

Mr. ROBERTSON. It astounds me that I should be told that when the vote comes, we are expected to ratify a most astounding proposal; namely, that being confined for 30 days by a hostile and prejudiced judge is not being committed for a crime, and that it does not violate constitutional rights; but if the judge goes beyond a certain point, the accused can demand the right of trial by jury. Is not the distinguished Senator astounded that sensible Members of the Senate should be asked to accept a proposal of that kind and be asked to call it protecting the right of trial by jury?

Mr. HOLLAND. The Senator from Florida cannot understand how anyone would do so, especially when by so doing he would be winking at the fact that this is probably the closest controversy the Supreme Court has had in a long time, the decision being 5 to 4 with the so-called liberal members of the Court on the side of the four who insisted that there shall be jury trials, and with five members of the Court, in a rather weak decision, issuing what amounts almost to an invitation to a legislative body to take action to get away from a situation which they have made for themselves. I hope that invitation will be accepted.

Mr. ROBERTSON. As the Senator from Virginia has said, there will be three votes on this question. No one need think that this issue will be swept under the carpet and forgotten. Senators will vote on the substitute. Should it be adopted, we shall call on the members of the great Commerce Committee to stand up and be counted where they were counted last year, for jury trials. Then we shall call on all Senators who do not relish the thought of prosecutions all over the Nation under title VII.

I was a prosecuting attorney during national prohibition. There would be a hundred prosecutions under title VII, for alleged discrimination in employment, for every bootlegger who was punished in prohibition days. We never could catch up with all of them and we had to abandon that law.

I recently received a letter from a very able constitutional lawyer, of Dalton, Ga. I am sure the distinguished Senator from Florida either knows him or knows of him. He is R. Carter Pittman. I am sure the Senator has heard of him.

Mr. HOLLAND. I have indeed.

Mr. ROBERTSON. He writes:

Time has not permitted me to read all of the debates on the proposed civil rights bill, but I have read much, including portions of the debates in which you, Senator RUSSELL, Senator HILL, Senator SMATHERS and others—

Of course he should have included the senior Senator from Florida, except that I am sure he ran out of names, and that is why he did not include the name of the senior Senator from Florida, who has spoken as much as the junior Senator from Florida has spoken—

and others commented on the provisions of the proposed act depriving people of the right of jury trials and setting up star chamber proceedings for those charged with contempt of contemptible decrees. That which I have read is impressive, but there is one point which I believe to be most significant which I have not read any discussion on. I will try to set it out briefly:

As you recall, section 2 of article III provides: "The trial of all crimes, except in cases of impeachment, shall be by jury."

The sixth amendment states: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."

The fifth amendment provides in part as follows: "Nor shall any person—be compelled in any criminal case to be a witness against himself."

Thus, you observe that the privilege against self-incrimination may not be constitutionally claimed, as a right, by "any person" except in a "criminal case." The proponents of the Civil Rights Act insist that those charged with criminal contempt before a Federal judge are not entitled to a jury trial because a contempt proceeding is not a criminal case. If a proceeding to adjudge a person in contempt is not a criminal case, a Federal judge may order one charged with contempt to be put to the rack, thumbscrews, and his body lashed from head to foot in order to compel him to be a witness against himself.

I am the author of the lead article in the June 1956 issue of the American Bar Association Journal (vol. 42, p. 509) entitled "The Fifth Amendment: Yesterday, Today, and Tomorrow," which tells how and why "in any criminal case" was put into the fifth amendment. My first published article was in the Virginia Law Review of May 1935 (vol. 21, p. 763) entitled "The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America." That article was cited by the Supreme Court of the United States in numerous decisions prior to 1954. The latter article gives and documents historical reasons why the Federal privilege against self-incrimination, unlike the privilege preexisting in the several colonies and States, was limited to a "criminal case." Briefly, traitors prayed for the privilege to be granted to them before the Continental Congress and before State assemblies during the American Revolution. They were not demanding immunity as a right. The fifth amendment was amended on the floor of the first Congress by Congressman Lawrence, of New York, precisely in order that the Federal privilege should be confined to criminal cases.

He then quotes this article:

In a most challenging piece of research, Mr. Pittman points out why the privilege against self-incrimination was by the Founding Fathers specifically limited to criminal cases, and that the extension of the privilege by the Supreme Court to civil cases, and latterly to congressional hearings, is historically without constitutional warrant. He points out that Congress, following the practice of Parliament which has never recognized the privilege in legislative investigations, can, as in the Immunity Act of 1954, deny the exercise of the privilege by an appropriate immunity statute proscribing the use, in both the Federal and State courts, of incriminating evidence obtained in congressional hearings.

On the editorial page, the editors said:

The recent fifth amendment decisions of the U.S. Supreme Court make particularly startling reading of the article in this issue by R. Carter Pittman, bearing the above title. We commend it for your attention.

Mr. Pittman goes on to say that his article contains material pertinent to the present debates. He notes:

This privilege against self-incrimination came up through our colonial history as a privilege against physical compulsion and against the moral compulsion that an oath to a revengeful God commands of a pious soul. It was insisted upon as a defensive weapon of society and society's patriots against laws and proceedings that did not

have the sanction of public opinion. In all the cases that have made the formative history of this privilege and have lent to it its color, all that the accused asked for was a fair trial before a fair and impartial jury of his peers, to whom he should not be forced by the State or sovereignty to confess his guilt of the fact charged.

Later in the letter, Mr. Pittman said:

A short article on the history of the words "in any criminal case" to be found in the fifth amendment may be found in a statement prepared by me and published in the hearings before a Subcommittee To Investigate the Administration of Internal Security of the Committee on the Judiciary, 85th Congress, 2d session, on Senate bill 2646, part 2, page 107. A copy of Dean Griswold's letter to me of June 16, 1954, and my letter to Senator EASTLAND about it are to be found on pages 356 and 357 of the same volume.

Mr. Pittman closes his letter, as follows:

I am taking the privilege to send a copy of this letter to Senators RUSSELL, SMATHERS, and HILL who, with some others, participated in the debate on jury trials, and to Senator THURMOND, who may also find this material to be useful.

Is it not true that if we took the position that criminal contempt is not a crime, there would be nothing that would prevent a hostile judge from forcing an accused to testify against himself.

Mr. HOLLAND. It would seem to be a necessary conclusion.

Mr. ROBERTSON. In other words, either we must give him all of his constitutional rights, or we wipe them out. And when we wipe out a trial by jury, we wipe out the provision against self-incrimination. Even in congressional hearings, witnesses invoke the fifth amendment. Recently in a hearing before the Committee on Rules and Administration, one witness invoked the fifth amendment about 120 times in 1 day. At any rate, all the Constitution provided was that in a criminal case, a witness could take refuge in the fifth amendment.

Are we not proposing—if we enact this bill without changing it—to hold that they are not entitled to a jury trial because criminal contempt is not a crime? Also, are we not proposing to take away the protection which a man has under the fifth amendment to the Constitution?

Mr. HOLLAND. In that kind of proceeding, yes.

MR. ROBERTSON. Mr. President, I apologize for taking up so much of the Senator's time. But, knowing how well versed the Senator is in these problems and knowing how he has demonstrated, in the wonderful race which he made in his home State, that the people of the Nation are not for this bill, I wanted to make it clear that this is one phase of the bill that will be difficult to sell to any State in the Union. That is the provision which seeks to deny a man his rights under the fifth amendment, and to deny a man his rights to a jury trial in a criminal case.

I thank the Senator.

Mr. HOLLAND. I thank the Senator for his able and convincing remarks. I hope that when the Senator gets to the doctor, he will find that his exercises in the Chamber today, as he has been delivering this able talk, have corrected any troubles that appear imminent with reference to his shoulder. We shall need him here with both fists.

Mr. ROBERTSON. I thank the Senator. I will continue the debate even if I have but one arm. Fortunately, my voice has not been affected in my determination to keep up the fight.

Mr. HOLLAND. I thank the Senator; and I wish him good luck on his trip to the surgeon.

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

Mr. HOLLAND. I yield.

Mr. HILL. The Senator from Alabama has considered the matter of misleading reports, statistics, alleged facts, and figures which have been issued by the Civil Rights Commission. We called attention to the fact that this bill, H.R. 7152, provides that the Commission is to give out facts, and collect so-called information.

Mr. HOLLAND. It directs the Commission to make investigations and reports.

Mr. HILL. The Senator is correct. The Senator has called attention to the sit-ins, the lie-ins, the stand-ins, and many other acts of civil disobedience. I have before me an article from the Wall Street Journal of today, Thursday, May 7, 1964. I should like to read from the article.

Mr. HOLLAND. I would be very happy to have the Senator do so. Mr. President, I ask unanimous consent that I may yield for that purpose, without losing my rights to the floor.

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

Mr. HILL. The article in the Wall Street Journal of today, Thursday, May 7, 1964, is captioned "Negro Gang Forms in Harlem To Wage War Against Whites—Police Say Group, Trained in Battle Tactics, May Be Behind Four Recent Purposeless Killings."

I read from the article:

Rising racial tension has led to the creation in New York's Harlem of a large and fanatical Negro gang to war on whites.

Some estimates put the number of members of the extremist group at 400, mostly youths recruited from the Harlem streets. The gang is being organized and trained in karate and other commando combat tactics by a faction that defected early this year from the Black Muslims, an extreme "Negro supremacy" group.

Worried law enforcement authorities have privately confirmed the existence of the anti-white gang. Police suspect that members of the gang may be responsible for four apparently purposeless murders of whites in recent weeks. Police believe that one important aim of the gang, which calls itself the Blood Brothers, is to have an organized and trained force on hand to combat the police in any future racial disturbances or other street violence in Harlem.

The Harlem ghetto, a community of nearly 400,000 in upper Manhattan, could become a hotspot this summer. The area has a high crime rate, and unemployment in Harlem is twice the rate of the city as a whole. The police stationed in Harlem, both white and Negro, are generally unliked by the Negro populace.

Knowing that we have a situation like that confronting us today, might it not well be that such misleading figures, statistics, and statements which have been given out by the Civil Rights Commission might inflame the people and cause some terrible, catastrophic situation?

Mr. HOLLAND. The Senator's suggestion is, of course, sound. Every effort that is made to make it appear that the Negroes generally are being very badly mistreated adds fuel to the flame. Generally the Negroes who are a part of this disturbance tend to bring about greater confusion of that kind.

I am glad the Senator brought that matter up. I do not believe that the leaders who are responsible for this type activity in Harlem and Cleveland—and the Senator will remember that the distinguished Senator from Ohio [Mr. LAUSCHE] called attention to the fact that a rifle club was being organized in south Cleveland—constitute more than an inconsequential percentage of the total number of Negroes—but that inconsequential percentage is most dangerous in its intemperate action to cause trouble and violence.

I believe that bad leadership is responsible mainly. We must look to the great majority of the Negroes, and what they are doing. I shall later read into the RECORD some very heartening things which have come to my attention in recent days. They indicate that there is a sound Negro leadership which may now be coming to the forefront in this dangerous situation which exists and we should hold up their hands and help them move ahead and develop higher standards of living, greater prosperity, and better educational opportunities for the people of their race.

Mr. HILL. But is not the article in the Wall Street Journal a warning signal?

Mr. HOLLAND. Yes; and it is a frightening thing.

Mr. HILL. Does not it show the wisdom of the position taken by the Senator from Florida and the wisdom of the amendment he has offered?

Mr. HOLLAND. The Commission not only has shown a decline in the caliber of its membership and its activities, but also has shown quite conclusively, in its reports, that its usefulness is over and that it should be discontinued entirely.

I thank the Senator from Alabama for his fine comments.

In view of the suggestions the Senator from Alabama has made, I believe this might be an appropriate time for me to make several statements in regard to the type of leadership I have seen among Negroes. In the campaign in my State to which reference was made by the Senator from Virginia [Mr. ROBERTSON], I had the active and open support of some of the finest Negro leaders in Florida. I am very happy to inform the Senator from Alabama of that fact. For instance, the Negro bishop of Florida endorsed my candidacy for reelection, and took a very active part in my behalf. I am happy to say that I have received widespread support of that kind; and I stress the friendly feeling among members of the Negro race in widespread areas in that part of the country toward the white citizens—a feeling that has

been manifested in many, many ways and on many, many occasions—rather than the open conflict which has existed in other parts of the country—and exists today.

In this connection I wish to refer to the following letter:

MUTUAL ASSOCIATION OF COLORED PEOPLE SOUTH, 197 BEALE STREET, PHONE 527-3767, POST OFFICE BOX 3162,
Memphis, Tenn., April 15, 1964.
REGIONAL OFFICE,
937 North Lamar, Jackson, Miss.
REGIONAL OFFICE,
Macon, Ga.

Dr. M. L. Young, president; Clarence Griffin, vice president; Mary Jean Sparks, executive secretary; Clara Mae Cooper, secretary-treasurer; Prof. E. Garrett, council of education; Jessie Johnson, supervisor of women's department; T. R. Robinson, member of board of directors; Itell Moody, State superintendent of Mississippi, 708 15th Street, Columbus, Miss.

Negro Achievement and Education Bulwark Against Communism.

Attention Senator SPESSARD L. HOLLAND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: We the members of the Mutual Association of Colored People South strongly opposed to the so-called civil rights legislation, and urgently request you to use every means at your disposal to defeat this federalization and the removal of the rights inherent in free enterprise. A more reasonable civil rights bill has not emerged as we all had hoped, so, once again, I strongly urge you to use every means at the disposal of your high office to defeat this bill.

We assure you that, we as southern Negroes will stand behind our southern Senators 100 percent.

Sincerely yours,
Rev. M. L. YOUNG, *President.*

MACPS—Unity, Loyalty, and Cooperation, we cover the South and Midwest, building good will, citizenship, charity, scholarship, youth, and race relations.

In further reference to the letter from Rev. M. L. Young, the president of the Mutual Association of Colored People South, I call particular attention, also, to the names of the officials of that organization, as listed in the letterhead, and also to the motto of the organization, as also listed there: "Negro Achievement and Education, Bulwark Against Communism."

I also call particular attention to the words set forth at the foot of the letter: "Building good will, citizenship, charity, scholarship, youth, race relations." Those are set forth as the objectives of the Mutual Association of Colored People South. I believe the Senator from Alabama will agree with me that the objectives of this organization are very fine and worthy.

Mr. HILL. Indeed I do.

Mr. HOLLAND. The Mutual Association of Colored People South was established in 1945. It has done, so I am told by the Senators from Mississippi and the Senators from Georgia, where as its letterhead shows it has branch offices, good work in their part of the country, too.

There has also come to my attention an article which was published under the headline "Negro Editor Opposes Rights Bill—Legislation Described as Unenforcible." The article was written by Martin Arundel, and was published on May 5 in the Orlando Sentinel, of Orlando, Fla. Martin Arundel is one of the editors of the Pittsburgh Courier, although he lives in New York. This article was published in a considerable number of newspapers—although, as I have indicated, the copy I hold in my hand was published in the Orlando Sentinel. The article reads as follows:

[From the Orlando (Fla.) Sentinel, May 5, 1964]

NEGRO EDITOR OPPOSES RIGHTS BILL—LEGISLATION DESCRIBED AS UNENFORCEABLE

(By Martin Arundel)

NEW YORK.—A prominent Negro editor and writer, who is a candidate for Congress on the New York State Conservative Party's ticket, sees no need for new civil rights legislation and contends the administration's bill "won't work and can't be enforced if passed."

George S. Schuyler, New York editor of the Pittsburgh Courier, one of the country's most influential Negro newspapers, expressed this view in an exclusive interview with NANA.

Schuyler expects the controversial and flamboyant ADAM CLAYTON POWELL, the Democratic incumbent in New York's 18th Congressional District (Harlem) to be his, Schuyler's, principal target during the campaign. If POWELL seeks reelection, he has indicated he will run on an extremist civil rights platform.

"I intend to make things uncomfortably interesting for ADAM," Schuyler said.

"There are enough civil rights laws on the books now to insure Negroes equality," Schuyler insisted. "One of the strongest is the 14th amendment to the Constitution. But none of them have ever been enforced. New laws would only further confuse the situation."

The 69-year-old veteran journalist, who has been on the inside of the Negro betterment movement for more than 40 years, charges that the present civil rights leaders are heading Negroes and other minorities "down a blind alley" with "demagogic demands they know will never be won."

"There is a lot of sentiment, perhaps unvoiced as yet, in the Negro community against extremist demands and militant demonstrations," Schuyler said.

He is convinced that Communists and fellow travelers wield strong influence over civil rights leaders. "I don't think Martin Luther King or Roy Wilkins are Communists or fellow travelers. But I'm pretty sure that the Commies have maneuvered them into positions where the Reds can squeeze them," Schuyler said.

(Martin Luther King heads the Southern Christian Leadership Conference and Roy Wilkins is executive secretary of the National Association for the Advancement of Colored People.)

Schuyler, a founder of the Conservative Party 2 years ago (its candidate for Governor polled more than 100,000 votes in New York in 1962) sees no contradiction in a Negro running for office as a conservative.

"A Negro runs as a conservative because he has a lot to conserve, a big stake in the American free enterprise system and individual freedom," he says. "The Negro no more wants to be oppressed and shackled by big bureaucratic government than the white man."

He continued: "My campaign's object will be to alert the Negro people that there is a more sensible solution to their problems than the demagogues offer."

Of his prospective opponent, POWELL, Schuyler said: "He's a demagog, a rank opportunist, a Powell-crat, not a Democrat. He's only interested in the good things in life power brings—ranches in Puerto Rico, flashy racing cars, Government-paid junkets to the fleshpots of Europe."

Schuyler concedes that he has practically no chance of being elected. "But POWELL, whom I rather like personally, will be in for a lot of embarrassing moments, if I can help it," he said.

Schuyler blames the present Negro leadership for the plight of Negroes. "The leadership has miserably failed in inspiring the Negro community to help itself," he charged. He believes that Negroes should organize their own businesses, banks, and other financial institutions on a much larger scale than presently exists as part of the solution to their economic problems.

Mr. President, there is much sound good sense in the release by Mr. Schuyler, who, I understand, is now running in the campaign against the incumbent Member of the House of Representatives for the 18th New York District, ADAM CLAYTON POWELL.

There are a great many fine Negro leaders; and it is quite clear that many of them do not agree with the extreme provisions of the pending bill—nor of the disturbing activities of some of the militant leaders of their race. I am glad the Senator from Alabama helped lay the framework for the making of that point.

We know that many Negroes have established fine businesses, including savings and loan associations. One of them is in Orlando, Fla. It is a Negro institution, and it is soundly managed by fine Negro men. They have made a great success of it. There is also a fine Negro insurance company in Jacksonville, Fla. It, too, has achieved great success. All the officials of both those organizations are Negroes, and they have established fine organizations.

Extremists among the Negro people, like the extremists among white people—and that means those on both sides of the issue, for there are extremists on the right side and extremists on the left—are making it extremely difficult for the moderate and decent people, who constitute the bulk of the Negro people as well as the bulk of the white people, to continue to move ahead in the regular orderly, though somewhat slower method, which has been in progress for a long time, and with which we are obtaining good results. I am glad to call attention to the fact that there is sound Negro leadership in the country. I hope the leaders will be more and more aggressive and will be able to obtain the attention of the majority of the Negro people, who are now so misled by so much false leadership, untruthful propaganda and bad advice.

Under the present trend of the decisions of the U.S. Supreme Court, it is quite possible that the quoted section of the Morrill Act might be invalidated by the Court if it came before the Court for a decision. This, however, is beside the question. The fact is that the existing law does provide for the division of Morrill funds between colleges for white students and colleges for colored students in States where such separate institutions are established and operated under State law. For the Civil Rights Commission to recommend that the President request the Secretary of Defense to discontinue ROTC programs at such separate colleges or universities

which are specifically recognized by existing law and without submitting the matter for Court determination as to the constitutionality of such existing law, displays in my opinion a completely arrogant attitude. The Commission asks the President to request the Secretary of Defense to ignore existing law—that is, both the Federal law and State law—to bypass the courts and to, by his own act, determine that the existing law is unconstitutional and should not be recognized in the allocation of Federal funds even though the Congress in appropriating such funds had followed existing law. This attitude would place the executive department in complete domination of both the legislative and judicial departments and would make the executive department the sole arbiter of the constitutionality of legislation highly important to the security and defense of the Nation and to the training of thousands of young citizens, both black and white.

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

Mr. HOLLAND. I am happy to yield to the Senator from Alabama.

Mr. HILL. Is it not true that one of the greatest glories of our American system under the Constitution of the United States has been what we speak of as the check-and-balance system, so that none of the three branches of our Government has any complete authority?

Mr. HOLLAND. That is true.

Mr. HILL. Even with respect to Congress, which enacts legislation.

Mr. HOLLAND. Yes. I thought good citizens so recognized; but apparently the Civil Rights Commission, in their overly evangelistic activities, are not willing to recognize that such is the case.

Mr. HILL. Is it not true that that is only one illustration of the many cases in which the Commission seems to disregard entirely our whole constitutional system, its provisions, its concepts, and the practices under that system, which have been in operation ever since the Constitution was adopted?

Mr. HOLLAND. The Senator is correct.

I am sorry to see that occur in this particular case. This is a vital field. There are literally thousands of young white men and young Negroes who wish to be trained for the defense of their country and who do not desire to be caught in the event of a disaster, such as a war, without training and without capacity to serve to better advantage. They are going to schools throughout the Southland, as in other parts of the country, but in our part of the country they are, in the main, in segregated schools. They have been trained by the thousands, to the great advantage of our country. I dislike to see a body of this kind, such as the Civil Rights Commission, recommending strongly to the President that he ignore the courts, that he ignore the Congress, and that he ignore existing law, and by his own act stop the turning over of Federal funds duly appropriated by the Congress, where the power of the control of appropriation lies, so as to permit the ROTC activities to continue in that great part of the country in which more than 50 million of our people live. Most of them are highly patriotic people. They consist of citizens of both colors. They wish to serve their country to best advantage in the event that we should have an emergency.

Mr. HILL. Is it not true that with all the power in the hands of the Executive, he cannot take a single penny out of the Treasury of the United States unless the Congress of the United States, in its wisdom, appropriates the money from the Federal Treasury?

Mr. HOLLAND. The Constitution so provides. The Senator is correct.

Another recommendation of the Civil Rights Commission which completely bypasses the courts and the Congress is recommendation No. 6 on page 217 of the printed report of the Civil Rights Commission of October 1963, which reads as follows:

> That the President and the Secretary of the Department of Health, Education, and Welfare, in the granting of funds for the construction and operation of schools under the impacted area program, condition such grants upon the receipt of adequate assurances that all children in the district will be assigned to schools without regard to race.

This recommendation would not only seriously affect and perhaps destroy the defense impacted area system for schools as passed by the Congress and approved by the President from time to time, but would also recommend a policy which, if it was followed, would saddle great additional expense upon the Federal Government.

It does not seem to have occurred to the Civil Rights Commission to consider the effect upon the expenditures by the Federal Government that would be involved if the impacted area program should be terminated. The effect would be to increase the Federal obligation to the education of children about three times, as I shall show by the letter from the Department of Health, Education, and Welfare, which I shall shortly ask to have printed in the RECORD.

The defense impacted area appropriations for public schools, as made by the Federal Government under existing laws, do not pretend to pay the full cost of the education of those students which are brought into local public school systems by the fact that their families are stationed in those areas in defense posts or similar establishments.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. The Senator has touched on a point which I feel should be made thoroughly and completely clear, and that is that impacted areas within the respective States were caused by national defense, for national purposes. The Congress of the United States has appropriated money for the purpose, and various agencies of the Federal Government, in their wisdom, have located military installations in areas in which they can be most effective in the security of our country. As a result, a number of people have been concentrated in such areas who would not be there except for the activity of the Federal Government. Is that not correct?

Mr. HOLLAND. The Senator has well stated the fact. For example, the reason certain great activities are carried on at Cape Kennedy is the existence of the cape. Florida did not put the cape there. No human hand put it there. It happens to be the spot in which a great shooting gallery 8,000 miles down the South Atlantic and over into the Indian Ocean exists and it can be policed very easily from islands which screen it pretty well all the way down. There is no other place where such an activity could be as well conducted.

Mr. TALMADGE. The people of Florida had no voice in the selection of that site, did they?

Mr. HOLLAND. No. We were delighted to have it put there, but it was not put there as the result of any merit on our part.

Mr. TALMADGE. The decision was made at the Federal level.

Mr. HOLLAND. The decision was made at the Federal level because it was the one spot on the perimeter of our Nation where an activity of that kind could be most effectively based.

Mr. TALMADGE. And the expenditure of Federal money made the project possible?

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The expenditure and the installation, in turn, caused many thousands of people to go there to seek employment. That caused the impacted area for which the funds have been appropriated and made available for Florida schools?

Mr. HOLLAND. The Senator is correct. The letter to which I referred from the Department of Health, Education, and Welfare shows that the project added over 12,000 students to the public school system of the country of Brevard. The children come from the homes either of Air Force personnel at Patrick Air Force Base, those who serve NASA, or those who serve the contracting agencies which in turn serve NASA.

Mr. TALMADGE. If the funds to which we have referred were cut off, what would happen?

Mr. HOLLAND. There would be only two possibilities. Either the local communities and the State would find some way of carrying on—and carrying a burden which is certainly a national obligation——

Mr. TALMADGE. A burden not of the State's creation.

Mr. HOLLAND. Not of the State's or local community's creation. If the State could not provide the necessary facilities—and, frankly, in that particular location it could not, because the number of children coming in to the defense activities is so great—the Federal Government would have to establish separate schools. If it established separate schools, it would cost the Government, as I shall show later, a little over three times as much as it is costing the Government under the present program.

The present program does not cover the full cost of the education of the chil-

dren, as the Senator from Georgia knows, but a great many people do not know it.

Mr. TALMADGE. It is only a small part of the cost.

Mr. HOLLAND. It is a contribution; that is all.

Mr. TALMADGE. The Senator has made that fact abundantly clear. It is well that it be done, because, as has already been pointed out, certain persons talk about that matter but do not realize the situation which exists and how expensive it would be to the Federal Government for it to undertake to operate a public school system of its own in the areas affected.

Mr. HOLLAND. They certainly have not realized the situation. It is rather astonishing that the Civil Rights Commission, with all the responsibility in this field, does not understand it. But as the facts show that Commission has deteriorated to the point where its usefulness is at an end.

Mr. TALMADGE. Will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. TALMADGE. The Civil Rights Commission to which the Senator refers is the same Commission that wanted to starve all the people of Mississippi to death, both Negro and white.

Mr. HOLLAND. It wanted to withdraw all Federal appropriations. It would have starved some people; there is no doubt about it.

Mr. TALMADGE. And President Kennedy, as the Senator recalls, twice on the same day very wisely stated that he did not have that authority, and he did not think any President ought to have such authority. Is that correct?

Mr. HOLLAND. That is correct. In a similar debate some months ago, the Senator brought that fact out. I thought so highly of it that, at a later point in my prepared remarks, I shall place that statement in the RECORD today, because I thought the Senator made a great contribution by bringing out that fact.

Mr. TALMADGE. I thank the Senator. I think it well to repeat the President Kennedy quotation at every opportunity on the floor of the Senate, because some Members of the Senate apparently have not yet fully learned what his views were in that regard.

Mr. HOLLAND. I agree with the Senator. Some of us realize that the late lamented President Kennedy was the mainspring behind legislation of this type, but that he himself was the first to declare, when this particular authority was suggested to him in connection with the civil rights issue, that he had no such authority and he thought if it were exercised the burden would probably fall more heavily upon the very people intended to be served by the civil rights legislation.

Mr. TALMADGE. He made that as a part of his statement. He said that the burden would fall most heavily on the people who could least bear the burden—the Negroes of the State, whom he intended to try to help.

Mr. HOLLAND. The late President made that point. He was correct in it because, as the Senator knows, in such programs as the distribution of surplus food and various types of employment in public works projects and the like, in his part of the country and in mine and in Mississippi, great numbers of members of the Negro race have a much greater stake in activities of that kind, which affect them personally.

Mr. TALMADGE. That is particularly true in such programs as aid to dependent children and old-age assistance, school lunch programs, and programs of that type. Both Florida and Georgia have tried to implement and assist such programs as much as possible.

Mr. HOLLAND. Yes. I think both States have taken every opportunity to bring as much help to these people as possible, by fully matching the Federal appropriations.

The fact remains that if such Federal activities were cut off, the people who would be most adversely affected would be the people who should not be adversely affected—the very people the zealous advocates of the ill-conceived measure say they want to help.

Mr. TALMADGE. So what the Government would be doing by cutting off such programs would be cutting off their noses to spite their faces.

Mr. HOLLAND. That is a good way to state it. I thank the Senator.

Mr. President, I became interested in the school impacted program because there are a dozen or so counties in my State that are very much affected by it, as the Senator knows, not only because of the Cape Kennedy activities, but also because of the location of defense bases which have become of greater and greater strategic importance as our troubles in the Caribbean have increased.

I continue with my prepared remarks in this very field.

I recently visited Brevard County, an area in the State of Florida which is affected heavily by this program, and I verified my understanding, as to the pupils who come directly from homes located on defense bases, that the Government pays only about one-half of the expense of their schooling and, as to students whose families do not actually live on the base, the Federal Government pays only about one-fourth of the expense—or a little over—of their schooling.

The Government program is divided into two classifications of students. As to those who live on Patrick Air Force Base for the payment of their education costs, the Government contributes about twice as much as it does if the parents live off the base. There are many workers at that base and at Cape Kennedy who do not live on the base itself.

On this subject I requested a letter from the Office of Education in the Department of Health, Education, and Welfare, said letter relating to the rates of payment and total funds paid under Public Law 874 to impacted areas in the State of Florida with detailed data for Brevard County, Fla., which is the county in which Patrick Air Force Base and the Kennedy guided missile bases are located and in which some 12,000 children are added to the public school load by the families who are in that area serving the Federal Government. Said letter is dated April 30 and is addressed to me from Mr. B. Alden Lillywhite, Acting Director, School Assistance in Federally Affected Areas. I read it into the RECORD at this point to emphasize the far-reaching, adverse financial effect upon the Federal Government which would be involved in carrying out the ill-advised recommendation of the Commission on Civil Rights in this field.

I do this because this is another illustration, and a very apt and powerful one, of the fact that persons who have become so zealous in trying to accomplish an objective which they think is good—and an objective which has many good features in it—have lost all touch with commonsense and with the practical result of some of their recommendations.

I read the letter:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., April 30, 1964.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: This letter is written in accordance with your telephone request today for information regarding the rates of payment and total funds paid under Public Law 874 to impacted areas in the State of Florida with detailed data for Brevard County.

Public Law 874 is one of the two impacted areas laws which have to do with the operating costs of the schools. The other has to do with facility construction and equipment. Public Law 874 covers the operations.

The letter continues:

As you know, Public Law 874 authorizes Federal payments for current operating expenses to eligible school districts in federally impacted areas. So far as is pertinent here the payment is made because the school district provides free public education for children who live on Federal property or children who live with a parent employed on Federal property which cannot be taxed for school purposes. Children who live on Federal property with a parent employed on Federal property are called A category children and those children who live in a taxable home with a parent employed on Federal property are called B category children.

The rate of payment per child is specified by formulas in the act. The Commissioner is required to compute a local contribution rate for each eligible applicant which is the rate of payment for each A category child.

That is, of the school district or the county, as contrasted with the State. The State, under our system, pays a little more than half. Its part is not affected at all. It continues to pay a little more than half of the cost of education of children in our State. The local part, in some districts, is a little more than half. In some districts, it is a little less than half.

Continuing quotation of the letter:

One-half this amount is paid for each B category child. Basically the payment formula provides that the local contribution rate is determined by computing the cost per child from local revenue sources in comparable communities in the same State in the second preceding year. However, the act provides that no school district need take a

contribution rate which is lower than one-half the State average cost per child or one-half the national average per child, both in the second preceding year. Applicant districts select one of these three methods of payment whichever is the highest.

Under this formula the payment for each A category child is intended to be roughly equivalent to the local share of the cost of education.

Which in my State is generally about half the total cost of operating the schools—

This is done on the assumption that there is little or no local tax income available for the education of a child who lives on Federal property with a parent employed on Federal property. One-half this rate is paid for B category children under the assumption that part of the local tax that normally goes to support a child's education is available to the school district from taxes on the place where the family lives and the other part that normally comes from taxes on the place where the parent works is absent.

Data available in this Office indicates that in the 1962–63 school year the average per pupil cost for all school districts in the State of Florida was $346.84. The estimated State aid per child that year was approximately $170 per child and the local contribution rate paid for each A category child under Public Law 874 was $188.78 which is one-half of the national average cost per child. On this basis, the average cost per child from local funds in the State as a whole in the 1962–63 school year was $176.84 and the average payment that year by the Federal Government for each A category child was $188.78. During that year 17 school districts in the State of Florida received $7,461,410 for 66,352 federally connected children.

There is presented below data for Brevard County for the 1962–63 and 1963–64 school years. Data for the 1962–63 school year are final and for the current school year are estimates.

The current school year will not end until toward the end of May or the early part of June.

The total per pupil cost for all children in Brevard County last year was $357.77. State aid paid to the district amounted to $170.10 for each child in the district which left the balance of $187.67 to be made up from local funds. The local contribution rate paid for the 826 A category children was $188.78. The school district had 11,301 B category children for which the rate of payment was $94.39. It will be noted from the above that the local contribution rate paid last year was just about $1.11 higher for each A category child that the local taxpayers in Brevard County paid from local tax funds for each nonfederally connected child.

Public Law 874 provides under section 4(a) that if a school district has enough of an increase in any year in A and B category children to constitute 5 percent of the total non-Federal children the preceding year the school district can get paid for the children in that increase on a deficit basis rather than on the local contribution rate basis. In 1962–63 Brevard County had an increase of 2,287 A and B category children for which a rate of $298.70 per child was paid under section 4(a) of the act. Thus, the total entitlement to the school district after deducting $97,432 paid to the district as taxes on Federal property in Brevard County was $1,827,389. This amounted to an average payment of $125.52 for each A and B category child.

The data available for the 1963–64 school year for Brevard County indicates that the total cost per child will be $342.24; that the State aid is $171.05 per child and that the local contribution rate to be paid under Public Law 874 which again is one-half the national average cost per child is $199.95. It appears that the district will have about 1,625 A category pupils for which it will receive approximately $325,000 and 12,893 B category pupils for which it will receive approximately $1,290,000.

I pause to say that this year it appears that the total number of children from Federal officials' families and Federal employees' families will be around 14,000 rather than the 12,000 it was last year.

To conclude quotation of the letter:

In addition the school district will have an increase of around 3,087 A and B category children this year over last year for which the rate of payment under section 4 (a) will be $332 per child. The school district will receive approximately $1,024,000 for this group of children, making a total estimated entitlement for the year of approximately $2,640,000. This is an average payment of approximately $150 for each A and B category child.

I hope this information will be useful to you.

Sincerely yours,

B. ALDEN LILLYWHITE,
Acting Director, School Assistance in Federally Affected Areas.

Mr. President, I place this entire letter in the RECORD because it shows clearly that if we average the A and B category children, at least in that area, the Federal Government is paying a little less than one-third of the cost of operating the schools; and that if the Federal Government sought to replace local schools with schools of its own for such children, and to make them free schools—which they are now—the Federal Government would have to put up a little more than three times the amount it is putting up at the present time, indicating clearly the blindness of the Civil Rights Commission to any practical questions involved in this whole impacted area situation.

I do not have to remind the Senate that to have duplicate schools and a duplicate school system would be, in itself, a most deplorable situation. It would be subject to all kinds of criticism which I, for one, would not wish to see set up, because it would require additional construction as well as approximately three times as much operating expenditure per child for the Federal Government, for the federally impacted area children as the Federal Government is now paying.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield at that point?

Mr. HOLLAND. I am glad to yield.

Mr. TALMADGE. Is it not true that rather than increasing the number of schools and decentralizing them throughout the country, the opposite trend is in force and effect throughout the Nation—that is, one of consolidation?

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The purpose thereof, of course, is so that an adequate number of pupils—for instance, taking physics—may be provided with an adequate physics laboratory and a qualified teacher.

Mr. HOLLAND. The Senator is correct.

Mr. TALMADGE. The teacher will be paid well, and should know thoroughly the subject of physics. Also, of course, it is the purpose to have adequate recreational facilities and coaching staffs for athletic facilities, and so on. So if we start to break up schools and scatter them around the country, the schools would not be able to afford quality teachers, or to provide the laboratories, libraries, or school facilities needed; is that not correct?

Mr. HOLLAND. The Senator is correct.

I digress long enough to say that about 2 months ago, I had the honor of dedicating the new and very fine high school built at Eau Gallie, in Brevard County, in my State, which is the last word in modernization. Many of the children who attend that school come from homes whose parents are highly trained scientists, and the like; and the State of Florida wishes to give those children the very best education in the fields the Senator has suggested, the very best in laboratory facilities, equipment, and training. The high school in Eau Gallie is equipped to do just that.

If it were divided into two, there would either be a vastly greater expenditure involved, if it were necessary to split it, or, what is much more likely, there would be diminished opportunities for the children who would be in both schools.

Mr. TALMADGE. I recall reading an article recently, either in the press or in a national magazine, about an exceptional school in that area, with exceptional students. Advanced studies are provided in the classes, and the students are given free rein to progress as fast as their abilities permit them to do so.

Mr. HOLLAND. That is the very school that I have mentioned.

Mr. TALMADGE. I was fascinated and intrigued by that situation, because, unfortunately, in most schools, the curriculum is geared to the mean average. It is difficult for those who are of below average ability to keep up, and likewise those who are above average ability are retarded, because they do not have an opportunity to excel to their full ability.

I was impressed by what I read in the article, because I believe the modern trend in education is to divide the classes into groups according to those of superior ability, those of average ability, and those of less than average ability. In that way a group is achieved which is harmonious and congenial, and geared to the average load of that group, rather than forcing all students into one group, in which those who can excel and those who are retarded and those who are below average cannot keep up with the mean.

The trend throughout the country in education is toward placing students into groups like that, so that they can achieve their full capacity without affecting those who cannot keep up.

Mr. HOLLAND. The Senator is correct. I thank him for that contribution. The very school I have spoken about, the Eau Gallie High School, is the school to which he has referred. The State of Florida is trying to meet the challenge

which is present there. These children come from superior homes. I use that word solely with reference to the——

Mr. TALMADGE. Mental capacity.

Mr. HOLLAND. The capacity of the parents to know a great deal about science and all the technical matters that we are dealing with in this age. The State is constructing a new institution of higher learning, just opposite Eau Gallie, in Cocoa, so that these children and also employees of the Federal Government, and, in many cases, employees of contracting firms which are servicing the Federal Government in these advanced scientific fields, can find the opportunity for advanced training in all the fields which are affected by the space effort.

To discourage an effort of this kind, which would be done by the course recommended by the Civil Rights Commission, would not only mean a great expenditure, but would also be destructive of opportunities which we are trying to give youngsters.

Mr. TALMADGE. Would not such a course be the converse of the Defense Education Act, which Congress enacted only a few years ago, in which we make available loans to outstanding students to further advance their skills and talents in vital areas, particularly in science?

Mr. HOLLAND. That would be exactly contrary. I am glad the Senator has called attention to that point.

I again call attention to the blindness of the Civil Rights Commission, as a group of zealots, thinking about only one objective, and attaching to it supreme importance. In doing so they overlook many practical and important things in making their recommendations. I believe their reports brand them as an outdated organization which has served too long and should be discontinued at the earliest practical time.

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

Mr. HOLLAND. I am glad to yield to the Senator from Kentucky.

Mr. MORTON. The Senator from Florida mentioned the high school at Eau Gallie. As a coincidence, 50 years ago this year, in 1914, I spent my first winter in Eau Gallie. I have spent many there in the ensuing years, until I had to go away to school and college. The educational facilities at that time and the opportunities were not anything like they are today. It was always necessary to keep up my school work with private tutoring. I visit Eau Gallie with a great deal of nostalgia from time to time. I have seen the high school building, even though I have not been in the school. The educational system of the great State of Florida has made great strides. Today I believe it has one of the leading educational systems in the entire Nation.

When the Senator mentioned Eau Gallie, I could not help injecting these remarks, because I have great affection and deep roots in that part of Florida.

Mr. HOLLAND. I thank my distinguished friend. I have two comments to make. First, I would not want him to believe that I am taking the position that there is in every fine community of our State as fine a facility as exists in Eau Gallie, because that is not so. We have a good school system, but this is probably the outstanding school, because of the facts with which we are all familiar.

Second, I wonder if my distinguished friend was one of those fine, neatly dressed young cadets of the Kentucky Military Institute which used to come to Eau Gallie every winter, to get away from the snowy north and spend the winter season at Eau Gallie.

Mr. MORTON. No; I am sorry that I was not. My grandfather had a place at Eau Gallie, at the confluence of the Eau Gallie River—which we in Kentucky would call a creek—and the Indian River. At that point, on the north side, where the two streams come together, he purchased land in 1914. Until after his death we enjoyed our winters there. Of course, KMI left Eau Gallie, and is now on the west coast of Florida. We used to get down there by getting a car hitched to the KMI special whenever they went down there for their winter vacation.

Mr. HOLLAND. On every public occasion and at every fair that is held in Florida during the wintertime, those in charge always want to get the KMI battalion for their parades. It is a very fine, outstanding group. I believe they rather enjoy being recognized as perhaps the outstanding young military group that has ever spent its winters in Florida. I had hoped that I would find that the Senator from Kentucky had been one of those sturdy, upstanding young soldiers-in-training whom I enjoyed so much seeing in parades from time to time.

I know that KMI has now left Eau Gallie, because that area has become so congested, and has moved to the west coast. However, we still have them in the Florida parades, and I hope nothing will interfere with that custom.

Mr. MORTON. I am sure nothing will. The school officials whom I know are happy that they can spend their winters in Florida, and the rest of the year in Kentucky. Although I have not been able to go there, I have been asked on occasions to visit them. I have had the privilege of giving commencement day addresses at KMI. On those occasions I have always been able to mention Florida.

Mr. HOLLAND. I thank the Senator. I hope he will be able to keep it up.

It is quite apparent from the reading of Mr. Lillywhite's letter that in the event the Federal Government should condition its grants to the school system of Brevard County, Fla., upon the desegregation of public schools in that county to which many of the children from the families of the Federal employees in the impacted area are assigned, which would include probably every school in the county, and in the event the county refused to accept such condition and declined such grants, it would cost the Federal Government nearly three times and perhaps more than three times the amount which it now puts up for school operation within Brevard County to operate schools of its own for the more than 12,000 children who are affected.

Aside from the much larger expenditure which would be required of the Federal Government in such a case, duplicate school systems would be required and the whole situation would assume ludicrous proportions. Apparently, no practical view of this matter was acceptable to the Civil Rights Commission which followed the philosophy of desegregation at any cost.

Still another group of the 1963 recommendations of the Civil Rights Commission is found on page 143 of the printed report wherein they recommend in substance that the President immediately direct the Secretary of Health, Education, and Welfare to ignore the separate-but-equal provisions of the Hill-Burton Act affecting hospital facilities. That act provided in the following words for taking care of segregated hospital facilities—and I quote—"In cases where separate hospital facilities are provided for separate population groups, the plan makes equitable provision on the basis of needs for services and facilities of like quality for each such group" the nondiscrimination clauses of other portions of the act shall not apply. The Commission recognized that under this "separate but equal" provision, 14 States have planned separate hospital facilities and that 89 medical facilities have been financed in part for the exclusive use of either white or Negro persons. Notwithstanding that fact and the fact that such grants were being made under existing law passed by the Congress and approved by the President, the Civil Rights Commission nevertheless recommended that the President bypass the courts and the Congress by instructing the Surgeon General to refuse further grants on any segregated basis. While we know that since the date of the 1963 recommendations this same subject has been before the Supreme Court which has knocked out the "separate but equal" provision of the Hill-Burton Act, the fact remains that the recommendation of the Civil Rights Commission gave no recognition whatever to the possibility of either court or congressional action but simply recommended that the President ignore both the law and the Congress and proceed by direct action in accordance with its recommendations. The Civil Rights Commission seems to have felt that it was substituting in a convenient way for the Supreme Court of the United States because it uses in its report the following statement, and I call special attention to this. Apparently they feel that they were able to pinch-hit for the Supreme Court in this situation. The statement reads as follows:

> If the Supreme Court of the United States had decided the School Segregation cases of 1954, 8 years earlier, or if the Hill-Burton Act of 1946 had been enacted after 1954, it is unlikely that the act would authorize the use of Federal funds for racially separate medical facilities.

There could not be a clearer showing that the Civil Rights Commission not only knew perfectly well that the bill was what it was, but also that it knew that question should be passed on by the court. It contented itself with its recommendation for immediate action by the President, upon its recital that if the Hill-Burton Act had been enacted after 1954, instead of before, it was sure that

Congress would not have enacted it in the form in which it was enacted.

From that conclusion, the Commission moved ahead to recommend that both the Congress and the court be bypassed, as I have already stated, and that the President, by direct action through his Cabinet member, proceed to ignore the provisions of the Hill-Burton Act and decline to approve further grants to segregated hospital facilities under the specific wording of the act.

It seems rather clear, in view of this and the other quoted recommendations of the Civil Rights Commission, that it regards itself as above both the law, the courts, and the Congress, and as clothed with ample authority to recommend the direct correction, independent of all legal or procedural limitations, of all of the troubling problems in the civil rights field which it may discover. I think it is high time to do away with the existence and further functioning of this arrogant body.

Mr. President, last year, during the Senate debate on the then-proposed extension of the life of the Civil Rights Commission, I expressed my opinion of the lost stature of the Commission. On reading the statement I made at that time, I find that it covers so fully my opinion at the present time, that I shall repeat my remarks on that occasion—September 30, 1963—which were as follows:

Mr. HOLLAND. Mr. President, I had hoped that in the current extension of the Civil Rights Commission I would find it appropriate either to remain completely silent and vote against the extension or perhaps even to remain silent and vote for the extension, because some things done by the Civil Rights Commission in the several years of its existence have, I believe, been constructive.

Unfortunately, developments in recent years and particularly yesterday, when the 1963 Civil Rights Commission report was made public, have been such that I cannot sit silently in my seat since I feel that I should state in the RECORD my feeling that the Civil Rights Commission has outlived any usefulness that it may have had. It has shown itself to be unfair and now imbued with almost an obsession that it is a messianic agency, so that it is suggesting things to be done which are not only completely unconstitutional but are thoroughly against existing law, against the best interests of our country, and against the bringing about of any real degree of national unity and understanding.

First, I wish to say a word with reference to the current organization of the Civil Rights Commission. When the Civil Rights Commission was first named, there was some effort to make it representative of the best and most constructive thinking of all parts of the country. I well recall that I was approached and asked to make any suggestions which I considered appropriate with respect to highly representative and reputable citizens in the southern area of our country, so that there might be representation on the Civil Rights Commission from our part of the country which would command respect on the part of our citizens in general, whether white or colored. I was one of several Senators who made such recommendations. Two of the several fine citizens whom I recommended were appointed to the first Civil Rights Commission. They were former Gov. Doyle Carlton of my State of Florida and former Gov. John Battle of the Commonwealth of Virginia.

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

Mr. HOLLAND. I am glad to yield to my friend from Mississippi.

Mr. EASTLAND. They both had intelligence enough to get off the Commission when they saw the turn it was taking, did they not?

Mr. HOLLAND. That is an interpretation which might be given to their actions. Perhaps they were completely exhausted by their difficult efforts up to that time. I do not know the reasons why they left the Commission, but they declined to be considered for reappointment.

Not only did I suggest the names of those two eminent citizens who were appointed, but also the senior Senator from Georgia [Mr. RUSSELL], who made several suggestions as to appointees to be considered, included on his list both of those particularly eminent citizens of our area. They were appointed.

I am sorry to say that no such policy has been continued as to the appointment of the current membership of the Civil Rights Commission.

That statement was made in October 1963; but it is still true in May 1964.

I read further from the statement:

I believe the Commission has suffered because of the fact that in recent years there have not been on the Commission truly representative members who were citizens of the area of those States most affected, and who could be fully respected from one end of our Nation to the other.

Mr. TALMADGE. Mr. President, will the able Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to my able friend.

Mr. TALMADGE. I concur in the statement made by the able senior Senator from Florida. It seems ridiculous to me to have a Commission allegedly acting as a factfinding body when only one point of view is represented on the Commission. I am sure the able Senator will recall some of the many extreme recommendations which the Civil Rights Commission has proposed, one of them being a recommendation, in the spring of this year, as I recall, to cut off all Federal funds going into the State of Mississippi—social security benefits, veterans' benefits, and all funds of any kind or character. Does the able Senator recall that recommendation?

Mr. HOLLAND. I recall it well, and with great sorrow.

Mr. TALMADGE. I should like to read a statement, and ask if my friend from Florida remembers the author of that statement.

"I don't have any power to cut off the aid in the way proposed by the Civil Rights Commission and I would think that it would probably be unwise to give the President of the United States that kind of power."

Does the Senator recognize that statement; and, if so, does he remember the author thereof?

Mr. HOLLAND. Yes. I well remember that when the recommendations reached the present President of the United States, President Kennedy, he reacted to the recommendation in the words just quoted by the distinguished Senator from Georgia.

Mr. TALMADGE. That particular statement was made by the President of the United States before the American Society of Newspaper Editors on April 19, 1963.

I should like to read another statement and ask if the able Senator recognizes it; and, if so, if he remembers the author thereof:

"Another difficulty is that in many instances the withholding of funds would serve to further disadvantage those that I know the Commission would want to aid. For example, hundreds of thousands of Negroes in Mississippi receive social security, veterans' welfare, school lunch, and other benefits from Federal programs. Any elimination or reduction of such programs obviously would fall alike on all within the State and in some programs perhaps even more heavily upon Negroes."

Does the able Senator recall the author of that statement?

Mr. HOLLAND. Though my recollection is not so clear as in the other case, it is that the President of the United States made that statement, also.

Mr. TALMADGE. The Senator is entirely correct. That was the statement of the President in a letter dated April 19, 1963, to the Chairman of the Civil Rights Commission.

I ask the able Senator if, notwithstanding those two statements by the President of the United States, this partisan group renewed the same recommendation in its report submitted yesterday?

Mr. HOLLAND. They did, I am sorry to say. While I shall not mention that particular recommendation, because I am trying to confine myself to recommendations which are relatively new, I am sad that this group saw fit to overlook the fact that that kind of action, if carried out, would put our Government in the same position the whole world complained of when a certain power destroyed the village of Lidice merely because someone there had affronted it.

Mr. TALMADGE. Mr. President, at this point will the able Senator from Florida yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Florida yield to the Senator from Georgia?

Mr. HOLLAND. I am glad to yield.

Mr. TALMADGE. First, let me say that I am grateful that the Senator from Florida regards a colloquy which he and I had last year as worthy of repetition in connection with the current debate.

Would not the Senator from Florida characterize the starvation theory or the deprivation of funds theory or the deprivation of services theory, as incorporated in the bill, and as recommended by the Civil Rights Commission, to be on a par with the stall-in idea at the World's Fair?

Mr. HOLLAND. It is somewhat in the same field, but I believe it is worse.

Mr. TALMADGE. Yes, it is worse, because although stall-ins might create traffic hazards, with the result that innocent persons might be injured, yet the deprivation of funds idea could, if put into effect, cause many persons to starve to death, could it not?

Mr. HOLLAND. Yes, and many of the persons affected would not be prepared to withstand the adverse effects of such a procedure, whereas advance notice of the proposed stall-ins would come to the attention of many of the persons in the areas affected and therefore they could take steps to avoid them, even though the resulting traffic tieups would be most annoying and outrageous.

On the other hand, it is inconceivable that the Federal Government would embark upon a program such as the one now proposed, which could have such devastating effects on so many innocent women and children.

Mr. TALMADGE. Both are harebrained schemes, are they not?

Mr. HOLLAND. Certainly that is the case.

Mr. TALMADGE. I thank the Senator from Florida.

Mr. HOLLAND. Mr. President, I continue to read from my statement of October 1963:

That is a policy of punishment by association, in the sense of people living together in a great area being equally punished regardless of their guilt or innocence and regardless of their need. Aside from the un-American character of such action, it is blind for an agency established to give aid to an underprivileged group to suggest a course which is sure to bring greater disaster upon members of that underprivileged group than upon the public generally.

Mr. TALMADGE. In effect, it would expel an entire State from the Union, would it not?

Mr. HOLLAND. Yes.

Mr. TALMADGE. That is, from the benefits, though not from the taxation.

Mr. HOLLAND. It would, indeed. We have not witnessed anything like that since Reconstruction days, when Members of the Senate and of the House of Representatives, duly elected by their respective States—on the theory that there had not been any breaking up of the Union but that instead there had been a victory for preservation of the Union—were refused their seats. When newly elected Senators and Representatives came to Washington, they were not permitted to take their seats but, instead, there were enacted punitive measures called the Reconstruction acts, aimed against certain States, refusing to permit them to be heard in the councils of the Nation until they took several very distasteful courses, such as the reframing of their own constitutions, approval of the 14th amendment, and other steps which I shall not mention.

This is a following up or a renewal of the philosophy which prevailed in those days to such an extent that a Congress overrode, not once, but repeatedly, vetoes of the President, who at that time was trying to bring the Nation back together into unity.

Mr. TALMADGE. I thank the able Senator. I agree with him wholeheartedly.

Mr. HOLLAND. I thank the Senator for his intervention.

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

Mr. HOLLAND. I yield.

Mr. RUSSELL. I have not heard the previous discussion. I just came into the Chamber. But I am sure the Senator will realize that despite all the trials and indignities that were heaped upon the South in the Reconstruction period, there was never any proposal for genocide such as is contained in the recommendation of the Civil Rights Commission—for starving the weak, the poor, and the indigent in a State, taking taxes from the people of a State but not permitting the return of one 5-cent piece of that money. Taxation without participation is worse than taxation without representation.

Dark as were the days of reconstruction even Thaddeus Stevens did not advocate total war on women and children. They did advocate shooting men who had served in the Confederate Army and Navy, but they did not propose a deliberate campaign designed to inflict hardship and suffering on all the women and children of both races in the South.

Compared to the vicious proposals of this Commission, Sumner and Stevens will appear in a more favorable light.

Mr. HOLLAND. The Senator is correct. Even Thaddeus Stevens never proposed anything that went so far as this recommendation. I am very sure the people who made this as one of almost innumerable recommendations have not given serious thought to it, because I know there are some good people on the Civil Rights Commission, and I could not understand how they could ever come to the point that they would make such a heartless and inhuman recommendation of this unconstitutional character. It does not smack of anything that has happened heretofore in America, even in Reconstruction days.

I am glad my distinguished friends have called attention to this point.

Mr. RUSSELL. The Senator would have to go back to the days of Attila and Tamerlane to find anything to equal this.

Mr. HOLLAND. To go back to the Commission, not only has the Senator from Florida not been approached about any recommendations for appointment of members of the Commission, but he finds, in discussing the same matter with his friends generally who come from the South, and who are Members of the Senate, that none of them has had any request for such recommendations.

Aside from the violation of the normal rule in the Senate that when appointments are to be made that singularly apply to sections that certain Senators are trying to represent, their viewpoint is usually sought by the appointive power, the very standing of the Commission has suffered greatly by reason of the departure from the earlier rule which, I think, was one that involved both courtesy and wisdom. Referring to the men named to succeed the former Governor of Florida, Doyle Carlton, and the former Governor of Virginia, John Battle, two good men, I shall have nothing derogatory to say about these new members. But the appointment of a teacher from North Carolina, regarded as highly liberal in his point of view, was made without either one of the two Senators from North Carolina having been asked for his opinion on his appointment. I do not think that was a wise course.

I find, representing the Commonwealth of Virginia, a former dean of Howard University Law School, Spottswood Robinson, was appointed. I am sure, from what I have heard, that he was a resident of Virginia. I noticed the President announced yesterday that he was going to appoint him to the District Federal bench, indicating rather clearly that here in Washington is where his present active connection is, rather than in Virginia. But I am asking Senators to decide for themselves what kind of substitutions for former Governor Carlton and former Governor Battle these two appointees were.

The Civil Rights Commission has suffered in the eyes of reasonable and moderate thinking people. I may not be a reasonable person, but I believe I am moderate in this field, and that everything I have done through the years shows it.

The Commission has suffered irreparable damage in that great part of the Nation where over 50 million people live and which is so directly affected by the departure from the earlier rule and by the type and character of the new appointees.

Mr. President, I shall yield the floor shortly, but in order that all Senators may have the benefit of seeing an article in the nature of a legal brief on the question of the termination date of the Civil Rights Commission under the present wording of title V of the bill, I have obtained from Mr. John H. Simms, the Legislative Counsel, a written statement or brief which I shall place in the RECORD. Before I do so, however, I ask unanimous consent that there be printed in the RECORD the text only of the three amendments which I have offered. They have been read, printed, and are lying on the table. They are marked amendments numbered 563, 564, and 565. They all relate to the same question.

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

AMENDMENT NO. 563

On page 19, beginning with line 1, strike out all through line 17 of page 25 (title V). Renumber the suceeding title and sections of the bill, and cross references thereto, accordingly.

AMENDMENT NO. 564

On page 24, between lines 11 and 12, insert the following material in double quotation marks:

"(c) The Commission shall cease to exist upon the submission of its final report and recommendations."

AMENDMENT NO. 565

On page 24, between lines 11 and 12, insert the following material in double quotation marks:

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist."

Mr. HOLLAND. Mr. Simms is a very able attorney. I asked him to check the present law and to check the proposed provision of title V of the pending civil rights bill very carefully and to give me a written memorandum, which he has done in the following words:

This memorandum is submitted pursuant to your request for my opinion whether the Commission on Civil Rights is made permanent under the provisions of H.R. 7152 as now pending in the Senate.

Mr. President, I made that request because I noted that in the report of the committee of the other body it was made clear that they were trying to make the Commission permanent, in fact the bill as reported by the House committee sought to do so, and yet I noted in the debates on the floor of the other body on this subject that an amendment was adopted which, by its terms, was intended to terminate the Commission in 1968 but without any specific words of termination other than the filing of a final report.

So my request was for him to check this whole matter carefully, and to give me this memorandum, which he did.

He continues in the memorandum:

Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c) has three subsections designated as (a), (b), and (c). Subsection (a) relates to the duties of the Commission; subsection (b) relates to the making of reports by the Commission and provides for the filing of a final report not later than September 30, 1964; and subsection (c) provides that the Commission shall cease to exist 60 days after the submission of its final report.

If we had before us only existing law, we would know that Congress in its last action on this matter, which was last year, provided that a final report should be filed by the Commission on September 30, 1964, this year, and that the Commission should cease to have existence 60 days after the submission of the final report. The final report could be made earlier than September 30, 1964, but that was the last date fixed by this section.

To continue with the memorandum:

Section 504(a) of H.R. 7152 as it was reported to the House on November 30, 1963, clearly gave the Commission permanent status. Section 504(a) rewrote the entire section 104 of the Civil Rights Act of 1957 into two subsections designated as (a) and (b). Subsection (a) related to the duties of the Commission and subsection (b) provided for the filing of an annual report not later than January 31 of each year. Subsection (c) of section 104 of the Civil Rights Act of 1957, which provides for the termination of

the Commission 60 days after the submission of its final report was in effect repealed because it was not included in section 104 of the Civil Rights Act of 1957 as rewritten by section 504(a) of H.R. 7152 as reported to the House.

Notwithstanding the fact that section 504 (a) of H.R. 7152 had the effect of repealing subsection (c) of section 104 of the Civil Rights Act of 1957, section 504(b) of H.R. 7152 as reported to the House specifically repealed subsection (c) of section 104. As a result, H.R. 7152 as reported to the House contained two provisions which had the effect of repealing subsection (c) of section 104 of the Civil Rights Act of 1957.

To digress, the confusion began with the fact that the bill as reported by the House committee to the House had two different repealers of subsection (c) of section 104 of the Civil Rights Act of 1957.

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

Mr. HOLLAND. I yield.

Mr. HILL. Does not this fact illustrate the lack of consideration this particular bill received in the House committee?

Mr. HOLLAND. Of course. Any Senator can confer with our own counsel and learn that this is regarded as hopeless carelessness. It is what has given rise to the question which disturbs me. I do not want the Civil Rights Commission at all, but if it is to continue, in the interest of decent draftsmanship, we ought to have more certainty about the provision for its life.

Mr. HILL. If the rules of the Senate had not been circumvented and the bill had gone to committee, as all other bills go to committee, as this bill should have gone, this matter would undoubtedly have been discovered by the committee and would have been adjusted.

Mr. HOLLAND. The committee would certainly have discovered it. I discovered it on the first reading. I am sure the able counsel of the Senate, much more skilled in matters of draftsmanship than any Senator, would have discovered it at first glance.

While the memorandum I am reading, signed by Mr. Simms, does not use the word "careless" it makes it quite clear that there was bad draftsmanship on this particular bill.

Mr. HILL. Does it not illustrate what kind of trouble we get into when the committee is circumvented and a bill does not receive committee consideration?

Mr. HOLLAND. It certainly does. To continue Mr. Simms' excellent brief:

When H.R. 7152 was under consideration by the House on February 6, 1963, Mr. Rogers of Colorado offered (CONGRESSIONAL RECORD, Feb. 6, 1964, p. 2296) amendments to section 504 which were clearly designed to authorize the existence of the Commission for a period of 4 years and provided for the filing of a final report by the Commission not later than January 31, 1968. Mr. ROGERS' amendment eliminated section 504(b) of H.R. 7152, the provision providing the specific repeal of subsection 104(c) of the Civil Rights Act of 1957, and clearly was intended to have the effect of restoring subsection 104(c). However, this intent was frustrated by the fact that subsection 104(c) had been twice repealed by the bill and Mr. ROGERS' amendment did not eliminate the first provision having that effect.

While this is a technical matter, I think all Senators can quickly see the two provisions in the hastily drawn bill which would have eliminated section 104(c) and the amendment offered by the able Representative from Colorado [Mr. ROGERS] which successfully attacked one of those provisions, but did not eliminate the other.

I continue to read from the memorandum:

Consequently, the bill as now pending in the Senate provides for the filing of a final report by the Commission not later than January 31, 1968, but eliminates section 104(c) of the Civil Rights Act of 1957 which provides for the termination of the Commission 60 days after the filing of its final report.

A careful examination of the legislative history of H.R. 7152 clearly indicates that it was the intention of the House to give the Commission continued existence only until 1968 and not to make it permanent. It also appears to have been the intention of the House to restore subsection (c) of section 104(c) of the Civil Rights Act of 1957. It is equally clear that this intention was frustrated.

In view of the discussion above, it is my opinion that if H.R. 7152 is enacted without any change being made in section 504 of the bill as now pending in the Senate, a court, if properly advised as to the legislative history of section 504, should hold (1) that the Commission on Civil Rights is not made a permanent agency of the Government, and (2) ceases to exist either (a) on the date of making its final report, or (b) 60 days after such date.

A court, if not properly advised as to the legislative history of section 504 of H.R. 7152, might hold that because of the elimination from section 104 of the Civil Rights Act of 1957 of subsection (c) specifically providing for the termination of the Commission, Congress had indicated an intent to make it permanent.

Respectfully submitted.

JOHN H. SIMMS,
Legislative Counsel.

APRIL 30, 1964.

Mr. President, I am glad to place this memorandum in full in the RECORD, because, regardless of what may be done or not done as to other amendments, it is very clear that the question of the life of the Commission is so unsettled by the provisions of the pending act that I am sure Senators would want to correct that manifest deficiency. I hope they correct it by putting the Commission out of business.

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

Mr. HOLLAND. I yield.

Mr. HILL. I congratulate and strongly compliment the Senator from Florida on a very fine address. It has been most informative and enlightening, and most challenging.

Mr. HOLLAND. I thank the Senator. He employs his customary generosity.

Mr. HILL. I said to the Senator that I think it has been most challenging. It greatly challenges my ability to commend him for the very fine speech he has made this afternoon.

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

Mr. HOLLAND. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. I take this opportunity to commend the able Senator from Florida for the magnificent address he has made. It should be inspiring to all who stand for constitutional government, and I hope it will be read by every Senator.

Mr. HOLLAND. I am more than grateful to the distinguished Senator from South Carolina. I see that he still employs all the Chesterfieldian courtesy for which the gentlemen from his great State have been noted.

I thank the Senator very warmly for his comments.

Mr. President, I yield the floor and 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. 207 Leg.]

Aiken	Hayden	Monroney
Allott	Hickenlooper	Morton
Anderson	Hill	Moss
Bayh	Holland	Mundt
Beall	Hruska	Muskie
Bennett	Humphrey	Nelson
Bible	Inouye	Neuberger
Brewster	Jackson	Pastore
Burdick	Johnston	Pearson
Cannon	Jordan, Idaho	Pell
Carlson	Keating	Prouty
Case	Kennedy	Randolph
Cooper	Kuchel	Ribicoff
Cotton	Long, Mo.	Scott
Curtis	Magnuson	Smathers
Dirksen	Mansfield	Smith
Dodd	McCarthy	Sparkman
Dominick	McClellan	Symington
Douglas	McGovern	Thurmond
Fong	McIntyre	Williams, N.J.
Gruening	McNamara	Yarborough
Hart	Metcalf	Young, N. Dak.
Hartke	Miller	Young, Ohio

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

AMENDMENT NO. 576

Mr. PROUTY. Mr. President, I send to the desk an amendment in the nature of a substitute for title VII of H.R. 7152, the civil rights bill, and ask unanimous consent that it be considered as read for the purpose of cloture, that it be printed in the RECORD and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, it will be regarded as having been read, as requested by the Senator from Vermont.

The amendment submitted by Mr. PROUTY, is as follows:

AMENDMENT NO. 576

Beginning with line 21 on page 27, strike out over through line 25 on page 50 and insert in lieu thereof the following:

"TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

"SEC. 701. (a) Section 8(a) of the National Labor Relations Act is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following:

"'(6) (A) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin;

"'(B) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of

such individual's race, color, religion, or national origin;

"'(C) to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against, any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin;

"'(D) to cause or attempt to cause any labor organization to discriminate against an individual in violation of section 8(b)(8);

"'(E) to discriminate against any individual because of race, color, religion, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training;

"'(F) to discriminate against any employee or applicant for employment because he has opposed any practice made an unfair labor practice by this paragraph (6), or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.'

"(b) Section 8(b) of such Act is amended by striking out the word 'and' at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following:

"'(8)(A) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, or national origin;

"'(B) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, or

"'(C) to cause or attempt to cause an employer to discriminate against an individual in violation of section 8(a)(6);

"'(D) to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin;

"'(E) to discriminate against any individual because of race, color, religion, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training;

"'(F) to discriminate against any employee or applicant for employment because he has opposed any practice made an unfair labor practice by this paragraph (8), or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.'

"(c) Section 8 of such Act is further amended by adding at the end thereof a new subsection as follows:

"'(g) It shall be an unfair labor practice for an employment agency to fail or refuse to refer for employment, or otherwise in connection with referral for employment to discriminate against, any individual because of his race, color, religion, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, or national origin. As used in this subsection, the term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.'

"SEC. 702. Notwithstanding the provisions of the National Labor Relations Act, as amended—

"(1) The term 'employer' as used in sections 8(a)(6), 8(b)(8), and 8(g) of such Act means a person engaged in an industry affecting commerce, including a person subject to the Railway Labor Act, who has twenty-five or more employees, and any agent of such a person, but such term does not include (A) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, or (B) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in section 705, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers.

"(2) The term 'labor organization' as used in sections 8(a)(6) and 8(b)(8) of such Act means a labor organization engaged in an industry affecting commerce. A labor organization shall be deemed for such purpose to be engaged in an industry affecting commerce if the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organizations) is (A) one hundred or more during the first year after the effective date prescribed in section 705, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

"(i) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

"(ii) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

"(iii) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (i) or (ii); or

"(iv) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (i) or (ii) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

"(v) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding subparagraphs of this paragraph.

"(3) The term 'employee' as used in section 8(a)(6), 8(b)(8), and 8(g) of such Act includes an individual employed as a supervisor and an individual employed by an employer subject to the Railway Labor Act.

"(4) It shall not be an unfair labor practice under section 8(a)(6) of such Act—

"(A) for an employer to hire and employ, or for an employer, employment agency, or labor organization to refer for employment, employees of a particular religion, or national origin in those certain instances where religion, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, or

"(B) for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

"(5) Any unfair labor practice under section 8(a)(6), 8(b)(8), or 8(g) of such Act shall be deemed for the purposes of section 10(a) of such Act to be an unfair labor practice affecting commerce if it is committed by or against an employer engaged in an industry affecting commerce or a labor organization engaged in an industry affecting commerce, or against any employee, including an applicant for employment, of any employer engaged in an industry affecting commerce.

"(6) The National Labor Relations Board shall not assert jurisdiction over cases involving unfair labor practices under sections 8(a)(6), 8(b)(8), and 8(g) of such Act alleged to have been committed in any State unless the Board shall have determined, subsequent to the effective date prescribed by section 705, that the laws of such State do not provide (or are not enforced in a manner which provides) remedies substantially comparable to those provided by such Act for persons against whom acts constituting unfair labor practices under sections 8(a)(6), 8(b)(8), and 8(g) of such Act are committed. A determination made by the Board under this paragraph may thereafter be revoked by the Board whenever it determines that the reasons for such determination no longer exist. Any such determination, including a revocation thereof, shall become effective thirty days after the Board shall have transmitted to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a notice of the determination or revocation, together with a detailed statement of the Board's reasons therefor, unless within such thirty-day period each such Committee shall have adopted a resolution stating that it disapproves the determination or revocation.

"SEC. 703. During the pendency of any proceeding before the National Labor Relations Board involving an unfair labor practice referred to in section 8(a)(6), 8(b)(8), or 8(g) of the National Labor Relations Act, the Community Relations Service established under title X of this Act shall make its services available for the purpose of assisting the parties through mediation and conciliation in resolving their differences.

"SEC. 704. Nothing contained in this title, or in any amendment made by this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

"SEC. 705. This title shall become effective one year after the date of its enactment."

Mr. PROUTY. Mr. President, I want to make it perfectly clear that it is not my present intention to call up this amendment. However, a shadow now hangs over title VII. There is strong sentiment in some quarters for perfection and revision of its language. Other quarters want no change. In the event we reach an impasse on this provision of the omnibus bill we must be ready with

alternatives. It is in the spirit of suggesting alternatives that I offer this amendment.

Most simply stated, my amendment would convert what are now listed as unlawful employment practices under title VII into unfair labor practices under the National Labor Relations Act, with administration of the title to be by the National Labor Relations Board.

This is not a novel proposition. Recently, two trial examiners operating under that act determined that certain racial discriminations by unions and/or management constituted unfair labor practices which could be remedied by the National Labor Relations Board. The Board itself opened the door for such determinations in the Miranda Fuel case when it held that:

> Section 8(b)(1)(A) of the act prohibits labor organizations, when acting in a statutory representative capacity, from taking action against any employee upon considerations or classifications which are irrelevant, invidious, or unfair.

What is more, this approach is not new to the Congress. In 1953 Senator Ives introduced an amendment to the National Labor Relations Act with the same objectives. It was cosponsored by 10 Senators, including Senator GOLDWATER and the then Senator John F. Kennedy, our late President. What greater testimonial could there be to the fairness and effectiveness of this approach than the support of two men with such diverse political philosophies?

I believe that this approach has much to be said for it. The amendment—

First, places problems of discrimination under the existing Federal law and within the jurisdiction of the existing Federal agency with extensive experience in such problems. No new Federal agency is necessary.

In 1963 a total of 14,466 unfair labor practice charges were filed with the Board by assorted parties: 72 percent or 6,840 of all charges filed against employers involved discrimination against employees. Of the charges against unions, 39 percent represented allegations of discrimination against employees.

Now, of course, most of these charges did not involve racial discrimination, they involved charges of discrimination in an employee's right to engage in union activities or refrain from so engaging.

The point is that the Board and the trial examiners have a long and valuable history in determining what constitutes the elements of discrimination, an ability and heritage no other Government agency can claim—a valuable perspective that no new agency could acquire within a reasonable time. The Board has a 17-year history of meeting the kind of questions this bill will create. It would be a shame to waste it.

Second, provides established safeguards for both the aggrieved party and the respondent.

The aggrieved party or his employer or his union or his attorney could file a charge with any one of the 28 regional offices of the Board. The regional office would cause an investigation of the allegations of the charge. If the regional director decided that the case was without merit, he could dismiss it, subject to an appeal to the General Counsel. If the regional director found it had merit he could issue a complaint and cause the matter to come up for a hearing before a trial examiner.

If the General Counsel dismisses the complaint because there is insufficient evidence to make out a violation the charging party has no recourse. If, however, the General Counsel issues a complaint then the General Counsel's Office assumes the responsibility for prosecuting the case. An indigent party need only bring his own case insofar as he must convince the General Counsel of the merits of his cause. If it is without merit the General Counsel will not issue a complaint and the case is closed.

Third, places a premium on voluntary settlement of disputes.

Section 201 of the act emphasizes the national policy toward cooperative conclusions of these problems. Of all unfair labor practice charges filed in 1963, 38.7 percent of the charges were withdrawn before a complaint issued; 29.8 percent of all charges were dismissed before a complaint issued; 23.5 percent of all cases were settled or adjusted; 2.3 percent were otherwise disposed of, and only 5.7 percent of all charges filed resulted in Board orders after litigation. Additionally, my amendment would expand the Community Relations Service to provide mediation and conciliation facilities for disputes arising under this title.

Fourth, provides for a speedy remedy for any aggrieved person.

The median lag time from the filing of a charge to the issuance of a complaint was 49 days in 1963, which included a 15-day period reserved to let the parties settle their differences voluntarily. I understand that the median time from the issuing of a complaint to the entry of an order by the Board ranges around 90 days, or a total median lag time of about 5 months.

Since the Board's order is not self-enforcing, but must be enforced by a court of appeals, the appeal time must be included. The median time interval for a case in the court of appeals is 7.3 months to final disposition. Hence, for this approach we are talking about a 1-year proposition.

Under title VII enforcement comes through the district courts where the dockets are inordinately crowded. The median timelag is almost 2½ years with close to 10 percent of all civil cases taking more than 3 years to settle. Add to that the time in the court of appeals, and the early cases will surely be appealed, and relief under title VII can be expected to take almost 3 years without reference to the time it takes the new Commission to make its investigation.

Fifth, eliminates the need for the recordkeeping requirements of title VII.

The Board has always operated on the proposition that the investigative powers granted it under NLRA, which, incidentally, are in some respects less potent than the powers to be granted the new Commission by title VII, were sufficient to make a full and fair determination of the question of discrimination.

Sixth, keeps the same 4-year period for phasing in the effective date of the provisions as is done by title VII.

Seventh, provides that the States with effective FEP laws shall have jurisdiction over cases arising there unless the NLRB determines that the State law is being administered inconsistent with the Federal act. The legislative branch could veto this administrative determination.

Again, let me state that this offering should not be construed as a request that all parties recede from their divergent thinking of title VII and meet at this common ground. My sole hope at this time is to ask interested parties to consider the potential of the approach and keep its availability in mind in case negotiations on title VII become bogged down.

WHAT THE FEDERAL GOVERNMENT PROPOSES TO DO TO HELP ALASKANS WHO LOST THEIR HOMES IN THE EARTHQUAKE

Mr. THURMOND obtained the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Alaska, under the same conditions under which I yielded to the Senator from Texas.

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

Mr. GRUENING. I thank the Senator from South Carolina for his customary courtesy.

Mr. President, the Alaskan citizen whose home was damaged or destroyed as a result of the March 27 earthquake and subsequent tidal waves has been awaiting news as to what action the Federal Government would take to relieve his distressing plight.

On May 6, following my request that the interest rate on new rural housing loans to Alaskans be lowered, Secretary Freeman responded affirmatively, by lowering the interest rate from 4 percent to 3 percent, effective immediately. The loans may be repaid over a period of up to 33 years.

I am pleased to have this opportunity to applaud the action of Secretary Freeman. It is a heartening and a positive step in what I trust will be continuing action in the important area of the interest rates charged on domestic loans.

Secretary Freeman has the authority to lower interest rates further. I hope he will; and I urge him to do so.

The Federal Government makes loans to the private sector of the foreign countries at three-fourths of 1 percent interest, and allows a 10-year moratorium on capital payments. Double standards ought to join other extinct animals. We must move ahead, and we must do at least as much for our own as we do for people of other lands.

Secretary Freeman's action of yesterday is commendable. So are other recent actions, following my requests, by the Administrator of the Small Business Administration, in liberalizing certain loan procedures. So, too, are the actions of the Administrator of the Housing and Home Finance Agency, Dr. Robert Weaver, and those of the Commissioner of the Federal Housing Ad-

ministration, Mr. Philip N. Brownstein, in coming to the assistance of homeowners in Alaska who have FHA mortgages on homes which have been destroyed.

We are moving slowly in the right direction.

I ask unanimous consent that the text of press releases issued by the Department of Agriculture and the Housing and Home Finance Agency, concerning new loan procedures, be printed in the RECORD.

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

INTEREST RATE LOWERED ON HOUSING AID TO ALASKA QUAKE VICTIMS

(Press release by U.S. Department of Agriculture, May 6, 1964)

Secretary of Agriculture Orville L. Freeman today announced a cut in the interest rate on new rural housing loans to Alaskans whose homes were damaged or destroyed by the March 27 earthquake.

The interest rate on loans made by the U.S. Department of Agriculture's Farmers Home Administration is being lowered from 4 to 3 percent, effective immediately. Loans may be repaid over a period up to 33 years.

The Department's move is being taken as a further step to soften the financial distress suffered by farm and other rural families in the earthquake-torn area.

On April 8, the Department announced that an additional $2 million in housing loan funds was being allocated to Alaskan families.

Alaskan farm families and rural residents in towns and small villages up to 2,500 population may use the Farmers Home Administration credit to build a new house or to repair a home damaged by the quake.

In addition to helping families obtain the housing, construction financed by these loans will provide employment to local residents while their regular job opportunities are being restored, according to Secretary Freeman. The Secretary also pointed out that the Farmers Home Administration has taken steps to insure that adequate funds are available for farm loans to assist eligible farmers in continuing their farming operations.

To be eligible for a Farmers Home Administration loan, an applicant must be unable to obtain the needed credit from other sources.

County offices in Alaska where Farmers Home Administration loan applications may be filed are at Palmer, Fairbanks, and Soldatna.

PRESS RELEASE BY HOUSING AND HOME FINANCE AGENCY, MAY 6, 1964

The Federal National Mortgage Association, the Small Business Administration, the Federal Housing Administration, and the Veterans' Administration announced today an agreement to assist Alaskan owners of homes destroyed or irreparably damaged as a result of the earthquake on March 27. It was stated that "the actions are aimed principally at disposing of the overhanging mortgage debt on the destroyed property not covered by earthquake insurance. This is essential in order to qualify the owners for a loan to rebuild."

Two Federal agencies holding mortgages on properties in Alaska have agreed to afford relief to borrowers. J. Stanley Baughman, President of Federal National Mortgage Association, and John S. Gleason, Jr., Administrator of Veterans' Administration, will accept payment of $1,000 in return for a release of the borrower from personal liability on the indebtedness covering the property destroyed. In order to enable the lender to recover any amount salvageable from the damaged property, the lender will also acquire title, ordinarily through a deed in lieu of foreclosure.

The Federal Housing Commissioner, Philip N. Brownstein, said that where an FHA insured loan is involved the lender can turn the property over to FHA for debentures. However, FHA will reduce the mortgage amount by the estimated cost of restoring the property.

Eugene Foley, Administrator of the Small Business Administration, agreed to make up to 30-year, 3-percent loans to finance new homes, physically equivalent to those that had been destroyed for owners who wished to rebuild. In addition, these SBA loans will include the $1,000 to settle the outstanding mortgage debt. SBA is prepared to offer the same terms to homeowners where private mortgage lenders make similar settlements on totally destroyed or irreparably damaged properties.

Senator CLINTON P. ANDERSON, Chairman of the Federal Reconstruction and Development Planning Commission for Alaska, stated: "I hope this action may lead to settlements of other mortgage claims on a favorable basis. If this is done, the families who lost their homes as a result of the earthquake can acquire new homes without unbearable financial burden."

Methods are also being formulated by the Federal agencies for helping homeowners whose properties were seriously damaged but are still repairable.

ILLUSTRATIVE EXAMPLE OF HOMES COMPLETELY DESTROYED OR IRREPARABLY DAMAGED

1. A homeowner who, prior to the earthquake, had a 30-year, 5¾-percent interest rate mortgage with an outstanding balance of $25,000: The monthly payments for interest and principal on this loan would be $146. Assuming that a new home comparable to the one destroyed could be built for $35,000 (including land) and that the homeowner would obtain from Small Business Administration a new $36,000, 30-year mortgage loan at a 3-percent interest rate, the monthly payment would be $152. The $36,000 new mortgage loan would finance the $35,000 new home plus $1,000 of the outstanding debt on the old mortgage.

2. A homeowner who, prior to the earthquake, had a 25-year, 7-percent interest rate mortgage with an outstanding balance of $25,000: The monthly payment for interest and principal on this loan would be $177. Assuming that a new home comparable to the one destroyed could be built for $35,000 (including land) and that the homeowner would obtain from Small Business Administration a new $36,000, 25-year mortgage loan at a 3-percent interest rate, the monthly payment would be $171. The $36,000 new mortgage loan would finance the $35,000 new home plus $1,000 of the outstanding debt on the old mortgage.

TENTH ANNIVERSARY OF FRANCE'S DISASTER IN SOUTHEAST ASIA—DIENBIENPHU: A LESSON FOR THE UNITED STATES

Mr. GRUENING. Mr. President, 10 years ago, Dienbienphu, in what was then known as Indochina, fell. That marked the end of an epoch in southeast Asia. It ended French dominion in that part of the world. The war to keep Indochina had cost France the lives of tens of thousands of her young men. It had cost a fortune, to which the United States had contributed.

Unfortunately, the United States picked up the tattered remains of France's banner. That was a tragic error; and it has now resulted in the sacrifice of the lives of several hundred young Americans. Unless President Johnson reverses the mistaken policy which he inherited, it will cost the lives of many more young Americans.

Mr. President, the United States of America is now waging war in South Vietnam—an undeclared war. Quite wrongly, our country is participating in a civil war there. The war there is not our war. It is a war which can be won or decided only by the Vietnamese people. It is a war which the United States cannot win. It is a war in which we should never have engaged.

I repeat what I have said before: All South Vietnam is not worth the life of one American boy.

Our SEATO allies have "run out" on us. Perhaps they are wiser than we. Nevertheless, we do not see any British boys on the firing line in the steaming jungles of South Vietnam. We do not see any French boys fighting there. We do not see any Australian boys being killed there. Neighboring Thailand has not sent a single Thai boy to the South Vietnamese front. We do not see any New Zealand boys being sacrificed there. Only a week ago the Pakistan Government made plain that—far from being willing to participate in the war—it would strengthen its relations with Red China.

I repeat, Mr. President, that all South Vietnam is not worth the life of one American boy. Far too many lives of our young men have already been sacrificed there.

Again I ask the following question of my colleagues: If your son were drafted into the U.S. military forces, and sent to South Vietnam, and if he lost his life in the fighting there, would you feel that he had died for his country?

For myself, I answer that question by saying that I would not feel that he would have died for his country. I would feel that he was being sacrificed in pursuit of a tragic folly, an inheritance of past mistakes.

Mr. President, many persons have forgotten, or are unaware of, the fate that befell France in that tropical southeast Asian trap. Our country is falling into the same trap. It is well that we be reminded of what happend to France, lest it happen to us; and it will happen to the United States if we do not have enough sense to call in the United Nations and to work with other nations for a negotiated peace.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Dienbienphu: Battle To Remember." The article was written by Bernard B. Fall, an historian who is an expert on that region of the world, and has written a definitive book about it.

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

DIENBIENPHU: BATTLE TO REMEMBER

(By Bernard B. Fall)

On May 7, 1954, the end of the battle for the jungle fortress of Dienbienphu marked the end of French military influence in Asia, just as the sieges of Port Arthur, Corregidor, and Singapore had, to a certain extent, broken the spell of Russian, American, and British hegemony in Asia. The Asians, after centuries of subjugation, had beaten the

white man at his own game. And today, 10 years after Dienbienphu, Vietcong guerrillas in South Vietnam again challenge the West's ability to withstand a potent combination of political and military pressure in a totally alien environment.

On that day in May 1954 it had become apparent by 10 a.m. that Dienbienphu's position was hopeless. French artillery and mortars had been progressively silenced by murderously accurate Communist Vietminh artillery fire; and the monsoon rains had slowed down supply drops to a trickle and transformed the French trenches and dugouts into bottomless quagmires. The surviving officers and men, many of whom had lived for 54 days on a steady diet of instant coffee and cigarettes, were in a catatonic state of exhaustion.

As their commander, Brig. Gen. Christian de la Croix de Castries, reported the situation over the radiotelephone to Gen. René Cogny, his theater commander, 220 miles away in Hanoi in a high-pitched but curiously impersonal voice, the end obviously had come for the fortress. De Castries ticked off a long list of 800-man battalions which had been reduced to companies of 80 men and of companies that were reduced to the size of weak platoons. All he could hope for was to hold out until nightfall in order to give the surviving members of his command a chance to break out into the jungle under the cover of darkness, while he himself would stay with the more than 5,000 severely wounded (out of a total of 15,094 men inside the valley) and face the enemy.

By 3 p.m., however, it had become obvious that the fortress would not last until nightfall. Communist forces, in human-wave attacks, were swarming over the last remaining defenses. De Castries polled the surviving unit commanders within reach, and the consensus was that a breakout would only lead to a senseless piecemeal massacre in the jungle. The decision was made then to fight on to the end, as long as the ammunition lasted, and let individual units be overrun after destruction of their heavy weapons. That course of action was approved by the senior commander in Hanoi at about 5 p.m., but with the proviso that "Isabelle," the southernmost strongpoint closest to the jungle, and to friendly forces in Laos, should be given a chance to make a break for it.

Cogny's last conversation with De Castries dealt with the dramatic problem of what to do with the wounded piled up under incredible conditions in the various strongpoints and in the fortress' central hospital—originally built to contain 42 wounded. There had been suggestions that an orderly surrender should be arranged in order to save the wounded the added anguish of falling into enemy hands as isolated individuals. But Cogny was adamant on that point:

"Mon vieux, of course you have to finish the whole thing now. But what you have done until now surely is magnificent. Don't spoil it by hoisting the white flag. You are going to be submerged [by the enemy], but no surrender, no white flag."

"All right, mon general, I only wanted to preserve the wounded."

"Yes, I know. Well, do as best you can, leaving it to your (static: subordinate units?) to act for themselves. What you have done is too magnificent to do such a thing. You understand, mon vieux?

There was a silence. Then De Castries said his final words:

"Bien, mon general."

"Well, goodby, mon vieux," said Cogny. "I'll see you soon."

A few minutes later, De Castries' radio operator methodically smashed his set with the butt of his Colt .45, and thus the last word to come out of the main fortress, as it was being overrun, came at 5:30 p.m. from the radio operator of the 31st Combat Engineer Battalion, using his regulation code name:

"This is 'Yankee Metro.' We're blowing up everything around here. Au revoir."

Strongpoint "Isabelle" never had a chance. While the main defenses of Dienbienphu were being mopped up, strong Vietminh forces already had tightened their grip around the thousand legionnaires, Algerians, and Frenchmen preparing their breakout. At 9:40 p.m., a French surveillance aircraft reported to Hanoi that it saw the strongpoint's depots blowing up and that heavy artillery fire was visible close by. The breakout had been detected. At 1:50 a.m. on May 8, 1954, came the last message from the doomed garrison, relayed by the watchdog aircraft to Hanoi:

"Sortie failed—Stop—Can no longer communicate with you—Stop and end."

The great battle in the valley of Dienbienphu was over. Close to 10,000 captured troops were to begin the grim death march to the Vietminh prison camps 300 miles to the east. Few would survive. About 2,000 lay dead all over the battlefield in graves left unmarked to this day. Only 73 made good their escape from the various shattered strongpoints, to be rescued by the pro-French guerrilla units awaiting them in the Laotian jungle. Eight thousand miles away, in Geneva, the North Vietnamese and Red Chinese delegations attending the nine-power conference which was supposed to settle both the Korean and the Indochinese conflicts toasted the event in pink Chinese champagne.

What had happened at Dienbienphu was simply that a momentous gamble had been attempted by the French High Command and had backfired badly. The Indochina war, which had broken out in December, 1946, after Ho Chi Minh's Vietminh forces felt that France would not agree to Vietnam's eventual independence, had slowly bogged down into a hopeless seesaw.

Until Red China's victorious forces arrived on Vietnam's borders in December 1949, there had been at least a small hope that the French-supported Vietnamese Nationalist Government, headed by ex-Emperor Bao-Dai, could wean away from the Communist-led Vietminh the allegiance of much of Vietnam's population. But with the existence of a Red Chinese "sanctuary" for the Vietminh forces, that became militarily impossible. By October 1950, 23 regular Vietminh battalions, equipped with excellent American artillery coming from Chinese Nationalist stocks left on the mainland, smashed the French defense lines along the Chinese border and inflicted on France its biggest colonial defeat since Montcalm died before Quebec. Within a few weeks, the French position in North Vietnam had shrunk to a fortified perimeter around the Red River delta; a continuous belt of Communist-held territory stretched from the Chinese border to within 100 miles of Saigon. For all practical purposes the Indochina war was lost then and there.

What changed the aspect of the war for a time was the influx of American aid, which began with the onset of the Korean war. With communism now a menace at both ends of the Far Eastern arc, the Indochina war, from a colonial war, became a crusade—but a crusade without a real cause. Independence, given too grudgingly to the Vietnamese nationalist regime, remained the catchword of the adversary.

But, militarily at least, disaster had temporarily been averted. The key Red River delta was more or less held by the French—at least during the daytime, for at night the enemy was everywhere—and the rice-rich Mekong delta in South Vietnam, where anti-Communist Buddhist sects were fighting on the French side, was held more solidly by Western forces in 1953–54 than in 1963–64.

In Laos, the situation was just as grim then as it is now: the Laotian and French forces held the Mekong valley and the airfields of the Plain of Jars, and the enemy held the rest. Only Cambodia, then as now, was almost at peace: Prince Sihanouk—then King—had received independence from France in 1953 and galvanized his people into fighting against the guerrillas. They were so successful that, at the ensuing Geneva cease-fire conference, Cambodia did not have to surrender a province as a regroupment area for Communist forces.

This totally stalemated situation left the French with but one choice: to create a military situation of the kind that would permit cease-fire negotiations on a basis of equality with the enemy. To achieve this, the French commander-in-chief, General Henri Navarre, had to win a victory over the hard core of Communist regular divisions, whose continued existence posed a constant threat of invasion to the Laotian kingdom and to the vital Red River delta with its capital city of Hanoi and the thriving port of Haiphong. And to destroy those divisions and prevent their invasions into Laos, one had to, in American military parlance, "find 'em and fix 'em."

General Navarre felt that the way to achieve this was by offering the Communists a target sufficiently tempting for their regular divisions to pounce at, but sufficiently strong to resist the onslaught once it came. That was the rationale for the creation of Dienbienphu and for the battle that took place there.

There were other considerations also. Laos had signed a treaty with France in which the latter promised to defend it. Dienbienphu was to be the lock on the back-door leading into Laos. Dienbienphu was also to be the test for a new theory of Navarre's. Rather than defend immobile lines, he wanted to create throughout Indochina "land-air bases" from which highly mobile units would sally forth and decimate the enemy in his own rear areas, just as the Vietminh guerrillas were doing in French rear areas. All that rode on Dienbienphu; the freedom of Laos, a senior commander's reputation, the survival of some of France's best troops and—above all—a last chance of coming out of that 8-year-long frustrating jungle war with something else than a total defeat.

But Navarre, an armor officer formed on the European battlefields, apparently (this was the judgment of the French Government committee which later investigated the disaster) had failed to realize that "there are no blocking positions in country lacking European-type roads." Since the Vietminh relied largely on human porters for their frontline units, they could easily bypass such bottlenecks as Dienbienphu or the Plain of Jars while bottling up the forces contained in those strongholds at little expense to themselves.

The results were evident: soon after French forces arrived at Dienbienphu on Nov. 20, 1953, two of General Vo Nguyen Giap's regular 10,000-man divisions blocked the Dienbienphu garrison, while a third bypassed Dienbienphu and smashed deeply into Laos. On Christmas Day, 1953, Indochina, for the first time in the 8-year war, was literally cut in two. The offensive stabs for which Dienbienphu had been specifically planned became little else but desperate sorties against an invisible enemy. By the time the battle started for good on March 13, 1954, the garrison already had suffered 1,037 casualties without any tangible result.

Inside the fortress, the charming tribal village by the Nam Yum had soon disappeared along with all the bushes and trees in the valley, to be used either as firewood or as construction materials for the bunkers. Even the residence of the French Governor was dismantled in order to make use of the bricks, for engineering materials were desperately short from the beginning.

Major André Sudrat, the chief engineer at Dienbienphu, was faced with a problem that he knew to be mathematically unsolvable: By normal military engineering standards, the materials necessary to protect a battalion against the fire of the 105-millimeter howitzers the Vietminh now possessed amounted to 2,550 tons, plus 500 tons of barbed wire. He estimated that to protect the 12 battalions there initially (5 others were parachuted in during the battle) he would need 36,000 tons of engineering materials—which would mean using all available transport aircraft for a period of 5 months.

When he was told that he was allocated a total of about 3,300 tons of airlifted materials, Sudrat simply shrugged his shoulders. "In that case, I'll fortify the command post, the signal center, and the X-ray room in the hospital; and let's hope that the Viet has no artillery."

As it turned out, the Vietminh had more than 200 artillery pieces, reinforced during the last week of the siege by Russian "Katyusha" multitube rocket launchers. Soon, the combination of monsoon rains, which set in around mid-April, and Vietminh artillery fire smashed to rubble the neatly arranged dugouts and trenches shown to eminent visitors and journalists during the early days of the siege. Essentially, the battle of Dienbienphu degenerated into a brutal artillery duel, which the enemy would have won sooner or later. The French guncrews and artillery pieces, working entirely in the open so as to allow the pieces all-around fields of fire, were destroyed one by one; replaced, they were destroyed once more, and at last fell silent.

The artillery duel became the great tragedy of the battle. Colonel Piroth, the jovial one-armed commander of the French artillery inside the fortress had guaranteed that his 24 105-millimeter howitzers could match anything the Communists had and that his battery of 4 155-millimeter heavy field howitzers would definitely muzzle whatever would not be destroyed by the lighter pieces and the fighter-bombers. As it turned out, the Vietminh artillery was so superbly camouflaged that to this day it is doubtful whether French counterbattery fire silenced more than a handful of the enemy's field-pieces.

When on March 13, 1954, at 5:10 p.m., Communist artillery completely smothered strongpoint "Beatrice" without noticeable damage from French counterbattery fire, Piroth knew with deadly certitude that the fortress was doomed. And as deputy to General de Castries, he felt that he had contributed to the air of overconfidence and even cockiness—had not De Castries, in the manner of his ducal forebears, sent a written challenge to enemy commander Giap?—which had prevailed in the valley prior to the attack.

"I am responsible. I am responsible," he was heard to murmur as he went about his duties. During the night of March 14–15, he committed suicide by blowing himself up with a hand grenade, since he could not arm his pistol with one hand.

Originally, the fortress had been designed to protect its main airstrip against marauding Vietminh units, not to withstand the onslaught of four Communist divisions. There never was, as press maps of the time erroneously showed, a continuous battleline covering the whole valley. Four of the eight strongpoints were from 1 to 3 miles away from the center of the position. The interlocking fire of their artillery and mortars, supplemented by a squadron of 10 tanks (flown in piecemeal and reassembled on the spot), was to prevent them from being picked off one by one.

This also proved to be an illusion. Gen. Vo Nguyen Giap decided to take Dienbienphu by an extremely efficient mixture of 18th-century siege techniques (sinking TNT-laden mine shafts under French bunkers, for example) and modern artillery patterns plus human-wave attacks. The outlying posts which protected the key airfield were captured within the first few days of the battle. French losses proved so great that the reinforcements parachuted in after the airfield was destroyed for good on March 27 never sufficed to mount the counterattacks necessary to reconquer them.

From then onward the struggle for Dienbienphu became a battle of attrition. The only hope of the garrison lay in the breakthrough of a relief column from Laos or Hanoi (a hopeless concept in view of the terrain and distances involved) or in the destruction of the siege force through aerial bombardment of the most massive kind. For a time a U.S. Air Force strike was under consideration but the idea was dropped for about the same reasons that make a similar attack against North Vietnam today a rather risky affair.

Like Stalingrad, Dienbienphu slowly starved on its airlift tonnage. When the siege began, it had about 8 days' worth of supplies on hand and required 200 tons a day to maintain minimum levels. The sheer magnitude of preparing that mass of supplies for parachuting was solved only by superhuman feats of the airborne supply units on the outside—efforts more than matched by the heroism of the soldiers inside the valley, who had to crawl into the open, under fire, to collect the containers.

But as the position shrunk every day (it finally was the size of a ball park), the bulk of the supplies fell into Communist hands. Even De Castries' general's stars, dropped to him by General Cogny with a bottle of champagne, landed in enemy territory.

The airdrops were a harrowing experience in that narrow valley which permitted only straight approaches. Communist antiaircraft artillery played havoc among the lumbering transport planes as they slowly disgorged their loads. A few figures tell how murderous the air war around Dienbienphu was: Of a total of 420 aircraft available in all of Indochina then, 62 were lost in connection with Dienbienphu and 167 sustained hits. Some of the American civilian pilots who flew the run said that Vietminh flak was as dense as anything encountered during World War II over the Ruhr.

When the battle ended, the 82,926 parachutes expended in supplying the fortress covered the battlefield like freshly fallen snow. Or like a burial shroud.

The net effect of Dienbienphu on France's military posture in Indochina could not be measured in losses alone. It was to little avail to say that France had lost only 5 percent of its battle force; that the equipment losses had already been more than made good by American supplies funneled in while the battle was raging; and that even the manpower losses had been made up by reinforcements from France and new drafts of Vietnamese. Even the fact, which the unfortunate French commander in chief, Navarre, was to invoke later, that the attack on Dienbienphu cost the enemy close to 25,000 casualties and delayed his attack on the vital Red River delta by 4 months, held little water in the face of the wave of defeatism that not only swept French public opinion at home but also that of her allies.

Historically, Dienbienphu was, as one French senior officer masterfully understated it, never more than an "unfortunate accident." It proved little else but that an encircled force, no matter how valiant, will succumb if its support system fails. But as other revolutionary wars—from Algeria to the British defeats in Cyprus and Palestine—have conclusively shown, it does not take pitched "setpiece" battles to lose such wars. They can be lost just as conclusively through a series of very small engagements, such as those now fought in South Vietnam, if the local government and its population loses confidence in the eventual outcome of the contest and that was the case of both the French and of their Vietnamese allies after Dienbienphu.

But as the French themselves demonstrated in Algeria, where they never again allowed themselves to be maneuvered into such desperate military straits, revolutionary wars are fought for political objectives and big showdown battles are necessary neither for victory nor for defeat in that case. This now seems finally to have been understood in the South Vietnam war, as well, and Secretary of Defense McNamara may well have thought of Dienbienphu when he stated in his major Vietnam policy speech of March 26 that "we have learned that in Vietnam, political and economic progress are the sine qua non of military success. * * *" One may only hope that the lesson has been learned in time.

But on May 7, 1954, the struggle for Indochina was almost over for France. As a French colonel looked out over the battlefield from a slit trench near his command post, a small white flag, probably a handkerchief, appeared on top of a rifle hardly 50 feet away from him, followed by the flat-helmeted head of a Vietminh soldier.

"You're not going to shoot any more?" said the Vietminh in French.

"No, I'm not going to shoot any more," said the colonel.

"C'est fini?" said the Vietminh.

"Oui, c'est fini," said the colonel.

And all around them, as on some gruesome judgment day, soldiers, French and enemy alike, began to crawl out of their trenches and stand erect for the first time in 54 days, as firing ceased everywhere.

The sudden silence was deafening.

Mr. GRUENING. Mr. President, I also ask unanimous consent to have printed in the RECORD an article entitled "The Road From Dienbienphu—A Decade Later, No One Is Certain Where It Will End." The article was published on May 3 in the Washington Post and was written by its able staff reporter, Chalmers M. Roberts.

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

[From the Washington Post, May 3, 1964]

THE ROAD FROM DIENBIENPHU—A DECADE LATER, NO ONE IS CERTAIN WHERE IT WILL END

(By Chalmers M. Roberts)

Ten years ago this week the French fortress of Dienbienphu in Indochina fell to the Communists in what was a resounding blow to American prestige.

The fortress, in what is now Communist North Vietnam, fell on May 7, shortly after the collapse of a massive effort by the late John Foster Dulles to save its besieged defenders by use of American Navy and Air Force planes.

Though Dulles went close to the brink and though President Eisenhower was prepared to ask Congress for a joint resolution authorizing such action, it never came off. As General Eisenhower has since indicated in his memoirs, it was chiefly British opposition that killed American military intervention.

Because the United States had come so close to intervention, because it had paid much of the cost of the French war effort and because President Eisenhower had applied the falling-dominoes thesis to Indochina, the French defeat rubbed off on this country.

But the domino thesis did not prove correct—or has not thus far, to be more precise. Indochina was divided into four nations,

world attention turned elsewhere, and the United States survived the damage of the debacle at Dienbienphu.

We now know, however, that what occurred a decade ago was but one phase of the story. Today some 15,000 Americans in uniform are in South Vietnam, one of the four fragments of French Indochina. They may not be directly fighting the war but they, and the American Government, are deeply involved in it.

It is indeed something of an oddity that the United States is so involved in an area so far on the other side of the globe. Until 1940, few Americans had ever heard of Indochina and fewer still cared about it, the U.S. Government included. It was simply a far-off lotus land.

American involvement began in 1940, on about August 30, when the Vichy government of France (set up after Hitler had overrun Paris and Marshal Petain had organized a collaborating regime in that southern town) made its first deal with Japan. France recognized Japan's "preeminent position" in the Far East and granted the then aggressive Japanese certain rights in the north of Indochina.

That was 14 months before the attack on Pearl Harbor. Japan's entry into Indochina was part of a movement to the south which so misled American leaders that they could not believe that an attack on Hawaii might be in the Japanese mind.

When the French on the scene in Indochina stalled over implementing the accord with Vichy, the impatient Japanese, then the occupiers of much of the Chinese mainland, launched an attack from Kwangtung and Kwangsi across the border on the French forts at Lang-Son and Dong-Dang.

In the end the French gave in and the Japanese moved in. A widely quoted American newspaper editorial warning against U.S. involvement was captioned: "Who Wants To Die for Dear Old Dong-Dang?" The answer then in still isolationist America was clear: no one.

The Japanese held the country throughout the war. In early 1944, in discussing postwar arrangements, President Roosevelt told the British Ambassador, Lord Halifax, that he felt that Indochina should not go back to France but should be administered by an international trusteeship. To this and other anti-French talk by F.D.R. Churchill objected. He could not visualize "a civilized world without a flourishing and lively France"—without a French Empire as well as a British Empire.

Henry Wallace, then Vice President, has recorded that sometime later he, at F.D.R.'s request, personally told Chiang Kai-shek that F.D.R. was offering Chiang all of Indochina (what is now two Vietnams, Laos, and Cambodia) as an outright grant. In a display of wisdom, Chiang turned down the offer, saying rightly that the Indochinese were "not Chinese. They would not assimilate into the Chinese people."

At the wartime Teheran and Potsdam Conferences with Stalin, the West agreed that Indochina would be occupied by Chinese Nationalist troops down to the 16th parallel with British Commonwealth forces occupying the southern half of the peninsula. That was in fact done, but before long these forces withdrew as the French, who had first come in 1884, now returned to reassert authority in their old colony.

The French, however, found that Ho Chi Minh, then as now the Communist leader of Indochina, was already leading an insurrection. He had created a Democratic Republic of Vietnam and seized Hanoi in 1945. A founding member of the French Communist Party and an aid to Stalin's agent in China, Borodin, Ho led the 9-year war against the French. It ended soon after the capitulation of Dienbienphu.

By then Dulles' intervention talk had faded, and he was concentrating on creating what came to be SEATO, the Southeast Asia Treaty Organization, to protect the new status quo. The war formally ended with a division of the Vietnams at the 17th parallel, a product of the Geneva conference in July. The United States, like the new regime set up for South Vietnam, did not sign the Geneva accords, but it did agree not to try to overturn them by force.

Nearly 900,000 refugees from the North fled south, and a few from the South went north. But in the South, as recounted in Bernard Fall's excellent book, "The Two Vietnams," a small group of Ho's elite guerrillas quietly buried its well-greased weapons, hid its portable radio transmitters, and simply returned for the time being to the humdrum tasks of sowing and harvesting rice.

The Ngo Diem Dinh regime began in the South as the war halted. It ended 9 years later with his murder during a coup against his regime last November. Whatever his virtues or his vices, Diem's country was under massive Communist guerrilla attack at the time of his death. And American prestige once again was deeply involved, this time in a struggle to contain and destroy that internal cancer.

Slowly the United States "slid into the second Indochina war," as Fall put it, in the latter part of the Eisenhower administration and during the Kennedy years.

President Eisenhower had pronounced the falling dominoes theory, and President Kennedy agreed with it; the loss of Vietnam could or would lead to the loss of adjacent Laos and Cambodia, then Thailand and Malayia (now Malaysia) and finally Indonesia and Burma. President Johnson has not publicly said the same thing, but his policies are premised in the same way.

Since the massive inflow of American forces, that is, from January 1, 1961, to April 22 of this year, 129 Americans have been killed in Vietnam. However tragic each individual death has been, the total is less than the number—262—of persons killed during 1963 in automobile accidents in Metropolitan Washington.

Such, however, is part of the price of world power and of trying to use that power in a faraway place in a limited fashion.

Today in the United States there is a discordant chorus of voices on what this Nation should do. Senators MORSE and GRUENING say we should get out completely. Senator MANSFIELD says we should explore General de Gaulle's talk of neutralization. Richard Nixon and Senator GOLDWATER say the war should be carried to Communist North Vietnam.

Reports that Henry Cabot Lodge is about to resign as Ambassador to Vietnam, return home and denounce the administration's conduct of the war are denounced by administration officials as totally false. But Senate GOP leader DIRKSEN says he has heard "rumors" that Lodge, the Republican presidential front runner in the polls, "is unhappy about the policy over there and is coming back." He says, however, he has no proof of such "rumors."

Thus the Republicans, hungry for a sharp foreign policy issue against President Johnson, are themselves divided. Darkhorse Governor Scranton of Pennsylvania is against carrying the war to the north.

Does the bell toll in Vietnam for the United States? Is that faraway land important in the world conflict between communism and democracy? Is it any more or less important to the United States than it was a decade ago?

Central to the administration's argument of Vietnam's importance today is Secretary of State Rusk's contention that Red China must not be allowed to find that aggression pays. Yet neither Rusk nor anyone else in the administration has firmly and directly connected the war in South Vietnam with the regime in Peiping. It is said only that the Communist direction comes from Hanoi, the North Vietnamese capital, with some vague line of authority running from Hanoi to Peiping and, even vaguer, perhaps to Moscow. But nobody professes to be very clear about those connections.

Of itself, Vietnam in 1964 as in 1954 is of no real importance in a power sense to the United States. American power in Asia is essentially in the air and on the seas, sustained by bases from Japan to Taiwan and the Philippines to friendly ports and airfields in Australia.

Indeed, it can be argued that Saigon is no more important to us today than was "dear old Dong-Dang" nearly a quarter century ago. It can be urged that American power still would be present and massive in Asia whatever happened to South Vietnam if American support were withdrawn, that the dominoes would no more fall in that event than they did after the loss of North Vietnam to the Communists. It can be argued, too, that a Communist Vietnam would have considerable independence of Peiping and Moscow.

But, contrariwise, it can be and is argued that retreat from Saigon today is as impossible as retreat from West Berlin; that our presence in support of indigenous people, Vietnamese or West German, is an earnest sign of our determination to yield no more ground to aggressive communism.

It can be and is argued that a Communist takeover, even if a so-called neutralist regime in Saigon came first, would massively increase Red China's power and prestige in Asia. This would be to the detriment chiefly of the United States but also of the Soviet Union, whose more cautious approach, at least in words, the United States has been applauding.

No one wants to die for Saigon any more than for Dong-Dang. But that is not the issue; rather, it is this: Is it in the vital interest of the United States that, even at a cost of further American lives, this country continue to bolster the regime in Saigon against its Communist led and oriented foes?

And on that point, in this election year, neither party is fully agreed either among its leaders or with the opposition. That is the agony of uncertainty which troubles so many in the United States today.

AMALGAMATED CLOTHING WORKERS

Mr. KEATING. Mr. President, will the Senator from South Carolina yield briefly to me?

Mr. THURMOND. Mr. President, with the same understanding, I am glad to yield to the Senator from New York.

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

Mr. KEATING. I thank the Senator from South Carolina for his courtesy.

Mr. President, this month, one of America's foremost industrial unions, the Amalgamated Clothing Workers, will be celebrating, at its national convention, its 50th birthday. Spawned of the sweatshop, the Amalgamated has, in its 50 years, shown extreme dedication to the cause of improving the lot of the working man, through the vehicle of collective bargaining.

Under the creative and inspiring leadership of Sidney Hillman and Jacob Potofsky, the Amalgamated has set an example of responsible collective bargaining for the settlement of labor disputes. It has found mutual cooperation

and discussion to be a successful method of meeting the needs of its members—so successful that the union has gone 50 years without an industrywide strike.

Particularly notable is the duration of the 1911 arbitration agreement between Amalgamated's predecessor and the Hart Schaffner and Marx Co., of Chicago. To end an unusually costly strike of men's garment workers at the Hart Schaffner and Marx plant, in Chicago, in 1911, the union and the company agreed on a settlement providing for binding arbitration if the two primary parties were unable to work out a settlement. Thus, the union was fully a generation ahead of its time.

Ed Townsend, the labor editor of Business Week magazine, has paid tribute to this fine labor organization in an article in the American Legion magazine. I ask unanimous consent that his article, entitled "Fifty Years Without an Industrial Strike," be printed in the RECORD.

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

[From the American Legion Magazine, May 1964]

FIFTY YEARS WITHOUT AN INDUSTRIAL STRIKE—BORN OF A BLOODY CONFLICT, THE AMALGAMATED CLOTHING WORKERS SET A PATTERN FOR LABOR PEACE THAT ENDURED

(By Ed Townsend)

The Amalgamated Clothing Workers of America is 50 years old this year, and will officially celebrate its first half century as a labor union at its national convention in May. It was born in 1914 out of a bloody strike in 1910–11 in Chicago in which its leaders, then part of another union, joined with management in setting precedents for healthy labor-management relations from which we are still learning and still have more to learn.

Amalgamated, made up chiefly of workers in the men's clothing industry, was among the first "industrial unions" in the country. As such it has had the power to pull the whole industry out on strike, rather than just the workers having one particular skill, as in the "craft unions."

But though it has been mixed up in local labor turmoil (usually during organizing struggles) from New York's Mohawk Valley to the Deep South, Amalgamated has not pulled an industrywide strike since the day it was founded, 50 years ago, nor, except once in New York over 40 years ago, has it struck any of the major manufacturers in its field.

Together with the management of Hart Schaffner & Marx, Amalgamated in 1911 virtually invented successful arbitration as the solution to a deadlock between workers and employer—and both of them were thereby more than a generation ahead of their time.

On the record, the union has much more to boast about on its 50th anniversary. It cites (1) the establishment of commercial banks back in days when laboring men and women hardly felt welcome in most other banks; (2) construction of public housing; (3) resistance to Communist infiltration (perhaps because many of its early members were old European Socialists who were more sophisticated about communism than the Americans of a generation ago); and (4) militant action to keep racketeers out of their industry and their union.

But none of the pioneering of which Amalgamated can boast matches, in national importance, the industrial peace formula that its founders evolved with Hart Schaffner & Marx (still the biggest employer in the field) out of their violent conflict in 1910–11.

Big and brutal strikes—sheer tests of economic power—are an ineffectual and undesirable way of resolving disputes over work terms. They hurt labor, they hurt management, and they hurt that innocent bystander, the whole nation. We still have industrywide strike deadlocks and threats of them in many industries. But for 53 years Hart Schaffner & Marx and its employees have not lost a single day's work as a result of a contract dispute (perhaps the longest uninterrupted contract relationship in American industrial history)—and as their formula long ago spread to almost all major union contracts in the men's clothing field, it revolutionized company-worker relationships and replaced chaos with law, order, and justice. The formula has been well tested. Today's problem is to get others to follow it.

In the years before 1910, the men's and boys' garment industry in New York, Chicago, and other production centers had seen many spontaneous stoppages to protest sweatshop conditions. Working conditions were bad and earnings meager. Weekly wages of $7 for 60 hours of work were above average. The walkouts were quickly squelched. The workers' union, the United Garment Workers, with headquarters in the old Bible House in New York, gave them little support. It was principally interested in skilled workers—the industry's well-treated craftsmen—at the expense of unskilled workers, more than half of them women and young girls, largely European immigrants.

Discontent over the lack of support from the United Garment Workers built up steadily along with anger at and fear of the employers. UGW's leadership was sharply criticized. Its predominantly immigrant rank-and-file charged that their interests were being ignored. But, although vocal, the immigrant group lacked strong leadership that could pull it together.

But on September 22, 1910, a group of Hart Schaffner & Marx pantsmakers in Chicago—14 girls led by Bessie Abramowitz—walked out rather than accept an arbitrary cut in piece rates for pants seaming. (Miss Abramowitz later became Mrs. Sidney Hillman and is a vice president of Amalgamated today.)

The girls' walkout set off a slow-burning fuse in a keg of dynamite.

Emboldened by them, others quit the plant over the next 3 weeks. By mid-October, 8,000 Hart Schaffner & Marx workers were out. As word of the wildcat strike spread, nearly 40,000 garment workers laid down their shears and needles in other Chicago plants. Before long almost all of the city's clothing manufacturing was shut down by a general strike. A historic struggle had begun.

Pickets trudged through snow and fought icy winds off Lake Michigan as winter set in early. As before the United Garment Workers showed little sympathy for the strike. It tried to get workers back into the plants with only minor concessions. Strikers shouted down the proposals. UGW aid to them grew slimmer.

The strikers tightened their belts for a hard and angry battle without substantial labor help from outside Chicago. Local leaders emerged, notably Sidney Hillman, an immigrant from Lithuania, once a rabbinical student. Hillman and other strike leaders welded together a tight and strong organization.

They had important friends in the Midwest who closed ranks behind the strikers, including social workers like Jane Addams of Hull House and Ellen Gates Starr; attorneys Clarence Darrow and William O. Thompson and other public figures, and civic leaders like Mrs. Raymond Robins.

These friends were welcome in months of suffering and hardship. Companies tried to produce garments using strikebreakers with the support of the Chicago police against "rebellious" strikers. Countless strikers were clubbed down, a few were shot; two were killed. Thousands were arrested.

When the union needed $25,000 for bail Jane Addams got it for the strikers. She also permitted the union to hold strike strategy meetings in Hull House and Hillman lived there. He long afterward referred to Hull House as "my school" and said that he learned more there about humanity than anywhere else. A year or so ago, when Hull House was threatened by razing, the Amalgamated repaid a debt. It helped raise some $300,000 to preserve the historic building.

After the second striker was killed in disorders at the Hart Schaffner & Marx gates, a conscience-stricken Joseph Schaffner, one of the founders of the company and its president, intervened personally to seek peace with the union. As public and governmental pressures built up for a settlement, he placed two proposals before the strikers. Both were rejected. A third, strongly endorsed by strike leaders, was then accepted.

Schaffner acknowledged that many of the workers' complaints were warranted. Workers were exploited. Wages of the easily hired unskilled were indeed kept low so that scarcer skilled workers could be paid more and kept contented. The work pace and pressures were intense. And young women had to submit to indignities from foremen in order to keep jobs.

While Schaffner pledged that many of the more deplorable conditions would be relieved, he pointed out an economic reality. Cutthroat competition among garment manufacturers, mostly small plants, would serve as an effective brake against improvements. The strike leaders conceded this. They still hold to a policy of protecting contract employers against cutrate competition by organizing efforts and firm enforcement of standard contract terms.

The settlement, in January 1911, took less than a page as compared with today's inch-thick labor agreements. It made only three points: (1) All strikers would be taken back, (2) there would be no penalties or discrimination against any of them, (3) issues still in dispute would be submitted to binding arbitration.

The third provision was the all-important one.

It called for arbitration of disputes by a board whose decision both labor and management agreed to accept in advance.

Arbitration was not new—but it was still little known and rarely accepted. The extent of the proposed Hart Schaffner & Marx arbitration was unheard of then. It was shattering news for other employers.

Under the 1911 plan, the union and its counsel, and management and its counsel, would bargain together. If all went smoothly, well and good. But if they locked horns on a question where neither side would budge, a third neutral party—agreeable to both—would be called in, to act as chairman and have the controlling vote.

In coming to arbitration in 1911, Schaffner and union representatives accepted two premises that have become, in the 1960's, the basis of a new approach to collective bargaining generally:

(1) Many controversial matters can be handled best outside the tension and hot tempers of a labor-management negotiating room.

(2) More basically, industrial warfare of the kind that raged through Chicago must be ended—not just for the short duration of a labor contract but through the foreseeable future.

What they acknowledged then, many thoughtful people in management and labor are echoing now:

Large-scale strikes, such as the 116-day strike in basic steel in 1959 and the more recent east coast longshoring and New York newspaper strikes, seldom settle anything. The issues become lost in a massive power struggle. Positions polarize; collective bargaining collapses. In the end, Government or other outside aid is necessary to resolve the differences.

Also, big strikes are much too costly for everyone—employers, unions, wage earners and the public. When they elect to fight, unions are seldom able to hurt employers without hurting their own members more. Mechanization and automation make it easier for employers to keep plants operating with minimum supervisory and white-collar forces. On the other hand, established unions seldom can be broken. Strikes can go on indefinitely, as impasses, hurting both sides and offering promises of real gains to neither—meanwhile trying the ragged patience of the public.

They waste resources that could be put to better economic and social use to improve profits and jobs and for the security and welfare of workers.

And, most important, industrial warfare need not be inevitable in a live and dynamic society. Sharply opposed positions of free management and free labor can be adjusted peacefully, by voluntary means. Alternatives to industrial strife can and must be devised. Level heads are preferable to tough muscles.

Recognition of these things 53 years ago turned Hart Schaffner & Marx and its garment workers' union to binding arbitration on two levels: (1) "In-plant" arbitration of day-to-day grievances, and (2) major arbitration of any and all contract issues that could not be resolved in collective bargaining.

Recognition of the same things in 1959 and early 1960 turned the basic steel industry and United Steelworkers from a dangerous practice of deadline bargaining—negotiating with a strike threat just ahead—to a new and now twice successful policy of year-round consideration of mutual problems through a human relations committee.

It also has led to predictions—probably overoptimistic still—that the big strikes in America are nearing an end.

Outside the men's garment industry, there are still too few alternatives to strikes when bargaining deadlocks. Few employers and unions have been willing to go along with Hart Schaffner & Marx and the Amalgamated all the way in their labor peace plan. Arbitration is now almost universally accepted for settling routine grievances, but it still is only rarely used—voluntarily—as a way out of bargaining impasses.

Most employers and unions remain firmly opposed to submitting pay and other contract issues to binding decisions by arbitrators. They fear the consequences of judgments by "a relatively unsophisticated outsider" who can write an award and be done with it—without having to work with and live under the terms he orders. A bad arbitration decision in a contract case could have lasting damage on a company's economic structure, one of the country's leading industrialists warned earlier this year.

After 53 years, Hart Schaffner & Marx and the Amalgamated remain thoroughly satisfied with the machinery set up in 1911. As with any machinery, no matter how well tended, it has had some friction, whines, and groans through its years of service. But the machinery works for the garment manufacturer and union and they see no reason why it shouldn't work as well for other employers and unions willing to adopt such a mechanism—and to apply themselves to making it work smoothly and effectively.

Ordinarily, today, issues to be submitted to arbitrators are narrowly limited to interpretations of contract clauses. Hart Schaffner & Marx and the Amalgamated imposed no limits. They agreed to submit to the board all issues that might come up between them, including rates of pay, and to abide by the arbitrators' decision.

Initially, the plan worked reasonably well. No neutral board member was needed or appointed. The first arbitration award, 2 months after the plan went into effect, dealt with the issues involved in the 1910–11 strike. Sidney Hillman and Clarence Darrow, representing the union on the board at first, were able to work out "a just and reasonable" award with Hart Schaffner & Marx Attorney Carl Meyer and Prof. Earl Dean Howard of Northwestern University, representing the company.

The terms included a minimum wage of $5 a week for women and $7 for men; increases of 10 percent for tailors and 5 percent for cutters; a 54-hour workweek with time-and-a-half for overtime; shared work during the slack season; improved sanitary conditions; a regular dinner hour, and grievance machinery with the board of arbitration the final recourse. A half century ago those meager-sounding provisions were improvements for labor, but many workers were dissatisfied. They argued they should have had more. What they got, they complained, was hardly enough to make the long, hard strike worthwhile. Hillman's reply was persuasive. They had marched ahead, he said, toward full union recognition and effective grievance handling.

Over the first year, the fact that grievances could be aired and a measure of relief gained sold workers on the arbitration machinery. Some of the old fear of the boss and sense of insecurity disappeared.

Bearded and scholarly Jacob S. Potofsky, who is the general president of the Amalgamated Union today, says that the system established then is "a system of industrial democracy that has become a model for self-government in industry." Under the plan, he adds, "workers became responsible, self-respecting participants in solving the problems of their industry—all without recourse to industrial warfare."

Potofsky was 14 and a pantsmaker at Hart Schaffner & Marx at the time of the 1910 strike, one of many boys employed long hours in the company's plant complex in Chicago—then and now the largest single-plant clothing operation in the world. Frank Rosenblum, secretary-treasurer of the union today, also was employed in the plant. The two remember the strike well—and sadly.

Potofsky recalls that before the settlement, employees felt "a constant fear of being discharged without cause at all. The floor boss, as he was called, might not like a particular girl or man and out the worker went. We tried, all of us, to stay in the good graces of the floor boss."

The new grievance machinery and inplant arbitration changed that. Hillman and the company's Earl Dean Howard, a man of keen insight and deep human understanding, tackled many grievances on the spot, in the shops, for quick and direct settlements. This reassured the workers and kept all but the most serious and thorny problems out of the office of the board of arbitration.

This practice is now a cornerstone of constructive labor-management relations throughout industry.

In 1912, a dispute arose that split management and labor men on the arbitration board. For the first time, a neutral member was needed and the parties chose John E. Williams, a former coal miner and the widely known editor of the Streator (Ill.) Independent, a weekly newspaper. Management and labor today credit Williams for the human inspiration and guidance that guaranteed the success of the arbitration machinery in its first and critical tests.

Williams, who was then a bearded person in his early sixties, was "a man of Lincolnesque character, self-educated, deeply human, a sort of provincial philosopher," according to men in the Amalgamated who remember him warmly. He combined broad learning and lofty idealism, judicial temperament and practical statesmanship. And he had a background of experience as an arbitrator for the United Mine Workers and Illinois coal operators in routine grievance cases.

Not long ago, representatives of the company and the Amalgamated agreed that most of the success of the industrial peace plan was due to the "purposeful men" who were determined to make it work—Williams at the top of the list, Hillman, and Howard, then a succession of other competent men.

Inevitably, they speculated about what might have happened in the critical first years of the plan if, say, the irascible Clarence Darrow had been the neutral member instead of the quiet, statesmanlike and inventive Williams. They agreed that in 8 years of sometimes rough industry problems, the bargaining machinery might have gone off kilter and stopped. Williams kept it in fine balance.

In the most serious test, involving: (1) Union demands for a closed shop in which only union members would be hired and, (2) employer insistence on open hiring, Williams devised a system of preferential hiring that became common practice throughout industry. The employer would hire only union members when available but would be free to hire nonunion people in the busy season when there weren't enough union people to fill jobs.

After Williams, impartial chairmen included such outstanding arbitrators as Prof. Harry A. Millis of the University of Chicago and Dr. William N. Leiserson of Toledo University. They further developed and refined the arbitration process in the garment industry in the formative period into the mid-1920's.

As the plan spread into other branches of the Amalgamated's expanding jurisdiction, topflight arbitrators such as Dr. George Taylor and Prof. Nathan Feinsinger worked with industry-union boards and contributed to the lore and precedent in labor-management relations established under the Amalgamated plan.

Inevitably, there were setbacks. Some employers, mostly small ones, refused to accept arbitration—and still do. The Amalgamated has not tried to force them to accept the industrial peace plan for a good reason. The plan requires determination and good faith on both sides to make it work.

In New York, employers who had accepted the arbitration plan withdrew after 6 years, in the early 1920s, in a campaign for the right to set work standards without consulting the union and to introduce new methods and machinery at will. The Amalgamated struck in New York and won its fight. The arbitration clause was subsequently reinstated.

That was the last major contract strike for the Amalgamated, the end of its bitter and often bloody battles over contract terms.

The freedom from contract strife—perennial collective bargaining showdowns—enabled the Amalgamated to concentrate on expansion and growth.

But, of course, the Amalgamated did not exist in 1911. The leaders who settled the Chicago strike were still in the United Garment Workers, and their victory was won with virtually no help from their parent union. It propelled them to national prominence in the union. The locals in New York and Baltimore allied themselves with the Hillman-led Chicago workers as an opposition force within the UGW. At a national UGW convention in Nashville in December 1914, the UGW in-group denied recognition to many of Hillman's followers, whereat his whole force walked out and—as a majority—

declared themselves to be the true UGW. They held their own convention. The Amalgamated dates its formation to this December 1914 breakaway, though its members still claimed to be the true United Garment Workers. To avoid legal embarrassments aimed at them by the remnant of the parent union, they finally met again in 1915 and formed a new union with a new name, The Amalgamated Clothing Workers of America, to complete the divorce.

The older union has not been a major factor in the industry since. As compared with the Amalgamated's claimed 385,000 members in 601 locals, the UGW last reported 35,000 in 160 locals.

Hillman became the Amalgamated's first president, and Williams, a very close friend, had a profound influence in molding his mind and character.

It is hardly likely that the Amalgamated would exist in its present form—and with its present strength and prestige—if it had not had Hillman. He was magnetic, and inspired confidence. During the 1930s when he was closely associated with the New Deal administration of President Franklin D. Roosevelt, Hillman was frequently called a Socialist. He was never one.

In a union in which there was a good sprinkling of Socialists, many of them old Jewish and Italian intellectuals and other socialists from elsewhere in Europe, Hillman was a liberal but with a strong commitment to democratic traditions. Some of his early difficulties in extending the industrial peace program—or arbitration—arose from the fact that he was willing to recognize employer rights to a greater degree than old-line Socialists believed right. They were imbued with the idea of class struggle. Hillman attacked it.

The development of the Amalgamated into the union that it is today is particularly significant because of its roots. Through its efforts, not always consciously, immigrants were Americanized. Many of those with strong socialist leanings were turned toward democratic and capitalist ways.

There are signs of this throughout the Amalgamated's history. It fought the Communists in the 1930's when many other unions were unwisely making use of them—and in many instances naively being used instead by the infiltrating leftwing. There was a considerable political sophistication in the Amalgamated from its founding days. This was reflected in an unyielding conviction that communism and the American way of life were and must be incompatible.

In the 1920's, many unions established banks. The Amalgamated was one of them—and the only one that was successful. Of 123 labor banks set up across the country, only the 2 Amalgamated banks survive—1 in New York, the other in Chicago. The Amalgamated, interested in financial reforms that would benefit working men and women, hired professional bankers to run its institutions. Other unions wanted nothing to do with men trained in banking houses. By banking standards, the Amalgamated banks were conservative in loan policies and reserve positions. They survived all tests when other banks—commercial banks among them—failed.

At the same time, these Amalgamated banks opened savings opportunities and credit to working people and, through free enterprise and competitive means, forced lower interest rates in money markets.

When Hillman decided in the 1920's that action must be taken to "change New York's face" by wiping out at least some of its slums and ghettos, the union did not follow socialist or Old World patterns of pressing for public housing. It invested its own funds in cooperative apartments to be sold to its members and other workers—and through the Amalgamated Bank in New York loaned many of them the money to buy units. The projects were a social and an economic success.

Politically minded from the start, the union pinned its hopes on parties within the framework of the American political system. When other unions were calling far a Labor Party, the Amalgamated was allied with the Democrats. But its political strategists concede a bit ruefully that it has many Republicans in its membership and leadership, including at least a few followers of that party's most conservative wing.

Hillman and John L. Lewis of the United Mine Workers worked together in the early days of industrial unionism and the founding period of the old CIO—but Hillman broke with Lewis over tolerance toward Communists, a policy CIO unions later regretted. When Communists sought to infiltrate the Amalgamated, its politically alert old Socialists spotted and ousted them.

When racket lords tried to move in, the full efforts of the Amalgamated leadership were mobilized against them. When a union official was wounded by a racketeer, the Amalgamated staged a 1-day general stoppage of 40,000 workers in New York to protest "thuggism" and to pledge unity against the rackets. There were easier places to make illegal dollars; the rackets turned to them.

Amalgamated's record of 50 years of peaceful contract negotiations has been recognized officially in the U.S. Labor Department's new Hall of Fame. Better testimony perhaps came a few years ago from the late Meyer Kestnbaum, president of Hart Schaffner & Marx, when he said:

"This example, set by labor and management, is a lesson of peace for the entire world. * * * No other union has exerted an influence upon the industrial relations of our time equal to that of the Amalgamated. When America's social and economic history is written, the [1911 industrial peace plan] will be given even greater meaning than we now realize."

Kestnbaum knew he wasn't talking about a soft union. Negotiations over the years have at times crackled with anger and threats; bargaining committeemen of both sides have at times walked out of sessions with jaws clamped shut, faces white and eyes blazing. But it never came to a shutdown. He knew, too, that Amalgamated has fought rugged battles on picket lines in all parts of the country to extend its membership. Jacob Potofsky, who succeeded to the presidency of Amalgamated after Hillman's death in 1946, looks ahead to the start of the next 50 years with ambitions for more membership. But Kestnbaum knew, and Potofsky knows, that no problem exists with respect to developing new and peaceful approaches to collective bargaining.

That was taken care of when Potofsky was a boy unionist in knickerbockers back in 1911.

HUNGARIAN FREEDOM RESOLUTION

Mr. KEATING. Mr. President, the American Hungarian Federation of New York adopted, on March 15, a resolution pledging its efforts to continue the fight for freedom of Hungary and to press for full United Nations discussion of the Hungarian question.

The resolution and comments approved at the meeting paint a grim picture of life under Communist totalitarianism, and reaffirm the importance of the moral issue of freedom and independence for the Hungarian people.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution and the accompanying comments.

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

RESOLUTION

1. The federation pledges itself to support fully all action necessary to rebuff continued Communist aggression as experienced lately in Cuba;

2. Reaffirms its conviction that Europe is the decisive arena in the global contest between freedom and communism; and that consequently lasting peace will remain unattainable so long as Europe is partitioned and Soviet dictatorship remains in control of Central and Eastern Europe;

3. Denounces all attempts at the revival of the Yalta strategy as a repetition of a global fiasco and demands that American policy be based on the incontestable superiority of American military preparedness instead of appeasement resulting from the present precarious balance of power;

4. Appeals to the non-Communist governments of America and of Europe to support the liberation of the European captive nations with the same ardor as was displayed by the nations of Africa in recent years in favor of the emancipation of the African peoples from under colonialism;

5. Asks that the American delegation to the United Nations be instructed by our Government to request that the U.N. include in the next session's agenda of its General Assembly the Hungarian question. On December 20, 1962, the General Assembly requested the Secretary General, U Thant (resolution 1857, XVII) to take the initiative he deems helpful to solve the Hungarian question. The Secretary General may not delay any longer the submission of his report concerning the implementation of the U.N. resolutions calling for the withdrawal of Soviet troops, the maintenance of human rights and the holding of free elections under U.N. auspices in Hungary;

6. Aware of the moral issue raised by Communist aggression in Hungary, the federation asks our Government to differentiate sharply between the deserving peoples suffering behind the Iron Curtain and the Soviet-imposed governments oppressing them. No recognition or aid whatsoever should be granted to the latter. Gratitude in the future toward America or eventual dislike will largely depend in the captive countries on the observance of this simple rule.

COMMENTS

It is a Hungarian tradition all over the world to commemorate on March 15 the anniversary of the Hungarian revolution of 1848 which successfully restored Hungary's constitutional freedom and national independence. Disappointing international developments of last year, however, do not allow us to jubilate at present. The Hungarian question was dropped in the U.N. from the agenda of the General Assembly and the credentials of the Soviet-imposed Government of Hungary have been allowed to go unchallenged, thus doing neatly away both with the political and the moral issues. Eighteen years after the war's end, Hungary is still occupied by 80,000 Soviet troops. The double standard in the U.N. on colonialism permits the Soviet Union to ignore with impunity all the resolutions decreed by that highest international authority demanding the restoration of Hungary's independence and the freedom of her people.

Since the day, when Sir Leslie Munro was relieved of his duty as Special Representative on Hungary, protests against Soviet aggression in Hungary have been drowned in the U.N. in a conspiracy of silence. The handshaking ceremony in Budapest last summer displayed by Secretary General U Thant and the Soviet puppet, Janos Kadar, was interpreted behind the Iron Curtain as the

U.N.'s capitulation to Soviet arrogance. The example has been: "by stubborn defiance, a Communist fait accompli will gain 'the stamp of legality in the U.N.'"[1]

That decadent approach to the enslavement of Hungary was inaugurated last spring by our Department of State. The key Members of Congress were informed "that Hungary made concessions to the normal life of its people that warrant a shift in American policy toward that Communist nation." Certainly, the Hungarians are not a Communist nation, but a Communist-suppressed nation. Nevertheless, the entire machinery of Western appeasement was then set into high gear. It is undeniable that the worst excesses of Stalinist terror and persecution have been curbed in Hungary during the so-called thaw but the French Communist newspaper L'Humanité reminded rightly the free world that people who talk of liberalization "merely cherish illusions." The liberalization of Communist policy came as a result of internal and foreign pressures and not as a result of Communist kindness. Particularly in Hungary, it was fear of a recurrence of the people's revolt which helped to lessen the unnecessary, brutal terror of the Rákosi regime.

The passing of time, however, under Soviet domination will only deepen the Hungarian tragedy. For year by year, irretrievable losses in basic values are being suffered by the people, whereas the easing of life has remained superficial and retractable at an hour's notice. The backbone of the Hungarian nation, the independent peasantry, has been destroyed. During the period of relaxation the much heralded land reform has ended in forced collectivization of 95 percent of the entire farmland. The war on religion has been intensified, not by arrests, but by corruption which transforms gradually the churches into pliable instruments of the Communist Party. The despair of the Hungarian people caused by their growing political, economic, and spiritual subjugation, finds tragic expression in the deep decline of the population growth from 12 per 1,000 in 1954 to 4.4 in 1960 and 2.1 in 1962. This is the lowest level in all of Europe. The women in Hungary have become reluctant to bear children who would share the misery of their slave world.

The reexamination of our Government's attitude toward the Soviet Union, announced by President Kennedy on June 10, 1963, at the American University in Washington, D.C., did not bring any betterment to the free world. While seeking world hegemony "for peace," the renewal of the Yalta strategy by the two nuclear colossi would perpetuate the partition of Europe, unreciprocated on the part of the Soviet Union. Shockingly, the Soviets have overstepped the limits of their sphere of influence set at Yalta. It extends now into the Caribbean and has abolished de facto the Monroe Doctrine. The concurrent loss of American prestige has reduced our influence all over the globe. Before the year's end President Kennedy was assassinated by a disciple of the world revolutionary Communist concept, yet moral judgment is being passed more and more seldom on the nefarious Soviet conspiracy.

Seeking balance in face of the developing American-Soviet entente prognosticated also by Ambassador Stevenson, France decided to establish rapprochement with Communist China. France insists that at least one Continental European power be accepted as a partner of the United States and demands equal consideration with Great Britain. The nations of Western Europe—Germany among them—wish to be treated as subjects, not as objects of international policy. Their problems may not be decided in their absence; they will gladly participate as partners in an Atlantic alliance but reject the role of pawns in an Atlantic community. Developments in Africa and also in southeast Asia have demonstrated that democracy is no cureall and that money alone will not buy friends. Europe is keenly aware that the wartime great design was a global fiasco detrimental not only to Europe but also to American interests.

[1] The unresolved case of Soviet-occupied Hungary, p. 21.

Mr. KEATING. Mr. President, again I thank the Senator from South Carolina for his courtesy.

Mr. THURMOND. I have been glad to yield.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; and

S. 1988. An act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

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. THURMOND. Mr. President, I have discussed in some detail the unconstitutionality of the public accommodations proposals embodied in Senate bill 1732 and in title II of House bill 7152. However, my previous remarks have been, by and large, limited to the 13th and 14th amendments and their relationship to these proposals. Of course, one of the primary constitutional bases advanced for these proposals is Congress' power to regulate interstate and foreign commerce.

There are probably several reasons why the commerce clause justification was originally advanced. One of the primary considerations was to avoid, insofar as is possible, the decision of the Supreme Court in 1883 in the civil rights cases. Probably another reason was to have the bill referred to a committee which would be more receptive to the entreaties of the proponents of the proposed legislation. It must not be overlooked, however, that the commerce power is not the only constitutional basis being relied upon for these public accommodations proposals. The approach being taken is one of placing reliance upon every conceivable provision of the Constitution which could possibly offer a basis for these proposals. I presume that the theory is as follows: Even if all of these various sections of the Constitution would fail, individually, constitutionally to fail to justify a public accommodations proposal, a combination of them all will surely do so. This is the type of specious reasoning relied upon by the chief proponents of these measures.

Nevertheless, I assume that the primary constitutional basis for S. 1732 and title II of H.R. 7152 is still the commerce clause of the Constitution. This is found in article I, section 8, clause 3 of the body of the Constitution and reads as follows:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It has been said that this is the most important grant of peacetime power contained in the Constitution. The commerce clause of the Constitution has a twofold purpose: One is a specific grant of power to the Congress and the second is the limitation which it places over the exercise of power by the States. In order to fully comprehend the scope of the commerce clause and the extent of its intended object, it is necessary to have recourse to the history surrounding its inclusion in the Constitution.

In the Constitutional Convention of 1787, this proposed power was commonly referred to as the power to pass "navigation acts." Rivers were the highways of the day and formed the mainstream of commercial intercourse between the States. Until 150 years ago, "to ship" invariably meant to "send by ship." The traditional means of oppressing a group of people was to block the navigation of the river upon which they depended to supply them their needs. One provision of the Magna Carta stated:

> And the city of London shall have its ancient liberties and free customs, as well by land as by water: Furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

The commerce clause of the Constitution was a direct carryover from the recognition that in order to maintain personal and political liberty, the freedom of commercial intercourse had to be preserved.

The Articles of Confederation, proposed in 1778 and adopted in 1781, required unanimous consent of the States for the adoption of any regulation of shipping. As is well known, most of the seaboard States, during and immediately after the Revolution, adopted commercial regulations which served the selfish interests of the people of those particular States and restrained the commerce of neighboring States. The frictions and animosities resulting from the adoption of partial and separate regulations by the various States threatened to disrupt the union shortly after the Revolution. Those separate regulations resulted in the Mount Vernon Convention of 1785, at which delegates from Virginia met with delegates from Maryland in the home of George Washington. The navigation of the Potomac was the subject of that con-

vention. An agreement was concluded there with respect to shipping on the Potomac, the boundaries between Virginia and Maryland, and several other matters. That agreement is still in effect today and is still enforceable in the courts.

In November 1785, a resolution was adopted in the Virginia House of Delegates proposing that as a method of preventing animosities which were bound to arise among the several States from the interference of partial and separate regulations, authority ought to be invested in the Continental Congress to forbid the individual States from imposing duties upon goods, wares, or merchandise imported by land or by water from any other State or from foreign countries. The third clause of that resolution provided:

> That no act of Congress, that may be authorized as hereby proposed, shall be entered into by less than two-thirds of the Confederate States, nor be in force longer than 13 years.

After the adoption of this resolution, it was decided that the matter might be better handled in a general conference of all the States and a motion to table the original resolution was carried in the house of delegates. The new resolution was adopted by the full Virginia General Assembly on January 21, 1786, appointing commissioners and inviting other States to appoint commissioners to meet in the fall of 1786 in Annapolis, Md. The resolution adopted, although broad in its scope, was concerned only with commercial matters. It empowered the commissioners "to take into consideration the trade of the United States; to examine the relative situations and trade of the said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States, such an act relative to this great object, as when unanimously ratified by them, will enable the United States in Congress effectually to provide for the same." The attendance at the Convention was disappointing, with only five States—Virginia, Pennsylvania, Delaware, New York, and New Jersey—represented. Consequently, it was decided that the delegates would report to their respective States the unanimously agreed upon suggestion that a general convention of all the States to be held to examine the defects in the existing system of government and formulate a plan to make it adequate to meet the exigencies of the Union. The Convention was scheduled to be held at Philadelphia on the second Monday in May 1787.

While most of the States acted rapidly to designate delegates to the Convention, some of the States were reluctant to act, on the grounds that, without the consent of the Continental Congress, the work on the Convention would be extra-legal, in that Congress alone could propose amendments to the Articles of Confederation. George Washington, in particular, was quite unwilling to attend an irregular convention. For this reason, the approval of the Continental Congress became of utmost importance. The approval of Congress was finally forthcoming, but only for the purpose of proposing amendments to the Articles of Confederation and reporting back to the Congress for their approval and then confirmation by the States.

From this it can be seen that the subject of commercial intercourse was the primary moving force behind the calling of the Constitutional Convention which brought forth our present Constitution.

The legislatures of all the States except Rhode Island appointed deputies to this Convention of 1787. Six of them did this before Congress passed the above resolve. Seventy-four men were appointed deputies; of these 19 declined or did not attend. Of the 55 who attended, 14 left before the Convention closed, and 3 more refused to sign the final draft; 38 signing, with the added signature of an absent deputy. Rhode Island, where localistic radicals were in control, ignored the whole proceeding.

Who were the 55 men who, in varying degrees, were the framers of our National Constitution? The knowledge concerning some of them is indefinite, but the following facts are substantially correct. All of them except eight were natives of the Colonies. Franklin, the oldest, was 81; Dayton, the youngest, was 26; 14 were 50 or over; 21 were less than 40. Twenty-five were college men. Eighteen had been officers in the Continental Army, of whom 10 were in the Society of the Cincinnati. One had been a British army officer before the Revolution. Thirty-four of them were lawyers, or men who had at least studied the law, some of them trained at the Middle Temple in London; of these six had been or were to be State attorneys general, five chief justices of the State supreme courts, four chancellors, three national judges, and five Justices of the Supreme Court of the United States, of whom one was to be the Chief Justice and another after a term as Associate Justice was to be rejected for the higher office by the Senate. Eight of the deputies were merchants or financiers; six of them were planters; while others were planters in addition to legal or other activities. There were three physicians and two former ministers of the Gospel, several college professors, and one present and one future college president. The fourth estate was represented by Benjamin Franklin.

These men were almost without exception acquainted with public affairs: 46 had been members of one or both of the houses of the colonial or State legislatures; 10 attended State constitutional conventions; 16 had been or were to be Governors or Presidents of States. In national affairs 42 were delegates to the Continental Congress, 8 were signers of the Declaration of Independence, 6 signers of the draft of the Articles of Confederation, 7 had attended the Annapolis Convention, and 3 had been executive officers under the Congress—13 were to be Congressmen, and 19 national Senators, 1 territorial governor, 4 members of the President's Cabinet. One had been a Minister abroad, and seven more were to be later. Two future Presidents of the United States took a prominent part in the proceedings of the convention, and one future Vice President. Two others were to be candidates for the highest office in the land, and these and one other candidate for the Vice Presidency. The positions which these men had occupied or were later to fill are indicative of the regard in which they were held by their fellow citizens, and of their character and worth.

The most important man in the Convention was George Washington. Incidentally, he was chairman of the Constitutional Convention. Indeed, his acceptance of the deputyship, made reluctantly and after long consideration, was the initial triumph of the movement and a foreshadowing of success, so great was his prestige. Madison and Randolph, his fellow deputies from Virginia, were very active in the work of the convention; and Wythe and Mason, older men, added the weight of their knowledge and experience as prominent participants in earlier affairs. Madison's great knowledge of political science, the fact that to him, more than to any other deputy, public life was a profession, and his grasp of the essential problems before the Convention and the means by which they could be solved, enabled him to become the principal architect of the Constitution.

Franklin was the seer of the convention. His great age and infirmities forbade very active participation, and he was probably responsible for little of the detailed results; but his very presence gave the gathering importance and dignity, and his advice must have been eagerly sought and carefully considered. He and Washington were the two great harmonizers. Washington presided over the formal sessions, taking little part in the debate, but in Committee of the Whole and in the private conferences which were such an important underpinning of the formal structure as it arose, he was in constant consultation with his colleagues. Also, as the character of the plan developed, there was a general recognition of the fact that he must be a leading man in the early operation of the new Government, and this of necessity influenced its shape.

It is not possible here to do more than mention the other most prominent men of the Convention. In the reflection of his later fame much influence has been attributed to Alexander Hamilton. This, however, was not the case. His ideas of central power were too extreme; he was hindered by the reactionary character of his two colleagues, and he was also absent during half of the Convention. His great services came later. In the ratification contest and the successful operation of the new Government, his work was masterly.

Gouverneur Morris, brilliant and cogent debater and firm believer in a national system, was responsible for the final, very apt wording of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, provided

that I shall not lose my rights to the floor, and provided, further, that upon resumption of my speech it shall not count as another appearance.

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

Mr. LONG of Louisiana. Is not the Senator from South Carolina speaking of that great American, Gouverneur Morris, who had so much to do with the creation of our American Government?

Mr. THURMOND. I am speaking of that same individual.

Mr. LONG of Louisiana. Would the Senator from South Carolina go so far as to say that Gouverneur Morris was one of those great Americans who perhaps have not been fully recognized for the courageous contributions that he made to the establishment of this Government?

Mr. THURMOND. I do not believe he has ever been sufficiently recognized for the great service he rendered this country.

Mr. LONG of Louisiana. Would it not be correct to say that Gouverneur Morris was a courageous man, a thoughtful man, and a great patriot, who made his contribution to his country as God gave him the light to see it, and who offered his life for the perpetuation of the kind of government that the Senator and I hold dear to our hearts today?

Mr. THURMOND. The Senator is correct. He was also a true believer in a national system; and, as I have stated, was responsible for the final wording of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

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

Mr. LONG of Louisiana. Is the Senator familiar with the statue erected to the memory of John Witherspoon, near the corner of Connecticut Avenue and N Street, not too far from the Mayflower Hotel, who was the only man of the cloth who signed the Declaration of Independence?

Mr. THURMOND. I have heard of him, but I do not know a great deal about him.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that he said he would rather stand on the gallows with a noose around his neck, or have the knife of the guillotine fall upon his neck, than fail to subscribe to a code of honor and of freedom among men?

Mr. THURMOND. I am sure he felt that way. From what I have heard about him, he was that kind of man.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

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

Mr. LONG of Louisiana. Are these not the same fundamental rights of freemen which brought this Nation into existence, and for which we are fighting now?

Mr. THURMOND. The Senator is eminently correct.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

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

Mr. LONG of Louisiana. If this country ever came to the point where the source of freedom for which American patriots gave their lives no longer had any meaning, can the Senator tell me whether we could continue to enjoy the same kind of democracy for which our forefathers fought and died?

Mr. THURMOND. If we continue centralizing all power in Washington and destroying the basic framework of the Constitution as it was conceived by those who wrote it, we shall not have the same kind of government. It will not guarantee as much freedom; it will not protect the individual liberties of the citizens of the Nation as was intended by the framework established by the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield for a further question?

Mr. THURMOND. I am glad to yield to the Senator from Louisiana, under the same conditions as before.

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

Mr. LONG of Louisiana. Does the Senator from South Carolina realize that the type of freedom for which our forefathers fought is always subject to challenge, that the type of liberty which our forefathers created in this country is always subject to being snuffed out by those who do not understand what decent men are striving for?

Mr. THURMOND. I believe that is true. The Senator has raised a very sensitive and vital point. This Government is the only government of its kind throughout history of which I have knowledge. It was designed to provide the greatest measure of freedom for its citizens.

It was designed to protect the individual rights of its citizens. When the 13 States, which were just as independent as France, Great Britain, Japan, or any other country was at that time, sent their representatives to the Constitutional Convention in 1787, to write the Constitution, they had in mind the establishment of a National Government of limited and restricted powers. They wrote the majority of those powers into article I, section 8 of the Constitution. Those powers related to national defense, interstate commerce, foreign affairs, the coining of money, post offices and post roads, and so on down the list, as they are enumerated.

Those were all the powers which the States through their representatives—deputies, they were called—at the Constitutional Convention were willing to give to the National Government. That is the power that the National Government has now, plus what is contained in the 24 amendments to the Constitution, which have been adopted since that time.

If one reads article I, section 8 of the Constitution, and the 24 amendments which have been adopted since the ratification of the Constitution—at least 9 States had to ratify the original Constitution—he will understand the power of the Federal Government.

The trouble is that too many people have not taken the time to study the framework of our Government, and to comprehend what our forefathers had in mind when they established the National Government. They intentionally and deliberately tried to set up a different framework of government than had ever existed. They did exactly that. No other government in the world is like our Government, or was established in the same manner. We hear people say that in France they do thus and so, that in Great Britain they do so and so, and that in some other country they do something else. Perhaps so. However, that is not what our forefathers intended. They wanted to establish a unique, different, new type of government, which they felt would guarantee the people the most freedom of any government in the world.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may address myself to this subject for 3 minutes, without prejudicing in any way the rights of the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, the junior Senator from Louisiana was a student at Louisiana State University when its debating team debated the brilliant debating team of Oxford University. We lost that debate. I was on the debating team the next year, and I nominated the Senator from Minnesota, the Democratic whip of the Senate [Mr. HUMPHREY], to debate the same gentlemen. The Senator from Minnesota took those Englishmen apart. He was the best debater Louisiana State University ever had. He was the best debater we had ever offered against my debating team, whether it came from England, France, or anywhere else.

This morning I saw on television the able Senator from Minnesota discuss the right of a man accused of a crime to stand trial before a jury of his peers.

I am sorry that I have not been able to persuade the Senator from Minnesota to my thinking with respect to the right of a man to be heard by his neighbors rather than to be tried before a judge appointed by the Attorney General. We could use him on our team.

The right of men to be heard in this body is very important. I stand here as a southerner who was gagged while fighting against what I considered as a monopoly in the communications field. On that occasion I was also fighting for the right of the people to have their case heard.

The Senator from South Carolina is speaking out in favor of the right of every man to have his case heard, not before the king or the king's appointee, but before his neighbors; to have them say whether he has done right or wrong. We will win this fight. We are right.

All the votes that mobs in the streets can deliver cannot overcome the courage of our forefathers who fought for the right of trial by jury; who fought for the right of a man to be heard, no matter what the expediency may be. The people of this country will eventually defeat anyone who would deny them their rights as citizens of the United States.

I respect the Senator from South Carolina as a man who would fight for the right of freedom, the right to be heard, the right to be tried before an impartial jury, not before a judge who would act as arresting officer, prosecution, judge, and sentencing authority.

The time must come when freedom will ring out and we shall go back to the historical freedoms, not something gained in the streets by mobs, but something that is fundamental to America—the right of every man to stand before a jury and to be tried for his crimes, rather than before a prejudiced judge who is the accuser in the first place.

I congratulate the Senator from South Carolina for standing against the same kind of tyranny that I oppose.

Mr. THURMOND. I commend the able Senator from Louisiana for the excellent statement he has made. His statement on the importance of trial by jury is very pertinent. I cannot imagine any right that anyone could have that is more precious than the right of trial by jury.

I was studying the Declaration of Independence, which incidentally was signed by John Witherspoon, the great man to whom the distinguished Senator has referred. The Declaration of Independence contains a provision on the right of trial by jury. In listing the grievances in the Declaration of Independence, the colonists listed as one of many grievances that they had been denied the right of trial by jury. That was one of the main reasons for their willingness to declare their independence from the mother country and to run the risk of losing their lives and their property and everything they had. They were doing it for the rights that they felt they were entitled to have, and which were being denied them by the King of England.

I commend the able Senator for his excellent statement.

Mr. President, I yield to the able and distinguished Senator from Florida on the same conditions as I yielded to the distinguished Senator from Louisiana.

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

Mr. SMATHERS. Mr. President, first, I join in the commendation which has been extended to the able Senator from South Carolina and to the able Senator from Louisiana. I join in what they have had to say with respect to the right of people to preserve their liberties, as it was intended they should, under the Constitution, by having guaranteed to them the right of a trial by jury.

I ask the able Senator from South Carolina if it is not also true that in three places in the Constitution there is specific mention of the importance of the right of a trial by jury, first in the body of the Constitution, then in the sixth amendment, and again in the seventh amendment. Does not the Senator conclude from those facts that the Founding Fathers believed that the preservation of individual liberty and the right of a trial by jury were as important as any other right they could conceive of?

Mr. THURMOND. The able Senator is eminently correct. The original Constitution, before any amendments were adopted, article III, section 2, clause 3, reads as follows:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

It does not say that they may be by jury. It says that they shall be by jury. The Dirksen-Mansfield amendment provides that if the punishment is a fine of $300, or less, or imprisonment for 30 days or less, a man will not be given a jury trial. The Constitution makes no such exception. It provides that he shall have the right to a trial by jury.

The sixth amendment to the Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury

In order that there might be no question, after certain things had taken place, they wanted to reiterate this provision, and they did just that in the sixth amendment.

The seventh amendment provides:

> Where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

They were speaking, of course, about civil suits.

There are two provisions in the Constitution, article III, section 2, and the sixth amendment, which guarantee the right of trial by jury when a person is charged with crime. The seventh amendment provides for the right of a trial by jury if the value of the property is above $20.

It is as clear as crystal. How can anyone make any other interpretation?

Mr. SMATHERS. Does the Senator not agree that it seems to be the height of inconsistency for 1964 liberals, who profess to be greatly interested in the welfare, as well as the well-being, of each individual, to go against the philosophy and concepts of the founders of the Constitution? All the great liberals since that day, without exception, talked about the importance of preserving the right of a trial by jury to every citizen who might be charged with crime. Does the Senator not believe that it is a highly inconsistent position for them to be taking today, in proposing to take away from a large number of citizens the right of a trial by jury?

Mr. THURMOND. That is exactly what they are doing. In spite of the fact that the bill may be aimed at one section of the country, it would take away the rights and the freedom of all people.

Many years ago, I thought that a so-called liberal was a person who opposed Government regimentation, regulation, and control of the lives of people. Today, the so-called liberal is one who favors Government regulation and control of the lives of people. The person today who stands for the Constitution and who believes in constitutional government, the type government established by our forefathers, is conservative. I do not like to use the word conservative, but I would say that such a person would be a constitutionalist, one who believes in our Constitution.

If there is any question about whether the bill should be passed, all that is necessary is to read the document which is headed, "Constitution of the United States"; and it will be seen that if the bill is passed the Constitution will be violated in at least 10 different ways.

Mr. SMATHERS. Does the Senator not agree that the Founding Fathers, the writers of the Constitution, had faith in the people? They did not have faith in a monarchy; they did not have faith in an authoritarian system, as in the case of the judiciary, in which a man is appointed to the Federal bench and is there for life. He could be impeached in the Congress, but there has been only one example of that in our history that resulted in removal.

Were not the people who wrote the Constitution of the United States believers in the principle that the people, if given the right information, would do the right thing? The Constitution was so drafted as to put faith and power in people, rather than in high officials of government. Therefore, those who go against the Constitution today, the 1964 liberals, as I like to call them, actually are demonstrating their lack of faith in people. They do not want to retain the jury trial system under which people sit in judgment of their fellow men.

The so-called liberals want to eliminate that system, which was provided for in the Constitution. Why? Apparently, the 1964 liberals have no confidence in their fellow men. They have no confidence in the people, and they want to take away from the people the rights which the Constitution intended to give them and which are expressly provided in the Constitution.

Does not the Senator agree that the so-called present-day liberals, as they call themselves, are going in a diametrically opposite direction from that which the founders of the Constitution, and also other great liberals thought was the direction in which the country should move?

Mr. THURMOND. The Senator is exactly correct. Title I of the bill would permit Congress to set the qualifications for voting, although this power is reserved to the States under the Constitution.

That violates article I, section 2. It also violates the 10th amendment and the 17th amendment. That should be enough to cause them to want to go no further.

Mr. SMATHERS. Does the Senator agree that what that does is to take away from the local community and the local government the right to fix their own qualifications for voters, which was guaranteed to them in the Constitution, and that it therefore reflects a lack of confidence in local government and the people generally?

Mr. THURMOND. The Senator is correct. It seems to me that when they

follow this course—as was well expressed by the able Senator from Florida [Mr. HOLLAND]—they lack confidence in people. Some have been so bold as to say, "We cannot afford to give the right of a jury trial in some sections of the country. The juries will not convict people."

Is it proposed to destroy a system of government because of the lack of faith in some juries in certain sections of the country? That would be the effect of it.

Mr. SMATHERS. Would not the Senator agree that in Germany, and throughout all the world, wherever we have seen democratic governments destroyed, it was because the power was taken away from the people and centralized into an authoritarian system led finally by a dictator or a monarchy, since people did not have confidence in their fellow men?

Mr. THURMOND. That is the way Democratic government is destroyed. People destroy their own liberty, when they elect representatives who do not have confidence in the people. This bill demonstrates a lack of confidence in the people of the United States. If the bill passes, it not only will destroy the delicate framework of checks and balances in our Constitution, but it will also set a precedent whereby in the future, other steps could be taken which would completely destroy this Government; and we would not even recognize it as the type of government which was established by our forefathers, by means of the Constitution.

Mr. SMATHERS. I commend the Senator from South Carolina for making this point, because in a number of instances in the pending bill—not in only one—those who wrote the bill have demonstrated, first of all, a lack of confidence in the people, by including provisions to curtail the right of trial by jury; second, they have proposed that there be granted to the Attorney General a power far greater than any power any preceding Attorneys General ever indicated they wanted or needed, and the bill would give the Attorney General power far in excess of any power any Attorney General should have.

Mr. THURMOND. Mr. President, if I may interrupt the Senator from Florida——

Mr. SMATHERS. Certainly.

Mr. THURMOND. I commend the Senator from Florida for making that point, for I am afraid it has not been sufficiently stressed. Regardless of who might be the Attorney General during the years ahead, the bill would grant him unprecedented power—great authority to file suits against property owners, against plain citizens and against State and local officials, even though the supposedly aggrieved person had not filed suit. Regardless of that, the Attorney General could file suit, and would thus become a plaintiff, at the expense of the taxpayers.

I had always supposed that the great Federal Government would serve as a referee in the case of suits between citizens. However, under this bill the Attorney General would assume the role of a litigant against a private citizen.

Furthermore, title I of the bill would permit the Attorney General to shop around, in an endeavor to locate a judge who would be likely to give what the Attorney General would regard as a favorable decision or ruling; and the bill would also grant the Attorney General the right to file suits concerning public accommodations, even before the owners of the accommodations had actually been accused.

Mr. SMATHERS. In other words, the Attorney General would be able to file suit in his own right, even before a person who might claim that wrong had been done him had filed suit, himself; is that correct?

Mr. THURMOND. Yes. That provision is in title II.

Mr. SMATHERS. Is it not also a fact that no previous Attorney General in the history of our country, from the time of its founding, has ever requested such power? Is not this the first time in our history that anyone has ever been so presumptuous, so to speak, as to request such power?

Mr. THURMOND. That is quite true; in the entire history of our country, no other Government official has ever requested such power. Certainly it is too much power for any man to have.

Mr. SMATHERS. Is it not also a fact that the bill contains a title which we call the genocide title?

Mr. THURMOND. Yes.

Furthermore, the bill also would give the Attorney General the power to sue State or local officials concerning public facilities, without first waiting for an individual to file suit. Title III would give that authority.

Furthermore, the bill would give the Attorney General the right to sue local school boards, even though no suit had been filed by any schoolchild or by the parent of a schoolchild or by any other person. That provision is included in title IV.

In other words, under the bill the Attorney General could, at any time, proceed on his own, without waiting for a complaint to be filed in court by either a schoolchild or the parent of a schoolchild or any other person; in any event, the Attorney General could himself bring suit in the name of the great Government of the United States. That is the most unprecedented power ever requested by any person, either public or private; and it is entirely too much power to be granted any individual—too much to be granted a President, and too much to be granted anyone else, if we are to preserve our liberty.

Mr. SMATHERS. Is it not also true that title VI of the bill—the title which would allow certain Federal Government agencies to cut off Federal funds to a State, locality, or county, when a complaint had been filed—would give the President of the United States power which no President of the United States has ever requested until the present time? In addition, is it not true that when the late President Kennedy was asked whether he thought any President should have that power, he replied that he did not think any President should have the power which title VI would give the President?

Mr. THURMOND. That is correct.

Mr. SMATHERS. Is it not also a fact that the proponents of the bill thereby attempt to destroy what the Senator from South Carolina has so eloquently and aptly referred to as the system of checks and balances; and would not the bill give the Attorney General power which no Attorney General has ever before requested or wanted; and would not the bill also give the President of the United States power which the late President Kennedy said no President ever should have; and is it not also true that the bill would destroy our great constitutional system of checks and balances—the system which always has been considered the bulwark of our constitutional system?

Mr. THURMOND. That is correct.

Furthermore, title VI would amend every Federal law—more than 100 of them—that deals with financing. It would require each Federal agency to issue, for itself, regulations defining discrimination and attempting to act to end discrimination because of race, color, or national origin; and title VI also provides:

> After a hearing, compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding of a failure to comply with such requirement, or (2) by any other means authorized by law.

In further commenting on title VI, I wish to state that among the Federal programs which would thus be affected would be the following: Loans by all Federal agencies, the Farm Credit Administration, the Federal land banks, the banks for cooperatives, the production and commodity credit agency, the Small Business Administration, the Federal National Mortgage Association, the school-lunch programs, the Hill-Burton hospital program, highway construction, child welfare services, social security, community health services, school fellowships and research, school and college construction, aid to blind and disabled persons, vocational education, agricultural experiment stations, the Federal Reserve System, the national banks, the Federal Civil Service, other Federal contracts, and all veterans' benefits.

All those agencies of the Government would be affected under title VI; and some bureaucrat would make the determination as to whether there was discrimination. But the word "discrimination" is not defined in the bill. Therefore, the head of the appropriate agency of the Government which was affected or involved in the particular case at hand would determine whether there was discrimination; then the head of that agency would have power, with the approval of the President, to cut off the funds going to any such program in any State in the Nation.

Mr. SMATHERS. And, thereby, would it not be possible for a President of the United States or for the head of a Federal Government agency actually to bring a State almost to its knees—because if a President of the United States was able to cut off all the funds, for ex-

ample, for all the veterans' benefits or for the highway program or for some of the other programs which would come under the all-inclusive provision to which the Senator from South Carolina has referred, that could become the means of the greatest political whip ever known in this Nation—a whip by means of which a President of the United States could, on the recommendation of the head of some agency, take the position, "Well, that State did not vote for me; the people there do not seem to like me. So now I have an opportunity to punish them and bring them to their knees because they have demonstrated that they do not take the view that I take."

Therefore, would not this provision of the bill give a President of the United States who might be so inclined or so minded, the power—a power which no President ever has wanted, thus far—to punish such a State?

The title is punitive. If enacted into law, it could become almost the most dangerous title in the bill. I believe it would threaten the very basic provisions of our Constitution.

I commend the Senator.

Mr. THURMOND. If title VI should be enacted, the rest of the bill would not really be needed. That provision encompasses practically all the power in the whole bill. As the Senator has said, title VI contains such power that under its provisions a State could almost be brought to its knees. It is not right to give any Government agency the power of blackmail as it would be given under title VI, because a hammer could be held over the heads of all the people of a State, and all who might participate in a particular program in which discrimination is alleged to exist could be punished.

Mr. SMATHERS. I believe the record shows that, without question, when President Kennedy was asked about this particular power at a press conference sometime last year, he said that he did not think the President should have such power, and he did not want it. What I do not now understand is how Senators can stand on the floor of the Senate and claim that in order to hold up the bright and shining name of John F. Kennedy, the Senate should pass the bill. He said that, so far as the particular title about which we are now speaking is concerned, he did not think he ought to have the power, nor should any President have such power.

Mr. THURMOND. The Senator is correct. Our former President made that statement; no good man would want the power, and no bad man should have it.

Mr. SMATHERS. I thank the Senator. Once again I commend the Senator for the excellent speech he is making. I commend him for his statements throughout the entire debate. They have been logical and persuasive, and have been expressed in a manner which certainly would bring those who would take the time to hear or read them to the same conclusion which the Senator has stated. To pass the bill or any of its provisions as they are now drawn would do great violence to our constitutional system of government, and would threaten the very liberties of every citizen of the United States irrespective of that citizen's race, color, or creed.

Mr. THURMOND. Mr. President, I thank the Senator from Florida for his kind remarks. I congratulate him for the great zeal and interest with which he has approached the problem. He has rendered a great service in the speeches he has made in the Senate and in the penetrating questions which he has asked and, in the final analysis, the fight that he has made during all the consideration of the so-called civil rights bill.

Mr. SMATHERS. I thank the Senator.

Mr. THURMOND. Mr. President, as I said previously, Gouverneur Morris, brilliant and cogent debater and firm believer in a national system, was responsible for the final, very apt wording of the Constitution.

James Wilson, leader in law and political theory ably seconded Madison's efforts, especially in details. Roger Sherman, from small but progressive Connecticut, was a signer of the documents of the First Congress, the Declaration, the Articles of Confederation, and the Constitution; and Oliver Ellsworth was his lawyer colleague.

Gerry and King of Massachusetts were Harvard graduates, the one fluctuating in his attitude and the other a calm thinker and careful speaker, an advocate of an efficient system with due consideration of the rights of the States. William Paterson of New Jersey, John Dickinson of Delaware, and Luther Martin of Maryland, were prominent as small State leaders, bent upon the preservation of the equality of the States. Martin was from the beginning an opponent of anything other than amendment of the Articles of Confederation, and continued implacable. John Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, and Pierce Butler, of South Carolina, saw the need of a completely new system, but were also eager to preserve the advantage of the lower South. Charles Pinckney, one of the youngest men in the Convention, was especially forceful in his advocacy of a workable American system for the Nation whose future growth he clearly envisioned.

The Convention was called for the second Monday in May 1787, which was the 14th, and Washington arrived at Philadelphia, prompt as always, on the day before, when, as he said in his diary, "the bells were chimed." There was, however, not the necessary quorum until the 25th, when 7 States were represented. Before the end of the month 10 States were present and voting. Maryland participated on June 2, but New Hampshire, the 12th State, was not on hand until July 23, and New York was not voting after July 10.

The meeting was held in Independence Hall, where the Congress had sat and where the Declaration of Independence was adopted and signed. Little time was wasted in organization. Washington was the unanimous choice for President. The voting was by the prevailing system of one State, one vote; and complete secrecy was ordered in accordance with the rule, often violated, of the Continental Congress.

Most of the credentials merely voiced the purpose of the assembly as given by the resolution of the Continental Congress to provide effectual means to remedy the defects of the Confederation; but the Delaware members were forbidden to amend the right of each State to one vote. On the other hand, South Carolina wished the central authority to be "entirely adequate to the actual situation and future good government." Delaware's warnings were preliminary notes of discord that later reached full development in the main theme.

Thus began the meetings of one of the greatest sessions of wise men in the history of the world. But these meetings were so secret that the President would not give any hint concerning them even in the intimacy of his private diary. There was a formal journal kept, but except for its list of motions and votes, it is the least important of the records which have come down to us. Far surpassing it and all other sources combined were the notes on the debates kept by Madison, notes that were not made public as a whole until 1840. Thus, he doubled the debt the Nation owes him for his work in the formation of the National Government, and later he added still further to the obligation by his energetic participation in the ratification contest and in the organization of the government. Various other members made notes that occasionally add to the knowledge derived from Madison, or throw light upon the position of members. None of these, however, cover the whole proceedings, the Yates notes being the most extensive next to Madison's.

There were meetings on 87 or 88 days of the 116 between May 25 and September 17, 1787, inclusive. Of these meetings we have more or less knowledge, but of the work under the surface, of the special committee meetings and of the private discussions, we have scarcely anything, and most of this through the unreliable form of later recollection. Yet it was here, in the give and take of informal gatherings, that much of the real work was done.

During the first 2 months of the Convention, substantially all references to the power to regulate commerce were as to the power to pass "navigation acts." As first proposed, it differed little from the procedures under the Articles of Confederation, as it required a two-thirds majority of the Congress to enact such a law.

There was considerable debate on the subject of whether navigation acts should have the approval of two-thirds of Congress, or only a simple majority. Many of the delegates feared the consequences of action by a simple majority of the Members of Congress. However, due to other complicating factors, a simple majority vote was approved, instead of a two-thirds majority.

Neither in the Constitutional Convention nor in any of the ratifying conventions was there anything said or even hinted at which indicated that the power to regulate commerce might be perverted

into the power to regulate the use of purely private property at rest within the confines of any particular State.

For many years after the ratification of the Constitution, even up until 1900, the overwhelming majority of the cases which reached the Supreme Court under the commerce clause stemmed from State legislation regulating commerce. During this period of time the most important aspect of the clause was its negative effect on State legislation and regulation. The landmark case delineating the scope of the power of the commerce clause during this period is Gibbons against Ogden. Chief Justice John Marshall, speaking for the Court, asked, "What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution"—*Gibbons* v. *Ogden,* 9 Wheat. 1, 196–197, 1824.

The Constitution speaks of commerce among the several States, and the proceedings of the Constitutional Convention indicate that this was the preoccupation of the delegates to that Convention. It has long been recognized that this phrase was "not one which would probably have been selected to indicate the completely interior traffic of a State." For the genius and character of the Federal Government is "that its actions is to be applied to all external concerns which affect the States generally; but not those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government." (Ibid., p. 195.)

Although Chief Justice Marshall recognized and affirmed the existence of an area of commerce which was outside of the jurisdiction of the commerce clause, the decision in Gibbons against Ogden is generally considered to be one of the broadest interpretations of the clause ever handed down by the Supreme Court. However, it is necessary to recall the exact question which the Court was passing on in that case. The State of New York enacted legislation conferring upon certain individuals exclusive rights to navigate the waters of that State with steam-propelled vessels. A competitor from the State of New Jersey challenged this monopoly by sending a steam-propelled vessel into New York waters. The argument of the counsel for Ogden, who was an assignee of the original monopoly holders, was, in essence, that since the New Jersey carrier was engaged in carrying passengers only and not goods, he was not engaged in commerce in the sense of the word as used in the Constitution. This argument Chief Justice Marshall answered as follows:

> The subject to be regulated in commerce; * * * The counsel for appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce, undoubtedly, is traffic, but it is something more—it is intercourse" (Ibid., pp. 189, 192).

Mr. HILL. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Alabama, under the same conditions as before.

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

Mr. HILL. I heard the latter part of the colloquy between the Senator from South Carolina and the Senator from Florida [Mr. SMATHERS]. As I listened to that colloquy and the brilliant answers made by the Senator from South Carolina, I could not help recalling the words of the Declaration of Independence. I now read from the Declaration of Independence:

> He—
>
> Meaning the British King—
>
> has erected a multitude of new offices—

I ask the distinguished Senator from South Carolina if this bill does not contemplate and would not encompass a "multitude of new offices"?

Mr. THURMOND. The able Senator from Alabama has pointed out a very important fact, overlooked by many persons in studying the so-called civil rights bill, that if it should be enacted, perhaps thousands of people would be employed by the Government to enforce its provisions. There are bound to be swarms of agents employed to go into every State in the Union to look into people's books, to see whom they have employed, the dates they were employed, or failed to be employed, to see when they were eligible for promotion, whether they were promoted, or demoted, or whether the practice of seniority was being followed. I am speaking now only of title VII, but a similar situation would exist in any other title in the bill, with regard to the employment of numerous government agents to enforce the provisions of the bill.

Mr. HILL. The Senator has used the word "swarms." The very next clause in the Declaration of Independence to the one I just quoted is as follows:

> and sent hither swarms of officers to harass people, and eat out their substance.

That is exactly what the Senator has just said the bill would do, the very thing our Founding Fathers protested against and set out as one of the compelling grievances which brought the Declaration of Independence into being, the War of the Revolution, and the independence of our country from the British Crown; is that not correct?

Mr. THURMOND. The Senator is eminently correct. The bill would certainly erect a "multitude of new offices." It would certainly cause swarms of officers to go out among the people in the Nation and harass them. I cannot imagine that any bill which has ever been passed by Congress could touch this bill in the way it would harass the people. It would "eat out their substance," because it would require a vast amount of money to enforce the provisions of the bill. It would require so many agents and employees that it would mean that much more social security, retirement, and fringe benefits. It would mean the expenditure of millions of dollars more which the taxpayers of this Nation would be forced to bear, for the purpose of being crucified—because the bill would bring tyranny to the citizens of this Nation.

Mr. HILL. Of course, the bill does not in any way conform to the program of economy we hear so much about, proclaiming so much concern for the economy, and how we must economize, balance the budget, and reduce Government personnel; is that not correct?

Mr. THURMOND. That is true. The bill would have the opposite effect from what we hear mentioned these days about economy. We hear a great deal about the need to practice economy. I believe that we could practice economy right now and not pass the bill. That would bring about considerable economy, because if the bill should be enacted it would cost the taxpayers many millions of dollars. The greatest and most important reason, however, why the bill should not be passed is to prevent the imposition of tyranny, because this bill, if enacted, would bring tyranny to the people of America. I can visualize, if the bill should be enacted, and its provisions enforced, the tyranny, the lack of freedom, and the unfortunate effect the bill would have on our system of government.

Mr. HILL. Another clause in the Declaration of Independence speaks of depriving the people in many cases of the benefits of a trial by jury. That is exactly what the distinguished Senator was saying about the bill a little earlier, on the floor of the Senate. He referred to the denial of a trial by jury; is that not correct?

Mr. THURMOND. The Senator is correct.

The distinguished Senator from Alabama is now reading from the Declaration of Independence wherein were set out the grievances of the colonists, wherein were listed the reasons why the colonists declared their independence. They had many reasons for doing so. They did not suddenly declare their independence. They had certain specific reasons for doing so, and they listed them in the Declaration of Independence. The Senator from Alabama mentions the denial of the right of trial by jury. That right was considered one of the most precious rights of the people. When the King of England denied the colonists that right, they felt that they were justified in listing it as one of the chief reasons for declaring their independence.

Mr. HILL. Another clause in the Declaration of Independence is:

> He has excited domestic insurrections amongst us—

Have there ever been so many sit-ins, kneel-ins, lie-ins, walk-ins, and other acts of civil disobedience, as there have been since the so-called civil rights bill was proposed in Congress?

Mr. THURMOND. Some persons say the bill should be enacted because it is necessary to end the demonstrations, the riots, and the violence.

Martin Luther King has stated that if the bill is passed the Negroes will still

demonstrate. Other leaders in the Negro movement also declare that it will not stop demonstrations, that they will continue to demonstrate for enforcement of the law, or for some other reason.

Therefore, in my judgment, passage of the bill would not end the demonstrations and the trouble that we have had throughout the land.

Mr. MORTON. Mr. President, will the Senator from South Carolina yield, under the usual conditions?

Mr. THURMOND. I am glad to yield to the Senator from Kentucky [Mr. MORTON], under the same conditions as before.

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

Mr. MORTON. The Senator was speaking of the army of civil servants and others that might be required to enforce such a law, if it should be enacted. Is it not true that the various bureaucracies in this country seem to have a habit of building armies of civil servants for any program engaged in? Has not the Senator found that they continue to grow and grow?

Mr. THURMOND. I thoroughly agree with the Senator from Kentucky. I am heartily in accord with what he has said.

We have been adding one agency after another to an already unwieldy government. One reason why we are in debt to the extent of about $309 billion or more is that the National Government has gone into fields of jurisdiction in which it has no authority.

Last year, Congress was in session almost until Christmas day. About 2 weeks before Christmas, the Senate enacted legislation injecting itself into the field of art. Some of those who sponsored the bill stated that it was necessary to encourage art.

I looked in the Constitution and did not find the word "art" anywhere. I went back and looked in the Constitution again, and still did not find the word "art" in it.

Authority in the field of art has not been delegated by the Constitution to the Central Government, nor does it appear anywhere in any of the 24 amendments since the Constitution was ratified. The National Government—the Central Government, the Federal Government, this Union, this Government in Washington in which we serve as its legislative branch—has no authority to go into the field of art.

That is only one example about which the Senator is speaking, in establishing new agencies and going into various fields of activity where the Government has no authority. It is going deeper and deeper into debt, if it does not stop going into new fields of activity.

Mr. MORTON. Speaking of the vast bureaucratic army, I point out to the Senator that in 1960 there was a farm population of 15,600,000.

In 1963 it was down to 13,800,000. We are familiar with the problems which bring that about. Interestingly enough, the Department of Agriculture, in 1960, had 98,600 employees. They served a 15,600,000 farm population. Today the Department of Agriculture has 116,300 employees. That is an increase of more than 18 percent in the past 3 years, in face of a drop of about 10 percent in the farm population.

The further we go in studying these programs, the more we find that this seems to be par for the course. We continue to build. We add to those who take care of the problems even though the programs they take care of are decreasing. I do not know how many times the Senator will find agriculture mentioned in the Constitution.

Mr. THURMOND. The Senator is absolutely correct. We spend more and more money, evidently for the purpose of giving people jobs. I do not know what other reason there could possibly be. Certainly it is unnecessary. We have balanced the budget only six times in the past 34 years. No matter how capable and efficient a businessman might be, he could not stay in business if he could not operate on a better basis than that.

In 28 years out of 34 we have not balanced the budget. It is high time that we come to some sanity and begin to balance the budget, stop deficit spending, and get back to fundamentals. All we need do is follow the Constitution. We must stay out of fields of activity at the national level in which we have no authority to be. If we do that, we can balance the budget.

Bleeding hearts say, "The State governments will not carry out this program; therefore the Federal Government must do it."

That is no answer. If the power has not been delegated to the Federal Government, the way to do it is by a constitutional amendment. Let the people vote on it. Let the people decide whether they wish to go into another field of activity.

That is the only way it can be done constitutionally. That is the only way it can be done properly and legally. If the Constitution is amended, the Federal Government will have the right to go into further activities. However, in my judgment, the people will not go into many of these fields. The State government and the county and local governments can do things much cheaper than can the National Government.

There is only so much power. It is a question of where it will be reposed. Will it be kept at the State level, with the individual citizens, or shall we transfer it to Washington?

The so-called civil rights bills propose to take powers away from the State governments and bring them to Washington, at the national level. The so-called civil rights bills would take power away from the individual citizens and bring those powers to Washington. I do not believe the people of this Nation wish that to be done.

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

Mr. THURMOND. I yield.

Mr. MORTON. The Senator said there was only so much power. I point out that we did not have enough power last night.

Mr. THURMOND. The power last night was a little too much on the side of the so-called civil righters.

Mr. McGOVERN. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am pleased to yield to the Senator, under the same conditions under which I yielded to the Senator from Alabama and the Senator from Kentucky.

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

Mr. McGOVERN. The Senator from South Carolina is an advocate of a strong national defense. I agree with him that we ought to have a defense force fully adequate to meet the needs of the country. The Senator has also expressed his concern about the growing expenditures of the Federal Government.

Is not the Senator aware of the fact that the major part of the Federal budget is devoted to the military defense of the country, and that practically all of the Federal debt, to which he has alluded, is the result of our defense of the Nation and our interest in World War II, and again in the Korean war?

It is well to be concerned about the growing cost of operating the Federal Government; but does not the Senator agree that we should recognize the fact that most of the cost is centered on our military defense?

Mr. THURMOND. In reply I say that I favor a strong national defense.

Mr. McGOVERN. I agree with the Senator.

Mr. THURMOND. It is absolutely essential to our survival. However, the great increase in expenses since the end of World War II has not been along the line of defense. I have figures—I do not have them before me at the moment—which show that by far the greater percentage of increase in expenses took place in the domestic field, rather than in defense. I shall be pleased to show those figures to the Senator.

Mr. McGOVERN. I am sure the Senator will agree that well over half of the entire Federal budget of approximately $100 billion is devoted to defense purposes; therefore, it represents the major cost.

Mr. THURMOND. I agree that it represents the major cost, and is more than half of the budget. However, that is essential to our survival. That is different from going into the field of art, or, in the Department of Agriculture, studying the sex life of tadpoles, and things like that. Those things should be eliminated. There are too many nonessential and nondefense programs.

It is my judgment that we ought to cut down on such programs, and that we should never have gone into a great many fields in the first place. There is no authority for them. Furthermore, it is causing us to plunge into debt.

I always ask myself three questions before I vote on a bill. First, I ask myself whether it is constitutional. I try to decide if the Federal Government has the authority to go into that field. That is what I asked myself with reference to the Federal Government's entry into the field of art. I found no authority for it. I did not have to go any further. I therefore voted against it. If it is constitutional, I then ask myself whether it is wise; if it is wise, the next question

is whether we can afford it. A great many things may be constitutional and wise, but the question is whether we can afford them.

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

Mr. THURMOND. I yield.

Mr. McGOVERN. I am sure the Senator does not find any reference in the Constitution to the maintenance of a strong Air Force. Yet I believe he agrees with me that that is a legitimate function under the general construction of the Constitution providing for the general defense. The Constitution also refers to promoting the general welfare. I do not believe we could expect the Founding Fathers to have spelled out the various developments that have taken place over the past 150 years. However, under the responsibilities that we have under the Constitution to promote the general welfare of the country, I am sure a good argument could be made that the encouragement of the arts, the encouragement of research, and the encouragement of education fall within that general scope.

I saw some statistics the other day, and I should like to call the Senator's attention to them. The statistics showed that 25 years ago we were devoting about 30 percent of our entire Federal budget to what could be described as welfare purposes. Today the proportion of the Federal budget devoted to those purposes is only about 7 percent. If we were to total up everything that we are spending in the Department of Health, Education, and Welfare, and add the functions of the Labor Department and the whole medical research field, which the Senator from Alabama has pushed with such vigor and effectiveness, the total would be only about 7 percent of the Federal tax dollar.

It seems to me that that is not an unreasonable proportion to devote to activities that make living more enjoyable and more satisfying for our people.

Mr. THURMOND. Of course the Constitution provides for national defense. The Senator mentioned the Air Force. I believe that under the constitutional provision for providing for defense, any facet of our defense which is essential would be authorized under that provision of the Constitution.

In my opinion we could eliminate a great many items of expense in foreign aid, in which we are helping Communist countries and neutralist countries. I do not believe we are acting wisely by helping to finance our enemies or in helping to finance countries which sit on the fence and will not say where they stand.

I realize that the Senator or others may take a different view of that. But there are many ways in which we could reduce expenses. We ought to do it. If we are not going to cut expenses, we ought to have the courage to pay taxes on a pay-as-you-go plan. I do not think it is right for this generation to live on the sustenance that belongs to the next generation. Whatever we spend over our income is placing a debt on the next generation, the children of tomorrow, their children, and their children's children. Not even two or three generations will be able to pay our debt.

We ought to have the courage to pay our own way through this world, and the Government should not be issuing bonds or notes that future generations will be responsible for.

Mr. McGOVERN. I thank the Senator for yielding. I am concerned about economy in Government. But I thought it was important for the RECORD to show that proportion of the budget that is going to these very purposes.

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

Mr. THURMOND. I am glad to yield to the able and distinguished Senator from Alabama under the same conditions as I yielded before.

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

Mr. HILL. The pending question before the Senate is that of the right to a trial by jury. To me, the foremost man in all the world today is Winston Churchill, of England.

Does the Senator agree with Mr. Churchill, as I do, when in his work, "English-Speaking Peoples," he declared:

> Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free.

Could there be a finer summation of the tremendous importance of the vital part of the right of a trial by jury in a republic dedicated to the freedom and liberty of the people?

Mr. THURMOND. That is a very fine statement. I am pleased that the Senator has called attention to it.

Mr. HILL. I am sure the Senator would also agree with Mr. Blackstone, that great authority on English law, and the Anglo-Saxon procedures when he declared:

> The trial by jury ever has been, and I think ever will be looked upon as the glory of the English law. And if it has so great an advantage over other in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases.
>
> It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals.

Does the Senator agree with that statement?

Mr. THURMOND. I certainly do. Mr. Blackstone is one of the greatest legal authorities that this world has produced. I think his statement would represent the thinking of the American people today. That was brought about under, and has been handed down from, Anglo-Saxon law.

Mr. HILL. I am sure the distinguished Senator would also agree with Lord Camden, one of the greatest English jurists, when he declared:

> Trial by jury is the foundation of the British Constitution; take that away, and the whole fabric will soon molder into dust.

Could there be a finer, more compelling, challenging statement as to the right of a trial by jury than that statement?

Mr. THURMOND. I cannot imagine one that expresses it in stronger terms than that. In our judicial machinery, if we destroy the right of trial by jury, we destroy the very heart of our system. We would be going back to the time when emperors, kings, potentates, and kaisers had the authority with the stroke of a pen to take a man's life without a trial by jury.

Mr. HILL. The Senator speaks about the right of a trial by jury going to the very heart of our free institutions. I am sure the Senator would agree with the French philosopher De Tocqueville, who he recalls made a visit to America, made a study of our Government, our way of life, and our free institutions and wrote a treatise on America which he called "Democracy in America."

Mr. THURMOND. I have quoted from it many times.

Mr. HILL. I am sure the Senator agrees with this quotation:

> The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government * * *. He who punishes the criminal is * * * the real master of society * * *. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury.

Does not that confirm wholeheartedly, with the greatest possible emphasis, what the Senator has said, that the very heart of our institutions of freedom, liberty, and justice for all our people is embodied in the right of a trial by jury?

Mr. THURMOND. It goes back to what Abraham Lincoln said about this Government, that it is a government of the people, by the people, and for the people. The right of a trial by jury goes back to the people, instead of letting some high Government official have the power to say whether a man shall lose his life, whether he shall lose his liberty, or whether he shall lose his property. The right of a trial by jury gives to his peers, his countrymen, the right to determine that themselves, in a government of the people. If we destroy the right of a trial by jury, we are taking a backward step, in my judgment, which we shall always regret. If we destroy this right in a small way, we are setting a precedent for going further at a later date. In other words, if the amendment offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD] is agreed to, and the punishment in a contempt case is 30 days or less, or $300 fine or less, a man will not get a trial by jury. What would prevent Congress the next time from passing a bill to extend it to 60 days, and the next time to 6 months, and subsequently to a year, 5 years, or 10 years? We are setting a precedent that can be very dangerous for all time in the future.

Mr. HILL. Was it not this thought of a government of the people, by the people, and for the people expressed by Abraham Lincoln that Thomas Jefferson no doubt had in mind when he declared, "Trust no man; bind all men by the chains of the Constitution."

Mr. THURMOND. That is correct. Thomas Jefferson said that we cannot trust any man with power. We must bind him down by the chains of the Constitution, no matter if a man's mo-

tives are good, and if his intentions are lawful. There are times when Jefferson felt, and I think his opinion that we cannot trust an individual with power is generally shared by the people who believe in our Republic. Power seems to go to men's heads.

It might seem that we could trust some. But we might not be able to trust their successors. Thomas Jefferson's idea was to nail things down, to have a Constitution, and to abide by that Constitution, regardless of who the officials were. Thomas Jefferson knew that sooner or later the people would suffer if they did not do so.

Mr. HILL. Is it not true that the right of a trial by jury is protected in three separate places in the Constitution of the United States?

Mr. THURMOND. The Senator is correct. In the original Constitution, in article III, section 2, clause 3, a trial by jury is provided. It provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

The sixth amendment provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

I stress the point that in that amendment the word "shall" is used.

The seventh amendment provides:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

Those provisions were included in the original Constitution and also in the Bill of Rights, the first 10 amendments to the Constitution. Two of those amendments provide the right of trial by jury. I believe that point should be emphasized in this debate.

When our forefathers decided to include the Bill of Rights in the Constitution—as demanded at the Constitutional Convention in Philadelphia; in fact, the Constitutional Convention never would have taken favorable action on the proposed Constitution except for the promise to include in the Constitution the Bill of Rights—the promise to include the Bill of Rights was made; and then George Washington, with his great influence and prestige, and James Madison and others of the outstanding men there induced those representatives of the States to favor the Constitution. But the absolute promise to include the Bill of Rights was essential in that connection; and that absolute promise was made. It is important, therefore, to stress the point that 2 of these 10 amendments provide for the right of trial by jury.

Yet, Mr. President, today there are those who espouse the so-called civil rights bill and are willing to vote to discard some of the very safeguards for which our forefathers fought, and which they set out clearly in the Declaration of Independence as the subjects of major grievances, and for which they made clear provision in the Constitution and in the Bill of Rights, and they have been adhered to in this country throughout the years since the ratification of the Constitution. However, today there are some who would attempt to do away with that right—on the theory that some juries might not do their duty. That is the flimsy claim which such persons advance. However, Mr. President, it is clear that if Congress ever were to take such action and ever were to pursue such a course, the Nation would be headed toward tyranny.

Mr. HILL. Mr. President, will the Senator from South Carolina yield again to me?

Mr. THURMOND. I yield.

Mr. HILL. Is it not also true that Charles Cotesworth Pinckney, one of the signers of the Declaration of Independence——

Mr. THURMOND. And he was a South Carolinian.

Mr. HILL. That is correct. Is it not true that after he had returned from the Constitutional Convention at Philadelphia, where the promise to include the Bill of Rights had definitely been made, he rose in the House of Representatives and said that at the Constitutional Convention it had been solemnly agreed that the Bill of Rights would be submitted and would be included as an integral part of the Constitution?

Mr. THURMOND. Yes, he said that; and that was the clear understanding at the Constitutional Convention. I cannot imagine a finer guarantee of human rights than the Bill of Rights, the first 10 amendments to the Constitution. The Bill of Rights guarantees freedom of the press, freedom of religion, the right of trial by jury, the right to petition the Government, the right to prevent the quartering of troops in one's home, and all the other rights which are safeguarded and preserved by the first 10 amendments to the Constitution.

I repeat that 2 of the first 10 amendments to the Constitution preserve and guarantee the right of trial by jury.

Mr. President, at this time I shall proceed with my address:

The conclusion in the case of Gibbons against Ogden, judging from the obvious purposes of the commerce clause as adduced from the Constitutional Convention, was correct. Nevertheless, this broad interpretation of the clause was directed toward the negative effect of the clause as a shield against State power and not as a basis for an affirmative congressional enactment.

Although the scope of the commerce clause as it was defined by Chief Justice Marshall in Gibbons against Ogden was determined to be vast, it was not until the latter half of the 19th century that Congress began to take affirmative action based on the clause. In the case of *Wabash, St. Louis and Pacific R.R. Co.* v. *Illinois* (118 U.S. 557, 1886), the Supreme Court held that a State could not regulate charges for the carriage, even within its own boundaries, of goods brought from without the State or destined for points outside of that State. Largely as a result of this Supreme Court decision, Congress enacted the original Interstate Commerce Act in the following year, 1887. The Interstate Commerce Act established a commission of five, and gave them authority to pass on the reasonableness of charges by the railroads for the transportation of goods or persons in interstate commerce. This was the first major enactment by Congress dealing with the means of transportation; and others, too numerous to mention, have since been enacted.

After Congress had this first taste of its affirmative regulatory powers under the commerce clause, other areas were soon entered.

A second area which Congress entered on the basis of the commerce clause was the regulation of the goods themselves which were to be transported in interstate commerce. The form of the regulations in this area vary, but the method most frequently resorted to is the prohibition of their transportation in interstate commerce. Legislation which falls into this general category includes the False Branding and Marketing Act, the Federal Explosives Act, the Food Drug, and Cosmetics Act, and Hazardous Substances Labeling Act, the Fur Products Labeling Act, the Meat Inspection Acts, the Poultry Products Inspection Act, and the Cotton and Grain Standards Acts. One act upon which the Attorney General during his testimony before the Senate Commerce Committee relied heavily was the act regulating the transportation and sale of oleomargarine. He indicated that he considered it to be a valid precedent for the enactment of S. 1732 or any similar so-called public accommodations proposal.

Section 347 of title 21 of the United States Code, a part of what is generally referred to as the Pure Food and Drug Act, contains the congressional regulations relating to oleomargarine. Paragraph (c) of section 347 concerns its sale in public eating places in these words:

> No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

This statute varies substantially in both degree and scope from the provisions of S. 1732 and title II of H.R. 7152. It is only a partial, and by no means a complete, prohibition on the serving of colored oleomargarine or margarine. The individual proprietors of the numerous eating places covered, both large and small, are left free to continue their previous practices of serving or not serving colored oleomargarine, as the case may be. This statute does not create a right where before none existed, as S. 1732 and title II of H.R. 7152 attempt

to do. It in no way affects the relationship between the proprietor and customer as these proposals would do. This statute could not be a valid precedent for these proposals unless it stated that colored oleomargarine or colored margarine had to be served in all eating establishments.

And yet, there is a more basic ground for distinguishing between this statute and any public accommodation bill. This statute falls into the category of regulation relating to the goods themselves, a category which has a long line of precedents for congressional enactments.

Another area of regulation under the provisions of the commerce clause which Congress has entered is the regulation of conditions under which goods which are destined for interstate commerce are manufactured or otherwise produced. Under this theory Congress has passed such acts as the Fair Labor Standards Act, the child labor laws, the Federal Coal Mine Safety Act, the minimum wage laws, and the National Labor Relations Act, among others. In none of these acts, however, is there to be found any precedent for the constitutionality of S. 1732 and title II of the House passed bill. They relate solely to the conditions under which goods are to be manufactured or sold, and not to whom they must be sold.

These are the three categories of commerce with which Congress had dealt primarily—first, the means of transportation; second, the goods subject to the transportation, and third, the conditions under which these goods are manufactured. In S. 1732 and title II of H.R. 7152, we find a distinctly new and radical category—regulation as to who must be served with these goods. This is a requirement to sell or to serve, and with but one exception has never before been successfully attempted by Congress.

The one exception to this time-honored rule is the public service corporation. They are, as the name indicated, dedicated to public service, and it is only natural that they be required to extend their services to all. These corporations operate in an area closely affecting the public interest and in most instances operate by virtue of a grant or franchise from a duly constituted governmental body. These are truly "public" concerns and should be required to serve all who need and are able to pay for their services. However, both of these proposals in question attempt to equate the corner drugstore, the family restaurant, or the five-bedroom boardinghouse with American Telephone & Telegraph. This is an extension of the commerce power which is absurd on its face.

The establishments which would bear the greatest burden upon the enactment of either of these proposals are the smaller establishments which have the least, if any, effect on interstate commerce. As a matter of fact, an establishment which decided to cater only to customers from within that particular State, and therefore, have absolutely no effect upon interstate commerce, would not be able to escape the harsh effects of such a measure. During the hearings before the Senate Commerce Committee on S. 1732, Senator YARBOROUGH asked this question of the Attorney General: "A Texan this past weekend again posed this question to me and said: 'If I take my motel and put up a sign over it, "Texans only; no out-of-State visitors accepted," would the law apply to me if it passed?' This is the question he had propounded there." The Attorney General replied that the bill would still apply to him, on the basis of some fancied and as yet undisclosed effect upon interstate commerce. Also, under the terms of the bill as it is drawn, its provisions would be applicable to the situation where the person demanding service or accommodations was from that particular State, and had not traveled out of that State. This is likewise defended on the grounds that there would be a "substantial effect" upon interstate commerce to refuse him.

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

Mr. THURMOND. I shall be pleased to yield.

Mr. President, I ask unanimous consent that I may yield to the able and distinguished Senator from Arkansas with the understanding that I do not lose my rights to the floor and that upon my resuming it shall not constitute another appearance.

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

Mr. McCLELLAN. Mr. President, I further ask unanimous consent that the Senator from South Carolina may yield to me at any time during the remainder of his speech today without his losing his right to the floor, so I may propound questions to him and make comments.

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

Mr. McCLELLAN. What the Senator has said about what occurred in the Commerce Committee with respect to a hypothetical question asked the Attorney General with respect to a man establishing a business in his own State and limiting accommodations to residents of his State only and offering to do business with them, to the exclusion of people from out of the State, is very interesting. The Attorney General still held that that would come within the commerce clause. I do not understand what the meaning of interstate commerce is if any such interpretation as that is valid and could be sustained. Could the Senator enlighten us upon what premise of logic or reasoning the Attorney General held that under such a situation the statute, if enacted, would apply?

Mr. THURMOND. I thoroughly agree with the Senator that it does not appear to be based on sound ground. The Attorney General gave that opinion, however, before the Commerce Committee on the so-called public accommodations bill before that committee, and that bill is similar to title II of the so-called civil rights bill now before the Senate.

Mr. McCLELLAN. If I am correct, the Constitution provides that Congress shall have power to regulate commerce with foreign nations and among the several States. I always understood the words "among the several States" to mean where there was a crossing of State lines, where there was an action or activity that involved two States, and not one.

Mr. THURMOND. That is correct.

Mr. McCLELLAN. I do not understand the new, alleged, modern, distorted interpretation that would hold the term "among several States" to mean among the citizens of one State.

Mr. THURMOND. Unless the Attorney General was proceeding on the theory that if there were a sign reading "Texans only; no out-of-State visitors accepted," he could not trust a man, and that he would slip such a person into the motel.

Mr. McCLELLAN. To stretch the commerce clause to apply to Mrs. Murphy's or Mr. Jones' boardinghouse, and to make a distinction between a house having five or six roomers, on the one hand, and one which had seven or eight on the other, would be employing the clause to accomplish an end that, in my judgment, the framers of the Constitution never intended. I do not think it can be so employed without actually discriminating. It would be discriminating, if one house offered accommodations for five or six people and another house offered accommodations for eight or nine people, to draw a distinction and say one constitutes interstate commerce and the other does not.

I know that there have been some statutes like that and court decisions sustaining them.

It seems to me that the very process of interpreting and applying the commerce clause of the Constitution in that fashion is a perversion of the intent of the Constitution as written and conceived by the Founding Fathers.

Mr. THURMOND. The Senator is eminently correct. What he is saying was borne out by the Supreme Court in 1883, when it held unconstitutional the so-called public accommodations bill passed then as a part of the Civil Rights Act of 1875. The Court threw that bill out and held it to be unconstitutional. The wording of that bill was very similar to the wording of title II of the so-called public accommodations title.

Someone has said, "That was way back in 1883. The present Court might do differently." It might. I would not be surprised at almost any decision the present Court would hand down. However, it would not be a sound decision, because in 1959 Howard Johnson refused to serve a man in nearby Virginia that was located on an interstate highway, built at least partially with interstate funds.

The circuit court of appeals, which is the next highest court to the Supreme Court of the United States, held that Howard Johnson did not have to serve anyone it did not wish to serve on its own private premises, and they held this opinion in spite of the fact that the restaurant was on an interstate highway and interstate funds had been used in the construction of the highway on which the restaurant was located.

So as late as 1959, 5 years ago, that decision confirms and ratifies the 1883 decision, so that if the court today takes a different view, it would have to upset the 1883 decision and the 1959 decision.

Mr. McCLELLAN. It would not only have to upset those decisions, but in my

judgment it would have to wholly disregard the plain language and the intent, as our forefathers conceived it at the time they drafted the Constitution and at the time it was adopted.

Mr. THURMOND. The able Senator is absolutely correct. There is no question in my mind, and no question in the minds of lawyers, as to what was the intent of those who wrote the Constitution in referring to the commerce clause.

But now, in order to accomplsh a goal—what the proponents consider to be a desired goal—they are willing to say, "Let us pass the bill and let the Court decide it."

The other day a Member of Congress said to me, "Let us pass it, and let the Court decide whether it is constitutional."

I reminded him that when he became a Member of Congress he held up his hand and took on oath to support the Constitution of the United States, just as a Supreme Court Justice does when he goes on the Court. So we cannot shirk our duty in that respect. It is our first duty, before we vote on a bill in the Senate, to decide whether a proposed bill is constitutional, before we go any further, and then to decide on the wisdom of a bill, or whether we can afford it from a financial standpoint if it involves funds.

Mr. McCLELLAN. I commend the Senator for the statement he has made. I do not believe that the sole responsibility, and the separate duty to determine whether proposed legislation or laws which may be enacted are constitutional, reposes exclusively in the courts. As the Senator has pointed out, those of us who serve in the legislative body take an oath of office to support and defend the Constitution of the United States. Therefore we cannot say—if we take a position that we are not going to be concerned about proposed legislation, as to whether it is constitutional—"Let the court decide." It seems to me we are personally abdicating the responsibility with which we are charged, that we are failing to do our duty if we do not ascertain in our own minds and out of our convictions whether proposed legislation is constitutional according to our lights before it is enacted or at the time of its enactment.

Mr. THURMOND. The able Senator from Arkansas took this same ground, and is absolutely consistent with the position he took a few years ago when a bill came before us which had been passed by the House of Representatives, known as H.R. 3. The able Senator and I, and other Senators, offered an amendment which would directly upset the Supreme Court decision in the Steve Nelson case. Steve Nelson was convicted in Pennsylvania of sedition, of violating the State law of Pennsylvania on sedition. The case went to the U.S. Supreme Court. The Supreme Court held that when the Federal Government passed a law on sedition, it preempted the entire field of sedition. Although the law that was passed contained verbiage which might lead one to come to a different conclusion, in spite of that fact, the Supreme Court made that finding. Several Senators desired to offset that decision and provide that where a State law existed on the subject, a Federal law on the same subject would not strike down a State law unless specific wording were written into the bill to that effect, or unless they could not both be reconciled standing together.

Mr. McCLELLAN. Unless there should be considerable conflict, or a declaration in the law.

Mr. THURMOND. The Senator is correct. Unless there is a declaration in the law, or unless the two cannot be reconciled. I commend the able Senator for his firm stand on that occasion. In my opinion, the measure should have passed. I remember the night it was voted on. It carried by one or two votes; but the next day maneuvering took place, and we lost. Some votes were changed, which I regretted very much, because I felt it was a vital bill which needed to be passed. I do not believe a Federal law should strike down a State law unless it is in one of the two situations to which the Senator has referred.

Again, I commend the able Senator from Arkansas on the consistent stand which he has taken during the time I have been in the Senate and had the great privilege of serving with him. There is not a Member of the Senate for whom I hold higher admiration, or who I believe is a more able lawyer than the distinguished Senator from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. I thank the Senator from South Carolina for his kind remarks.

CORRECTION OF ARBITRARY MISINTERPRETATION OF STATUTORY ENACTMENTS BY THE BUREAU OF LAND MANAGEMENT

Mr. CANNON. Mr President will the Senator from South Carolina yield?

Mr. THURMOND. I am glad to yield to the Senator from Nevada with the understanding that I shall not lose my right to the floor and that it will not constitute another appearance; and with the further understanding that the remarks of the Senator from Nevada will come either prior to my address or subsequent thereto.

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

Mr. CANNON. I thank the distinguished Senator from South Carolina for yielding to me.

Mr. President, last week I introduced legislation designed to correct what I felt was an arbitrary misinterpretation of statutory enactments by the Bureau of Land Management.

These bills are not the first which I have sponsored or cosponsored relating to this subject, but I hope they will be acted upon very rapidly since they are designed to remedy a situation which is acute, not only in Nevada, but in other Western States as well.

It is shocking to some people to learn that Nevada State officials can only rely on approximately 13 percent of the State's total acreage as a tax base, and, in turn, only have administrative authority of about one-eighth of the total State area. This means that many of our cities are totally surrounded by federally owned and controlled land. These communities cannot expand by the normal process of annexation but must depend upon the enactment of special legislation by Congress, authorizing the purchase of acreage contiguous to city boundaries. One such bill was enacted last year for Henderson, Nev.

The Nevada Municipal Association has indicated the nature of this problem and has urged that appropriate measures be adopted which would circumvent the now extended process which must be undertaken each time a city expands.

I ask unanimous consent that a resolution adopted by the association may be printd at this point in my remarks.

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

RESOLUTION

Whereas vast areas of the State of Nevada are owned by the U.S. Government and, as a consequence thereof, federally owned lands are adjacent to the corporate limits of many cities of the State;

Whereas many of our cities do not have sufficient land within their corporate limits for public purposes: Now, therefore, be it

Resolved by the Nevada Municipal Association (at its annual session held in Las Vegas, Nev., on the 16th day of November 1963), That the Department of Interior of the United States be, and it hereby is, respectfully urged, upon the application of any city or town of the State of Nevada, to release to such city or town federally owned lands adjacent and contiguous to the corporate limits thereof for public purpose; be it further

Resolved, That a certified copy of this resolution be forwarded to the Secretary of Interior, Washington, D.C.

Mr. CANNON. Mr. President, this accelerated growth gives rise to other equally serious problems involving the Bureau of Land Management. To illustrate the rate of growth, I should like to point out that the 1960 census showed the Las Vegas population to be less than 65,000 and that current authenticated figures fix the population at 106,000. This represents an increase of about 40 percent in 4 years. The demands for facilities resulting from such growth is almost unfathomable.

It is not hard, therefore, to recognize that the demand for building materials is phenomenal. The bills introduced last week are aimed at improving the process whereby sand, gravel, and other building materials found almost wholly on public domain may be obtained to meet the needs of growth.

I personally believe that existing law is clear and that there should be no problems insofar as these materials are concerned. The Bureau of Land Management, however, has chosen to place completely unrealistic and most restrictive interpretations on the law, which serve no useful purpose in my mind, except to hamper the efforts of honest developers who are striving to provide the Nevada communities with the products they so desperately need.

I have been pleased to add the names of several Western Senators as cosponsors of these bills, which I am sure indicates the existence of similar problems in

other States. Further, evidence that this is a common problem is indicated by a resolution adopted last spring by the Western Governors' conference. I ask unanimous consent to have a copy of that resolution printed in the RECORD at this point in my remarks.

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

That the western Governors' conference urges the Congress to enact legislation that will enable the Bureau of Land Management to dispose of public domain lands to governmental agencies and private individuals for industrial, agricultural, urban and suburban purposes; and that Congress provide for a comprehensive study of the land laws applicable to lands under the jurisdiction of the Bureau of Land Management toward the end that the Bureau of Land Management can more properly dispose of those lands deemed suitable for local governmental agencies, and provide individual development.

Mr. CANNON. Mr. President, these factors illustrate the need to realistically approach and deal with a problem which threatens to cripple the orderly expansion of western communities. As stated earlier, I believe that most of the problems could be eliminated by administrative action. The Bureau of Land Management, however, and its parent organization, the Department of the Interior, seem to be so firmly wedded to precedent as to preclude any remedy short of legislative action. Having erroneously interpreted congressional intent, they are either bound by the fear of admitting a mistake, or purposely determined to stand in the way of progress and development.

Another area which affects less people but is felt more potently by those it does involve, is the action by Bureau of Land Management against those who honestly seek to obtain and develop agricultural units on public land.

A recent poignant example has arisen in the Carson Valley in northwestern Nevada. One Alvin May filed a homestead application on a tract of land, moved his nine children into a small house which he and the family built on the land, and then proceeded to clear and plant the required acreage, in order that he could obtain a fee simple title. He has now been challenged by the Bureau of Land Management and given a brief period of time to show cause why he should not be evicted for failure to comply with regulations. These regulations, incidentally, were designed by the same agency which interprets and enforces them and are not found as such in the law enacted by Congress.

I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Nevada Appeal, which protests the plight of the May family and illustrates the ire which has been aroused by the bureaucratic actions of the Bureau of Land Management.

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

THE BUREAUCRATS AGAINST A NEVADA FAMILY

The family of Alvin Matthey May today is fighting desperately to hold onto its homestead in the face of cruel and relentless pressure from bureaucrats.

May came to his Nevada homestead 7 years ago with the promise that if he were to live on it, build a house and grow a profitable crop, the land would be his.

The May family underwent deprivation to improve its 160-acre homestead. The father, mother and nine children turned near worthless grazing land into the beginnings of a productive farm.

Unfortunately, Federal bureaucrats in the Department of Interior and U.S. Bureau of Land Management see things differently. These same agencies which promised May the land now seek to drive his family off it.

When May went onto the land, neither Federal officials nor the 102-year-old homestead law made mention of an expensive irrigation system. Growing a profitable crop was a requirement dependent on the ingenuity and enterprise of the homesteader.

Bureaucrats in Reno and Washington now declare that profitable crops are impossible in Nevada without irrigation systems. And, Secretary of Interior Stewart Udall has now written a regulation requiring Nevada homesteaders to install irrigation systems.

We must ask if this situation is fair or equitable?

If Udall's new regulation is allowed to stand, homesteading will become a privilege which only the rich can afford. For, irrigation systems come high.

No one even remotely familiar with the homestead law would claim that it was the intention of Congress 102 years ago to limit homesteading to the affluent. Certainly, homesteading was an opportunity for the poor and the diligent to become landowners.

The May family certainly fulfilled its part of the bargain in homesteading. May and his sons built a house, cleared almost 160 acres of land of sagebrush and scrub trees, cultivated and grew 20 acres worth of oats and barley, drilled a domestic well, applied for a water right and built a barn and garage.

What did the bureaucrats do to fulfill their part?

During the past 3 years, homesteaders in Nevada have been besieged with a cloudburst of changing regulations. They have been confronted with situations where written instructions for proving up for one homesteader differ drastically from those given the family on adjoining property.

Specifically, Udall and his army of overpaid and underworked experts have succeeded only in keeping the land off the tax rolls, keeping it less productive and in persecuting a family for trying to take advantage of a law.

Strangely, Udall charges the May family with lack of good faith because it did not install the expensive irrigation system.

What greater faith can be shown than the suffering of a family which barehanded and with little in the way of resources, turns desert into productive land?

Mr. CANNON. Mr. President, I also ask unanimous consent to have printed in the RECORD a copy of a letter sent to me by the board of commissioners of Douglas County, in which the "May Homestead" is located.

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

DOUGLAS COUNTY, NEV.,
April 20, 1964.

HON. HOWARD CANNON,
Senator from the State of Nevada,
Washington, D.C.

DEAR SENATOR CANNON: On April 6, 1964, the Douglas County commissioners were presented with a petition on behalf of approximately 75 Carson Valley homesteaders. The petition severely criticized the Bureau of Land Management and the policies presently being followed by such Bureau through its Reno office, under which homesteaders who have been allowed to enter upon Government land in Carson Valley, build homes thereon, and spend from 3 to 5 years in actual cultivation of their homesteads have then been denied a patent for the same. Under the harsh policies now being followed by the Bureau of Land Management personnel in Reno, Nev., homestead entrymen are actually being deprived of their homesteads and the time, labor, and money which they have expended thereon in order to meet the requirements of our homestead laws has been set at naught.

It is the unanimous feeling of the Douglas County commissioners that the U.S. homestead laws were intended to be liberally construed and that every effort should be made to help those Carson Valley homesteaders who are being deprived of valuable homestead rights which they have earned by the reason of their own labor and to which they are justly entitled. Accordingly, request is made that your office exert every effort to have the present arbitrary policies now in effect in the Bureau of Land Management replaced by policies which will give our homestead laws the meaning and effect originally intended by the Congress of the United States.

Respectfully yours,

MARVIN SETTELMEYER,
Chairman.

H. L. DRESSLER,
Member.

ROBERT PRUETT,
Member.

Mr. CANNON. Let me point out, Mr. President, that the right to appeal written into the various public land laws has been reduced to a nullity, insofar as it provides a redress of wrongs done by the BLM.

In the more than 5 years that I have served in Washington, I have probably received more mail from constituents dealing with efforts to obtain desertland under one of the public land laws than any other single subject. To date, however, there has not been one case which has come to my attention where a decision by the field office has been rejected either at the Bureau level or by the departmental solicitor. In one instance, a decision was overturned and the case remanded to the field, only to be rejected on other grounds which had been neatly suggested at the appellate level.

I expect that the fault does not lie totally with the Interior Department, in that legislation which is so devised as to allow interpretation which negates the intent of Congress is partly the fault of Congress. In 1919, the Pittman Act was adopted which authorized the Department of the Interior to issue permits to individuals to explore for water on Nevada lands "not known to be susceptible to successful irrigation at a reasonable cost from any known source of water supply"—43 U.S.C. 351. This act was intended to provide for the acquisition of land in Nevada by individuals for the development of family farms. Of the thousands of applications filed, however, only about 200 applicants have received the right of entry, and only 2 have ever obtained patent. The BLM has interpreted the law to the effect that where a source of water existed prior to the time of patent, an application was automatically rejected. I suspect that if two individuals filed applications simultaneously, but one completed drilling

before the other and obtained water, the latter would automatically be precluded from obtaining title, since a known source of water would then be available. In other words, the very law enacted by Congress to put public land into private ownership has been so administered as to keep the land under public control and prohibit the agricultural expansion of the State.

The chairman of the House Committee on Interior and Insular Affairs, WAYNE N. ASPINALL, wrote President Kennedy in October 1962, of "the growing scarcity of land in the United States." In his reply the late President was prompted to "concur wholeheartedly—that the system warrants comprehensive review." Both men recognized the inadequacy of existing law as interpreted by officials in the Department of the Interior, and the President went on to say that "the standards of the past are not adequate to the challenges of the future."

Therefore, Mr. President, I submit that since the existing laws have been so arbitrarily administered as to thwart the intent of Congress, we need to move affirmatively to eliminate the errors that have been made, and to assure that they will not be followed in the future.

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. THURMOND. Mr. President, the classic definition of what constitutes interstate commerce was discussed during the hearings by Mr. R. Carter Pittman. In his statement, Mr. Pittman quoted no less a scholar than Woodrow Wilson as follows:

> While Woodrow Wilson was president at Princeton, he delivered a series of lectures on "Constitutional Government in the United States" at Columbia in 1908. In one of his lectures Mr. Wilson discussed the true meaning of the commerce clause as contrasted with the meaning sought to be attributed to it at that day by those who wished to destroy all lines of demarcation between the fields of State and Federal legislation. It was his view that the commerce clause had to do only with the movement of merchandise from State to State, and that it has no application to merchandise or people before movement starts or after movement ends. In that connection he said:
>
> "If the Federal power does not end with the regulation of the actual movements of trade, it ends however, and the line between State and Federal jurisdiction is obliterated. But this is not universally seen or admitted. It is, therefore, one of the things upon which the conscience of the Nation must make test of itself, to see if it still retains that spirit of constitutional understanding which is the only ultimate prop and support of constitutional government."
>
> One sleeping in a motel or eating in a restaurant, for example, is at rest—not moving. He is neither navigating nor being navigated. To stretch the commerce clause far enough to make it applicable to one while sleeping or eating would reflect credit upon the ingenuity of a newly appointed Justice of the Supreme Court, seeking to please his sponsor.
>
> That which is happening today was happening, though in less degree, when Mr. Wilson lectured. In speaking of the congressional power, invoked by this bill, he said:
>
> "Its power is 'to regulate commerce between the States,' and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country."
>
> In the same lecture, he cautioned against the destruction of divisions of power institutionalized in the Constitution, which in his times and in all ages have been necessary to preserve liberty. He did not speak of the "atomic age," of course, but he spoke of the fact that we had moved from ships to wagons, to buggies, to railroads, and were citing such progress to excuse our impatience with the delays necessary in a government designed to preserve liberty. He said:
>
> "We are intensely 'practical,' however, and insist that every obstacle, whether of law or fact, be swept out of the way. It is not the right temper for constitutional understandings. Too 'practical' a purpose may give us a government such as we never should have chosen had we made the choice more thoughtfully and deliberately. We cannot afford to belie our reputation for political sagacity and self-possession by any such hasty processes as those into which such a temper of mere impatience seems likely to hurry us."

The power of Congress to enact this type legislation under the commerce clause has been considered by the Supreme Court. In the Civil Rights cases of 1883, this was one of the arguments advanced to the Court as grounds for the constitutionality of the 1875 public accommodations bill. The preamble of the act of 1875 is very short and concise. It contains no recitals of great length, nor does it refer to any particular provision of the Constitution as authority for its passage. Therefore, in the brief filed for the United States before the Supreme Court, every possible argument was made. As early as the second paragraph of the brief, resort was had to the commerce clause:

> Inns are provided for the accommodation of travelers; for those passing from place to place. They are essential instrumentalities of commerce (especially as now carried on by "drummers"), which it was the province of the United States to regulate even prior to the recent amendments to the Constitution.

The Supreme Court rejected this contention summarily, in answer to its own rhetorical question as to whether Congress possessed the power to enact the law, the Court said: "Of course, no one will contend that the power to pass was contained in the Constitution before the adoption of the last three amendments." The last three amendments referred to were, of course, the 13th, 14th, and 15th. The commerce clause had been a part of the Constitution from the date of its ratification and therefore the Court was saying that the commerce clause did not empower Congress to enact the public accommodations act of 1875.

During the hearings on S. 1732, which were held before the Senate Commerce Committee, it was mentioned on several occasions that the common law duty imposed upon innkeepers would form a basis in common law for a public accommodations bill. It is true that the individual States of the United States, with only rare exceptions, follow the common law derived from English jurisprudence. However, Mr. President, there is no validity to the theory that this provides a basis in common law for any Federal public accommodations proposal. One of the most elementary and fundamental legal concepts is that there is no Federal common law.

This is a principle which is frequently overlooked. I have seen it overlooked by lawyers many times. I repeat, Mr. President, there is no Federal common law. This doctrine was laid down in the case of *Erie Railway Co.* v. *Tompkins*, 304 U.S. 64 (1938), in which case Justice Brandeis declared:

> There is no Federal general common law. Congress has no power to declare substantive rules of common law applicable in a State whether they be local in their nature or "general" be they commercial law or a part of the law of torts. And no clause in the Constitution purports to confer such a power on the Federal courts.

As a guide to our inquiry on the existence of congressional authority to pass a law of this nature, the statement of the Court in *Swift* v. *United States*—196 U.S. 375, 1905—must be borne in mind. "Commerce among the States is not a technical legal conception; but a practical one, drawn from the course of business." Thus an establishment is subject to regulation by Congress under the commerce clause only if it is truly engaged in interstate commerce. The relation to commerce of the subject or object to be regulated must be such that its regulation is indispensable for the effective regulation of interstate commerce. The effect upon interstate commerce must be more than accidental, secondary, remote or merely probable."—*Swift* v. *United States*, 196 U.S. at 397. Local activities may be regulated under the commerce power only where these local activities form an integral part of interstate commerce.

This very question presented itself in *Williams* v. *Howard Johnson's Restaurant* (U.S.C.A. 4th, 268 F. 2d 845, 1959). In that case the complainant contended that the failure of the restaurant to serve him constituted a burden on interstate commerce and was therefore unconstitutional. In answer to this contention, the Court said:

> We do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Since the particular restaurant in question in this case was part of a national chain, this reasoning can be extended with even greater validity to all privately owned places of public accommodation.

The fact that a place of public accommodation numbers among its normal visitors some who come from out of State does not bring that establishment within the ambit of the commerce clause for purposes of regulation by Congress. In *Elizabeth Hospital, Inc.* v. *Richardson* (U.S.C.A. 8th, 269 F. 2d 167, 1959) the Court held that the treatment of some patients who were traveling in interstate commerce did not destroy the purely local character of the services furnished by the hospital, and said:

> We think that the plaintiff's operation of a hospital, to include rendition of hospital services to some persons who came from outside the State, is no more engaging in interstate commerce than was Dr. Raggall in rendering medical services to persons who likewise came from other States. The fact that some of the plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside the State would be selling in interstate commerce. Uniformly, the courts have held to the contrary.

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

Mr. THURMOND. I yield.

Mr. McCLELLAN. It seems to me that if this legislation which is sought to be enacted into law can be sustained as constitutional, doctors who have clients from other States, and lawyers who have clients from other States would under the same interpretation of the commerce clause be engaged in interstate commerce, and be subject to regulation.

Many lawyers, as we know—have some out-of-State clients who transact business with the clients by visiting, and consulting with them about their legal business, also by correspondence about litigation in which they have an interest. If a restaurant owner establishes a restaurant and he serves some out-of-State travelers who are coming through the State, and he is engaged in interstate commerce, I do not see why it could not be held that a lawyer who accepts the business of an out-of-State client is not also engaged in interstate commerce and that therefore, he ought to be regulated by Congress. Can the Senator draw any distinction or define the difference between those two situations?

Mr. THURMOND. The able Senator has given a concrete example which I think is unanswerable. I heartily agree with the Senator's opinion.

Mr. McCLELLAN. Everyone is engaged in interstate commerce. Everyone wears clothing, requires food, shelter, or something in the building in which they live must cross a State line.

Mr. THURMOND. It would be impossible to conceive of anything that does not cross a State line.

Mr. McCLELLAN. Every activity today would involve interstate commerce. If we stretch the commerce clause in a Mother Hubbard fashion to cover everything, I do not know where the process will end. This will not be the end of it, if we pass the bill, and the Supreme Court upholds it. This is a precedent for a further intrusion into the lives of people.

Mr. THURMOND. That is exactly what it is. That is exactly what some people want. They want to inject the Federal Government into every facet of people's lives. It would be unsound to pass the bill. It is clearly unconstitutional. There is no doubt about it. There are at least 10 ways in which it is unconstitutional.

Title I of the bill would permit Congress to set qualifications for voting, although this power is reserved to the States under the Constitution. This violates article I, section 2, the 10th amendment, and the 17th amendment.

Title II of the bill attempts to apply the provisions of the 14th amendment to private actions, although it is applicable only to State action. This violates the decision of the Court in the 1883 Civil Rights cases, and also the decision in Williams against Howard Johnson, decided in 1959. Titles I, II, III, VI, and VII deny the right of a trial by jury in a criminal prosecution. This violates article III, section 2 of the Constitution, and also the sixth amendment to the Constitution. Title II would deprive a person of property without due process of law. This violates the fifth amendment to the Constitution.

Title II would deprive a person of property without just compensation. This violates the fifth amendment to the Constitution.

Title VII would except the employment of atheists from coverage in the FEPC section. This violates the first amendment to the Constitution, concerning religion.

Titles II and VII would make it an offense to speak or write against the object sought to be accomplished by the bill. This violates the first amendment to the Constitution, that which provides for freedom of speech.

Title II seeks to regulate businesses which are solely local in character. This violates article I, section 8, of the commerce clause.

Title II would subject citizens to involuntary servitude by making them serve persons against their own choice. This is a violation of the 13th amendment, involving involuntary servitude.

Titles II, VI, and VII atttempt to delegate legislative powers to the Attorney General and other officials of the executive branch, such as trying to delegate power to some agent of the Government to define discrimination. The bill itself does not define discrimination. It delegates that power.

Another example under this delegation of power is the granting or denying of funds without legislative guidelines. This violates article I, section 1 which provides:

> All legislative powers * * * herein granted shall be vested in a Congress.

So titles II, VI, and VII attempt to delegate legislative powers in violation of the applicable provisions of the Constitution.

Mr. McCLELLAN. Does the Senator agree that title VI clearly delegates the power to legislate to the heads of agencies, with the approval of the President of the United States, whereas the Constitution vests that power solely in Congress? This is tantamount to attempting to delegate to the heads of agencies of Government the administering of Federal aid funds, the power to legislate regulations and conditions upon which those funds may be granted, or withdrawn, subject to the approval of the President. He has to approve it, just as he would have to approve any law which Congress passed.

We are giving authority here to the heads of the agencies who dispense Federal aid funds to circumvent Congress, to bypass Congress, and thus in effect legislate, by rules and regulations, the conditions upon which such funds shall be granted, or upon which they may be withheld.

Mr. THURMOND. Mr. President, the able Senator is eminently correct. Title VI would amend every Federal law dealing with financing, and also would authorize each Federal agency to issue, for itself, regulations defining discrimination on the basis of race, color, or national origin. Furthermore, the effect of title VI of the bill would be to amend over 100 laws.

Earlier in my remarks, Mr. President, the distinguished Senator from South Dakota [Mr. McGOVERN] asked a question about Federal Government finances and the cost of defense; and he suggested that the big item was the cost of defense.

I said to him that in recent years the big increase in the budget has not been due to the cost of national defense.

I sent to my office, to obtain some figures in regard to this point, and also to ascertain the source of the figures.

I do not think there is a more reliable source in regard to such figures than the able and distinguished Senator from Virginia [Mr. BYRD] who is known as an expert on the Nation's finances; and I think the citizens of this country and also Government officials feel that no expert on the subject is superior to the great, gallant, and able Senator from Virginia.

In an address which he delivered on Saturday, May 4, 1963, as a Law Day Doherty Lecture, at the University of Virginia, the Senator from Virginia said:

> The hard fact is—

And I particularly invite the attention of the able Senator from South Dakota [Mr. McGOVERN] to these words by the Senator from Virginia—

> that of the $20 billion increase in the cost of the Federal Government since the end of the Korean war in 1953, $17 billion has been for strictly domestic-civilian programs, projects, and purposes, and interest.

In other words, $17 billion of the $20 billion increase has not been for defense.

The Senator from Virginia also said:

> This $17 billion increase excludes the cost of military functions, foreign aid, and trust fund programs such as those for social security, highways, and the Federal National Mortgage Association. Federal spending for domestic-civilian purposes and interest in the coming year is estimated at $38.4 billion.

I felt that that quotation was pertinent to the colloquy between the distin-

guished Senator from South Dakota [Mr. McGOVERN] and myself, and I wished to obtain the exact figures on that point. I have been pleased to supply this information for the RECORD, and also for the benefit of the Senator from South Dakota.

Mr. McGOVERN. Mr. President, will the Senator from South Carolina yield to me, if it is agreed that he may do so without prejudice to any of his rights, including his right to the floor?

Mr. THURMOND. Yes, if I may do so on the same ground on which I previously have yielded.

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

Mr. McGOVERN. I thank the Senator from South Carolina for bringing this information to the attention of the Senate.

However, I believe he would agree that when he refers to the end of the Korean war period, he is referring to a period when our defense spending was at a very high level, for we were then engaged in a very important military conflict. Therefore, it is quite natural that since that time there has not been a major increase in military spending. Furthermore, in view of the fact that expenditures with which to meet some of the civilian needs of the country were postponed both during World War II and during the Korean conflict, it would be quite natural that expenditures for some of those programs would increase in the peacetime period.

I also wish to call attention to the long-term trend in spending on the Federal level. It is true that during the past 25 years there has been a very sharp increase in military spending as a proportion of our Federal expenditures and a very sharp decrease in the proportion of the Federal budget devoted to what the Senator from South Carolina described a while ago as welfare purposes.

A while ago I made an estimate, based on my recollection; and I think the Senator from South Carolina will find that it is correct; namely, that when we were attacked at Pearl Harbor, on December 7, 1941, we were then spending approximately 35 percent of our entire Federal budget on welfare purposes. Today, despite the increases to which the Senator from South Carolina has referred, we spend only approximately 7 percent of the entire Federal budget on those programs. I do not think that is an unreasonable proportion of the Federal tax dollar to devote to those programs, which increase our education and health programs and make life more satisfying and enjoyable for all our citizens.

Neither do I question the need for a very high level of spending for defense purposes, because I believe, as does the Senator from South Carolina, in a strong national defense.

I thank him for yielding to me.

Mr. THURMOND. Mr. President, in my judgment we must give priority to a strong national Defense Establishment, for our survival depends upon it.

I believe that we ought to trim other expenses to where they will come within the budget, and the budget should come within the expected income. If we are going to spend more than that, we ought to have the courage to increase taxes.

I do not believe it is right for this generation to be issuing the notes, mortgages and bonds of our Government and thus spend the substance that belongs to the next generation. That is what we are doing by issuing such obligations and spending more than we take in.

Mr. President, we were in the Korean war from 1950 to 1953. During that period there may have been some programs that the Senator feels were neglected. But I did not hear very much about things being neglected at that time. The income of the country has been large. We have the largest gross national product now that we have ever had. The gross national product is over $600 billion. The gross national product in Russia alone is only slightly over $200 billion. The entire Sino-Soviet bloc gross national product is something over $400 billion. In other words, the gross national product of the entire Sino-Soviet bloc—all the countries behind the Iron Curtain—is something over $400 billion. The gross national product of the United States is over $600 billion. We have the largest per capita income today that the country has ever had. Our people are the best fed, the best clothed, and the best housed people in the world. The people of this country have more conveniences and more luxuries than any other people in the world. This country owns 75 percent of all the automobiles in the world. It owns 75 percent of all the televisions in the world. It has over half the railroad mileage and improved highway mileage. We are the richest country in the world. If right now—in so-called peacetime, even though there is a cold war going on—when we have the largest per capita income, we cannot balance our budget, I do not know when we can ever expect to balance the budget.

That is one reason I voted against the tax cut. I do not believe that we, the generation that is now living, should benefit from a tax cut, and put a debt on the children that are coming on in future generations. Every generation ought to pay its own way, unless some extreme emergency makes it absolutely necessary that we spend more than we take in. Of course, such emergency demand might occur during a war. But at other times, we ought to pay as we go.

Mr. President, I wish there were an amendment in the Constitution of the United States similar to the amendment in the constitution of South Carolina, which requires the legislature to balance the budget and to keep it balanced. If the legislature spends more in 1 year than is taken in, the legislature must impose additional taxes to make up the amount the following year.

I believe that we are going too far in this regard. I do not believe that we can afford to weaken our national defense. Reductions must come in other ways.

My judgment is that the figures of the Senator from Virginia [Mr. BYRD] show clearly that since the Korean war ended, $17 billion of the $20 billion increase in the cost to the Federal Government has been for nondefense expenditures. It is my opinion that that amount is entirely out of proportion. I think there are many ways in which we can reduce the expenses of our Government, and I believe that we have a duty to do so. We have the responsibility to do it. We may continue to spend and spend, but some of these days we shall reach the end of our spending. How much longer can we go? We have been going in debt $5 to $10 billion a year, year after year. How much longer can this last? Five years, ten years? How long? I ask the question, How long? I think we ought to discontinue it immediately, balance the budget, and pay our way as we go through the world, and not put the debt on the young people who are coming on.

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

Mr. THURMOND. I yield to the Senator from Arkansas on the same basis on which I yielded to him previously.

Mr. McCLELLAN. Does not the Senator agree with me that one of the difficulties about balancing the budget is that we keep incurring new obligations, we pass new laws that call for additional spending, and therefore, instead of trying to cut expenses, we actually incur additional obligations that increase expenses? My thought has been that we should stop enacting new laws calling for new programs and new expenditures until the economy catches up with the current obligations that we must meet each year. If we do that, we can balance the budget. But we shall never balance the budget if we continue to pass new laws providing new programs and new services and incurring additional obligations, and keep the obligations ahead of the revenues that are anticipated and that can reasonably be expected each year.

I think the solution to balancing the budget is to hold the line on new proposed legislation. If we should do so, with the economy rising, and the gross national product increasing each year, our revenues then would meet the current obligations of the Government. But if we continue to enact new laws, increasing by $1 billion, $2 billion, or $3 billion a year obligations of the Government that it does not now have, we shall never be able to catch up and balance the budget. I believe that is our problem.

Mr. THURMOND. I concur in the statement of the Senator from Arkansas. We should discontinue passing new laws which create new responsibilities and cause us to continue to go into debt, as we are doing. If we pass the so-called civil rights bill, the law will require enforcement. Hundreds, and perhaps thousands, of people would be employed for its enforcement. I can visualize that millions of dollars more expense will be incurred by our Government in trying to enforce this unreasonable, impractical, unconstitutional and vicious piece of legislation that is calculated to bring tyranny to the people.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart entitled "Federal Expenditures—Fiscal Years 1954–65," which was furnished by the committee of which the Senator from Virginia [Mr. BYRD] is chairman.

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

Federal expenditures, fiscal years 1954–65, broken categorically to show national security, foreign aid, etc., and domestic-civilian

[In millions of dollars]

	Actual										Estimate	
	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
National security:												
Military functions	40,326	35,531	35,792	38,436	39,070	41,223	41,215	43,227	46,815	48,252	50,900	50,000
Atomic energy	1,895	1,857	1,651	1,990	2,268	2,541	2,623	2,713	2,806	2,758	2,800	2,735
Defense-related services [1]	1,136	1,015	670	582	709	387	244	104	92	24	197	44
Subtotal, national security	43,357	38,403	38,112	41,008	42,047	44,151	44,082	46,044	49,713	51,034	53,897	52,779
Foreign aid:												
Military assistance	3,629	2,292	2,611	2,352	2,187	2,340	1,609	1,449	1,390	1,721	1,400	1,200
Economic and other	1,511	1,960	1,613	1,683	1,910	3,403	1,477	2,126	2,372	2,041	1,897	1,705
Subtotal, foreign aid	5,140	4,252	4,224	4,035	4,097	5,743	3,086	3,575	3,762	3,762	3,297	2,905
International affairs	221	221	240	290	322	376	354	374	446	547	550	542
Total, other than domestic-civilian	48,718	42,876	42,576	45,333	46,466	50,271	47,522	49,993	53,921	55,343	57,744	56,226
Domestic-civilian:												
Space research and technology	90	74	71	76	89	145	401	744	1,257	2,552	4,400	4,990
Agriculture and agricultural resources	2,573	4,388	4,868	4,546	4,419	6,590	4,882	5,172	5,881	6,954	6,070	4,907
Natural resources	1,317	1,203	1,105	1,298	1,544	1,670	1,714	2,006	2,147	2,352	2,483	2,588
Commerce and transportation	1,219	1,225	1,892	1,313	1,631	2,017	1,963	2,573	2,774	2,843	3,151	3,069
Housing and community development	−628	136	−10	−118	30	970	122	320	349	−67	−191	−317
Health, labor, and welfare	2,122	2,165	2,462	2,632	3,059	3,877	3,690	4,244	4,538	4,789	5,533	5,832
Education	326	377	343	437	541	732	866	943	1,076	1,244	1.348	1,691
Veterans' benefits and services	4,341	4,522	4,801	4,870	5,184	5,287	5,266	5,414	5,403	5,186	5,362	5,081
Interest	6,470	6,438	6,846	7,307	7,689	7,671	9,266	9,050	9,198	9,980	10,701	11,101
General Government	1,226	1,166	1,576	1,738	1,284	1,466	1,542	1,709	1,875	1,979	2,238	2,238
Allowances for "attack on poverty," civilian pay and contingencies											250	1,094
Total, domestic-civilian	19,054	21,694	23,963	24,100	25,470	30,426	29,711	32,176	34,499	37,812	41,346	42,274
Grand total	67,772	64,570	66,539	69,433	71,936	80,697	77,233	82,169	88,420	93,155	99,090	98,500
Deduct interfund transactions	−235	−181	−315	−467	−567	−355	−694	−654	−633	−513	−685	−600
Total (excluding trust funds)	67,537	64,389	66,224	68,966	71,369	80,342	76,539	81,515	87,787	92,642	98,405	97,900

[1] Includes stockpile, defense production, civil defense, etc.

Source: Federal budget document, fiscal year 1965.

RESOLUTIONS OF CHURCHES ON THE CIVIL RIGHTS QUESTION

Mr. THURMOND. Mr. President, I am pleased to call to the attention of my colleagues two resolutions which have been sent to me from South Carolina and also a statement by one of the most distinguished ministers in the Southern Baptist Convention, Dr. Leslie W. Edwards, pastor of the Kilbourne Park Baptist Church in Columbia, S.C. All of these statements are concerned with the pending so-called civil rights legislation.

The first is a resolution approved by the Elko Baptist Church in Elko, S.C., the hometown of my late wife, Jean Crouch Thurmond. This resolution was proposed by Dr. Lang W. Anderson and Mr. Paul S. Green, Jr., and was approved by the church in conference on May 3, 1964. The other resolution likewise contains a strong expression of opposition to the pending legislation and was approved by the Civitan Club of Myrtle Beach, S.C., on May 5, 1964.

Mr. President, I ask unanimous consent that the two resolutions and the statement by Dr. Edwards be printed in the RECORD at the conclusion of my remarks.

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

RESOLUTION BY ELKO, S.C., BAPTIST CHURCH

We, the members of the Elko, S.C., Baptist Church, meeting in church business session on Sunday night, May 3, 1964, do hereby go on record in opposition to the so-called civil rights bill now being debated before the U.S. Senate because of the following reasons:

First, it completely nullifies and destroys our Constitution of the United States of America for which our forefathers toiled, sweated, bled, and died in order that we, their posterity, may live and enjoy the privileges of freedom and the pursuit of happiness.

Second, the forced integration of the white and Negro races will only lead to turmoil and strife where peace and harmony prevailed before the coming of the political and communistic intervention.

Third, we deplore and resent our President of the United States, Mr. Lyndon B. Johnson, in requesting some members of the Southern Baptist Convention who were meeting in Washington, D.C., to work for the passage of the illegal civil rights bill which will be our ultimate destruction if enacted.

Fourth, contrary to some misguided belief, we of the Christian faith believe in the fair treatment and the progress of all mankind, but not by the oppressive discrimination and unfair treatment of other groups as advocated by the Communists and the block-voting politicians.

Fifth, it is obvious as well as self-evident that the turmoil and strife being promulgated in our Nation by the Negro race was initiated, promoted, and financed by the Communists and by others who have been brainwashed and misguided, and that their primary objective is to destroy all human rights, personal, family, property, and religion.

We also go on record as vigorously opposing the lowering of racial barriers in all our Baptist institutions in the State of South Carolina.

Further, we go on record commending our two beloved U.S. Senators, STROM THURMOND and OLIN D. JOHNSTON, and Congressman ALBERT WATSON, for their untiring efforts in opposing the civil rights bill now pending in Congress. We are in complete agreement that the civil rights bill should be defeated.

Resolved, That a copy of this resolution be sent to our two Senators and our Congressman, and that a copy be sent for publication to the Williston Way, the Barnwell People's Sentinel, the Augusta Chronicle, the State, and the Columbia Record, and to the president of our South Carolina Baptist Convention.

(NOTE.—This was jointly submitted by Dr. Lang W. Anderson, M.D., and Paul S. Green, Jr., a mail carrier of the Williston Post Office, and submitted to the deacons who in turn submitted such to the church for approval.)

PROTECT FREEDOM'S FUTURE

(Resolution by Myrtle Beach (S.C.) Civitan Club)

Whereas the Myrtle Beach Civitan Club is dedicated to the building of good citizenship and to the protection of freedom's future; and

Whereas we are, therefore, gravely concerned and deeply disturbed over the proposed legislation now pending before the Congress and known as the civil rights bill; and

Whereas we are disturbed and concerned because the provisions of this proposed legislation would attempt to give lawful sanction for a totally powerful National Government and its officers and employees to intervene in practically all private affairs among men, and to control and adjust property uses and relationships in accordance with the judgment of governmental personnel; and

Whereas it is our opinion that such legislation would inevitably lead to encroachments upon the liberties and freedoms which all Americans hold dear; to destroy, in the name of civil rights, the rights, freedoms, and liberties of homeowners, businessmen, professional men, and all persons other than those who by the terms of this legislation would become the special favorites of the law, is to endanger the very fundamentals and undermine the foundations of the American way of life, which has meant, and can continue to mean, so much to every person, regardless of creed, color or origin, who has been, or will be, fortunate enough to live under the flag of this great Nation: Now, therefore, be it

Resolved by the Myrtle Beach Civitan Club, Myrtle Beach, S.C., That we do hereby go on record as being opposed to the enactment of the so-called civil rights bill of 1963 and that we urge the Congress to reject this proposed legislation; and be it further

Resolved, That copies of this resolution be sent the Senators and Representatives from South Carolina with the requests that they provide the appropriate committees and Members of Congress with copies thereof.

Adopted this 5th day of May 1964.

A REALISTIC APPROACH TO THE CIVIL RIGHTS QUESTION

(Statement by Dr. Leslie W. Edwards, Kilbourne Park Baptist Church, Columbia, S.C.)

The explosive civil rights question has become, perhaps, the most confused, emotional, and misunderstood problem facing our Nation in this age. Prejudice and emotionalism have supplanted reason and the Constitution in its consideration, and the issue has come to embrace far more than true civil rights. Underlying its discussion is the political desire for or fear of minority bloc voting, which is the possibility of a close election is a real factor. Self-righteousness on the part of those least concerned with the actual problem leads to "do-goodism," participation in demonstrations and disgraceful acts against the public safety and good by citizens of one part of the country in areas which they do not understand or care for.

The South has become the target of the rest of the country in criticism, condemnation, and punitive action. Yet it is in the South that minority groups have made the greatest prog ess in the whole world in the last 50 years, and that relationships have been warm and friendly between racial groups. Significantly most of the violence, rioting, and dissension has been in northern areas of the United States where technically the problam "legalistically" had been solved.

As an illustration, the recent events at the opening of the World's Fair, clearly reveal the discrimination in vogue against the South. The same actions which were condoned by antisoutherners when taking place in the South were condemned when applied in New York City. The necessity of policemen using their nightsticks in New York was condoned as being right in the face of resistance to arrest, where in the South such measures are emblazoned in headlines as "police brutality." Demonstraters are given the right to invade private businesses in the South, but when such action was taken at the World's Fair demonstraters were arrested for "invasion of private property." It is strange that the Army could be used to enforce the admission of one student to the University of Mississippi, while in Florida white citizens were abused and beaten with no action taken by the Federal Government on their behalf.

It is time that a moratorium be called for a real appraisal of the whole question. The present civil rights bill before the Senate is being considered in the light of prejudice, emotionalism, and political gain rather than with a reasonable understanding of the issues involved and the extreme danger to our country if this bill is passed. To do so, the area of civil rights must be defined and distinguished from social and cultural amalgamation. The guaranteed rights of the States must be considered and preserved if the Union is to endure. The rights of the majority should be considered and protected as well as the rights of minority groups.

The real area of civil rights is a rather limited one. It applies to the rights of a citizen guaranteed to him by his Government as the right to life, liberty, and the pursuit of happiness. In this area comes the right of the individual to equal protection of the law, freedom from enslavement, opportunity to participate (qualified by his ability and meeting of certain requirements) in his government. In this area is also the guarantee that a man shall be entitled to the security and use of his private property without seizure or hindrance. Further than these simple guarantees the Government cannot properly go if it deals constitutionally and legally with civil rights.

In other areas under fire, civil rights advocates are departing from the field of guaranteed rights and are invading the inalienable and moral rights of citizens. It must be remembered that no man is entitled to that which he does not merit or achieve by his ability, character, and industry. To give to, or take from, any group of citizens otherwise is to do violence to the age-old rule of earning by one's own efforts his place in society.

Inequities exist even in groups of the same ethnic origin. Some attain affluence, some do not. Some live in fine houses, some in hovels. Some become business leaders, some remain workers. Some are elected to political leadership, others are not. All of it is dependent upon merit, achievement and ability, and to attempt to erase these inequities by law would do violence to reality and to the system of free enterprise.

There is no suppression in the United States of any individual in his right to achieve respect and advancement. In the South, contrary to the charges of many outside its borders, men and women of minority groups have achieved success and respect by their worth and ability. George Washington Carver, Booker T. Washington, Mary McLeod Bethune, and many others are outstanding examples of this fact. In the North and West this same thing holds true. Men and women of minority groups have entered the professions, become business leaders, elected to governmental positions, acquired wealth and property, and have earned the respect of those about them by their worth, character, and industry.

Where there has been discrimination—North and South, East and West—it has been due to factors which legislation cannot solve, but which can and will be overcome by the evolution of education and attainment by merit. Job discrimination is due to economic, training, ability factors as well as, perhaps, the right of the employer to choose those whom he desires as employees. Voting rights are given only to qualified voters in all sections of the country, not simply to every person indiscriminately. Where voting discrimination does exist, and this is rare, local factors and abilities need consideration.

There are certain rights which are above and beyond legislation; which are inherently by nature, desire, tradition, and reality every man's and which will not be lightly surrendered.

There is, first, the right of each race to maintain its own integrity and purity. This is ingrained within each race from the beginning of time. The Jewish people were commanded to maintain their integrity and purity and were punished when they took alien wives. Other nations have found, to their sorrow, that amalgamation of races brings weakness and loss. Even now races, majority or minority, on the whole reject mixing of the races and tend to ostracize those who marry outside their own race. This is true of all nature, where there is resistance to mixing of the species.

There is, too, the right of any group to protect its own culture and cultural attainments. In this field comes education, church, and cultural institutions and groups. Minority groups differ from majority groups in attainment, cultural standards and aims, understandings. Such does not brand one, necessarily, as inferior or superior, only as different. The American Indian maintains his tribal culture; orientals are strict in their adherence to their culture; Jewish people cling to their traditions and practices; even among the white people there is a difference in culture between north, south, and west which each strives to maintain. It is damaging to each group to try to inject him into the culture and attainments of another more dominant and larger group, and is destructive to the life and pride of each one.

Again, there is the inherent right to the choice of associates and to the choice of associates for one's children. It is only natural that those of like tendencies, common interests, mutual outlook seek each other's company. All society is strongly segregated in such groups. Denominational church groups maintain their own grouping according to their doctrinal and organizational beliefs. Political parties remain separated according to their viewpoints and beliefs. Civic clubs, cultural societies, fraternal organizations remain separate from each other according to interest and congeniality. Individuals seek out their own particular little group for social activities in accordance with their common interests and congeniality.

The right to choose one's associates is basic and natural, and no legislation can alter or change this right. And the natural desire of parents to see that their children have the best associates and environment is natural and right. It is contrary to all that is inherent in parental responsibility and care for their children to force them to associate with those whose customs, culture, and interests are apart from their own background and heritage.

Another basic right of the individual is that of the use and enjoyment of his own property. That man who, through sheer ability, investment of his money, and hard work, creates for himself a business in all justice should have the right to conducting that business without Federal or other outside intervention. When he is told whom he can or cannot serve, whom he must employ or cannot employ, what he can or cannot do in his business, apart from conducting it in a legitimate way, it becomes seizure of private property and Federal control of the worst sort. He becomes no more than the manager of a business for an absentee landlord (the government) and the spirit of free enterprise is lost. Such becomes another step toward socialism and the control of all business by a socialistic government.

Nor can it be forgotten that an individual has the right, through community cooperation, to maintain the nature and value of his real property. His home represents a large investment and by all fairness he has a right to maintain the kind of community and the residents about him who will insure the value of that investment. When he is denied the right to choose his associates in his community by governmental interference, this becomes Federal seizure of property and forced depreciation of his earned wealth.

The present policy and program of the civil rights agitators of today will, if adopted, be a step toward the disintegration of our national strength and unity, and will bring this Nation closer to disaster. Nothing would please the Communists more than to have the present civil rights struggle result in the enactment of the proposed law before the Congress, for this would be another step toward their conquest of our country.

Mr. THURMOND. Mr. President, I also request unanimous consent that Arthur Krock's column "In the Nation," be printed in the RECORD at this point.

I am most pleased that the New York Times is finally realizing that there are certain dangers in the civil rights bill.

This is the position that I took months ago. I congratulate the Times and wish to comment, "Better late than never."

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

THE 13TH AMENDMENT AND THE EQUAL RIGHTS BILL

(By Arthur Krock)

WASHINGTON, May 6.—Barbering is among the intimate personal services which, under title II of the pending equal rights bill, may not be refused to an applicant as an act of racial discrimination that can be established to the satisfaction of a judge; or—as a prospective revision provides—of a jury if the judge imposes a penalty more severe than that for petty misdemeanors. But before this and kindred compulsions have been legislated, students at two New Jersey colleges and elsewhere are picketing and using other pressures on local barbers to coerce them into compliance.

These events in current combination lend particular pertinence to a profound study of the constitutionality of legislation limiting freedom of choice in personal occupations that was published in the 1964 winter issue of the Cornell Law Quarterly. The conclusions of the author, Dr. Alfred Avins, are that the ban of the 13th amendment against involuntary servitude guarantees to "every person the right to refrain from working for any other person;" and that this guarantee covers "barbers, hotel clerks, shoe-shine men, sales clerks, waiters and waitresses just as much as * * * fieldhands, cotton-pickers and farm laborers."

The 13th amendment has been scrupulously bypassed by the drafters of the equal rights bill, who instead selected the 14th and the commerce clause of the Constitution as its legal foundations. The article by Dr. Avins, a professor of jurisprudence at Cambridge University in England—formerly of constitutional law at Chicago-Kent College—strongly suggests that the reason for this avoidance of the 13th is its sweeping and embarrassing conflict with the Federal compulsions of personal services in title II.

After a detailed tracing of the words "involuntary servitude" from their use in the Northwest Ordinance of 1787, through their incorporation into a number of State constitutions, and eventually in the 13th amendment, Dr. Avins' summation is that in approving the latter, Congress enacted liberty instead of enacting equality. And he applied this historical record as follows to the proposed limitations of Title II on freedom of choice in personal occupations:

"It is one of the compelling ironies of history to find that in 1964 Negroes are demanding laws to compel whites to serve them in the very same occupations which they themselves were freed from serving whites in 1863, and demanding this under the name of "freedom." Thus, a century ago, the Emancipation Proclamation decreed that Negro waiters and waitresses would no longer have to serve college students; now, a hundred years later, Negro college students are demanding laws to compel white waiters and waitresses to serve them.

THE SUPREME COURT'S DEFINITION

"A century after Negroes were freed from the involuntary servitude of cutting the hair of whites (we find) a demand from their descendants that whites be forced by law to cut their hair. The 13th amendment makes no distinction as to who enforces * * * labor * * *. As the Supreme Court has eloquently declared—

The plain intention (of the language of the 13th) was * * * to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude.

In the surge of pressures inspired by political considerations and internal struggles for Negro leadership as well as by a fine ideal of egalitarianism, not very many of those involved are likely to read Dr. Avins' detached analysis of the constitutional issue. And those who read it are not likely to be impressed by its cold logic. Moreover, they have read the recent Supreme Court decisions on issues of racial discrimination as surely foreshadowing findings that the subsequent 14th amendment and/or the earlier commerce clause supervene the protections of freedom of choice in personal services asserted in the Court's still-standing constructions of the 13th.

But meanwhile Dr. Avins has impressively done as much as can be done in print to project into the debate on the equal rights bill a great constitutional issue it poses; and one which has been carefully avoided or strangely neglected.

Mr. THURMOND. Mr. President, I yield the floor.

AMENDMENT NO. 581

During the delivery of Mr. THURMOND'S speech,

Mr. TOWER. Mr. President, will the Senator from South Carolina yield, with the understanding that he will not thereby lose his right to the floor or any of his other rights? I wish to submit an amendment to be printed.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield, for that purpose, to the Senator from Texas, with the understanding that I will not thereby lose my right to the floor, and also with the understanding that my subsequent remarks will not be counted as a second speech by me, and with the further understanding that the remarks of the Senator from Texas will be printed in the RECORD separately from my remarks.

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

Mr. TOWER. Mr. President, on behalf of myself and the Senator from South Carolina [Mr. THURMOND], I submit an amendment to title VII of House bill 7125. The amendment is designed to clarify not only the present wording of the bill, but also to make very clear an issue which has arisen in connection with the National Labor Relations Act.

My amendment provides that nothing in this act, or in any other statute of the United States, shall be construed to prevent an employer from permanently going out of business, in whole or in part, for any—and let me emphasize that word "any"—reason or to render permanently going out of business, for any reason, an unfair labor practice under the National Labor Relations Act or an unlawful employment practice under this Civil Rights Act.

This amendment is vitally needed, Mr. President, because as strange as it seems there has been doubt expressed in the bureaucracy about whether or not a man has a right to go out of business in this free Nation.

The point is clearly made by the National Labor Relations Board, which is at this moment asking the Supreme Court to rule that it can be an unfair labor practice to go out of business. The NLRB action is taken despite an opposite ruling by the Fourth U.S. Circuit Court of Appeals.

Since the National Labor Relations Board is a virtual bureaucratic twin of the Equal Employment Commission envisioned by title VII of the currently pending act, I feel it is quite obvious that such a Commission might be tempted to rule, like its twin, that it is an unfair practice to go out of business. The terminology of the bill would make it an unlawful employment practice to go out of business for some reason the bureaucrat does not like.

I am sure, Mr. President, that some will rise here to proclaim that "it just can't happen under this lucid and clear civil rights bill." But I am equally sure that when the National Labor Relations Act was adopted, no one had any idea that an employer had to continue risking his capital and his personal efforts in a business if, for any reason, he chose to go out of that business. Yet today that point has been pressed by the bureaucracy to the very Supreme Court chamber.

Mr. President, if we do, indeed, live under a genuine free enterprise system, then certainly the most fundamental right of an employer is, or should be, that he is free to quit.

I cannot say that I am particularly surprised at the action of the National Labor Relations Board in taking this position against free enterprise and individual rights. I have been dissatisfied with the National Labor Relations Board operations for many years during which that bureaucracy has gone far beyond the scope intended for it by the Congress.

As I said earlier, I see clear evidence that the Equal Employment Commission, under this Civil Rights Act's title VII, would be the same sort of operation as the National Labor Relations Board.

What particularly concerns me is that the Solicitor General's Office of the Department of Justice, representing the national administration, has joined in asking the Supreme Court to consider the National Labor Relations Board view that going out of business is unfair. If such a doctrine should be adopted by the Supreme Court—and many of us no longer are surprised at anything that Court does—the National Labor Relations Board and the soon to be born Equal Employment Opportunities Commission would become the ultimate arbiters of whether a man faced with an unprofitable business can be forced to stay in business until his capital and resources are exhausted and he himself goes bankrupt.

We must take notice, Mr. President, that under this view of the National Labor Relations Board and Justice Department, any complaint by a union or a rejected employee can be interpreted as the result of the employer's bias against unions or against the minority group to which the employee belongs.

My amendment would limit this excessive power now being sought by the bureaucracy and would rightfully leave the liberty of going out of business to the businessman, not transfer that decision to an executive board responsible through the voters to neither employee nor employer.

Now, Mr. President, this matter of a man not having a right to go out of business is pointed up by the case of Darlington Manufacturing Co. against the National Labor Relations Board. In this case, the National Labor Relations Board found that the company went out of business because of an antiunion bias and that this going out of business was an unfair labor practice. The National Labor Relations Board ordered the firm to pay all discharged employees until they got new jobs equal to the ones they lost. It later was suggested that the firm be required to reopen the closed plant.

Fortunately, the Fourth Circuit Court of Appeals ruled against the National Labor Relations Board and upheld the right of an American to quit business whenever he wants for any reason. My amendment seeks to reaffirm that right and to spell it out so that no court can have future doubt of legislative intent in this area.

The circuit court held that the fundamental purpose of the National Labor Relations Act is to preserve and protect the rights of both industry and labor as long as they are in the relationship of employer and employee, but the statute's scope does not exceed that province. It does not compel a person to become or remain an employee. It does not compel a person to become or remain an employer.

I point out to the Senate that if the reversal of that court of appeals view occurs, it will be possible not only for an executive bureau to order an employer to remain in business, but also to order a worker to remain at work.

Such a denial of individual liberties by a Government that is supposed to serve people, not enslave them, is inconceivable to me. Therefore, my proposed amendment.

The way for this Congress to preserve the liberty of this Nation is to jealously guard and preserve the liberty of individuals. One of the liberties of the free enterprise system is the right to risk capital and to withdraw capital.

It is unthinkable for Government to tell Americans that they must stay in business and lose money. If Government can force citizens into bankruptcy, it can force them into absolute dependency.

I note that this bill we consider here today is not entitled or intended to be the "Federal dependency bill of 1963." It is called a civil rights bill. It seeks to preserve individual liberties.

Let us then include among those precious liberties the right of a man to go out of business for any reason.

Mr. President, I ask unanimous consent that there may be printed at this point in my remarks the opinion of the circuit court as written by Judge Bryan:

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

FULL TEXT OF OPINION BY CIRCUIT JUDGE BRYAN

The National Labor Relation Board in these consolidated cases has made these pivotal decisions.[1]

1. Darlington Manufacturing Co. committed an unfair labor practice under the National Labor Relations Act, Section 8(a)(3)[2]—forbidding discrimination in regard to tenure of employment—by closing and liquidating its only plant, and discharging its employees, in 1956, because of the election of Textile Workers Union of America, AFL–CIO, as bargaining representative for the employees;

2. Darlington must pay all of such discharged employees their wages, less current net earnings, "until the discharged employees are able to obtain substantially equivalent employment" or until they are put on a preferential hiring list by Deering Milliken, Inc.; and

3. Deering Milliken, Inc. and its affiliates are liable for the payment of these wages on the ground that Darlington, with others, was such an affiliate of Milliken and together they constituted a single employer.

In petition No. 8790 Darlington and Milliken seek to vacate these Board orders. In No. 8861 the union, which was the charging party before the Board, prays that the orders be enlarged to require also the reopening of the Darlington plant with reinstatement of the employees, and that Roger Milliken, president of both Darlington and Milliken, notwithstanding the contrary decision of the Board, be held personally liable to satisfy the orders. In No. 8906 the Board seeks enforcement against Milliken of the Darlington liability.

As these actions have common issues they have been argued and considered together. We decline to enforce these orders of the Board against Darlington and Milliken.

CORPORATE STRUCTURE

Darlington, chartered under the laws of South Carolina, operated a print cloth mill there, manufacturing and selling cotton greige goods. It had no other plant. In 1937 Darlington went through a section 77B bankruptcy proceeding, 11 U.S.C. 207 (1937 ed.). Milliken, then known as Deering Milliken & Co., Inc., as one of the largest creditors, received in payment of its debt about 41 percent of Darlington's common stock. When Darlington was liquidated in 1956, as previously mentioned, there were outstanding 150,000 shares of common stock owned as follows:

	Percent
Deering Milliken & Co., Inc	41.4
Cotwool Manufacturing Corp	16.3
Roger Milliken and members of his immediate family	6.4
Directors and employees of Deering Milliken & Co	2.9
Outsiders of non-Milliken family or interests (about 100 stockholders living in South Carolina, 50 in New York, and more than 50 scattered over the United States	31.0
Total	100.0

In March 1956 the union commenced a campaign to organize the Darlington employees and to become their bargaining representative. An election conducted under the direction of the Board was called for September 6, 1956. The union won, 258 to 252.

On September 12 Darlington filed objection to the election. A conference was requested on the same day by the union to discuss a collective bargaining agreement. The request was refused by Darlington on the ground the election protest had not been decided and the union had not been certified.

Also on September 12, the board of directors met, with all of them present. Following a brief discussion of the business status of Darlington, they resolved to recommend to the stockholders the liquidation and dissolution of the corporation. A meeting of the stockholders to act upon the resolution was called for October 17. Employees of Darlington were at once told of the recommendation. While no new ones were accepted, the plant continued to fill the orders then on hand. The objection of Darlington to the election was overruled on October 8, and the union shortly certified as the bargaining representative.

With the stockholders on October 17 adopting the recommendation of the board of directors by a vote of 134,911 shares to 37,774, the officers proceeded with the liquidation. Discharge of employees occurred over a span of about 6 weeks; from 510 employees on October 13, the payroll dropped to 460 on October 20, to 345 on October 27 and to none when the plant closed on November 24. The machinery and equipment were sold at auction on December 12 and 13, 1956. Since that time Darlington has not operated any plant in South Carolina or elsewhere.[3]

Deering Milliken & Co., Inc.'s capital stock was owned in a majority amount by the members of the Milliken family. In addition they were the major (but by no means the only) shareholders in Darlington and in certain other textile corporations. The latter are the corporations referred to by the Board and in this opinion—somewhat imprecisely—as "affiliated corporations" of Milliken. Prior to 1960 Deering Milliken & Co., Inc., was not a manufactory. It was the exclusive sales representative of the producing corporations controlled by the Milliken family.

In June 1960 Deering Milliken & Co., Inc., was merged into the Cotwool Manufacturing Corp., and the latter's name then changed to Deering Milliken, Inc., herein known as Milliken. A majority of its stock was owned by the Milliken family. After the merger Milliken carried on the textile manufacturing formerly pursued by Cotwool.

FINDING OF BOARD

The finding of the Board—that the decision to close the mill was an unfair labor practice under section 8(a)(3)—was spelled out in this way:

"Darlington discriminated in regard to its employees' tenure of employment by closing its plant—thereby discharging the employees—and, because the plant closing was the direct result of the employees' selection of the charging union as their collective bargaining representative, Darlington's retaliation against the employees for the activities in behalf of the union discouraged the employees' continued membership in the union."

Abridged and as pertinent here the terms of section 8(a)(3) are these:

"It shall be an unfair labor practice for an employer—by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization."

In this determination the Board acknowledged, as the trial examiner had found, that there were economic considerations sufficient in themselves to support the decision by Darlington to terminate operations. However, both the examiner and the Board concluded that "the decision to close the mill was not a fact based on economic factors, and that, but for the union's election victory, that decision would not then have been made."

Upon this premise the Board declared all the closure discharges to be unlawful, justifying the usual remedy of reinstatement and reimbursement for loss of pay. But with the shutdown complete and permanent reinstatement not achievable, the relief was necessarily directed primarily to restitution of

[1] 139 NLRB 241, decided Oct. 18, 1962, 51 L.R.R.M. 1278.

[2] 29 U.S.C 158(a)(3).

[3] A concise history of the proceedings in this case appears in Judge Haynsworth's opinion for this court in *Deering Milliken, Inc.* v. *Johnston*, 295 F. 2d 865, L.R.R.M. 3162 (1961).

wages. The monetary redress was awarded by the Board as follows:

"We shall therefore order the respondent, Darlington, to provide backpay until the discharged employees are able to obtain substantially equivalent employment."

Further, the Board overruling the trial examiner found that "Darlington occupied a single-employer status with Deering Milliken and its affiliated corporations." On this basis Milliken and its affiliates were declared "liable for backpay to the same extent as we have heretofore directed with respect to Darlington" and were ordered to place the discharged employers on a preferred hiring list. Additionally, Milliken was commanded to offer employment to these discharged workers in its other mills in South Carolina or nearby States, without prejudice to their seniority and other privileges.

All of these orders were qualified by the proviso that if no work was available at the Milliken mills, then the accumulation of backpay would be tolled as and when the dischargees were put upon Milliken's preferential hiring list.

EMPLOYER'S PREROGATIVE

1. Our opinion is that the decision to close the plant was not an unfair labor practice. In this we accept the findings of fact made by the Board. While, as just observed, the evidence discloses substantial economic reasons warranting the determination to close the plant without reference to the entry of the union into the plant, we accede arguendo to the contention of the Board that these reasons were not acted upon. Even if they were, however, we shall assume, again arguendo, with the Board that if unionization also played a part in the resolve to close the plant, then the contribution of this factor may be considered as responsible for the cessation.

To go out of business in toto, or to discontinue it in part, permanently at any time, we think was Darlington's absolute prerogative. The fundamental purpose of the National Labor Relations Act is to preserve and protect the rights of both industry and labor as long as they are in the relationship of employer and employee. But the statute's scope does not exceed that province. It does not compel a person to become or remain an employee. It does not compel one to become or remain an employer. Either may withdraw from that status with immunity, so long as the obligations of any employment contract have been met. Such withdrawal, alone, and of itself, does not create any obligation of either the employer or the employee to the other under the act. Cf. Dissenting opinion of Board Member Rodgers in the present case. If a cessation of business is adopted to avoid labor relations, the proprietor pays the price of it; permanent dissolution of his business, in whole or in part. A statute authorizing an order forcing the continued pursuit of operations in these circumstances would be of doubtful validity. Consider the consequences of an attempt to punish as contempt a violation of such an order and its fatal infirmity is revealed; the proprietor would be jailed or otherwise penalized for not reopening a demised business or reinstating employees.

Of course, the right of discontinuance which we here uphold, means an actual, unfeigned and permanent end of operations—not a removal, nor subcontract, nor a change merely in the form of the corporate entity. No ruse or subterfuge is suggested here. Darlington's was an absolute desistence, not a temporary intermission as apparently was contemplated in *N.L.R.B.* v. *Norma Mining Corp.*, 206 F. 2d 38, 32 LRRM 2466 (4 Cir. 1953). There was no provisional lockout, the mill was not transplanted elsewhere, and its sale was concededly entire, bona fide and irrevocable. The trial examiner demonstrated beyond debate that Darlington was not a "runaway" plant—that is, a plant having another form—finding that disagreement with this finding was, or on substantial evidence could have been, expressed by the Board.[4]

DECISIONS REVIEWED

"There is no decided case," the Board candidly states, "directly dispositive of Darlington's claim that it had an absolute right to close its mill, irrespective of motive." While a number of the decisions on the point mention the presence of a legitimate economic reason in connection with the right to close, an analysis of them discloses that they do not declare the existence of such a reason to be indispensable to the validity of the closing. See e.g., *NLRB* v. *Preston Feed Corp.*, 309 F. 2d 346, 352, 51 LRRM 2362 (4 Cir. 1962); *NLRB* v. *New England Web, Inc.*, 309 F. 2d 696, 700, 51 LRRM 2426 (1 Cir. 1962); *NLRB* v. *Rapid Bindery, Inc.*, 293 F. 2d 170, 175, 48 LRRM 2658 (2 Cir. 1961); *Union Drawn Steel Co.* v. *NLRB*, 109 F. 2d 587, 592, 5 LRRM 753 (3 Cir. 1940). Nor are they precedents for the proposition that an owner or operator cannot go out of business at his option if the closure is intended to be, and is in truth, absolute and permanent. These authorities, we think support the view that if the termination is without intent to resume the business elsewhere—as a runaway—the power to close, even if spurred by unionization, is not precluded by the act.

The right is implicitly recognized in *Southport Petroleum Co.* v. *NLRB*, 315 U.S. 100, 106, 9 LRRM 411 (1942), with Justice Jackson saying, "Whether there was a bona fide discontinuance and a true change of ownership—which would terminate the duty of reinstatement * * *" was a question of fact determinable by the Board or the Court on contempt proceedings. Bona fides does not mean exclusively an economic ground, but as well that the termination was, as here, not merely a gesture but an actuality.

Lower courts have long given explicit sanction to the right of discontinuance. Over 20 years ago the Fifth Circuit said in *NLRB* v. *Tupelo Garment Co.*, 122 F. 2d 603, 606, 9 LRRM 443 (5 Cir. 1941):

"The stockholders of Tupelo Garment Co. (the employer) had the absolute right to dissolve their corporation and the Board was without authority to prevent this."

Recently, the Sixth Circuit put it this way in *NLRB* v. *R. C. Mahon Co.*, 269 F. 2d 44, 47, 44 LRRM 2479 (6 Cir. 1959):

"We find nothing in the National Labor Relations Act which forbids a company, in line with its plans for operation, to eliminate some division of its work. As held in *National Labor Relations Board* v. *Adkins Transfer Company, Inc.*, supra, [226 F. 2d 324, 36 LRRM 2709] an employer faced with the practical choice, either of paying enhanced wage rates demanded by a union or of discontinuing a department of its business, is entitled to discontinue."

Other courts have spoken in like manner and as emphatically, e.g., *NLRB* v. *New England Web, Inc.*, supra, 309 F. 2d 696, 700, 51 LRRM 2426; *Jays Foods, Inc.* v. *NLRB*, 292 F. 2d 317, 320, 48 LRRM 2715 (7 Cir. 1961); *NLRB* v. *New Madrid Mfg. Co.*, 215 F. 2d 908, 914, 34 LRRM 2844 (8 Cir. 1954); *NLRB* v. *Caroline Mills, Inc.*, 167 F. 2d 212, 214, 21 LRRM 2542 (5 Cir. 1948); *Atlas Underwear Co.* v. *NLRB*, 116 F. 2d 1020, 1023, 7 LRRM 460 (6 Cir. 1941).

To be sure, there are decisions adjudging the employer liable even upon an absolute disposition of all or a part of the business equipment; *NLRB* v. *Kelly & Picerne, Inc.*, 298 F. 2d 895, 49 LRRM 2663 (1 Cir. 1962); *NLRB* v. *Missouri Transit Co.*, 250 F. 2d 261, 41 LRRM 2253 (8 Cir. 1957); *NLRB* v. *Bank of America*, 130 F. 2d 624, 11 LRRM 546 (9 Cir.), cert. denied, 318 U.S. 7791, 12 LRRM 890 (1942). Upon examination, however, it will be observed that these cases did not involve the extinguishment altogether of the business and the end of further participation by the employer in his former sphere. The predominant element of the principle we maintain is that the business is no longer extant and the owner has forfeited the penalty for withdrawing; that is, he has forgone the privilege of further pursuit of his business.

SINGLE EMPLOYER

II. The doctrine of single employer, heretofore noted, was used by the Board to project Darlington's liability, as determined by the Board, upon Milliken. See *NLRB* v. *Gibraltar Industries, Inc.*, 307 F. 2d 428, 431, 51 LRRM 2029 (4 Cir. 1962), cert. denied, 372 U.S. 911, 52 LRRM 2471 (1963); *NLRB* v. *Deena Artware, Inc.*, 361 U.S. 398, 45 LRRM 2697 (1960). Our decision that Darlington is without liability, of course, bars such expansion of responsibility. Furthermore, even if Darlington was a division of Milliken, the transfer of Darlington's liability to Milliken upon the single employer principle is precluded because, as we have stated, a part, like the whole, of a business may be abolished when the extinction is consummated in circumstances like the present.

III. In its petition the union asked us to enlarge the Board's order to include Roger Milliken individually in the orders of restoration of wages entered by the Board. This prayer like the further prayer of the union that Darlington be required to reopen its plant is, obviously, denied by our acquittal of Darlington of liability.

The Board sustained the trial examiner in finding that Darlington had violated section 8(a)(1) in pre- and post-election statements and urging a repudiation of the union. Likewise section 8(a)(5)—wherein refusal to bargain is made an unfair practice—was found contravened by Darlington. Remedies for these offenses are not now available as Darlington is no longer alive.

Power to command an employer to stay in business indefinitely, or assess him with damages for permanently going out of business, is not a National Labor Relations Board prerogative. Assumed by the Board in these cases, it is denied here.

Enforcement of order denied.

[4] EDITOR'S NOTE.—In an order dated Dec. 9, 1963, the court deleted a sentence that had appeared at this point. The sentence read: "It is noteworthy that Darlington was the only Milliken related plant manufacturing printcloth, and since its liquidation none of the remaining mills has undertaken the manufacture of that kind of product."

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator from South Carolina [Mr. THURMOND] be permitted to join me as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The amendment will be received and printed, and will remain at the desk; and, without objection, the name of the Senator from South Carolina [Mr. THURMOND] will be added as a cosponsor.

The amendment (No. 581) was received and ordered to be printed and lie on the table.

During the delivery of Mr. THURMOND'S speech,

Mr. SMATHERS. Mr. President, will the Senator from South Carolina yield to me without prejudicing his rights so that I may make a request?

Mr. THURMOND. I yield.

AMENDMENT NOS. 577, 578, 579, AND 580

Mr. SMATHERS. Mr. President, I submit and ask to have printed four amendments. One amendment relates to the so-called Talmadge-Ervin amendment, and the other amendments relate

to the bill generally. I ask that the amendments be printed and lie on the table, and I ask unanimous consent that they may be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

Amendment No. 577, submitted by Mr. SMATHERS, is as follows:

AMENDMENT NO. 577 TO AMENDMENT NO. 513

On page 2, beginning with line 1, strike out all through line 9 on page 3.

On page 3, between lines 9 and 10, insert the following:

"TITLE XI—CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY"

On page 3, line 10, immediately before "In", strike out the single quote and insert in lieu thereof "SEC. 1101."

On page 3, line 10, beginning with "for willful", strike out all through line 16, and insert in lieu thereof the following: "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, the accused, upon demand therefor, shall be entitled to a trial before 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 by a jury, the procedure shall conform as near as may be to that in other criminal cases."

On page 3, line 17, strike out the single quote before "This".

On page 3, line 19, immediately after "justice", insert the following: "or to place the integrity of the court in direct and immediate jeopardy".

On page 3, beginning with line 22, strike out all through line 4 on page 4.

On page 4, line 5, strike out "1103." and insert in lieu thereof "1102. (a)".

On page 4, strike out line 7 and insert in lieu thereof the following: "amended by striking out the second and third provisos to the first paragraph thereof, and inserting in lieu thereof the following: *'Provided further,* That in any such proceeding for criminal contempt, the accused, upon demand therefor, shall be entitled to a trial before a jury, which shall conform as near as may be to the practice in other criminal cases: *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.'"

On page 4, between lines 7 and 8, insert the following material in double quotes:

"(b) Section 151 of part V of such Act is hereby further amended by inserting, immediately after 'justice' in the second paragraph thereof, the following: 'or to place the integrity of the court in direct and immediate jeopardy,'."

Mr. SMATHERS. Mr. President, amendment No. 578 would strike title VI from the bill. This title relates to cutting off funds because of alleged discrimination.

AMENDMENT NO. 578

On page 25, beginning with line 18, strike out all through line 20, on page 27 (title VI).

Renumber the succeeding titles and sections of the bill, and cross-references thereto, accordingly.

Mr. SMATHERS. Mr. President, amendment No. 579 would strike from the bill all of title VII. This is the FEPC title in the bill.

AMENDMENT NO. 579

On page 27, beginning with line 21, strike out all through line 25, on page 50 (title VII).

Renumber the succeeding titles and sections of the bill, and cross-references thereto, accordingly.

Mr. SMATHERS. Mr. President, if I am unsuccessful in securing the adoption of my amendment to prevent discrimination in employed based on age, amendment No. 580 should, nevertheless, be adopted.

It would simply extend from June 30, 1964, to June 30, 1965, the deadline for the report and recommendation of the Department of Labor on measures to prevent age discrimination.

AMENDMENT NO. 580

On page 49, line 21, strike out "1964" and insert "1965".

DUANE ECKELBERG FAVORS H.R. 7152

During the delivery of Mr. THURMOND's speech,

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

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Virginia with the understanding that I shall not lose my rights to the floor, and that upon my resuming it will not constitute another appearance, and that the statement of the Senator from Virginia shall appear either before the beginning of my address or at the end of it.

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

Mr. ROBERTSON. Mr. President, I have been requested by a constituent named Duane Eckelberg, whose address is Manassas Park, Va., to have the CONGRESSIONAL RECORD show that he favors the passage of H.R. 7152.

TRIBUTE TO SENATOR BEALL

During the delivery of Mr. THURMOND's speech,

Mr. DIRKSEN. Mr. President, in the Annapolis Evening Capital of May 4, 1964, there appeared an article by the distinguished columnist, Holmes Alexander. The article is very complimentary to our distinguished colleague the Senator from Maryland [Mr. BEALL].

The article appeared under the caption "A Symbol in Maryland for God, Motherhood, and Tradition."

In Senator BEALL's behalf, and in my own behalf, I ask unanimous consent that the article may be printed at this point in the RECORD.

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

A SYMBOL IN MARYLAND FOR GOD, MOTHERHOOD, AND TRADITION

The power of prayer may save the Republicans a Senate seat that many figured they would lose.

Maryland Senator GLENN BEALL, 70, a warm-hearted and appealing personality, a courteous gentleman, and for 35 years a faithful tender of public duties, does not put forth the modern image. Liberals don't see him as a crusader, conservatives don't see him as a fundamentalist, and he hasn't the patriarchal aura that goes with a BYRD of Virginia.

It was thought that after five terms in the House and two in the Senate, the Young Turks of his own party might easily pull old GLENN down, or that the political trend in Maryland would make him duck soup for almost any aspiring Democrat.

Not so, BEALL now seems likely to be the beneficiary of a genuine folk movement which is far stronger than the drive for civil rights and for the abolition of poverty. It is the movement to restore prayers in public schools, where they were outlawed by Supreme Court decisions, and to prevent prayer from being driven into virtual hiding in home and church.

Against the Court's almost unbelievable argument that the Constitution decrees public paganism in America, there is a ground swell of protest which, for the past 2 years, has filled the files, the packing boxes and the floor space of congressional offices with hundreds of thousands of letters of indignation.

A sampling of these letters, still pouring in, might tempt a researcher to conclude that the country hasn't seen anything yet when it comes to extreme political emotion. The John Birch Society merely wants to impeach Chief Justice Warren. A lot of people, who feel their religion has been taken from them, write as if they'd like to hang him.

Senator BEALL, no extremist himself, but deeply religious, did not wait to ride the ground swell. There are now close to 150 legislative measures introduced in the 88th Congress for the purpose of reversing the Supreme Court action. BEALL got there long before the rush that many later joined. His resolution for a constitutional amendment to guarantee voluntary school prayers led all the rest. Within a few hours after the Court had ruled, on June 25, 1962, that New York State could not conduct school prayers, BEALL had his resolution in the Senate hopper. When the Court, a year later in a similar decision, ruled in favor of a Maryland atheist and against the Maryland school boards, BEALL had a home-State issue that had sought him out. Today, with the House Judiciary Committee taking testimony on how to reinstate school prayers, BEALL stands to become a symbol in Maryland for God, motherhood, and 300 years of tradition.

By chance, the Senator's strongest opponents in the May primary and November elections are boxed into positions that are unfair to them, but of no fault whatever on the part of BEALL. James Gleason, the chief Republican challenger, and excellent Senatorial timber, happens to be Catholic. Louis (God bless you all the time) Goldstein, a popular and colorful politico, is a Jewish tobacco farmer. Neither man is positioned, as is BEALL, as an incumbent and an Episcopalian, to fight the Court and to press for freedom of worship.

Moreover, the ground swell against the Court rulings is one against overintellectualized liberalism, which has become the harassment of many plain people. BEALL is for the civil rights bill, but is supporting several modifying amendments. He has opposed medicare, which he regards as socialism, and the wheat deal, which he regards as supporting communism. His position on public prayer is neither tortured with legalisms nor touched with demagoguery. The Nation was founded, he says, by religious freedom-seekers, and his mail, he says, tells him "we're still a Christian people."

A lot of Marylanders, and a lot of Americans everywhere, will think that BEALL's campaign has turned into one for God and country.

TRIBUTE TO MRS. DOROTHY H. JACOBSON

During the delivery of Mr. THURMOND'S speech,

Mrs. NEUBERGER. Mr. President, an event of especial interest to me is occurring today.

For the first time in the 102-year history of the Department of Agriculture a capable woman has been appointed Acting Secretary. Today, Mrs. Dorothy H. Jacobson is actually carrying out the duties of the Secretary, as those from the Secretary on down three echelons, who might be considered Acting Secretary, are all away on Department business.

The Secretary himself is traveling with the President looking over some poverty-stricken sections of our country; three other members of the Department are traveling on business of the rural area development program or are in Europe urging the Europeans to buy more of our American-produced beef.

Mrs. Jacobson is carrying on all the duties of the Secretary, and this is a tribute to her long devotion to Government and the Department of Agriculture in particular.

I salute her as well as those who saw her potential.

I ask unanimous consent to have printed in the RECORD, a release which states some of the activities which have taken place under Mrs. Jacobson.

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

U.S. DEPARTMENT OF AGRICULTURE,
Washington, May 7, 1964.

ACTING SECRETARY JACOBSON ANNOUNCES SALE OF COMMODITIES TO ITALY

Acting Secretary of Agriculture Dorothy H. Jacobson today announced the sale of 2,020,884 bushels of wheat, 3,306,900 pounds of refined cottonseed oil, and 8,818,400 pounds of nonfat dry milk to Italy for use in programs to feed needy children and for school lunches.

The $3 million sale was made under the Commodity Credit Corporation Charter Act. This authority provides for sales, at less than export prices, of agricultural commodities for specified purposes such as feeding needy children or starting and maintaining school lunch programs in foreign countries.

These commodities must be used exclusively for the stated purpose to assure that sales to Italy through normal commercial trade channels will not be displaced.

The prices of commodities sold to Italy were $1.10 per bushel for wheat, 13.125 cents per pound for cottonseed oil, and 6 cents per pound for nonfat dry milk. Delivery will be made at U.S. ports determined by CCC. Italy pays for ocean transportation, distribution within Italy, and related costs.

Information regarding the sale is available from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C.

TRIBUTE TO ADMIRAL RICKOVER

During the delivery of Mr. THURMOND'S speech,

Mrs. NEUBERGER. Mr. President, the Portland Oregonian published a thoughtful editorial about Admiral Rickover. The comments of this writer on the customs and curriculum of the U.S. Naval Academy provide a stimulus to consideration of the manner in which tradition has been maintained at the Academy and suggest that perhaps a review of the kind of training needs to be considered in light of modern activity.

Quoting from the editorial:

Admiral Rickover has done a lot for his country and his service, although his fellow wearers of wide stripes and scrambled eggs would be the last to concede this. Without him the United States might not today have its fleet of nuclear-powered Polaris submarines.

I ask unanimous consent that the editorial from the Oregonian of Tuesday, May 5, 1964, entitled, "Astringent Admiral," be printed in the RECORD.

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

ASTRINGENT ADMIRAL

Sometimes we wonder how Hyman G. Rickover ever managed to be graduated from the U.S. Naval Academy in the first place, much less survive to be elevated to the exalted rank of vice admiral. He doesn't at all fit the Annapolis tradition that students of Mahan, Bowditch and the Watch Officer's Guide, having been cast in the same mold at the trade school on the Severn, are expected to grow up to look, sound and behave exactly like their predecessors in the starchily formal hierarchy of the U.S. Navy.

Admiral Rickover has done a lot for his country and his service, although his fellow wearers of wide stripes and scrambled eggs would be the last to concede this. Without him, the United States might not today have its fleet of nuclear-powered Polaris submarines. But had the matter been left to the admirals' clique, his letterhead long since would have read: "Capt. H. G. Rickover, U.S. Navy, retired." Happily for the rest of us he had many more friends in Congress than in the Pentagon, and since the official selection board which had passed him over for promotion was ordered to go back and take another look, the Navy brass has for the most part maintained a dignified silence each time the outspoken little admiral with the big hat has made headlines by stepping on official toes.

But now Admiral Rickover evidently has needled his shipmates beyond their endurance. He told Congress not long ago the Naval Academy should be abolished if it didn't get up to date as an educational institution. Specifically, he scored the antiquated teaching methods, the use of naval officers on the faculty rather than accredited educators, the overemphasis on sports, the time-wasting collateral duties given to student officers, and other nonacademic aspects of academy life he deems inappropriate for midshipmen being trained to serve in the space age rather than the age of fighting sail.

Already Adm. David L. McDonald, Chief of Naval Operations, and Vice Adm. John S. McCain, Commander of the Atlantic Fleet Amphibious Force, have touched off broadsides. And Rear Adm. Charles C. Kirkpatrick, regarding himself as personally under fire since he just completed a 17-month tour of duty as Academy Superintendent, declared Admiral Rickover's testimony to be "extravagant and exaggerated." One imagines that in their private comments these officers and gentlemen may have borrowed from the lexicon of the bosun's mate to express themselves more forcefully.

It seems strange that Navy—and for that matter the Army and the Air Force—have so much trouble absorbing the lessons of experience. It should be apparent to naval officers, of flag rank at least, that the nuclear subs Admiral Rickover fought for and obtained, despite the apathy and even opposition of his brass-bound superiors, have given the Navy much more prestige and power than it otherwise would have had. Might not Admiral Rickover's counsel concerning Annapolis also be worth careful consideration rather than automatic scorn?

Maybe the answer's there under our noses: That the U.S. Naval Academy's customs and curriculum are intended to encourage young naval officers to follow tradition blindly and to discourage independent thought. If so, that would explain why Admirals McDonald, McCain, and Kirkpatrick want to keep on training midshipmen to do the same old things in the same old ways. In these fast-changing times, that sounds like a recipe for defeat.

STATEMENT OF APPROVAL ON APPOINTMENT OF DAVID GORDON GAULT, OF TEXAS

During the delivery of Mr. THURMOND'S speech,

Mr. YARBOROUGH. Mr. President, I desire to add my words of commendation to the confirmation of the President's appointment of David Gordon Gault, of Austin, Tex., to be a member of the Federal Farm Credit Board, Farm Credit Administration.

Mr. Gault has a long and notable record of success in farm organizations and farm administration, some official, and some semiofficial. I have known his family for many years. They have been very distinguished in the history of Texas, in both the law enforcement field and in Government administration.

Manny Gault was a longtime distinguished member of the Texas Rangers in the old frontier days. Mr. Manny Gault and Capt. Frank Hamer were the ones who planned the capture and successfully terminated the career of murder which was carried on in the Southwest by Bonnie Parker and Clyde Barrow, two of the old-fashioned-type gun pals.

Clyde Barrow gunned down people all over the Southwest until Manny Gault and Frank Hamer stopped his career of crime and murder.

That was just one of the distinguished acts performed by this family. The family has been distinguished for three generations of Texas history.

David Gordon Gault is very efficient in dairying organizations, farm organizations, and farm credit organizations, both of the governmental and semigovernmental variety.

I feel that this is a good appointment, one which will reflect credit both on the Board and on the appointing authority.

IMPORTS OF BEEF AND BEEF PRODUCTS

During the delivery of Mr. THURMOND'S speech,

Mr. HRUSKA. Mr. President, will the Senator from South Carolina yield, if it is agreed that he may do so without losing his right to the floor or without losing any of his other rights or without prejudicing them in any way?

Mr. THURMOND. Mr. President, I ask unanimous consent that, without losing my right to the floor, or without having my subsequent remarks counted as a further speech by me, and with the further understanding that the remarks of the Senator from Nebraska will be

printed in the RECORD separately from my remarks, I may yield.

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

Mr. THURMOND. Very well; I yield.

Mr. HRUSKA. Mr. President, I appreciate the customary and never-failing courtesy of the Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Nebraska.

Mr. HRUSKA. Mr. President, on April 28, the U.S. Tariff Commission started public hearings in connection with its investigation of conditions of competition between imported and domestic beef products, instituted pursuant to a resolution adopted by the Senate Finance Committee.

This type of proceeding by the Tariff Commission is unique, in that it does not lead to any specific recommendations for action, or to any definite relief for the domestic industry, no matter what the facts may develop. In other words, it is more in the nature of a research project.

In my statement to the Commission, I did not attempt to argue the case of the domestic industry. I have done that before, particularly on the occasion of the hearings last December. On this occasion, rather, I attempted to point out the questions to which Congress expects the Commission to find answers.

I ask unanimous consent to have my statement to the Commission inserted in the RECORD at this point.

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

STATEMENT BY SENATOR ROMAN L. HRUSKA, OF NEBRASKA, TO THE U.S. TARIFF COMMISSION HEARING ON BEEF AND BEEF PRODUCTS, APRIL 28, 1964

Mr. Chairman, members of the Commission, your purpose, under the terms of the resolution by the Senate Finance Committee, is simply to make an investigation of the conditions of competition between domestic and imported beef and beef products or, in short, the competitive impact of the imports on our own industry and market.

I recognize that you will not, under the terms of this investigation, come out with recommendations for action, nor make any finding as to injury of the domestic industry. In that sense this proceeding is different from most of the types of cases handled by the Tariff Commission.

However, you are instructed by the resolution to give us answers to the basic questions involved in this competition between domestic and imported beef. It, therefore, seems appropriate to suggest to you just what the questions are that Congress wants answered. In my judgment, the principal questions are as follows:

First. What has been the effect of the extreme reduction since the war in the effective rate of duty on fresh, chilled, and frozen beef and veal imports?

It is recognized that the statutory tariff rate has been reduced from 6 cents to 3 cents a pound, exactly one-half, and that reduction is on the surface no greater than the tariff reduction on many other items. As an ad valorem equivalent or percentage of the value of the goods, however, the reduction in the beef tariff has been several times greater. According to Summaries of Tariff Information published by the Tariff Commission in 1948, the ad valorem equivalent of the beef tariff in 1939 was 55 percent. The present 3-cent rate is the equivalent of less than 10 percent ad valorem.

In other words, as the whole price level has gone up, the 3-cent rate has become unrealistically low. In terms of ad valorem equivalent, there has been a real cut in effective protection of about five-sixth of the old rate, a much greater reduction in tariff than has been imposed on most other products listed in our tariff schedules. As compared with other industries, it is clear that the beef industry has been unfairly dealt with in our tariff-cutting policies since the prewar period. The Commission should analyze the effect of this extreme reduction in tariff on the competitive conditions in the industry.

Second. What impact does the imported beef have on the size and output of our domestic cattle industry? Or, phrased another way, have not the imports displaced an equivalent production of domestic beef?

Last year, beef and veal imports in all forms amounted to 1,859 million pounds, carcass weight equivalent, or 10.7 percent of domestic production. We never imported such tremendous quantities prior to 1958; until that time imports amounted to only a few pounds of specialty items, plus some live cattle, aggregating usually only about 3 or 4 percent of our total beef production. If these imports were not available, could not the domestic industry provide the quantities needed to replace them, as we always did before 1958?

Third. Has the domestic industry created its own problems by overexpanding, as it has been accused of doing?

In my judgment, this accusation is unjust. The domestic beef industry has expanded through the years, but only in proportion to the growth of the market.

Specifically, we were told by the Department of Agriculture on the occasion of the announcement of the agreements with Australia and New Zealand that the market for beef expands as much as 3.7 percent per year. Domestic production has not expanded that fast. Domestic production amounted to 13,953 million pounds of beef in 1953 and 17,360 million pounds in 1963. During that decade, therefore, the increase was only about 2 percent per year.

Even if this comparison is made with the low year of the production cycle—1958—the annual increase is not excessive. In 1958 domestic production of beef was 14,516 million pounds; since then it has increased only 3.6 percent, compounded, per year.

Fourth. What impact does the imported beef have on our domestic market prices?

This point is particularly important because it has been argued that the imported beef fills a need for manufacturing beef which our own industry has been unable to fill. Therefore, it has been argued, by implication the imported beef is not in direct competition with domestic production and has little or no effect on domestic prices.

This argument is not valid, according to statistical studies conducted by the Department of Agriculture itself. According to these studies, increases in the supply of manufacturing beef have nearly as much effect on the fed steer market as do increases in the supply of steer beef, on a pound-for-pound basis. You are referred to a study by the Economic Research Service published in the November issue of the Livestock and Meat Situation, a publication of the Department of Agriculture.

These are the questions that your investigation should answer. Since the date when this investigation was ordered by the Finance Committee, frankly a good deal has happened in the way of public consideration of the beef import problem. It is possible that some decisions may be made by Congress with respect to beef imports before your investigation is concluded, or shortly thereafter.

Even so, your study and report may well be of value, because it seems to me that the cattle industry in this country is at a kind of crossroads. Always in the past it has been well understood by all concerned that our own cattle industry would be able substantially to supply our own beef requirements, except for a few specialties. Our industry is by far the largest in the world, our acres are practically unlimited, and our cattlemen have been able as needed to expand production, pioneer new methods, and generally keep ahead of the growing demand. The industry has grown as the country has grown.

Now, it appears that this basic premise is brought into question. That is, apparently there are those who think that some part of our market should be supplied from abroad—for some reason. The reason is not very clear. We are told in effect that the American cattle industry should no longer think in terms of the entire U.S. market. We are told in effect that we should recognize some claim of right by various foreign countries to a portion of that market.

We do not accept that preachment. We consider that, under any rational ordering of the international trade of the world, a market for the beef of Australia and other surplus countries would be provided by Asia, and Europe, or other areas that cannot economically produce their own beef supplies, not by the United States.

We have millions of bushels of surplus grains. We have millions of acres of good farmland which has been deliberately idled by Government policy.

That feed and pasture land could easily be used to meet substantially all our requirements for beef. No other country indulges in such an absurdity.

This manifest contradiction in our national policies must sooner or later be resolved by the adoption of some definite program of Government action. It is hoped that your study will make a contribution toward the solution of this absurdity.

Mr. HRUSKA. Mr. President, again I thank the Senator from South Carolina for his courtesy.

THE UNNATURAL DIVISION OF GERMANY

Mr. TOWER. Mr. President, I ask unanimous consent that there may be printed in the RECORD a speech by the Federal Chancellor of Germany, the Honorable Ludwig Erhard, in which he discusses with great perception the problems presented by the current, unnatural, division of Germany.

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

BONN,
March 24, 1964.

IN FAVOR OF A PEACEFUL UNDERSTANDING WITH OUR EASTERN NEIGHBORS—NO RENUNCIATION OF TERRITORIES WHICH ARE THE NATIVE HOMES OF MANY GERMANS—PEACE AND JUSTICE ARE INDIVISIBLE—EXPRESSION OF GRATITUDE TO EXPELLEES

On March 22, 1964, Federal Chancellor, Prof. Dr. Ludwig Erhard held the following speech before the congress of representatives of expellees from East German territories:

"It is a great pleasure for me to be among you today. Demonstrations of this kind often have the reputation—which inimical propaganda diligently nourishes and exploits—of being avengers meetings. For the very purpose of countering this misrepresentation, I am not reluctant to stress my bond with the expellees by participating in this meeting today.

"The Federal Government is the custodian of the rights of all German citizens—yes, of all Germans, whether they are living here or behind the Iron Curtain. I do not consider

it necessary to emphasize vociferously the rightful justification with which the Federal Government and the whole German nation speak up for inalienable human rights. What is important to me, and certainly to you also, is always to maintain and uphold these rights, whenever and wherever it is necessary. Our Western allies and the heads of their governments, with whom I am in personal contact, know my conviction and our mutual desire in this matter, just as well as our Eastern neighbors. The world knows that we, the Germans, desire nothing more than a life of freedom and peace. Even if the propaganda which issues from Eastern Europe does not want to acknowledge this, we will nonetheless not slacken in our efforts to seek a peaceful understanding specifically with our Eastern neighbors.

Recently, we took the first step in this direction by the exchange of commercial agencies with a number of east and southeast European states. Also cultural contacts can serve the purpose of strengthening mutual trust. I am aware that in view of the shameful deeds of the last war and of the outrages which were committed, it is not easy to reestablish a mutual trust among the peoples in the heart of Europe. But sooner or later a first step must be made in this direction. We will continue to make efforts in this direction and hope that our sincerity will be believed and accepted.

The foundation of our foreign policies with respect to our Eastern neighbors can only be the preservation of justice. We certainly do not make any claims upon foreign territories. But we do not renounce—and in view of our responsibility to the German people, to justice and to history, we cannot renounce territories which are the native homes of so many of our German brothers and sisters. Let us not forget that the world powers in 1945, i.e., in the hour of total victory, did not demand this renunciation from the Germans. And today, 19 years after the war, a time at which it is certainly not our fault that a peace treaty with Germany still has not been concluded, this renunciation can be unconditionally demanded so much the less. From the time of their establishment the Federal Government and the Federal Diet have always represented this same standpoint.

In my inaugural address on October 18 of last year, I expressed my view on this question very explicitly. Freedom and justies are indivisible. Justice cannot apply only to a certain group of people—it must apply to everyone. The expulsion of millions of Germans from their century old native homes has not created a new concept of justice. Justice can never be born of injustice.

But we do not want to tear open and irritate old wounds. Rather we want to make efforts to find a way of coming to an understanding with our Eastern neighbors also on the basis of justice, of peaceful negotiations and mutual respect. This is certainly not an easy way. On the contrary it is arduous and requires much patience and sacrifice. In the solution of the border problem in Western Europe, we have traveled this path successfully. Peace and freedom rule there. We are prepared to demonstrate the same conciliatory attitude also toward our Eastern neighbors.

With respect to the expulsion of over 12 million Germans, Stalin had two aims in mind: First of all to place a permanent wedge between Germany and her Eastern neighbors and to bind them to himself, by creating the fear of a German retaliation. Second of all, by cramming 12 million expropriated persons into war-devastated Germany, he hoped to create an explosive social situation, which, as he believed, would necessarily lead to an extreme radicalization of the masses within a short time. In this way, he hoped to make our country ripe for communism. These calculations did not materialize. On the contrary, by their thoughtfulness, their will to self-assertion, their industriousness and their willingness to make valuable contributions to the economic recovery and to the progress of our country, they have accomplished a task which will go down in history. With sincere gratitude I would like to make this clear at this moment.

According to statistics, the expellees have been economically incorporated to a large extent. I am well aware, however, that there is still much that must be done. The fact is that with the economic incorporation of the expellees, not all the problems have been solved. But even toward the solution of the questions which are still open, the expellees have made a concrete—indeed, a positive—contribution. Already in 1950, they declared in the Charter of the Expellees, in Stuttgart, that first of all they disclaim revenue and retribution, and that second of all they wanted a united Europe, in which the peoples would be able to live without fear and coercion. Instead of becoming guilty of the continuation of chaotic conditions after 1945, the German expellees became an element which worked toward the establishment of order and the reconstruction of our fatherland, and at the same time of all Europe. For this also, I want to express my gratitude to you.

Many generations to come will speak of the suffering which the expulsion of Germans entailed. They will also know of the great accomplishments, however, of which the Germans were capable—who without hope and without a future, had to create a new life. The greater joy—indeed, our most cherished desire—will be to experience that day on which the peoples will live together peacefully, as they did many centuries before. We desire a just order, in accordance with the will of the people, in Europe—an order which will restore to the people, on this and the other side of the border, that which we all desire: Peace and freedom for us and our neighbors.

I can well understand that you do not want to have your human nostalgia for your native homes regarded as a desire for revenge. This imputation would be contrary to natural human morality. I am that much more capable of valuing your efforts and that much more deeply obligated to you, because without despairing and relinguishing your right, you are nevertheless willing, in the interest of peace in the world and reconciliation, to seek for means and ways with us to open a peaceful path to a future in which the people will be united, without violating justice.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 6, 1964, he presented to the President of the United States the following enrolled bills:

S. 1005. An act to amend paragraph (2) of subsection 309(c) of the Communications Act of 1934, as amended, by granting the Federal Communications Commission additional authority to grant special temporary authorizations for 60 days for certain broadcast operations; and

S. 1193. An act to amend section 309(e) of the Communications Act of 1934, as amended, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

RECESS TO 10 A.M. TOMORROW

Mr. McGOVERN. Mr. President, as previously ordered, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.), the Senate took a recess, under the order previously entered, until tomorrow, Friday, May 8, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of March 30), 1964:

INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

FARM CREDIT ADMINISTRATION

The following-named persons to the office indicated:

Marion A. Clawson, of Indiana, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1970.

David Gordon Gault, of Texas, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1970.

EXTENSIONS OF REMARKS

Governor Wallace's Victories

EXTENSION OF REMARKS
OF
HON. GEORGE GRANT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. GRANT. Mr. Speaker, all Alabamians are proud today of the double-barreled victory won by our Governor in the Alabama and Indiana primaries on Tuesday. In Alabama, the people—by a tremendously large majority—believed that voting for the unpledged Wallace slate of electors was the only way to express their vehement disapproval of the vicious so-called civil rights bill now pending in the U.S. Senate. And, while those opposed to the unpledged slate were themselves against this legislation, it was felt by them that a vote for any other than the unpledged Wallace slate could be expected as a repudiation of our Governor in Wisconsin and in Indiana, as it had been freely stated and predicted in those States that Wallace did not represent the people of Alabama. Insofar as this is now concerned, they will have to "play a different tune" in Maryland.

The best that can be said of Governor Welsh of Indiana is that he is a very poor loser. The charge that "Wallace will say anything he thinks will get a

vote" is an outright misstatement of the facts. Everything in the book was thrown at Wallace in Indiana—even two turncoats from Alabama were imported to vilify Wallace and to spread a hate-mongering campaign. Their statements as to his approving of bombings and other crimes are absolutely false. He is in favor of law and order, of obedience to Federal as well as State laws.

Yes, the echoes of Tuesday's victory are reverberating across the Nation. In the U.S. Senate the leader of the forces for the enactment of this punitive legislation states that, "The vote in Indiana is a clear mandate for the passage of this measure." On the other hand, the valiant leader of the southern forces—Senator RUSSELL of Georgia—states that, "Wallace compiled a truly outstanding vote."

I stand with Senator RUSSELL's statement. In fact, I take pride in the fact that I had some part in the worthwhile endeavor of carrying the true message to other States. Several weeks ago, being unable to be in Alabama due to legislative matters, it was my pleasure to tape a recording in support of Governor Wallace's efforts. This message on tape was used in Alabama to assist in raising funds so that the Governor's campaign could be carried to other States and the message of truth about this vicious civil rights legislation could be told the people of other areas.

I firmly believe that people in many sections of this Nation have not had an opportunity to learn what the civil rights bill contains. They have been under the impression that it is just something that will apply to the Southern States, but—thanks to Governor Wallace's campaign in Wisconsin and Indiana and now in Maryland, they are learning the true facts of the matter.

Rumanian Independence Day

EXTENSION OF REMARKS
OF
HON. GLENN CUNNINGHAM
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. CUNNINGHAM. Mr. Speaker, Rumanians celebrate numerous occasions as their national holidays, but May 10, as a great turning point in their national history, has become their real national holiday. On that day in 1877 they proclaimed the birth of their independent kingdom by the union of the two historic provinces, Moldavia and Wallachia. Until then they had enjoyed autonomy, but on May 10 they attained complete independence, and this was recognized by the great powers of Europe. Their independence put an end not only to their subjection to alien rule, but ushered in a new era of national development and growth for them.

The modern history of the Rumanian people has followed a rather uneven course. In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and for more than 400 years Rumanians suffered under the tyranny of ruthless Ottoman administrators. In the 19th century they succeeded in regaining their independence from the Turks only to find themselves face to face with Russian aggression. Nevertheless, these dauntless people managed to keep their independence through the course of interminable wars.

Unfortunately this has not been true since the end of the last war. Even before the conclusion of that war Soviet forces advanced into the country, occupied it, and then forced upon the Rumanian people Moscow-oriented Communist tyranny. That is the tragedy of this industrious and gifted people. For nearly two decades they have been enduring hardships and making sacrifices under the unbending rule of the Communist agents of the Kremlin. On the 87th anniversary of their Independence Day we pray and hope for their freedom from Communist totalitarianism.

Public Opinion Survey

EXTENSION OF REMARKS
OF
HON. R. WALTER RIEHLMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 7, 1964

Mr. RIEHLMAN. Mr. Speaker, I recently conducted two public opinion surveys in my congressional district, Onondaga County, N.Y.

One was a direct mail survey and the other was conducted through the Syracuse (N.Y.) Post-Standard.

Because the Post-Standard questionnaire is the largest survey, and since the replies from the two surveys are quite similar, I am inserting the Post-Standard tabulation along with the news story written by Luther F. Bliven. However, it shows the slight differences in the replies of the two surveys.

I hope my colleagues will have an opportunity to examine the opinions of many of my constituents in central New York.

The material follows:

RIEHLMAN SURVEY: POLLS PROBE CNY VIEWS
(By Luther F. Bliven)

Representative R. WALTER RIEHLMAN, Tully, knows now how a good cross section of the people of Syracuse and Onondaga County feel on major Federal issues and proposals.

They think:

1. U.S. prestige and influence are decreasing in relation to the power of the Soviet bloc.

2. Strong American forces should not be used to defeat Communist-led troops from North Vietnam.

3. There should be an absolute embargo on Cuban-bound vessels to prevent supplies and arms being shipped to Cuba.

4. Further reductions in foreign aid should be made.

5. Parents should be given tax deductions to cover college costs for their children.

6. The Federal Government is penetrating too far into State and private enterprise.

7. All agricultural subsidy payments to farmers should be gradually eliminated.

8. The Nation's foreign policy is not effective nor well administered.

9. The national domestic policy leaves a lot to be desired.

10. There should be a cutback in the U.S. effort to explore space.

HIGHLIGHTS

These are the highlights of the sentiment voiced by more than 2,100 persons who responded to a 45-point questionnaire, prepared by RIEHLMAN and published in the Post-Standard.

This published questionnaire supplemented a mail survey RIEHLMAN aids conducted among 1,500 persons selected at random in this area. In most cases the results were the same, but there were sharp differences in a few instances.

The replies to the two surveys were not commingled. Results have been announced previously from the mail survey.

RIEHLMAN and his staff members were astounded at the response the Congressman received from the questionnaire published in the Post-Standard. The questionnaire, a long one which dealt with issues that require considerable thought and which took considerable time to read, digest and fill out, sparked a lot of interest.

DIVERTED AIDS

RIEHLMAN had to divert some of his assistants from their regular duties to spend all their time sorting, tabulating and analyzing the replies he received from the Post-Standard questionnaire.

The questions as they originally appeared in the Post-Standard are reproduced here, with the "Yes" and "No" vote recorded by Post-Standard readers.

A surprisingly large number of persons, 1,756, reported they feel the prestige and influence of the United States are decreasing in relation to the power of the Soviet bloc. Only 383 disagreed.

As far as area residents are concerned, U.S. leaders better not toy with the idea of recognizing Red China. Post-Standard readers object, 1,859 to 257, to U.N. recognition of Red China.

And local people think Russia and others should start paying their share of U.N. operation costs. They favor such a policy by a vote of 2,088 to 62. And, by the same token, the readers voted 2,453 to 637 in favor of U.S. withdrawal of its financial support of the U.N. if the other countries don't pay up.

By a vote of 2,033 to 104, those responding to the questionnaire approved the $1 billion reduction in foreign aid by Congress last year, and favor, by a vote of 1,889 to 185, further reductions in foreign aid.

By a vote of 1,867 to 270, those responding to the Riehlman questionnaire registered the opinion the U.S. Government is assuming too many obligations of States and private enterprise. They disapprove raising the national minimum wage from $1.25 to $2 per hour by a vote of 1,584 to 524.

Only by a narrow margin, 988 to 928, are local residents who participated in the poll in favor of the civil rights legislation recently passed by the House of Representatives. And, by a whopping vote of 1,842 to 271, the people who answered the questionnaire believe sit-downs, marches, and civil disobedience do not help the civil rights movement.

MAIL SURVEY DIFFERS

There were several points of differences in the results of the mail survey conducted by Riehlman aids and the questionnaire published in the Post-Standard. In the mail survey those participating favored the proposed $400 million annual program of Federal aid to elementary and secondary schools for construction purposes by a margin of 61 percent "Yes" and 32 percent "No."

In the mail survey those participating favored the civil rights legislation recently approved by the House of Representatives by a margin of 61 percent "Yes," 26 percent

"No." In the questionnaire published in the Post-Standard the vote was 988 "Yes" and 928 "No," a much closer margin.

In the mail survey the vote in favor of Federal aid to colleges for construction of classrooms and other purposes was 51 percent in favor and 38 percent against. In the questionnaire published in the Post-Standard the vote was 1,186 "No," 866 "Yes."

Congressman R. WALTER RIEHLMAN public interest Post-Standard questionnaire

	Yes	No
I. INTERNATIONAL AFFAIRS		
1. Do you believe the prestige and influence of the United States is decreasing in relation to the power of the Soviet bloc?	1,756	383
2. Do you believe that "slipping prestige" of the United States has encouraged anti-U.S. activities in Panama, Zanzibar, Cyprus, southeast Asia, Ghana, and varied countries of Africa and South America?	1,765	352
3. Do you favor selling surplus farm products to Communist countries?	684	1,448
4. Do you favor U.S. policy of selling such products on credit?	111	2,012
5. Do you believe the United States should take firm and specific action to oppose the sale of vehicles and machinery to Cuba by Britain and France?	1,461	613
6. Do you favor economic aid or loans or credits to Russia or its satellites?	67	2,040
7. Do you favor using strong forces of American soldiers to defeat Communist-led troops from North Vietnam?	942	1,048
8. Do you favor U.N. recognition of Red China?	257	1,859
9. Do you favor absolute enforcement of U.N. regulations regarding payment of costs of U.N. operations by all members?	2,088	62
10. If yes, do you favor U.S. withdrawal of U.S. support if such payments are not made?	1,453	637
11. Do you favor absolute enforcement of an embargo on Cuban-bound vessels to prevent import of supplies as well as arms?	1,541	530
12. Do you believe Cuba constitutes a dangerous threat to the United States?	1,786	349
13. Did you favor the reductions of about $1,000,000,000 in foreign aid enacted by Congress last year?	2,033	104
14. Do you feel further reductions in foreign aid should be made?	1,889	185
15. Do you believe the United States should renegotiate the Panama Canal Zone Treaty?	867	1,168
16. Do you favor foreign aid loans, grants, or credits to so-called neutralist nations under Soviet influence, such as Yugoslavia, Ghana, Indonesia, Algeria?	265	1,851
II. MONEY		
1. Do you favor a balanced national budget?	2,018	111
2. Do you favor major reductions of U.S. programs (other than defense) to make a balanced budget possible?	1,887	216
3. Do you favor tax deductions for parents to cover college costs?	1,419	667
4. Do you favor the proposal to reeestablish a strong citizen body similar to the Hoover Commission to analyze Government expenditures and recommend economical, businesslike procedures in all governmental departments?	1,899	211
5. Do you believe the U.S. Government is assuming too many obligations of States and private enterprise?	1,867	270
6. Do you feel socialism is a threat to our form of government?	1,754	432
7. Do you feel socialism in the United States is inevitable?	431	1,769
II. MONEY—continued		
8. Do you favor 6 percent pay raises for all U.S. governmental employees this year?	439	1,655
9. Do you favor substantially higher raises for Federal executive officials this year?	209	1,868
10. Do you favor the proposed $400,000,000 annual program of Federal aid to elementary and secondary schools for construction purposes?	898	1,191
11. Do you believe the national minimum wage should be raised from $1.25 per hour to $2 per hour for business engaged in interstate commerce?	524	1,584
12. Do you favor gradual elimination (4 to 7 years) of all agricultural subsidy payments to farmers?	1,880	174
III. MISCELLANEOUS		
1. Do you favor a compulsory medical assistance program for the aged supported by an increase in social security taxes?	685	1,418
2. Do you favor expanding and liberalizing the existing Kerr-Mills Act to provide unlimited hospital and medical care for the aged who show financial need?	1,389	649
3. Would you favor reducing the qualifying age of the Kerr-Mills Act from 65 to 62?	1,077	915
4. Do you favor Federal restrictions on cigarette advertising?	1,109	968
5. Do you favor increasing Federal excise taxes on cigarettes to discourage smoking?	1,077	1,025
6. Do you support proposals for a 35-hour workweek?	452	1,638
7. Do you favor proposals to double overtime pay as an encouragement to industry to hire more employees rather than pay higher overtime rates?	507	1,562
8. Did you favor the tax reduction recently enacted which averages about 14 percent?	1,288	770
9. Did you favor the civil rights legislation recently passed by the House?	988	928
10. Do you feel our foreign policy is effective and well administered?	186	1,862
11. Do you feel our domestic policies are sound, advantageous, and well administered?	378	1,511
12. Do you favor granting voting privileges to Americans at age 18?	676	1,443
13. Do you favor the reestablishment of a Federal civil work corps to employ youths otherwise unable to find employment?	1,437	619
14. Do you believe the Peace Corps has been effective?	1,350	538
15. Do you favor Federal aid to colleges for construction of classrooms, laboratories, libraries, etc.?	866	1,186
16. Do you believe the U.S. effort to explore space should be continued at its current pace and spending of about $5,000,000,000 a year?	758	1,297
17. Do you believe that sitdowns, marches, and civil disobedience help the civil rights movement?	271	1,842

Johnson's Cumberland Address

EXTENSION OF REMARKS
OF

HON. CARLTON R. SICKLES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. SICKLES. Mr. Speaker, it was my pleasure to join with President Johnson this morning in his visit to western Maryland at the start of his Appalachian tour. We landed by helicopter at the Fort Hill High School Stadium, Cumberland, Md. We then proceeded to the office of the Department of Economic Security and in turn to the steps of city hall in Cumberland where the President addressed thousands of overjoyed and greatly inspired citizens of Maryland. I commend to my colleagues the text of President Johnson's remarks which follows:

REMARKS OF THE PRESIDENT AT CUMBERLAND, MD., MAY 7, 1964

For many years I have heard Maryland called the "Old Line State." Not until this week did I know that it got that name because of the courageous service of the Maryland line under fire during the American Revolution.

That Revolution is not over. We fight to finish in the 20th century what our fathers began in the 18th. And Maryland is once again in the front line. Your courage—your will to fight—are as needed now as they were then.

Ever since 1634, when the *Ark* and the *Dove* landed 200 settlers on your shores, Maryland has played a vital role in building America. Those pioneers were men with a cause. They had suffered from unjust government at home. They came to find justice in a new land. They came—heedless of hazard—seeking new opportunity.

Those who came later often differed in habits, in custom, in language, and in religion. But they all came seeking a society free of the prejudices, the injustice, the rigid barriers to advancement, which had disturbed their lives in the Old World.

They came looking for freedom and tolerance. They came looking for opportunity and abundance. They came looking to free the human spirit from the bonds of old societies which thought a man's birth and station more important than his ability and dedication.

They came looking for a government they did not have to fear—because it would be their own.

They faced grave difficulties and dangers on these untamed shores. The Piedmont was a wild frontier. But they knew that though the hazards were high, the rewards would be rich.

From this wilderness they carved clearings, and gave those clearing names which ring, even today, with their fears and toil—"Trouble Enough" "Scared From Home"—"All That's Left"—and "Discontent." One Maryland farmer call his place: "I Am Glad It Is No Worse."

But they never lost sight of the desires which had brought them across the Atlantic. In 1638, their representatives won the right to initiate legislation in the Maryland Assembly. This was a landmark in American history. No other colony had made a more dramatic effort to achieve self-government.

And Maryland also became a fountainhead of religious freedom. In 1937, Franklin Roosevelt wrote congratulating Maryland for "its noble service in the cause of religious toleration."

In that same letter he warned, "We must recognize the fundamental rights of man." He wrote that letter because he knew that this was a State which has always fought for the rights of man. And if that battle takes place on different fronts today than it did 300 years ago, Maryland must help to win it.

Because that same spirit still lives in Maryland today, I come here to ask your help in carrying forward the American Revolution.

In many ways today's battles are even more difficult.

Then the enemy was clear.

Today the enemies which menace our people are more complex. They will not yield simply to guns or force. They take the form of disease and poor schools—of untrained men and chronic unemployment—of exhausted mines and obsolete skills.

We are preparing to fight these enemies.

Our first objective is to free 30 million Americans from the prison of poverty. We do this for those who are poor. We do it also for those generations who will be condemned to poverty unless our generation provides a way out.

Franklin Roosevelt said: "It is not the pinch of suffering, the agony of uncertainty that the adults are now feeling that count the most—it is the heritage our children

must anticipate. It is not just today that counts. Undernourishment, poor standards of living, and inadequate medical care will make themselves felt for 50 years to come."

Years of poverty in Appalachia are preparing a grim harvest for the years to come.

Here, in Appalachia, almost one family in three lives on an income of less than $3,000. In the rest of the country it's one in five.

Here, in Appalachia, the 1960 per capita income was a meager $1,400 a year. In the rest of the country it was $1,900.

Here, in Appalachia, employment went down 1.5 percent between 1950 and 1960. In the rest of the country it rose 15 percent.

Here, in Appalachia, only 32 out of every 100 people finish high school. Five out of 100 finish college. More than 2 million people have migrated to join the unskilled unemployed in other places.

But statistics alone do not tell the story. Figures do not describe the grim picture of despair and want.

I know what poverty means to people. I have been unemployed. I have shined shoes and worked on a highway crew for a dollar a day. This has taught me some of the meaning of poverty.

It means waiting in a surplus food line, rather than in a supermarket checkout line. It means going without running water, rather than worrying about whether you can afford a color television set. It means despairing of ever finding work, rather than wondering when you will take your vacation. It means coming home each night, empty-handed, to look at the expectant faces of children who lack the playthings of childhood. It means a lonely battle to maintain pride and self-respect in a family you cannot provide for—in a nation where so many seem to be doing so well.

Poverty not only strikes at the needs of the body. It attacks the spirit. It undermines human dignity.

No American can be at ease with himself and his conscience until this kind of poverty is wiped out. It is not enough for the fortunate among us to count their blessings. They should also mark, every day, what they and their country have done to extend those blessings to all.

It is not enough for the Government to propose programs. It is not enough for the Congress to pass laws. We will not win our war against poverty until the conscience of the entire Nation is aroused. We will not succeed until every citizen regards the sufferings of neighbors as a call to action. We will not overcome until every city and town mobilizes its resources to create the true American community, where all are equal in hope and expectation.

This can be done. And we are going to do it.

We won the first American Revolution because we were a people in arms. We mobilized every resource of a new and weak country. Each citizen had a role to play. In this way we defeated a great empire.

Today we are incomparably richer and stronger. We have the resources and the knowledge to win this war.

The battle will not be a spectacular one. It will consist of thousands of small efforts making up a vast national effort.

For example, this week we approved a new program to train 50 machine tool operators in Cumberland. Their new skills will be put to work in local industries. Fifty more men will have a chance for a decent wage and a productive job. They will leave the ranks of poverty.

In this way, with such small beginnings, do we move toward the great goal Franklin Roosevelt set before us when he said, "The great objective we are demanding for the sake of every man and woman and child in this country is a more abundant life."

This is still our objective today. We strive for this goal by attacking the causes of poverty, not by simply treating the symptoms. We are not trying to give people more relief, we are trying to give them more opportunity.

And this is what they want. They want education and training. They want a job and a wage which will let them provide for their family. Above all, they want their children to escape the poverty which has afflicted them.

They want, in short, to be part of a great nation. And that nation will never be truly great until they are part of it.

So I came here to Maryland—seedbed of American liberty—to call upon the pioneer spirit which made a free country. From these hills again goes forth a call to battle. This time it is a battle to open the gates of the great society to all who seek to enter.

Use of the Lie Detector by Agencies of the Federal Government

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. DANIELS. Mr. Speaker, my colleague, Hon. CORNELIUS E. GALLAGHER—13th District, New Jersey—has made a very interesting and informative statement on the use of the polygraph—lie detector—by various agencies of the Federal Government, and I commend the reading of this report to my House colleagues:

STATEMENT ON THE USE OF THE POLYGRAPH BY VARIOUS FEDERAL AGENCIES BY THE HONORABLE CORNELIUS E. GALLAGHER, MEMBER OF CONGRESS, DEMOCRAT, OF NEW JERSEY, MEMBER OF THE HOUSE FOREIGN AFFAIRS COMMITTEE AND HOUSE GOVERNMENT OPERATIONS COMMITTEE

(Representative CORNELIUS E. GALLAGHER, Democrat, of New Jersey, 9 months ago instituted an investigation into the widespread use of the lie detector device by the Federal Government. On the basis of a preliminary report, the House Government Operations Committee this week opened hearings. It is the hope of Mr. GALLAGHER that the hearings will justify the introduction of legislation setting standards for the use of the machine, if it is found to be justified at all, and set up standards of qualifications for operators. Mr. GALLAGHER's investigation disclosed that there are no such Federal statutes presently existing in the Government.)

(By Representative CORNELIUS E. GALLAGHER, Democrat, of New Jersey)

Since the beginning of time, man's home, whether a cave, an igloo, or a Park Avenue penthouse, has been his castle. Common law and, in the United States, the Constitution have guarded the privacy of his home and his person, have protected him from unreasonable search and seizure.

Today man's castle, his traditional bastion of privacy, is in danger of becoming a fish bowl, no longer so well protected from prying eyes and ears, mostly electronic. Man's mind, the private vault of his ideas, opinions, and thoughts, is, more than ever before, under psychological and electronic assault.

We are fast becoming a nation of snoopers. Perhaps we have ourselves to blame, if through widespread dishonesty and thievery, a general breakdown of morality, we have compelled the investigative agencies of Government and industry to resort to spying techniques and electronic watchdogs.

There is something about a detection mirror in a supermarket or department store, put there to guard against shoplifting, that casts a shadow over our morality. Yet, certainly, industry and business which suffer tremendous losses annually through thievery have a right to protect their property.

The privacy of man's home and person is more frequently and more effectively being invaded through the use of instruments much more sophisticated than a simple detection mirror. Cash a check and your photograph is snapped; enter an apartment house elevator or corridor and you may be on closed circuit television; sit down at a lunch counter and you may end up on a network TV show (with your permission, of course); carry on a conversation in your bedroom and it may be recorded two blocks away; phone a Government agency and chances are your conversation, if you are talking to a high-level official, is being recorded.

A person today, who may suspect eavesdropping, won't talk about anything more important than the weather anywhere but along a lonely stretch of beach or some equally isolated spot. But even here there is the risk of conversation being picked up by ultrasensitive directional microphones that are known to be effective up to half a mile or more.

The techniques and gadgets that for so many years were associated with international cloak-and-dagger operators like Mata Hari are widely used today not only by the police and government investigators, but by respectable businessmen and untold numbers of private investigative agencies, some respectable, some not.

Recently, the Subcommittee on Foreign Operations and Government Information of the Government Operations Committee of the House of Representatives conducted at my request a preliminary investigation of the use of the polygraph—lie detector—by Government agencies. Its finding served to center attention on the widespread use of this instrument not only in Government and police circles, but in business and industry. The polygraph goes beyond invasion of the privacy of the home or person; it attempts to invade the privacy of man's mind, which certainly is his most privileged sanctuary.

The preliminary investigation revealed 19 agencies of the Federal Government had in use 525 polygraphs and a total of 23,122 individuals were subjected to lie detector tests during fiscal year 1963. It revealed no set of standards for the qualifications of polygraph operators and a variance as to the weight various agencies gave to the results obtained. In some instances persons authorized to operate polygraphs had no more than high school educations, although experts concede that operators and interviewers are the detectors, not the machines; and should, therefore, be highly trained, preferably as psychologists.

A hearing by the subcommittee revealed that in the opinion of many who work with the polygraph as many as 80 percent of the operators are not qualified. This to me is a matter of grave concern. The indiscriminate use of the lie detector by unqualified individuals is a serious invasion of privacy. Certain uses of the polygraph, for example in personnel screening, constitute an illegal search of the mind and an unlawful seizure of one's thoughts and are in violation of the fourth amendment of the Constitution.

The unreliability of the polygraph and the high percentage of operators who are either poorly qualified or unqualified is a matter of concern.

I am mindful that a polygraph test of all of the members of the police department of a large metropolitan city led to the resignations or early retirement of 30 members of

the force. It later was revealed the tests were administered by an individual who had once been convicted of medical quackery. Incidents such as this convince me of the need for some type of control over use of the polygraph.

While the polygraph is not, by any means, an infallible instrument, the findings of an operator are frequently decisive. The entry on an individual's personnel or investigative record is usually permanent. The simple statement that he was subjected to a polygraph test can haunt him for a lifetime.

If we are concerned with an increasing tendency to invade the privacy of our homes through wire tap and other electronic instruments, let us be doubly concerned with the widespread use of techniques and instruments used to invade the privacy of man's mind.

The use of the polygraph to determine intent or tendency of an individual is a common and highly questionable practice. The real danger, of course, is the tendency to "trial by lie detector," wherein the sole judge may be an unreliable and unqualified operator.

Although interest in recent weeks has centered on the polygraph, the wiretap issue remains very much alive and is of equal concern as is the practice of "mail stops" which has come to public attention recently.

The privacy of home and person extends to communications between individuals. Post Office regulations permit "mail stops" for the purpose of recording the identity of persons sending mail to a designated individual. The Post Office Department admits it will place a "mail stop" on an individual's mail when requested by another Government agency. While it is not permitted under any circumstances to open and read mail, there remains some question whether this practice, too, is an invasion of privacy.

There is no Federal law that guarantees privacy of telephone conversations. In at least six States the use of the wiretap is legal. The Attorney General of the United States may authorize its use in cases involving national security.

Evidence gained through wiretap or similar devices is not admissible in Federal courts. The so-called "fruits of the poison tree" decision precludes even the admissibility of evidence that may have been gained indirectly through a wiretap. But a 1928 Supreme Court decision stated that to tap a telephone conversation was not a violation of the fourth amendment.

The fourth amendment protects "the right of the people to be secure in their persons, houses and papers, and effects against unreasonable search and seizure."

The Federal Communications Act provides, "No person not being authorized by the sender shall intercept any communications and divulge or publish the existence, contents, substance, purport, effects or meaning of such intercepted communication to any person."

The critical point here is that the act does not prohibit interception alone; it prohibits interception and disclosure.

I am sure we don't want to abandon or even lessen the guarantees of man's right to privacy. If anything, I favor bolstering those guarantees.

In my opinion, we have come to a point where we must determine whether the privacy to which an individual is entitled is adequately protected. Against the rights of the individual, however, we must weigh the protection of the community and the Nation's security. In seeking to protect the individual's privacy, we must guard against being zealous to the point of permitting the organized criminal to operate with less restraint and less chance of apprehension and conviction or of giving aid and comfort to our country's enemies.

The time has come, I believe, for an appropriate committee of the Congress to study the broad subject of invasion of privacy of the individual citizen. The purpose of such a study should be to determine what laws might be necessary to protect citizens from unauthorized and unwarranted invasions of privacy.

It should seek to develop and recommend intelligent and reasonable laws that would assure every citizen in this electronic age in which we live, the privacy guaranteed by the fourth amendment, recognizing that we must weigh the protection of the community and the security of the country against the rights of the individual.

Specifically, there is need for: Uniformity and classification of existing laws, Federal, and State, governing the use of wiretaps and voice recording devices; regulations governing the use of other detection equipment such as hidden cameras; laws establishing standards for operators of polygraphs, criteria for manufacture of such equipment, regulations governing the inclusion of test results in individuals' files, policies governing use of the polygraph by Government agencies; review of regulations that permit mail stops.

The protection of the community is, of course, paramount, but where secret use of detection devices may be warranted in police or government investigations, the determination as to their use should in each case be by competent authority. This would generally limit use of detection devices to major criminal cases and incidents where the national security is involved.

I don't believe we can outlaw the general use by private agencies or business of certain types of detection and surveillance devices such as the hidden camera or the supermarket mirror, but I do feel that law should require that where such instruments are in use, the public should be made aware.

Our Founding Fathers were wise enough to recognize the threats to individual privacy and considered the problem serious enough, even in those times, to establish constitutional guarantees to protect citizens.

Our responsibility now is to strengthen these guarantees to protect against invasions of privacy that go well beyond anything the founders of our Constitution could have envisioned.

Hon. Laurie Cormier—A Deserved Tribute

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein my remarks and a news account of the testimonial dinner for my esteemed and beloved friend, Laurie J. Cormier, of Leominster, Mass., who is now Director of Civil Defense for Region 1, which embraces all of the New England States, New York, New Jersey, and Puerto Rico and consists of a total population of more than 30 million people.

This outstanding dinner was presided over by my dear friend, the incredible and incomparable Hon. J. Henry Goguen, highly esteemed Franco-American leader, who has held many high offices at every level of government in Massachusetts, and was addressed by His Excellency Endicott Peabody, esteemed and distinguished Governor of the Commonwealth, Hon. Francis M. Lanigan, the able, distinguished mayor of Leominster, Hon. William H. Tucker, able, distinguished Commissioner of the Interstate Commerce Commission, myself, and others. The dinner was attended by a large group of very distinguished officeholders and public figures too numerous to mention here and a host of friends, relatives, neighbors and well-wishers of Laurie Cormier.

My own speech, which I set forth here in part, covers much of Laurie's career, but I am afraid it was all too inadequate, in trying to encompass the wide sweep and high range of the positions held and the accomplishments achieved by this distinguished leader of city, State and Nation.

Mr. Chairman, Reverend Fathers, our beloved, honored friend, Laurie, and distinguished guests and friends.

I am greatly pleased and honored to be here tonight, and I am anxious to thank my dear friend of many years standing, Henry Goguen and his committee, for their kind invitation.

This is certainly a most unusual and richly deserved testimonial dinner. It does high and memorable honor to a valued friend and an extraordinary public servant, Laurie Cormier, and candidly I don't know anyone who deserves it more.

I cannot recall an occasion when I have heard so many fine things said of any man with which everyone completely agrees.

To strike a personal note, Laurie has been close to me for some years now, and I have had an excellent opportunity to evaluate him. He is a many-sided and most versatile individual. His life embraces many activities and many people. He is a devoted family man, blessed with a lovely wife and children, and these are indeed great blessings.

He is exceptionally well trained, well experienced across a wide spectrum of human affairs, a man of many deep and engaging interests.

A recognized leader of the bar, diligent and accomplished student of government, masterful, outstanding former chief magistrate of his native city, who in his tenure established a record of fidelity to principle, efficiency, economy, and accomplishment which will stand for many years to come, gifted Ambassador to foreign lands bringing his knowledge to other nations, and now head of region 1 of the vital civil defense functions of the Federal Government, which are so essential to our security, as a protective and possible curative shield for so many millions of our people, and, most assuredly, proud scion and gleaming example of his rich Franco-American heritage so fruitful for our country.

Indeed, there are so many other aspects to the life, the work, and the brilliant career of Laurie Cormier that I really could not enumerate them here tonight.

In sum total, however, they add up to three things, character, achievement, and profound regard for the fundamentals of our American way of life, our faith in the living God, and our determined struggles for human betterment at home and abroad.

Though still a young man, he has already built a tremendously impressive record of achievement and personal accomplishment with the bright promise of much more to come.

Beloved by Presidents, Governors, and officials of every rank, and above all by the people whom he serves so faithfully, Laurie Cormier has indeed set a lofty example of what a real, dedicated public servant can be and can do.

He has deservedly won the acclaim, confidence, and gratitude of the wonderful people of his great city, and of all those he has so faithfully served, and of our Presidents

and the high officials of the Federal Government which he now serves, and will continue to serve, with such outstanding ability, distinction, and effectiveness.

Tonight he is surrounded by so very many of his family and friends, his beloved spiritual leaders, who mean so much to him, his distinguished fellow public officials and this great company so anxious to express their sense of appreciation, respect, and gratitude for his warm freindship and the fine things he has done and stood for.

This, then, is an opportunity which I eagerly embrace, not only to join in this richly merited tribute, but also to express my own personal thanks for his warm friendship, his generous, unstinted cooperation, which he has so willingly extended me in the performance of my public duties, and to express also my great pride in the brilliant attainments and impressive contributions of this splendid, brilliant, outstanding young American solon, so much loved and admired by all of us.

Laurie Cormier is destined for even greater achievements and greater contributions, and he will discharge the responsibilties of his new, exalted, most important post in the Federal Government in the same articulate, knowledgeable, capable and effective manner in which he has served to this very hour.

It is heartening for all of us to realize at this crucial time in world history and in the affairs of our own great Nation, when our freedoms are being challenged and tested as never before, when we have so many serious problems, demanding early solution, when we are besieged on all sides, not only by dangerous subversion, but by a host of dangerous tendencies and developments in our own country, and in our own body politic, that we have a man of the high caliber of Laurie Cormier giving his talents and abilities, wisdom, and experience so unselfishly to our country.

For it is in the faith, and in the courage, and in the strength of purpose, the determination, and the unswerving loyalty and devotion, high patriotism and Americanism of men like Laurie Cormier that the answers to these great problems will finally be found, and, believe me, my friends, if we remain firm, loyal, and united behind our beliefs and our principles, in our reliance on devine providence, and in our resolution to preserve this free Government and all that it means to us, and strive with all our might to build a world organized on the rule of law and dedicated to peace, justice and human brotherhood, there will be no reason to fear for the future.

From a proud and grateful heart, I extend to Laurie Cormier, and his lovely wife, Muriel, and wonderful family, my heartiest congratulations upon this happy and most delightful occasion, and wish for them many happy, successful years together.

May the good Lord shower His choicest blessings upon them for many years to come.

It has been a real honor and pleasure to be here.

[From the Leominster (Mass.) Enterprise, May 4, 1964]

AT HIS TESTIMONIAL—FORMER MAYOR CORMIER LAUNCHES DRIVE HERE FOR KENNEDY LIBRARY

Former Mayor Laurie J. Cormier last night launched a citywide fundraising drive for the John F. Kennedy Memorial Library when he donated a purse given to him at a testimonial in his honor attended by about 500 dignitaries and friends in City Hall auditorium.

Mr. Cormier was praised for his service to Leominster and the American Government by Gov. Endicott C. Peabody and Congressman PHILIP J. PHILBIN, presented a testimonial purse, a desk clock and writing set and a written citation.

He announced that he will add his personal contribution to the testimonial purse in the name of Leominster and participate in the drive to honor the late President Kennedy as "the greatest man of the century" and "one of the greatest Presidents in the history of the United States."

DISTINGUISHED SERVICE

Mayor of Leominster for 8 years and a member of the city government for 21 years, Mr. Cormier was praised by Governor Peabody for having "rendered such distinguished service" to the community as he noted that the program honored him not for the position he held but "for the job he has done" and for being the "personification of the great American dream."

Representative PHILBIN in an address which will be entered in the CONGRESSIONAL RECORD cited former Mayor Cormier for his service to the city, county, State and country.

He called the former mayor, now regional civil defense director "an extraordinary public servant * * * a recognized public leader * * * a diligent and accomplished student of government * * * a masterful chief magistrate with a record of accomplishment which will stand for many years to come * * * a gifted ambassador of our country * * * a gleaming example of his Franco-American heritage * * * destined for even greater achievement and contribution in his new Federal post."

EARNED THE TRIBUTE

Judge Richard Comerford, of the Leominster District Court and a long-time friend, said that Mr. Cormier "earned the tribute" by "his long labors in solving the problems of this city" and expressed confidence that he will provide in his new position "the same excellent public service."

The Right Reverend Monsignor Arthur J. Gravel, the honored guest's pastor, commended him for his service to the church and his family.

Greetings to Mr. Cormier were extended by Commissioner William H. Tucker of the Interstate Commerce Commission, from John McNally and others of the White House staff, Richard McGuire, treasurer of the Democratic National Committee; Edward McDermott, Director of Emergency Planning; and other friends in the Federal Government in Washington, D.C.

A bouquet of roses was presented to Mrs. Cormier by Mrs. Comerford. Presentation of the gift desk set, citation and purse was by Miss Clarisse Mercier for the Franco-American Asociations of Leominster and the guests at the program.

SECRET REVEALED

Visibly affected emotionally, Mr. Cormier expressed his gratitude to the assemblage and attributed his success to the philosophy that the sort of good government is for officials to be honest with themselves and all with whom they work and serve.

He then launched the Leominster campaign for the Kennedy Memorial Library in the name of the city and assemblage by donating the purse to the fund.

J. Henry Goguen, former commissioner of public safety and former secretary of state, was master of ceremonies and introduced the guests and speakers.

Others seated at the head table were Mayors M. Francis Lanigan of Leominster, who extended the city's greetings, George J. Bourque of Fitchburg and Cyrille Landry of Gardner, State Senator Joseph D. Ward of Fitchburg, State Representative Robert Mahan of Leominster, Judge Thomas Dooling of Fitchburg.

Worcester County Sheriff Joseph Smith, Gen. Otis Whitney, judge of the Concord District Court and former State insurance and public safety commissioner; Maj. Gen. Benjamin F. Evans, commanding general, Fort Devens; Louis M. Janelle, U.S. Attorney for New Hampshire; Worcester County District Attorney William T. Buckley, County Commissioner Francis Cassidy, Governor's Councilor Walter Kelly and Robert Cormier, general chairman.

A large delegation of other dignitaries was in the audience, termed by Representative PHILBIN one of the largest gatherings of dignitaries to honor a man.

Poverty War Needs Five-Front Attack

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1964

Mr. MOORHEAD. Mr. Speaker, under leave to extend my remarks, I include the testimony I presented on May 1, 1964, to the Ad Hoc Subcommittee on the Poverty War Program:

A FIVE-FRONT WAR AGAINST POVERTY

(Statement of Representative WILLIAM S. MOORHEAD, Democrat, of Pennsylvania, on H.R. 10440, Economic Opportunity Act of 1964, before the Ad Hoc Subcommittee on the Poverty War Program, May 1, 1964)

Mr. Chairman, Pittsburgh wants to enlist for the duration in the war against poverty.

Pittsburgh is one of the few large cities which is classified as a distressed area and Pittsburgh has been so classified for a longer period than any other city. Because of this we have more than our share of poverty.

But even in Pittsburgh it is difficult for most people—secure in their jobs, with families and the comforts of life—to understand the problems of those faced with poverty.

The poor are hidden by curtains of loneliness and isolation—curtains symbolized by the hills that shield the valleys of misery, the dirt roads that discourage fast-moving cars, and the ugliness that keeps most of us out of the slums. But they are there—people of flesh and blood.

The solution to these problems is beyond the jurisdiction of this committee and beyond the jurisdiction of any single department or agency in the executive branch. Similarly, at the local level the war against poverty will cut across jurisdictional lines. In the field of community development, with the Pittsburgh renaissance, Pittsburgh has demonstrated the importance of civic patriotism and a talent for bringing together business, labor, and Government to work cooperatively for community betterment.

I think this talent to cooperate across jurisdictional lines will make Pittsburgh an ideal frontline soldier in the war against poverty.

We are ready to start now.

Certainly the time for action is now. As Walter Lippmann put it recently: "For a long period—since the end of World War II—the American people at great cost have had to assume the leadership of the free world to hold the line against Communist power. It has cost not only over half the Federal budget but it has cost the time, energy, and emotional concern of our people for 20 years. The result is that we have had to neglect the development of this vast country. And the result of this is seen in the condition of our schools, in the condition of our cities, in the backwardness of our transportation system

and in a lot of other things. We must now turn our attention to our own affairs."

H.R. 10440, now pending before this committee, is a good beginning. Aptly, it is named the Economic Opportunity Act of 1964 because this puts the proposition in a positive way. We intend a war against poverty not just in the sense of relief or a welfare program, but in the creation of opportunity in this country for some 35 million persons who can afford neither adequate food nor adequate clothing, nor adequate housing.

H.R. 10440 is titled "A Bill To Mobilize the Human and Financial Resources of the Nation To Combat Poverty in the United States." But the bill must not stand alone.

The war must be fought on at least five fronts if we are to succeed in accomplishing its broad objectives. It will involve a five-front war, with legislation pending not only before this, but also before other committees of the Congress.

First let us dispose of one myth, the poor are not poor because they want to be. Some there may be who find that our free enterprise system is not sufficiently challenging and who prefer to eke out a bare subsistent existence. However, the overwhelming majority are those who, because of various disadvantages, find the challenge of the free enterprise system to be excessive.

If we look at these groups and their particular disadvantages, we will know how to fight the five-front war against poverty.

Some programs are underway or under consideration for these groups. With this legislation in perspective, let us see how it all fits into the entire picture.

I think of five major groups who have unusual barriers against full participation in our economy. First, the young and undereducated. Their unemployment rate is double that for the population generally. We have some programs such as aid to education and the Vocational Educational Act for the young, but something radically new is needed because our entire educational system is based on the assumption that it would take place in a middle-class community where a great deal of the process of education is carried on at home. In the case of a young person whose parents are poor and uneducated and who lives in rural or urban slums, the basic assumption is false. The Housing and Community Development Act of 1964 will help to eradicate slums and improve the environment in which our young people are growing up; but other programs directed specifically toward this problem are needed.

The second group are the middle aged who are either untrained or whose skills have been shot out from under them either by automation or other technical change. The Manpower Retraining and Development Act is a possible answer to the problems of this group.

The third group are our older citizens and particularly those whose life savings have been, or may be, wiped out by disastrous illness. The Hospital Insurance Act of 1964 now pending before the Ways and Means Committee is this administration's answer to the particular needs of this group.

The fourth category of people are those whose lot is inextricably linked to a geographical area which is economically depressed. One answer to this group is the extension of the Area Redevelopment Act which has been reported by my Committee on Banking and Currency and is now pending in the Rules Committee.

We must also have Federal aid for the development of mass transportation facilities in urban centers.

Another answer to a major geographical area poverty problem is the President's Appalachian program.

The fifth major category are citizens of minority groups subjected to discrimination. One answer to this group is the Civil Rights Act and particularly title VII thereof passed by the House of Representatives and now being debated in the other body.

The common thread running through each of the five foregoing categories is that each one of them has one or more handicaps which make it more difficult for them to participate fully in the free enterprise system.

Worst of all, these handicaps tend to be handed on from parents to the children.

The uneducated father tends to be poor and live in a slum, bringing up his children in a home environment which does not contribute to the educational process. At the same time and to our shame, the schools in such a neighborhood tend to be well below average and, thus, the vicious cycle repeats itself.

The new and exciting thing about this legislation is that, with its emphasis on young people, it recognizes that the greatest challenge is to break these patterns of poverty which occur generation after generation.

I believe it was this objective that the President had in mind when in his poverty message he said, "the years of high school and college age are the most critical stage of a young person's life. If they are not helped then, many will be condemned to a life of poverty which they, in turn, will pass on to their children." That is the real meaning of the President's recommendation for the creation of a Job Corps, a work-training program and work-study program.

These proposals are excellent and I certainly urge the committee to support them.

However, I also urge the committee to consider, at least on a pilot project basis, a program of special assistance to primary schools located in our poorest neighborhoods. It is in these schools that Johnny learns or does not learn to read. Because Johnny receives less reading assistance at home, these schools should be above average, and yet we all know too well that they are usually at the bottom of the educational ladder. The 6-year-old today who is not learning properly how to read will have dropped out of high school 10 years from now and will be a candidate for the job corps for which future Congresses will be called upon to appropriate money.

I call your attention to an article in the May 1964, issue of Harper's magazine. It is entitled "Give Slum Children a Chance: A Radical Proposal." This article is taken from a book to be published by Random House called "Crisis in Black and White." The author is Mr. Charles E. Silberman. Mr. Silberman is a member of the board of editors of Fortune magazine and a lecturer in economics at Columbia University. Mr. Silberman points out:

"The root of the problem, educationally, is that the slum child does not learn to read properly in the first two grades. Whether because of this reading disability alone, or because of difficulty in handling abstract concepts that stem from independent causes, the slum child falls further and further behind after the third grade; the gap widens, and his IQ actually declines. His failure to read properly affects a lot more than his school work. It has a profound impact on how he regards himself and consequently on how he regards school. Poor reading skill at the start is the major cause of school dropouts and subsequent unemployment."

Mr. Silberman says:

"Nothing less than a radical reorganization of American elementary education is necessary, therefore, if the schools are to begin to discharge their obligation to teach the Negro and white slum youngsters. To reverse the effects of a starved environment the schools must begin admitting children at the age of 3 or 4, instead of at 5 or 6. The nursery school holds the key to the future—but a very different kind of nursery school from the one most Americans are familiar with."

I recommend that the members of this committee give careful consideration to Mr. Silberman's proposals. In fact, I believe that a highly profitable study could be made of the pilot programs upon which Mr. Silberman bases his proposals.

If we can prevent the problem from developing, we can cut down or eliminate the Job Corps in the future and know with reasonable assurance that we have broken the pattern of poverty.

It seems to me that the war on poverty program which Mr. Sargent Shriver has put together for the President and unfolded before Congress, reflects realistic, workable, and indeed conservative economic principles.

The United States has been hailed for our generosity to people in need in all parts of the world. The American people have given generously of their resources as a matter of responsibility. This same sense of responsibility makes a demand upon the national conscience that cannot be ignored.

Our response to this problem of poverty amidst plenty must come from the heart. It must spring from conviction. It must be intelligent. It must be comprehensive.

America should not settle for less.

SENATE

FRIDAY, MAY 8, 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).

Rev. Logan Cummings, pastor, First Baptist Church, Columbus, Tex., offered the following prayer:

Our Father in heaven, we are grateful that in Jesus Christ our daily needs are fulfilled. That He is our strength, our purity, and our wisdom, we are grateful. We pray Thy wisdom, Thy strength, Thy purity of motives, and Thy leadership, this day, upon the Senate, as it has the awesome responsibility of leading a great people. We thank Thee for this Nation, and we humbly ask that her people may ever compose the land of the free. Grant us, Father, that in our desire to love the one, we may not despise the other; that in our desire to help the one, we not harm the other; and that we may be fair and just to all, as Thou art merciful and kind to all.

In Jesus' name. Amen.

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 7, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had insisted upon its amendments to the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath,