SENATE

TUESDAY, JUNE 2, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Dear God and Father of mankind, Thou art our refuge and strength, a very present help in trouble. We bow in recognition of our complete dependence upon Thee. Look Thou with understanding upon these Thy servants, this day, as they debate the great issues concerning these United States of America, the Nation we love the most.

Thou art a God of power. Give righteous power in debate, thinking, and decision. Thou art a God of love. Bestow love for God and all mankind in these hearts today.

Thou art a God of wisdom and light. Send that light and wisdom to dispel darkness, doubt, and indecision in this high place of Government.

For forgiveness of our sins nationally, internationally, and personally, we pray. Cleanse us as a nation and people from our feverish ways.

Look Thou with tender compassion upon our neighbors throughout the world. Help us, with them, to be Thy servants in making this world better for all people.

We pray in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 1, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 1382) for the relief of John Gatzopi Overbeck and Mary Gatzopoulos Overbeck.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11201) making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. THOMAS, Mr. KIRWAN, Mr. WHITTEN, Mr. JENSEN, Mr. HORAN, and Mr. FORD were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 73) authorizing the printing of additional copies of parts 2 and 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965.

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

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes;

H.R. 2434. An act to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes;

H.R. 8251. An act to amend section 612, title 38, United States Code, to authorize dental services and treatment in cases where discharges were corrected by competent authority from dishonorable to conditions other than dishonorable;

H.R. 8925. An act to amend title 38 of the United States Code in order to provide that a disability which has been rated at or above a certain percentage for 20 or more years may not thereafter be reduced below such percentage;

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 10736. An act to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va.;

H.R. 11035. An act to authorize the extension of certain naval vessel loans now in existence; and

H.R. 11255. An act to validate certain payments of per diem allowances made to members of the Coast Guard.

ENROLLED BILLS SIGNED

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

H.R. 1727. An act for the relief of Richard G. Green, Jr.;

H.R. 5305. An act for the relief of Dr. Ernest P. Imle;

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith;

H.R. 6876. An act for the relief of Capt. Wilfrid E. Gelinas, U.S. Air Force;

H.R. 7757. An act for the relief of Jesse I. Ellington;

H.R. 8222. An act for the relief of Edward J. Maurus;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8828. An act for the relief of John T. Cox;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9475. An act for the relief of Miss Grace Smith, and others;

H.R. 10078. An act for the relief of Philip N. Shepherdson; and

H.R. 10774. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 2434. An act to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes; and

H.R. 8925. An act to amend title 38 of the United States Code in order to provide that a disability which has been rated at or above a certain percentage for 20 or more years may not thereafter be reduced below such percentage; to the Committee on Finance.

H.R. 8251. An act to amend section 612, title 38, United States Code, to authorize dental services and treatment in cases where discharges were corrected by competent authority from dishonorable to conditions other than dishonorable; to the Committee on Labor and Public Welfare.

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; and

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation; to the Committee on Government Operations.

H.R. 10736. An act to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va.; and

H.R. 11035. An act to authorize the extension of certain naval vessel loans now in existence; to the Committee on Armed Services.

H.R. 11255. An act to validate certain payments of per diem allowances made to members of the Coast Guard; to the Committee on the Judiciary.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be a morning hour, under the usual conditions, and with statements therein limited to 3 minutes.

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

ORDER FOR RECESS TO 9 A.M. ON WEDNESDAY

Mr. INOUYE. Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate today, the Senate stand in recess until 9 o'clock a.m., Wednesday, June 3.

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

CALL OF THE ROLL

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

[No. 260 Leg.]

Aiken	Hart	Moss
Allott	Hartke	Mundt
Anderson	Hickenlooper	Muskie
Bartlett	Holland	Nelson
Bayh	Inouye	Neuberger
Beall	Jackson	Pearson
Bennett	Javits	Proxmire
Bible	Johnston	Ribicoff
Boggs	Jordan, N.C.	Robertson
Brewster	Jordan, Idaho	Saltonstall
Burdick	Keating	Simpson
Carlson	Lausche	Smith
Case	McClellan	Stennis
Church	McGovern	Thurmond
Clark	McIntyre	Walters
Cotton	Metcalf	Williams, N.J.
Dirksen	Miller	Williams, Del.
Dodd	Monroney	Yarborough
Gruening	Morton	

Mr. INOUYE. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Georgia [Mr. TALMADGE] 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 Colorado [Mr. DOMINICK], and the Senator from Vermont [Mr. PROUTY] are detained on official business.

The Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

The Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] 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 the following letters, which were referred as indicated:

REPORT ON UNECONOMICAL PRACTICES RELATING TO BRAND NAME PROCUREMENTS, FEDERAL SUPPLY SERVICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on uneconomical practices relating to brand name procurements, Federal Supply Service, General Services Administration, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ILLEGAL AWARD OF ADVERTISED CONSTRUCTION CONTRACT AND EXCESSIVE COSTS FOR CONTRACT MODIFICATIONS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the illegal award of advertised construction contract and excessive costs for contract modifications, Departments of the Army and Air Force, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS TO THE GOVERNMENT FOR UNREASONABLE DELAY BY COLLINS RADIO CO., CEDAR RAPIDS, IOWA, IN RELEASING SPECIAL TOOLING

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government for unreasonable delay by Collins Radio Co., Cedar Rapids, Iowa, in releasing special tooling, Department of the Army, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SYMINGTON, from the Committee on Aeronautical and Space Sciences, with amendments;

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes (Rept. No. 1054).

By Mr. YARBOROUGH, from the Committee on Commerce, with an amendment:

H.R. 8462. An act to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, contingent upon approval by the Administrator of the Federal Aviation Agency, and to provide for the conveyance to the United States of certain real property now used by such city for public airport purposes (Rept. No. 1055).

PREVENTION OF INJURY TO FISH AND WILDLIFE FROM THE USE OF INSECTICIDES, HERBICIDES, AND PESTICIDES—REPORT OF A COMMITTEE (S. REPT. NO. 1053)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, Senate bill 1251, which amends the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife by the use of insecticides, herbicides, fungicides, and pesticides; and I submit thereon a report.

The bill was originally introduced by the distinguished junior Senator from Oregon [Mrs. NEUBERGER], on behalf of herself, the Senator from Illinois [Mr. DOUGLAS], the Senator from Missouri [Mr. LONG], and the Senator from New Hampshire [Mr. MCINTYRE]; but the bill has been considerably amended. However, that fact does not detract at all from the objectives of the authors of the original bill.

The bill now being reported turns out to be more or less a committee bill, as the report on it will show; but I want the RECORD to show that these Senators have long been advocates of this inquiry, in hopes we can do something about the increasing injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The report will be received and the bill will be placed on the calendar.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated May 25, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. ELLENDER (by request):

S. 2884. A bill to repeal certain acts relating to exportation of tobacco plants and seed, standards for grains, naval stores and wool, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CARLSON:

S. 2885. A bill for the relief of Vladimir Gasparovic and Dragica Rendulic Gasparovic; to the Committee on the Judiciary.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER. If there is no morning business——

Mr. STENNIS. Is the Senate in the morning hour?

The PRESIDING OFFICER. Yes. Morning business is in order.

Mr. STENNIS. I think the Senator from Vermont [Mr. AIKEN] has a matter to present.

Mr. AIKEN. Mr. President, I have a statement which will take about 5 minutes. If it is agreeable to the Senate to give me extra time over and above my 3-minute allotment, I shall be glad to deliver my statement now.

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

SOUTHEAST ASIA

Mr. AIKEN. Mr. President, according to news reports some 30 topflight Government officials and their aids are meeting in Honolulu to consider our future course of action in southeast Asia.

I assume that one proposal which will receive consideration is the possible extension of hostilities outside the borders of South Vietnam—also the stationing of U.S. troops in Thailand and the more extensive use of our Air Force over Laos and possibly other areas.

A few years ago, units of our Armed Forces went into South Vietnam at the request of a friendly government—that of Ngo Dinh Diem. We went in there to help check and eradicate a few small scattered groups of rebels or bandits which were carrying out hit and run raids against the Government.

For the first 2 or 3 years conditions appeared to be more or less static. Thanks to our economic aid, there was some increase in the living standards of some of the people. Public works were improved—the people remained friendly to the United States.

Under our supervision, the Vietnamese Army received instructions in the use of military equipment, including planes.

A little over 2 years ago disturbing reports began to come from South Vietnam. People who had been in that country—some of them for a long time—brought back reports of a growing lack of cooperation among the Vietnamese people, of instances of graft in government contracts, of a growing inability to deal with rebel bands, of the buildup of a class of idle rich and a general worsening of conditions, militarily as well as otherwise.

Late last summer, the Comptroller General reported to Congress that there was no record of large shipments of grain and food destined to South Vietnam ever having been received there. Where these commodities went, no one seems to know.

During this same period of time, officials of the executive branch were appearing before committees of Congress assuring us that all was going well, and while it might take a little time, success was just around the corner. The Secretary of Defense even talked optimistically of withdrawing most of our forces at an early date.

It was not until last fall that officials of the administration appeared before the Foreign Relations Committee and told us what we all had known for some time—conditions were worse, not better. The assassination of President Diem made any further assumption that all was going well a futile pretense.

The whole world now knows of our predicament, and in the eyes of the world the United States will always be held largely responsible for the death of President Diem, who was without doubt a friend of the Western Nations and a foe of communism.

Now, our problem has become compounded. Not only have we assumed the responsibility for maintaining a stable government in South Vietnam; not only are we concerned with the possible loss of large markets for American commodities in southeast Asia; and not only are we disturbed by increasing dissension among our friends and allies, particularly France, but for some there is the problem of making things look better for those same people who only last year were telling us that all was going well.

There are those who advocate an early withdrawal of our forces in South Vietnam. There are others who advocate an expansion of military operations to other countries, particularly North Vietnam, and even China itself. These people seem to have short memories, far shorter than the French, who learned much at Dien Bien Phu.

If the Chinese or North Vietnamese would only fight with planes or tanks or something modern, we could knock them right out of the sky, bomb their roads, bridges, and fuel supply depots, and win without too much difficulty.

However, like the Vietcong, who are now giving us so much trouble to the south of Saigon, the Chinese would probably insist on using foot soldiers.

We had some experience with them in North Korea. If we are now having so much difficulty in coping with 25,000 to 30,000 Vietcong rebels, would we find it easier to deal with possibly a couple million better trained troops from the north?

I know the answer that some will give to this question—blast their cities and supply depots with nuclear bombs if necessary. I agree that such a procedure would bring results—results which I do not like to contemplate.

An expansion of military operations leading to a general war in southeast Asia will not have my support. I would not object to stationing detachments of reasonable numbers in Thailand for defensive purposes if the government of that country requests it and if the government and people of Thailand are willing to defend their own country with full force, and if such action is not a prelude to a wide expansion of the war.

Neither would I withdraw precipitately from South Vietnam. It will be necessary to render both military and economic assistance to that country for some time—maintaining a stalemate with the rebels for the time being if that is the best we can do.

Officials of the United States should not hesitate to meet with representatives of other countries to discuss problems relative to Cambodia, Laos, or any other country where an international conference promises a degree of hope for the people concerned and a lessening of the chance of war.

The facilities of the United Nations should be used to the fullest feasible extent. The United States cannot afford to go it alone when the security of the Nation and of the world is threatened.

Where does the responsibility rest for deciding what course our country should follow relative to the southeast Asia problems? Well, not with Secretary McNamara, not with Secretary Rusk, not with Ambassador Lodge, even though these three may play important roles as advisers.

The responsibility rests squarely and heavily on the shoulders of the President of the United States, and the correctness of his decision will determine his place in history, provided, of course, that there is a history.

WYOMING SPACE AGE CONFERENCE AND EXPOSITION

Mr. SIMPSON. Mr. President, an event of singular importance to the State of Wyoming opens at Riverton Thursday. The second annual Wyoming Space Age Conference and Exposition will feature addresses by Air Force Chief of Staff Gen. Curtis LeMay and leading figures in the military and space industries.

To better explain the event, its importance to Wyoming and to the Nation, I ask unanimous consent to have printed in the RECORD three press releases alluding to the speakers and program of Wyoming's Space Age Conference and Exposition.

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

WYOMING SPACE AGE CONFERENCE AND EXPOSITION—GEN. CURTIS E. LEMAY KEYNOTES CONFERENCE

RIVERTON.—Gen. Curtis E. LeMay, who will keynote Wyoming's second Space Age Conference and Exposition in Riverton June 4, has a distinguished record of service for his country.

General LeMay will speak at a noon banquet Thursday, June 4, following dedication of the exposition Thursday morning.

E. B. Fitzgerald, president of Cutler-Hammer, Inc., speaks to an evening banquet climaxing the daylong conference.

Theme of the Thursday afternoon conference is "The Technological Revolution." It features four leaders from the university, industry, and the Air Force.

"General LeMay is a military leader of unquestionable stature and integrity," stated Senator MILWARD L. SIMPSON in announcing that the famed flying general would come to Riverton. "His leadership and vision have helped mold an Air Force second to none in the world. His concern for our national security and his lifetime of experience serving his country in war and peace make him preeminently qualified to speak to Wyomingites on the space age to which America's future is so inextricably bound."

The 57-year-old LeMay is an active, jet-qualified pilot and usually flies his own plane. He is a native of Columbus, Ohio, and graduated from Ohio State with a civil engineering degree.

General LeMay has been at the cornerstone of many of the Air Force's greatest achievements. He participated in the first mass flight of B–17's to South America in 1939; he led the famed Regensburg shuttle bombing mission from England to Africa; he organized B–29's in the Pacific; he set a nonstop flight record from Hokkaido, Japan, to Chicago in 1946; he was the Air Force's first Deputy Chief of Air Staff for Research and Development; he organized the Berlin airlift; in 1948 he returned to the United States as the first leader of the Strategic Air Command (SAC) at Offutt Air Force Base, Nebr., a command he held for nearly 10 years. SAC became the nerve center of a worldwide bomber-missile striking force.

During his command of SAC he built, from the remnants of World War II, an all-jet bomber force, manned and supported by professional airmen dedicated to the preservation of peace.

Under General LeMay's leadership and supervision, plans were laid for the development and integration of an intercontinental ballistic missile (ICBM) capability.

In July 1957 General LeMay was appointed Vice Chief of Staff of the U.S. Air Force and served in that capacity until July 1961, at which time he was appointed Air Force Chief of Staff, the post he now holds.

General LeMay has many of the world's highest military decorations including the American Distinguished Service Cross, the British Distinguished Flying Cross, and the French Legion of Honor.

General LeMay's distinguished record in war and peace has been recognized by many colleges and universities who have awarded him honorary doctorate degrees—among them Ohio State, University of Southern California, Creighton, Case Institute of Technology, John Carroll, Kenyon College, the University of Akron, Tufts, and the University of Virginia.

General LeMay will be present at the Air Force Academy commencement exercises June 3 and will fly into Riverton the morning of June 4.

President Lyndon B. Johnson recently reappointed General LeMay as Air Force Chief of Staff. The general will complete 35 years of service in February 1965.

WYOMING SPACE AGE CONFERENCE AND EXPOSITION—CUTLER-HAMMER PRESIDENT WILL SPEAK

RIVERTON.—E. B. Fitzgerald, president of Cutler-Hammer, Inc., will be the main banquet speaker at the second Wyoming Space Age Conference and Exposition here June 4, it was announced by Gov. Clifford P. Hansen.

Gen. Curtis E. LeMay, Air Force Chief of Staff, will provide the keynote address for the conference at a noon banquet.

A space-science conference with the theme "The Technological Revolution" will feature four leading industrial experts during the afternoon conference sponsored by the Wyoming Natural Resource Board.

Cutler-Hammer is the world's largest manufacturer of electrical controls. Cutler's Airborne Instruments Laboratory Division at Deer Park, Long Island, is a leader in research and manufacturing in electronic products with particular emphasis on complete aerospace systems and subsystems.

Cutler-Hammer is headquartered in Milwaukee.

Mr. Fitzgerald was elected president of Cutler-Hammer on November 18, 1963, and took office January 1, 1964, following the retirement of Philip Ryan.

Fitzgerald, 38, joined C-H in 1946 after receiving a degree in electrical engineering from the University of Michigan.

The young president worked in the development engineering, purchasing, sales and engineering departments before, in 1959, becoming vice president of engineering, a position he held until named administrative vice president in 1961. He was elected to the board of directors in 1962.

WYOMING SPACE AGE CONFERENCE AND EXPOSITION

RIVERTON.—A full-scale solid propellant Minuteman, latest in the family of U.S. intercontinental ballistic missiles, will be on display here June 3-7 as the heart of the second Wyoming Space Age Conference and Exposition.

The 100-foot high ICBM will be located outdoors in front of the Space Age Exposition hall at the Fremont County Fair Grounds.

Big day of the 5-day conference and exposition is Thursday, June 4, dubbed "Wyoming Day." The exposition will be dedicated at 11 a.m., Gen. Curtis E. LeMay of the U.S. Air Force will keynote the conference at a noon banquet. Four leading experts will discuss "The Technological Revolution" during the afternoon conference, and E. B. Fitzgerald, president of Cutler-Hammer, Inc., will be the principal evening banquet speaker.

There will be many other Air Force and industry exhibits displayed in the exposition hall throughout the 5 days.

The Wyoming Air National Guard will have a giant Constellation C-121-G transport plane in static display at the Riverton airport Thursday and Friday. The public will be allowed to inspect the giant craft inside and out.

Other Air Force exhibits indoors are an actual YLR-99 rocket engine, the powerplant for the X-15 aerospacecraft; an Atlas ICBM exhibit; a Titan ICBM exhibit; a Mercury capsule spacecraft exhibit; a B-52 bomber, F-104 fighter, X-15 aerospacecraft exhibit; and a series of Air Force films.

Other companies exhibiting at the exposition, free to the public, include United States Steel, Bionomics Corp., Electric Information Co., Western Instruments Corp., IBM, Thiokol Chemical Corp., and Martin Co. of Denver.

ONONDAGA CHURCHES WORK FOR CIVIL RIGHTS BILL

Mr. KEATING. Mr. President, yesterday, Rev. and Mrs. Gary Hakes, of the Woodlawn Methodist Church in Syracuse, N.Y., came to Washington to present approximately 1,000 postcards in support of the civil rights bill to their Senators from New York. These cards had been gathered by Onondaga County, N.Y., teenagers of all faiths who went from door to door in their own neighborhoods for 2 hours on the night of May 27. About 500 youngsters, sponsored by their church youth groups, participated, and almost 5,000 cards were collected, 4,000 of which will be sent to Washington later this week. After reading a fact sheet distributed by the teenagers, citizens were asked to indicate their support or their disapproval of the bill. Of the 1,000 messages I received yesterday, 4 opposed the bill, 996 favored it. This was an unusual sampling of opinion in another respect. People were asked to write whatever they wished on the cards and it was not a case of signing some stereotyped message to which we are so often subjected in Congress.

Mr. President, I commend the churches and the young people of Onondaga County for their magnificent effort to indicate support for this bill. Their work is a testament to the moral commitment of America's younger generation to this cause. I want to assure them that the large majority of U.S. Senators are on their side, and are working to pass this bill and will support the bill when it comes to a vote.

ON-THE-JOB DIRECTOR OF ARIZONA, MR. SPENCER THOMPSON, CALLS FOR GI BILL TO UTILIZE VETERANS' ENERGY

Mr. YARBOROUGH. Mr. President, Mr. Spencer Thompson, director of the Governor's Council for Veterans' Institutional and On-the-Job Training of Arizona, has written an article for the October edition of the service letter of the National Association of State Approval Agencies. In his article, entitled "Energy and the Cold War Veteran," Mr. Thompson discusses the necessity of providing our cold war veterans with the means of pursuing the education and training which can enable them to employ their mental potential in constructive uses in our fast-changing technological world. Mr. Thompson also warns us of the irreplaceable losses which will be suffered by the individual and the Nation if this readjustment assistance is not provided.

Mr. President, the 1960 Democratic National Convention in Los Angeles recognized the responsibility of providing readjustment assistance to our cold war veterans by including the following plank in its platform:

> We shall continue the veterans home loan guarantee and direct loan guarantee programs and educational benefits patterned after the GI bill of rights.

The cold war GI bill, S. 5, is the embodiment of this plank in the official platform of the Democratic Party; and I urge the leadership of the Senate to schedule the cold war GI bill for Senate consideration at the earliest opportunity in order that this pledge to the people of the United States can be fulfilled.

Mr. Spencer Thompson, in his fine article entitled "Energy and the Cold War Veteran" in describing energy of all types, says:

> Energy, when properly controlled, can work for man toward a better way of life. Energy which is not controlled cannot only be lost, but it can lead to death and destruction.
>
> One source of energy is that developed by an atomic reactor; however, the characteristics of the components used to generate the energy must be controlled by a stabilizer. The resultant effect is usable energy and prevention of overgeneration, which would not only be lost but which could cause destruction of the reactor.
>
> Another source of energy, more important than that generated by a reactor, is the energy represented by the combined mental potential of the cold war veterans.

Mr. Thompson points out that without a readjustment act, this energy is lost. That is what the cold war bill involves. It is not a bonus. It is a readjustment measure. The World War II GI bill, passed in 1944, was a readjustment act to teach veterans to readjust to civilian life and be reproducing elements of our society, rather than forming—as in the case of today's veterans—the highest percentage of unemployed of any group.

I ask unanimous consent that the article by Spencer Thompson, entitled "Energy and the Cold War Veteran," be printed at this point in the RECORD.

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

ENERGY AND COLD WAR VETERAN

(By Spencer Thompson)

Energy when properly controlled can work for man toward a better way of life. Energy which is not controlled cannot only be lost but it can lead to death and destruction.

One source of energy is that developed by an atomic reactor, however, the characteristics of the components used to generate the energy must be controlled by a stabilizer. The resultant effect is usable energy and prevention of overgeneration which would not only be lost but which could cause destruction of the reactor.

Another source of energy, more important than that generated by a reactor is the energy represented by the combined mental potential of the cold war veterans.

This energy also needs a stabilizer, particularly, one that influences the transition

from military to civilian life, by providing, through education and training, the needed tools so the energy can be put to constructive use.

Past experience dictates that education and training, such as was available to World War II and Korean veterans, is the stabilizer proven best to accomplish this purpose. It was more than a stabilizer, it was also a stimulator which resulted in dividends far greater than were expected and there is no foreseeable end to those dividends.

In the fast changing technological world of today, in which nations continue to be torn with internal as well as external strife, the energy of those men who were put in uniform and taught to use the weapons of destruction in defense of the country, although we were not fighting a declared war, must be transited to civilian activities. To accomplish this, each man must be helped to full development of his talents and capabilities. Then, his energy can be used for the continued defense of this Nation, rather than being wasted.

This Nation cannot ignore its need for trained men any more than it can ignore the fact that jobs exist which cannot be filled. Neither can it ignore the fact that there is a vast amount of potential energy in our cold war veterans which must be trained before it is usable.

To ignore these factors is to invite irreplaceable losses to the individual and to the Nation. Some losses cannot be equated in dollars and cents, others such as buying power and taxes, can be. The losses to the Nation can never be recouped, neither can the losses to the individual, and they, by far, will be the greater.

ELECTRONICS RESEARCH CENTER IN BOSTON, MASS.

Mr. LAUSCHE. Mr. President, with reference to the contemplated building of the Electronic Research Center in Boston, Mass., opinions have been expressed to the effect that the study and review that was made of the advisability of building that institution in Boston was a mere front to an already formulated decision.

When the decision was made to build the center in Boston, considerable protest was raised by Members of Congress. NASA then announced that in view of the various sites suggested, it would afford an opportunity for the individual States to present their testimony, and then after a reasonable time, would decide what was to be done. From the very beginning, I was of the view that that was a mere front. The decision was made. It was not intended to be changed, and it was not changed.

In the House of Representatives, Representative JOHN W. WYDLER asked NASA for its files, containing the documents showing the studies that were made of the place where the site should be located. NASA refused to reveal to Representative WYDLER any of the documentary information contained in its files.

One would think that the information was of strategic importance, and therefore should not be revealed. But, manifestly there is nothing confidential or strategic about it. A site had to be chosen. Many States made application for it, including Ohio. Yet, NASA declines to reveal the contents of the documents in its files.

My attention has been called to an advertisement in the Sunday, May 3 issue of the New York Times, signed by Endicott Peabody, Governor of Massachusetts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, may I have 3 more minutes?

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

Mr. LAUSCHE. Mr. President, the advertisement reads as follows:

> Congress made it official in mid-March—the NASA Electronics Research Center will be located in Massachusetts, and henceforth this area is the space center of the world.
>
> A permanent installation, the Center will direct and coordinate all the research and manufacturing programs bearing on the fundamental and critical aspect of our Nation's space effort—electronic systems and components.
>
> The NASA decision to come to Massachusetts was painstakingly researched.

Mr. President, I pause here in the reading of the advertisement to ask, if it was painstakingly researched, and if the documentary proof in the files establishes that fact, why are these documents not released?

I quote further from the advertisement:

> And it was assisted by a remarkable team effort of the Commonwealth's labor, management, and government. The compelling advantages that NASA discovered, and the assistance encountered, are waiting for others. Our department of commerce has a wealth of material covering every aspect of every community in the Commonwealth from industrial parks to public schools, from railroad sidings to ski tows, from water tables to marinas. All of this is yours for the asking—in complete confidence—as is every other assistance you may require.
>
> Remember, Massachusetts means progress.
>
> ENDICOTT PEABODY,
> *Governor.*

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

Mr. LAUSCHE. I yield.

Mr. KEATING. This matter was reviewed before the Committee on Aeronautical and Space Sciences. A very unsatisfactory presentation was made, in my judgment, for this center being placed in Massachusetts. I agree with the Senator. The administration had already made the selection, and the review was meaningless. I believe that New York, Ohio, and a number of other States, including particularly New Jersey, did not receive proper consideration in connection with this subject.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I ask for 3 additional minutes.

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

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

Mr. LAUSCHE. I yield.

Mr. CASE. I am in accord with what Senators have said. There is no question about the truth of the suggestions which have been made. New Jersey's case, of course, is one of primus inter pares, and it suffered from a misuse of governmental power.

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

Mr. LAUSCHE. I yield.

Mr. JAVITS. I am satisfied that our representatives on the Aeronautical and Space Sciences Committee, the Senator from New Jersey and the Senator from New York, have borne out what has been alleged. Our position has usually been misrepresented, as trying to get things away from other States without regard to the fact that we are trying to economize in defense.

Here was an example of a totally new installation and a totally new expenditure. All we wanted and all we asked for was a fair and evenhanded consideration, based on our resources and our capacity to perform.

I with my colleagues in the Senate support the position taken by the Senator from Ohio.

Mr. LAUSCHE. Mr. President, speaking for Ohio, we do not want what we are not entitled to, but we do not want political efforts operating against us and in favor of places that are supposed to be more important along political lines.

Recently, a study was made in the Midwest section of our country concerning the number of scientists and engineers that are being produced by the Midwestern States. The statistics show that a great majority of the scientists and engineers are being graduated in Midwestern States. If we include New York, New Jersey, and other places, that number becomes overwhelming.

Unfortunately, the fact is that this research center, which will cost $60 million to build and $60 million in payroll to operate, has been awarded to Boston. Other centers are being built in Texas, and still others in California.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I ask for 1 additional minute.

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

Mr. LAUSCHE. This is being done at the expense of other States. This matter is not concluded. It is before the Appropriations Committee. I believe it ought to take a good look at it, and that the members of the committee should bring before them the papers which are in the files of NASA, in order to determine actually what took place in the investigation which was made and upon which the decision was based prior to the alleged and pretended review.

CIVIL DISTURBANCES IN NEW YORK CITY

Mr. JAVITS. Mr. President, I rise to say a word about a subject of great delicacy. I say this as an ardent supporter of the civil rights legislation which is under consideration in the Senate. I speak of the wave of terrorism, hoodlumism, and vandalism on subway and elevated trains and the Staten Island Ferry that struck New York City over the weekend, perpetrated, according to the news accounts, largely by young Negroes.

I believe it is essential that all of us who support strongly a civil rights bill make our position clear.

First, public order and tranquillity must be maintained. Though we deeply understand the frustration and near despair which assails many Negroes, especially the young people, who suffer from a rate of unemployment which is three or four times the normal rate, and while this situation commands our deepest sympathy and strong determination to endeavor to correct it, it cannot deflect us from our primary duty to the community, which is to maintain public order and tranquillity.

It is my deep conviction that what is occurring is the repercussion from the fact that Negroes have for so many decades been denied fundamental and equal opportunity, especially in the southern part of the United States. And let us not forget that there has been an enormous migration of Negroes from the South, to New York City, to Newark, N.J., Detroit, Chicago, Boston, and other areas of the North. Therefore, Mr. President, we in the North have had our own backlash from the denial of opportunity and the denial of justice suffered by the Negroes for many decades in the South.

In addition to the many civil rights laws which the Northern States have enacted, much remains to be done in this field. The problem goes beyond civil rights laws, but civil rights laws are basic and should be a national standard to which the whole country should be required to repair. Therefore, it seems to me that one of the duties of Congress is to furnish the necessary element of stability to the whole effort; to deal with the problem and to give a just answer to the cries of deep frustration and despair, which are based upon so much denial. Public order and stability can then be maintained very much better with an answer; namely, the civil rights bill, than without an answer. We must give such an answer at least to the great majority of the Negro community of the country, for their support is absolutely essential if public order is to be maintained.

I was glad to observe that two outstanding Negro leaders, Dr. Kenneth Clark, a noted professor at one of the great colleges in New York and a leading Negro spokesman, and James Farmer, of the Congress on Racial Equality, have already cried out and denounced the aimless and reckless rioting. I hope that other Negro leaders will do the same. If the Negro community has any confidence in people like myself, I urge that community to support its leaders.

What is important is that there is a job for all of us. There is a job for the Senate, at long last, after well over 2 months of debate, to provide this minimal national standard of justice for the Negro and for other minorities in the country, so that there may be a just answer to a deep-rooted and just complaint. It is also up to the leaders of the Negro community in the United States to strike a note of responsibility and to point out that precipitate rioting can lead only to disaster.

I have great confidence in the clear-sightedness and intelligence of the American people, who will be able to distinguish between a social order which has denied elementary justice to the Negro in the South for a hundred years, and the vigorous efforts, made in the best of good faith and good will, to deal with the problems which go beyond the laws, in terms of education, in terms of job opportunity, in terms of greater opportunity in other fields, which could result in the North.

It is essential that the hands of the leaders and the great majority of the law-abiding Negro community be held up in such critical times, especially as we approach summer, when this crisis could become greater, not less.

I close with something I said on the civil rights measure more than 60 days ago. There is a timetable—an urgent, stringent, dangerous timetable. It is reflected by what struck New York over the weekend. A just answer cannot be denied the American people, especially those who have suffered so deeply from frustration and despair. The civil rights bill before the Senate is one answer. We need that answer. Armed with that answer, I deeply believe that the overwhelming majority of the community will see to it that public order and tranquility are maintained, that justice is upheld, and that the whole cause is ennobled as a result.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "A Double Responsibility," published in the New York Times of today, June 2, 1964.

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

A DOUBLE RESPONSIBILITY

The wave of terrorism, hoodlumism, and vandalism on subway and elevated trains and the Staten Island ferry that struck New York City over the weekend, perpetrated largely by young Negroes, is a setback to the cause of civil rights. It should frankly be recognized as such by Negro and other civil rights leaders with widespread condemnation before more destructive violence occurs.

We are glad to note that two outstanding Negro spokesmen, Dr. Kenneth B. Clark and James Farmer, have already denounced this kind of aimless, reckless rioting that in one instance almost led to that most ominous of all forms of civil strife: pitched battle between the races. We hope other leaders will have the courage to follow suit.

The City Commission on Human Rights came up with a particularly unhelpful appraisal of the subway incidents, which it was applied also to the ferry violence. It blandly observed that the weekend's events were "spontaneous reflections of a widespread malaise" and it called upon all groups with "responsibility in this area" to combine to alleviate the "socioeconomic causes at the root of this No. 1 urban problem." Of course all this is true; but the import of the statement was to come close to condoning illegitimate, unacceptable actions of enormous potential danger.

There is certainly a deep responsibility on the part of the white majority to hasten justice for the Negro. But the Negro leadership has its responsibility too, a responsibility to speak out with vigor for order, for decency, for nonviolence—for the good of our common cause, if for no other reason. Such outbursts as took place last weekend can only aggravate the prejudice, the bigotry, the enmities that all decent people, white and black, are trying so hard to combat. Such senseless acts as have occurred can only endanger the encouraging progress toward better relations already made.

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that a series of editorials commenting on the recent action of the Senate in curtailing the Bobby Baker investigation be printed at this point in the RECORD.

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

[From the St. Louis (Mo.) Globe-Democrat, May 16–17, 1964]

BRAZEN BAKER WHITEWASH

With 42 of the Democratic Senators voting against any further inquiry into the scandalous Bobby Baker affair, the American people have now been treated to perhaps the most brazen whitewashing job in their political history.

How the erstwhile secretary of the Senate Democratic majority amassed about $2 million in 9 years on a salary that never exceeded $19,600 is to remain, for the most part, a deep, dark secret.

Why he kept "frighteningly" large sums in $100 bills in his Senate office will not be disclosed.

And the Democratic Senators, voting down the specific proposal that Senators be included within the scope of the inquiry, have done their best to make sure no light is thrown on the 10 of their number whom their onetime secretary claims he held "in the palm of his hand."

What may puzzle many people—remembering the great to-do made over mink coats and freezers during the Truman administration and the hue and cry raised against Sherman Adams for accepting a vicuna coat during the Eisenhower administration—is how the Senate could bury a scandal right on its own doorstep.

The method was simplicity itself. The Senate turned the problem over to its Rules Committee, clubbiest in the Chamber, which then gave a classic performance of how to investigate without finding out anything.

"We are not investigating Senators," Chairman B. EVERETT JORDAN announced in the beginning, which was the tipoff on what wasn't coming. The committee might as well have shut up shop right then.

How could it be remotely possible to find out if the secretary of the Democratic majority had misused his authority without even looking in the direction of the Senators from whom he derived the authority?

The committee went through the motions, did some shadowboxing. But when Bobby, who had threatened earlier to "write a book," took the stand and took the fifth and didn't say a mumbling word, it quickly became apparent that the "investigation" had come to a dead end.

The Democratic members didn't want to ask any questions that might be embarrassing. The Republican members weren't allowed to summon any witnesses.

Even when a direct conflict in testimony developed between what Don B. Reynolds, the insurance man, said and what Walter Jenkins, President Johnson's assistant, said, the two men couldn't be called back to try to get at the truth.

On that sorry note, the Bobby Baker inquiry comes to an end where the Senate Democrats voted to chop it off.

According to what Bobby is quoted as having said, 10 of them could have a personal disinterest in getting at the truth. If his

count is right, the disinterest of the others may be purely political.

With a presidential election coming up and the Democrats campaigning against poverty, it might divert attention of the voters from a major issue if they were still trying to find out how that Democratic Senate secretary pyramided his $19,600 salary into a cool $2 million.

[From the St. Louis Post Dispatch, May 21, 1964]

ETHICS IN THE SENATE

The "secret" report of the Senate Rules Committee staff proposing a stiff code of ethics for the Senate and its employees could hardly serve any purpose other than that of a second coat of whitewash for the Bobby Baker case. Even if the code should be adopted it would be a wholly insufficient substitute for a genuine investigation of the former Senate Democratic majority secretary's frenzied influence peddling and for corrective legislation to prevent a repetition of the disgraceful affair. Its authors furthermore ought to know that it is unadoptable as well as unworkable and unenforcible.

A deep and ugly stain has been left on Congress and even on the Presidency itself by the partisan, defensive and shallow work of the Senate Rules Committee. As a result it may never be known how deeply some Senators were involved in Mr. Baker's abuse of his official position or the nature and extent of Mr. Baker's involvement with President Johnson and with the Johnson family's Austin television monopoly, elsewhere under attack. Congress and the executive branch have sustained a loss in standing which would now seem irretrievable.

What legislation could do to prevent further erosions of respect and confidence in the future is at best debatable. Members of Congress operate at levels on which there is nothing that really can compensate for deficiency in a personal discipline of accountability. The least Congress can do in good conscience, however, it seems to us, is to apply to itself and its employees, including the staffs of Members, as fair and practical a law against conflict of interest as it has already applied to the executive branch.

Beyond that, it could work wonders in public esteem by taking a more serious view than it usually takes of its responsibilities to judge the qualifications of its own Members. But there again we come back to the question of self-discipline rather than lawmaking. Perhaps Congress deserves the comedown it has taken in the Baker case, as a true reflection of its quality. We do not like to think so.

[From the St. Louis Globe-Democrat, May 29, 1964]

BOBBY BAKER'S THREAT

Publication in the CONGRESSIONAL RECORD of the text of a broadcast made last month by Don Reynolds, insurance man, about the Bobby Baker affair throws interesting new light on what the Senate Rules Committee didn't want to investigate.

When the scandal broke, Reynolds said, Bobby warned him to get out of town and not talk to Senator JOHN J. WILLIAMS, who had called for an investigation, lest he "get you and the rest of us into jail."

Who was in danger of going to jail and why they were in danger wasn't disclosed; but if Baker was quoted correctly, one of the things the Democrats on the committee may have wanted to avoid like the plague was discovering the identity of "the rest of us."

For that matter, there wasn't an item in the catalog of Reynolds' disclosures which wouldn't have embarrassed one Democrat or another.

President Johnson, he said, helped Billie Sol Estes and got money from him.

Walter Jenkins, now the President's aid, he said, shook him down to buy time on the Johnson's TV station he didn't want and couldn't use.

George Reedy, now the President's press secretary, he said, told him to keep his mouth shut about the insurance he had sold to Mr. Johnson.

"Ladies of leisure," he said, were used to influence the award of defense contracts.

As far as Reynolds was concerned, Bobby Baker's threat apparently was wasted. Reynolds remained in town, talked with Senator WILLIAMS, appeared before the Senate committee to answer questions.

Nonetheless, the threat may have served its purpose as first the Democrats on the committee balked at delving below the surface in the Bobby Baker affair and then most of the Democrats in the Senate voted to shut off the inquiry altogether.

[From the St. Louis Globe-Democrat, May 25, 1964]

CAN'T BURY BAKER SCANDAL

If the American people still have any concern with political morality—and they do—Democrats from President Johnson on down won't be able to bury the Bobby Baker affair in this fall's presidential campaign.

They are going to discover that the scandal smells all the worse because of the layer upon layer of whitewash the Democrats have applied to it.

The Nation has just been witness to the most brazen coverup in the history of Capitol Hill. Certainly in modern annals. This investigation, which did not investigate, was an insult to public intelligence, a repulsive blot on the reputation of the Senate.

If there have been uglier messes in Washington, offhand they don't occur to us. But never before has there been a mess that came so close to so many high places, men who shut their eyes and held their noses and pretended it didn't exist.

Baker had so many contacts at top levels of Government and of his party, the great mystery of the affair became who was covering up for whom. Democrats of the Rules Committee refused to probe, and Democrats in the Senate voted to quash the phony inquiry.

Was it the White House itself and the President's election chances the six Democrats on the Rules Committee were concerned with when they flatly refused to call Walter Jenkins, a presidential aid, as a witness?

In his one and only statement with which he sought to brush off the Baker affair, Mr. Johnson touched on but one of two questions about his connection with it.

Admitting he had received a $584 stereo set as a gift while he was a Senator, the President said it had come from the Bakers with whom the Johnsons exchanged "family gifts."

He did not go into the claim of Don B. Reynolds, the insurance man, that Reynolds had paid for it. Nor did he mention Mr. Reynolds' further testimony that he (Reynolds) had bought $1,208 in advertising time on the Johnson's TV station at Mr. Jenkins' suggestion.

Here was a direct conflict in testimony. In an affidavit Mr. Jenkins had denied making any such suggestion. That is the sort of thing courts and investigating committees usually take most seriously. Somebody apparently was committing perjury.

Why didn't the committee want to know whether that could be Mr. Reynolds or Mr. Jenkins, a top presidential aid still serving in the White House?

Another thing Democrats on the Rules Committee appeared loath to investigate was Bobby Baker's dealings with Matthew McCloskey, bigtime contractor, former Democratic party treasurer, perhaps best known as a great "party fund raiser."

Bobby and Reynolds and McCloskey arranged the deal whereby the contractor would compensate the other two for their help in putting a D.C. stadium bill through Congress, for which McCloskey wanted, and got, the contract.

Was the connection between Federal projects and party funds, with legman Baker trotting back and forth, one of the important things Senate Democrats wanted to hide?

Bobby is said to have boasted that he held 10 Senators "in the palm of his hand." Certainly he had political dealings with all the Democrats he served as secretary. Admittedly, he had business connections with some of them.

With the ramifications of this colossal mess making the Profumo scandal look like a tempest in a teapot, no one can tell which of the Democrats, who blocked the investigation, were trying to save their own skins and which were coming to the aid of their party.

The very fact that the American people don't know who is guilty or how far the scandal reached is going to make it impossible for the Democrats to send the Bobby Baker affair to a campaign boothill.

When this scandal broke in Washington Democratic Senators, with a few notable exceptions, preferred to conceal the skulduggery rather than militantly uphold honesty and integrity in government.

Among the exceptions was Senator DOUGLAS, Democrat, of Illinois, who voted not to kill the inquiry, as did Senator DIRKSEN along with the other Republicans. Democratic Senators LONG and SYMINGTON did not vote on the issue. They were in Missouri attending the funeral of Representative Clarence Cannon that day.

DEAN DARLOW RETIRES

Mr. MONRONEY. Mr. President, before Oklahoma became a State, an estimated 10 million cattle were driven up the Chisholm Trail to northern railheads. From the rangy, skinny cattle associated with the wild west, Oklahoma livestock growers have moved forward to build great herds of Herefords, Shorthorns, and Angus cattle, among others, which compare favorably with the finest in the world.

One of the men who has done most for the State's cattle industry and who is known as "Mr. Livestock" to many, is Dr. A. E. Darlow, dean of agriculture and vice president of Oklahoma State University at Stillwater. He is retiring July 1 after 38 years of service to the school. I ask unanimous consent to insert in the RECORD a news story from the Tulsa Tribune, which tells something of his valuable service to cattle breeding, cattle judging, and agriculture generally.

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

[From the Tulsa Tribune, May 26, 1964]

AL DARLOW, MR. LIVESTOCK TO MANY, ENDING OKLAHOMA STATE UNIVERSITY CAREER

(By Mac Bartlett)

Out in the show ring where they separate champions from the herds, Dr. A. E. (Al) Darlow has won international acclaim as a beef cattle judge. The list of shows he has judged, dozens of them, touches several continents.

The Oklahoma State University dean of agriculture and vice president is ending 38 years of service to his school July 1. This retirement, at age 65, in no way will retard his interest in cattle. For the man known to many Oklahomans as "Mr. Livestock" will be

packing his bags for his next assignment—judge of the Australian National Polled Hereford Show beginning August 6 at Brisbane.

Dean Darlow has no immediate plans beyond the Australian trip. He has his own farm, 6 miles northeast of Stillwater, including 160 acres which his parents claimed in 1893 and where he was born in 1899.

In Tulsa the other day, the slender, 6-foot dean spoke modestly of his long career and discussed a variety of cattle topics, but merely smiled when asked about his favorite breed. He has judged Herefords, Shorthorns, and Angus alike.

Well, what kind of cattle do you have on your own place, he was asked.

"I have no herd there now," he replied.

Dr. Darlow, graduate of a prep school at Stillwater, received his college degree from OSU (then A. & M.) in 1919 when he joined the faculty. Six years later—in the great Chicago arena where he has since judged so many international livestock shows—Professor Darlow's judging team won an intercollegiate title for the first time.

The pressure of judging must be terrific in the highly competitive beef cattle world, but Dr. Darlow doesn't admit it.

Edd Lemons, head of Agricultural Information Services at OSU, recalled a story told about Darlow.

After a champion steer was selected in competition several years ago, the mother of the boy who finished second challenged the judge on his choice.

"That boy over there," said the dean as he pointed toward the winner, "is responsible. He fed and cared for the champion. I just confirmed his effort."

Dr. Darlow's portrait hangs on the walls of the Saddle and Sirloin Club in Chicago. Placed there in 1958, it means the Oklahoman is recognized as one of the men who have distinguished themselves in advancing the world's animal husbandry.

The cattle expert is not among those who think a fine herd can be built only by money.

"Pick out acceptable herd bloodlines and good individuals," he suggested. "You don't have to spend a fortune. They (good animals) can be found."

As to type and conformation in all beef breeds, the dean has observed mainly one change since 1935: "We are picking larger cattle."

Dr. Darlow recognizes the impact of imports, saying the increasing shipments of beef from abroad "have adversely affected purebred prices."

One Oklahoma breeder commented that the dean, who is equally at ease in the classroom and the feedlot, has established himself as a fine afterdinner speaker, adding: "He has an unexcelled sense of humor."

Except for 7 years—those being spent at the University of Wisconsin (1935–42) where he earned his doctor's degree and served on the faculty—the dean has devoted his career to the growth of Oklahoma State University, its and the State's agricultural development.

In addition, there were livestock shows, from coast to coast; at Perth, Scotland; in Canada, Ecuador, and Australia, to keep him on the go. He helped establish the Imperial Agricultural College in Ethiopia in 1952. He also made one trip to India in 1959 as a consultant on the nation's agriculture.

Dr. Darlow's wife, who frequently accompanied him on foreign trips, died in 1961. He has two married daughters, Mrs. Kathleen Winslow, 2221 East 25th Street, and Mrs. Jane Shapiro, of Stillwater, and three grandchildren.

HOW OTHERS SEE DARLOW

These are the comments of Oklahomans on the distinguished career of Dr. A. E. Darlow, retiring dean of agriculture and vice president of Oklahoma State University:

Dr. Paul Keesee, Poteau, manager of Kermac Angus Ranch:

"His influence on cattle has been outstanding in this State over a long period of time. His ability to get people to follow his thinking has helped a lot."

Otha H. Grimes, Tulsa, Polled Hereford breeder and owner of Ogeechee Farms, Fairland:

"He has been a tremendous asset to better beef in Oklahoma as well as to the entire Nation. He is a recognized authority in agriculture."

K. O. Dixon, Grove, Honey Creek Ranch operator and president of the Oklahoma Hereford Association:

"Dr. Darlow, strictly in Oklahoma, has been great—he's been very helpful to Hereford breeders. It is sad to all breeders to note that he is retiring from Oklahoma State University."

Sam Fullerton III, Miami, Okla., immediate past president of Oklahoma Aberdeen Angus Association, and one of Sunbeam Farms' owners:

"I don't think there has been any man who has done more for the cattle industry in Oklahoma. The Fullerton family has always had a lot of respect for him."

PEOPLE-TO-PEOPLE PROGRAM IN DENTISTRY

Mr. BEALL. Mr. President, this year the Southern Maryland Dental Society initiated a good will program for foreign doctors. One dentist, a Dr. Sergio Castellon Barreto of Nicaragua was selected to come to our country for a 10-week stay. During his stay, he observed the modern advancements in American dentistry. Each week the doctor resided in a different American dentist's home. The Voice of America thought so much of this program that Dr. Barreto was interviewed by them and his remarks were broadcast back to his country. From his remarks it is apparent that the United States now has a native good will ambassador in Nicaragua. This is the type of people-to-people program which will help foster a better understanding of the American way of life. I compliment the Southern Maryland Dental Society for their public service.

Mr. President, I ask unanimous consent that the article from the Suburban Record and the article from the Maryland News, together with the program of the society, be printed in the RECORD.

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

[From the Montgomery County Suburban Record]

NICARAGUA DENTIST DELIGHTED WITH 10-WEEK STAY HERE

(By John Benedict)

Dr. Sergio Castellon Barreto, a dental surgeon from Nicaragua, last week wound up an extraordinarily successful 10-week stay in the United States as the guest of the Southern Maryland Dental Society.

During his visit Dr. Castellon received certificates of completion of the society's graduate study program and a 1-week course of instruction given by the U.S. Naval Dental School. He was the only civilian participating in the naval course.

Dr. Castellon observed activities in the dental schools at Howard and Georgetown Universities and the University of Maryland's branch in Baltimore. He also visited the Cleft Palate Clinic in Lancaster, Pa., the National Institutes of Health, and the Walter Reed Army Medical Center. He even took part in a national dental convention held in Washington, D.C., during the early part of his visit.

The groundwork for Dr. Castellon's coming to the United States was begun by the Southern Maryland Dental Society nearly 2 years ago when the organization decided to make a meaningful contribution to improvement of relations between this country and Central American States and particularly among dentists in the two areas. The society further decided that the best way to achieve this goal would be to sponsor visits of Latin American dentists to the United States.

SIX RESPOND

Early in 1963 the society sent questionnaires and application forms for such a visit to all dental schools in Central America. The dental school at the University of Nicaragua at Leon was the only one to respond. Six applications were received from that school, including one completed by Dr. Castellon who teaches part time at the University of Nicaragua and practices dentistry the remaining time.

The society reviewed the applications in the summer of 1963 and selected the one submitted by Dr. Castellon. He was notified in November 1963.

Dr. Castellon arrived here on February 22, and spent the first week in the Burtonsville home of Dr. Herbert Bricken, chairman of the society's visitation program.

During the next 9 weeks, Dr. Castellon stayed in one dentist's home after another, until the last week when he again stayed with the Bricken family.

The Central American guest visited the offices of each of the dentists with whom he stayed and observed the American methods of practice. One of the most basic things he discovered, inasmuch as he had never heard of it in Nicaragua, was that dentists here work by appointment. In his own country, Dr. Castellon told the Record, patients come and wait sometimes many hours before receiving attention. He said he was going to try to introduce the appointment system gradually when he returned home.

SIGHTSEEING

In addition to being kept on the go during the working hours by his host dentists, Dr. Castellon was busy sightseeing and participating in local community activities. He visited the National Art Gallery, the Smithsonian, the Wax Museum, the Capitol, the Washington Monument, the White House, and the zoo.

He was even taken on a fast trip to the World's Fair by one of his hosts.

Mrs. Bricken told the Record that Dr. Castellon is a gifted singer and talented guitar and harmonica player. When these talents were discovered by the son of one of the dentists with whom he stayed, Dr. Castellon was hustled off to a teen club to which the son belonged where he played and sang for the club's members.

LIKED BY EVERYONE

Mrs. Bricken said that Dr. Castellon was greatly liked by young people and adults everywhere he went during his 10 weeks in the United States.

Dr. Castellon did not speak a word of English when he arrived in this country. Within just a matter of days, Mrs. Bricken said, he had mastered our language well enough to converse on many subjects.

Dentists with whom Dr. Castellon stayed while here were Joseph Applebaum, Marvin Sheldon, Jerome Bernstein, N. William Ditzler, C. P. Chaconas, Marvin Nattel, John Droten, Daniel Placido, Frank Trotts, Richard Messer, and Dr. Bricken.

EMBASSY PLEASED

Dr. Messer was the host who took Dr. Castellon to the World's Fair. Dr. Messer

also held a party for his guest and invited members of the Nicaraguan Embassy to attend. One diplomat who came said it was the first time he had ever been asked to come to a private home in this country.

While staying at Dr. Ditzler's home, Dr. Castellon was taken to Bethesda-Chevy Chase High School on an afternoon's visit by Dr. Ditzler's son. Dr. Castellon said he was completely amazed at the efficiency and seriousness of purpose exhibited by the student government at B-CC.

Dr. Castellon said he was deeply grateful for all of the advanced technical information he had acquired in the United States, but that he was equally grateful at having had the opportunity to visit in American homes. He said that no ordinary tourist to the United States could ever gain the same wonderful impression of the people in this country that he was able to by such an intimate association with them.

VOICE OF AMERICA

In March Dr. Castellon was interviewed by the Voice of America and his remarks were broadcast back to Nicaragua. He appeared to have been greatly pleased at having the opportunity to tell his own people so many good things about the United States.

Because of his wonderful experience here, Dr. Castellon said, he is certain the Southern Maryland Dental Society will have many, many applicants when it sponsors another visit to this country by a Central American dentist 2 years from now.

[From the Maryland News, May 7, 1964]

DENTISTS SPONSOR UNIQUE VISIT

Thanks to a number of local dentists and their families, a young Nicaraguan dentist flew back to his homeland Tuesday night wiser in the ways of his profession, as well as his North American neighbors.

Dr. Sergio Castellon Barreto had been here since February as a guest of the Southern Maryland Dental Society. His trip was a unique one; and he was an unusual visitor.

Three years ago when the late President Kennedy said his immortal "Ask not what your country can do for you, etc.," Dr. Herbert Bricken, Silver Spring dentist, decided upon his own way to answer the President's call. His idea to bring a foreign dentist to this country for graduate study was adopted as a project by the Southern Maryland Dental Society and Dr. Bricken, as chairman of the program, spent several years arranging for the first guest to come.

Eleven local dentists and their families entertained Dr. Castellon as their house guest during his 10-week stay here, and countless dental institutions opened their doors for his further enlightenment. He went home singing praises and left his hosts with impressions of a "perfect guest."

The 27-year-old bachelor from Nicaragua's second largest city, Leon, has been on the faculty of the National University School of Dentistry there for the past 5 years—teaching part time and carrying on a general practice as well. His selection to take part in the Dental Society graduate study program for a foreign dentist climaxed a 2-year period during which the committee gathered the names of all dental colleges in Central America, corresponded with their deans, and discussed the project with World Health Organization representatives and embassy officials.

Coming from an area where the temperature is normally 60 degrees and up, the young dentist arrived during one of our stormiest winters. His hosts kept looking at the snow—the first he'd ever seen—saying, "Oh this will soon melt away," and it did, but only briefly.

Dr. Castellon had rare opportunities. He observed private practices here in Montgomery County, describing them as "more advanced," than those in his country. He spent 3 days in the National Institute of Dental Research and visited Walter Reed Army Medical Center. One week he took a special crown and bridge course at Bethesda Naval Hospital, and was the only civilian enrolled. The doctor visited dental schools at Georgetown and Howard Universities here, and the University of Maryland in Baltimore. He saw the Lancaster, Pa., Cleft Palate Clinic and observed surgery at Holy Cross and Suburban Hospitals in Montgomery County.

"I gained a better impression with the opportunity to live here," Dr. Castellon decided, speaking English remarkably well. A high school course and a smattering of preparation at the U.S. Embassy's cultural school in his country were his only introduction to the language.

"Living in houses with families and friends is so much better than staying in a hotel like a tourist," he continued. "The people are very amiable, friendly. The education of the people is wonderful. It has been a real honor."

Among the Montgomery County dentists who had him as their houseguest are Joseph Applebaum, Marvin Scheldon, Jerome Bernstein, C. P. Chaconas, N. William Ditzler, Marvin Nattel, and Herbert Bricken. He spent his first and last weeks with the Brickens and the Richard Messers of Prince Georges County escorted him to New York City for 4 days at the World's Fair.

Dr. Castellon, Mrs. Bricken revealed, had gained certain impressions from the American films he saw in Nicaragua. "He thought everybody here was divorced," she said, "and teenagers did a lot of drinking. He attended a teen party here and found out they don't."

His American friends are going to miss his love of music. He sings beautifully, Mrs. Bricken commented, and knows all the Latin American dances. He played guitar for our entertainment, she went on, and the piano, xylophone, and harmonica, too.

A performance of the National Symphony at Constitution Hall was Dr. Castellon's favorite cultural experience here, he said, but he also enjoyed touring the National Gallery of Art and the Smithsonian. "I like all kinds of music," he declared, "from the best to the Beatles."

A high point of the visit was a radio interview over the Voice of America that was taped and transmitted to Central America.

Dr. Castellon went back home with a store of "many new things" he had learned, and plans to "make many changes" in his classes. His notebooks include new words and new people. His dental school will have new equipment as a result of his trip, too.

The Southern Maryland Dental Society provided round trip transportation and the homes in which he stayed. "It has been very satisfying for all concerned from the standpoint of doing something for our country and for the plain enjoyment involved in meeting and entertaining such a fine visitor," concluded the local dentists. "We urge other component dental societies and other professional societies to consider instituting similar programs."

INVITATION AND STUDY PLAN FOR FOREIGN GRADUATE DENTIST, SPONSORED BY THE SOUTHERN MARYLAND DENTAL SOCIETY

OBJECTIVES

1. To permit a foreign graduate dentist the opportunity of observing dental practices in the United States as the guest of the sponsoring dental society.

2. To aid in our national objective of achieving improved international relations, through planned dental society action.

METHODS OF RECRUITMENT OF CANDIDATES

1. All members of the Southern Maryland Dental Society having contact with foreign classmates may write these classmates for suggested candidates. An application form will be forwarded upon notifying committee chairman of interested foreign dentist's name and address.

2. Dr. Mario Chavez, Regional Dental Consultant, Pan American Sanitary Bureau, Washington, D.C., will cooperate by supplying the names of South American Dental Societies that have members expressing an interest in applying. Application forms will be forwarded to the appropriate dental societies.

3. Deans of a number of South American and Central American dental schools will be informed of our program and their aid enlisted in selection of candidates.

4. Application forms will be forwarded to the international dental organizations for the proper routing to potential foreign candidates.

5. All applications will be reviewed by the committee. After selecting several most suitable candidates, these will be screened through the U.S. Department and the candidates' respective embassies. The resulting group of candidates will be presented to the Southern Maryland Dental Society membership for final selection.

EDUCATION FACILITIES AVAILABLE IN SOUTHERN MARYLAND AND WASHINGTON, D.C., AREA

1. The directors of the various Federal dental services have commended the plan and will cooperate in meeting the educational desires of the guest dentist.

2. The deans of the area dental schools have expressed interest and support.

3. A number of practicing dentists have offered to have the visiting dentist spend time with them in their offices.

4. When the final candidate is selected and his wishes are ascertained a definite 3-month schedule will be outlined.

LENGTH OF VISIT AND LIVING ACCOMMODATIONS

1. The length of stay will be 3 months.

2. The society's guest will be housed in the homes of volunteers of the Southern Maryland Dental Society for 1 or 2 weeks. The schedule of volunteer hosts will be backed up by an alternate host list.

EXPENSES

1. All expenses, except incidental personal expenses, will be borne by the Southern Maryland Dental Society and its members.

MOTHER WRITES ABOUT STUDENT AID

Mr. HARTKE. Mr. President, I have received many letters over the past few months about the Hartke college student assistance bill, on which hearings were recently completed by the Education Subcommittee. A good many such letters have come from students or parents. One of the more recent is from a South Bend mother whose daughter is just now graduating from high school. It points up the need for the kind of comprehensive assistance, including the provision of aid for the average student, which my bill will give.

There are those, including Members of the Congress, who would prefer to put the entire burden of loans upon an expanded NDEA program. My bill provides for expansion of that assistance, but because of the mushrooming need for funds and the necessity for aiding all those with the capacity to benefit from college, it would make available also a Federal guarantee of private loans to students much as does the Federal Housing Administration for home loans.

The letter from Mrs. Ball to which I have referred makes clear the fact that NDEA cannot do the job adequately in

dealing with the average, as compared with the high-ranking student. She writes that her daughter has been accepted at Ball State Teachers College, but that when she applied for a loan under NDEA she was told that her SAT score was too low. Mrs. Ball's letter continues:

Here is where I disagree with this act. * * * There are many students who are not A students or even B students, but an average C student (give me the average student any time) except in their chosen field of endeavor in which they are interested. She, for instance, is an average student in everything except the sciences, which she gets good grades in but does not care for, and music.

Music is her chosen profession, and she is entering college to become a music major and wants to be an instrumental music teacher. She plays bassoon, saxophone, piano and organ. Naturally she has been a member of both band and orchestra all the way through school and is a straight A student in this. So I ask, Why should a student with a chosen profession be denied aid for education, and they say they need teachers, just because he or she is not a genius in other areas of education? (I wonder how many of these geniuses get up at 6 o'clock in the morning to get to school to practice for marching, concerts, etc. 5 days a week for 4 years?)

Mrs. Ball continues to express her agreement with my own views, which I have repeatedly stated, that the goal should be "further education for anyone, regardless of whether it be a trade school, technical school, and so forth. This is as it should be." She further agreed with me that "there should be no restrictions as to need as long as the loans must be repaid anyway, because I don't think anyone would apply for such a loan, knowing it must be paid back with interest, if they did not need to."

Mrs. Ball concludes with this paragraph:

My husband and I are 55 and 48 and I will have to work to help her (this I will gladly do). Having helped our parents on both sides for many years, we are just now buying our first home, so you can see at our age it is not going to be easy. Especially, when the time is coming when we should be laying something aside for our retirement years, so that we do not have to depend on our children to help us.

Mr. President, S. 2490 is needed. The existing arrangements for aid to college students is inadequate, as this letter so clearly demonstrates. I hope that when this bill comes before the Senate it will be adopted as an answer to the need for funds to aid not only the academically outstanding but the average student to achieve the kind of education needed today.

EIGHTEENTH ANNIVERSARY OF FOUNDING OF ITALIAN REPUBLIC

Mr. SALTONSTALL. Mr. President, today marks the 18th anniversary of the founding of the Italian Republic. On June 2, 1946, the people of Italy voted to abolish their constitutional monarchy and to establish a Republic, the guiding principles of which were to be consistent with the ideologies of the other western democracies. That was indeed a meaningful occasion for the people of Italy and for all people of Italian ancestry. The observance of this holiday provides an appropriate occasion for free people everywhere to pay tribute to the remarkable progress made by this young Republic in its 18 years of existence and to express our appreciation for the many contributions which people of Italian heritage have made to the enrichment of our lives.

The Italian Republic of 1946 was faced with many difficult problems attributable to the war and its aftermath. Homes and lands had been destroyed. Inflation was growing, and unemployment was dangerously high. But the courage, determination, and ingenuity of the valiant Italian people proved successful in replacing devastation with growth and development, poverty with industrial and agricultural expansion, and political instability with a government committed to the democratic principles which all free men cherish. Italy today has become a full partner in the activities of the free world, and is an important member of the NATO alliance, the United Nations, and the European Common Market.

Italian immigrants have made important contributions throughout the years to our American way of life. Many Italians have settled in my home State of Massachusetts and have assumed important positions of trust and responsibility in our Commonwealth. Within the past decade two men of Italian ancestry have served as Governor of Massachusetts.

On this holiday we commend the people of Italy for the remarkable strides they have made over the past 18 years in rebuilding their native land. We take this opportunity to wish them continued success in their endeavors to bolster Italy's economy and strengthen her political foundations.

INTERNATIONAL WILDLIFE CONSERVATION CONGRESS SUPPORTED BY STATE DEPARTMENT

Mr. YARBOROUGH. Mr. President, last year I introduced Senate Concurrent Resolution 60, calling on the executive branch of the Government to sponsor an international conference encouraging cooperative action by the nations of the world in behalf of wildlife conservation.

In that resolution and in my accompanying remarks I pointed out that many species of wildlife were threatened with extinction. Less than 200 living examples of a number of species of the largest animals living in the world today are in existence.

Such a conference would be of particular interest to the less developed countries where the bulk of the world's remaining wildlife populations are to be found. Conservation can bring rewards to these nations aside from its intrinsic value and its effects on tourism; wildlife as a source of meat is being given increasing recognition in planning the food resources available for increasing populations.

Those familiar with conditions in Africa have stated that proper game management can be many times more profitable than cattle raising, and wild game is not so injurious to the land.

That was pointed out in the remarks accompanying the original joint resolution.

The importance of the conservation of the wild game will increase, and the United States should provide leadership in securing international recognition and cooperation for conservation programs.

I am pleased by the communications I have received from conservationists expressing support for the goals of Senate Concurrent Resolution 60. One such letter of support comes from Mr. Frank Oatman, Jr., president of the Travis County, Tex., Audubon Society; I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, in that letter the Travis Audubon Society states that it takes an active interest in conservation in Austin, Tex.; in Travis County; adjoining counties in the State of Texas; the whole United States, and every other country in the world. That activity shows the worldwide interest that conservationists have, however local the unit may be.

Recently, under date of May 6, 1964, the Department of State submitted its report on Senate Concurrent Resolution 60 to the Senate Commerce Committee. I am pleased by this Department's recognition of the need for this type of action. The Department of State also makes constructive suggestions as to the possible mechanics of setting up such a conference, and suggests that a preliminary study be made on such a conference. The Department's reasoning has merit and I am carefully considering the adoption of their recommendations in the resolution I am sponsoring. I ask unanimous consent that the report of the State Department be printed at this point in the RECORD.

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

DEPARTMENT OF STATE,
Washington, May 6, 1964.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate

DEAR MR. CHAIRMAN: Your letter of October 4, 1963, requested comments on Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the convening by the Secretary of the Interior, in consultation with the Secretary of State, of an international conference to initiate cooperative action to further conservation of wild animals on a worldwide basis. The conference would consider, among other things, action controlling imports of commodities chiefly derived from wild animals, assistance in establishing training schools and conservation departments, and assistance by the United States through use of local currency accruing to the United States under Public Law 480 of the 83d Congress.

It is the policy of this Department to encourage the conservation of wildlife resources through any sound and practicable means. For example, conservation of wild-

life resources is of particular concern in Africa at present, and our diplomatic and consular officers have been requested, in appropriate situations, to render such assistance as they can in educating the officials and populace in the necessity and methods of maintaining their irreplaceable natural resources and to render any practicable assistance to the local government in this field.

Conservation of wildlife resources is important for three principal reasons: esthetic, protein food, and tourism. The existence of wildlife populations in their natural habitat has an intrinsic worth which is considerable. However, it is felt that in less developed countries the other two reasons will be more persuasive.

The proposed conference might lead to positive action for the preservation of the endangered wildlife resources of the world. For one thing, it might impress upon some nations which possess endangered wildlife population that such matters are of concern to people everywhere, and that the preservation of wildlife population is a matter of international prestige. But important as this may be, the major impact of such a conference might well be to clearly point out to the nations with endangered wildlife populations that it is clearly to their own economic advantage to conserve their wildlife populations.

The Department would support the conference if convinced that it has a reasonable prospect of accomplishing the objectives set out above. At present the Department has several reservations in this regard. These reservations are concerned with the amount of interest that there would be in the subject. Would it be possible to obtain sufficient representations from the countries where most of the products are marketed and from the countries where most of the products are produced to provide the basis for agreement on a treaty that would be effective in world traffic in animals and in animal products? It would be highly desirable to obtain some evaluation of these matters before proposing such a conference. Accordingly, the Department recommends that a study be made of the specific objectives of the proposed conference, how these objectives might best be realized and the likelihood of success of such a conference before any final action is taken on the resolution. Perhaps the first step should be a resolution calling for a study by a competent body of the problems facing world wildlife and whether these problems might best be met through such a conference or through other means.

Such a study as proposed by the Department might consider, inter alia:

1. Sponsorship: Wildlife knows no national borders, nor are conservation problems limited to any one area. The United Nations might, therefore, be considered to be the most appropriate body to convene such a conference on this worldwide problem. The United States would, however, be a most suitable site for such a conference. Holding a conference of this type at one of our great national parks would give a clear picture to the participants of conservation in action and the benefits which accrue therefrom.

2. Timing: The Department believes that holding such a conference within a year's time, as envisaged in the resolution, is not practical. A good deal of time would be necessary for the preparatory work. Another consideration is that an international conference on this subject was held in Nairobi, Kenya, September 21–23, 1963, sponsored by the International Union for the Conservation of Nature and Natural Resources. If a world conference were to be called either by the United Nations or the United States too soon after this conference, it would lose a good deal of its impact. Therefore, it is suggested that the fall of 1965, or even some date in 1966, might be the earliest practicable time for holding such a conference.

3. Funding: It is noted that no provisions are included in the resolution for funding such a conference. If the conference were to be held in the United States, even under United Nations auspices, certain expenditures would be required by the United States as host government.

In conclusion, the Department is favorably inclined toward the idea of such a conference, but feels that a suitable study should be made to determine its practicability and chances of success before any further steps are taken toward the convening of any such meeting. The committee may wish to consider redrafting the resolution to provide for such a study.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

Mr. YARBOROUGH. In that report the State Department says:

It is the policy of this Department to encourage the conservation of wildlife resources through any sound and practicable means. For example, conservation of wildlife resources is of particular concern in Africa at present, and our diplomatic and consular officers have been requested, in appropriate situations, to render such assistance as they can in educating the officials and populace in the necessity and methods of maintaining their irreplaceable natural resources and to render any practicable assistance to the local government in this field.

The State Department further states that the interest in wildlife knows no national boundaries, and that conservation problems are not limited to any one area. They suggest that the United Nations might be an appropriate body through which to make the study. But the State Department recommends that the conference be held in the United States, possibly in one of our great national parks, where a clear picture could be given to the participants of conservation in action and the benefits which accrue therefrom.

On the subject of timing, my joint resolution, which was introduced last year, called for a conference within a year. The State Department points out that there is not sufficient time to have such a conference. It recognizes that the conference should be held, but recommends that it be held in 1965. I am pleased and grateful that the State Department has given much thought to the conservation of wildlife and the irreplaceable natural resources all around the world.

The Department is working with advice now. It recommends that the idea of an international conference be carried out and that plans be made looking forward to a conference, possibly in 1965, which would be the earliest possible practicable date for the conference, and perhaps even in 1966.

I feel that with such support the conference will be held and that we shall make strides to save the species of great animals threatened with extinction, and that we shall also make progress toward utilization of those portions of the earth where there are living large natural wild animals which could produce more meat per square mile than if the trees were bulldozed away and domestic animals were put there.

EXHIBIT 1

TRAVIS AUDUBON SOCIETY,
Austin, Tex., April 6, 1964.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Board of Directors of Travis Audubon Society, in regular meeting Thursday, April 2, voted to support your resolution calling on the United States to take the lead in convening an international conference to discuss ways of conserving the world's wildlife.

Travis Audubon Society takes an active interest in conservation in Austin, Tex., in Travis County and adjoining counties, in the State of Texas, the whole United States and in every country of the world.

We have appreciated the many conservation measures that you have initiated and worked for. You have had and will continue to have our strong support on all matters of conservation.

Very sincerely yours,

FRANK OATMAN, Jr.,
President.

The PRESIDING OFFICER. Is there further morning bnsiness? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

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 the amendments (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendments (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE], for himself and other Senators, relating to jury trials in criminal contempt cases.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 261 Leg.]

Aiken	Hartke	Nelson
Allott	Hickenlooper	Neuberger
Anderson	Holland	Pearson
Bartlett	Hruska	Proxmire
Bayh	Inouye	Ribicoff
Beall	Jackson	Saltonstall
Bible	Javits	Simpson
Boggs	Johnston	Smith
Brewster	Jordan, Idaho	Sparkman
Burdick	Keating	Stennis
Carlson	Lausche	Symington
Case	McGovern	Talmadge
Church	McIntyre	Thurmond
Clark	Metcalf	Walters
Cotton	Miller	Williams, N.J.
Dodd	Monroney	Williams, Del.
Dominick	Morton	Yarborough
Gruening	Mundt	
Hart	Muskie	

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. THURMOND obtained the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may speak this morning from the desk of the senior Senator from Arkansas [Mr. McCLELLAN].

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

Mr. THURMOND. Mr. President, the procedural situation with respect to the issue of jury trials and H.R. 7152 presents an illustrative example of the weakness of the entire civil rights bill. The unprecedented tactics and procedures being followed to secure its passage at all costs and irrespective of its lack of merit conflict with long-established principles of justice.

The leadership has advised the Senate that on Saturday of this week, a petition for cloture under the provisions of rule XXII will be filed, and will, therefore, be the subject of a Senate vote 1 week from today. From the press accounts of the numbers and identities of Senators who are shouting that it is time to vote, it is conceivable that those voting in the affirmative on cloture would be a sufficient number to end debate. I do not personally believe this to be the case, but from press reports, one might be able to so conclude.

It is significant, Mr. President, that with reference to the jury trial, it is not the jury trial provision of the 1957 Civil Rights Act which the leadership actually intends to have written into the bill which they hope will be passed by the Senate. This is evidenced by the jury trial provision contained in the proposed substitute bill.

Mr. President, the procedure with reference to the jury trial issue illustrates clearly that the proponents of legislation in this field have learned that their proposals cannot stand the dissection of extensive debate and that their only hope is to enact provisions which will be precluded from extensive debate by the imposition of the gag rule on the Senate of the United States.

The debate on the jury trial provisions previously offered has gone on at some length and it would be useful to review the issues and the various proposals offered at this time.

Through the advent of a combination of unfortunate circumstances, a practice gained a foothold, and has now grown to awesome proportions, by which the courts of the United States and of many States have proceeded to punish persons charged with a variety of types of contempt of court without affording to them the historical rights of procedural and substantive due process, including jury trials. The practices of the courts have all too often been countenanced and even endorsed by the Congress.

The practice of denying a jury trial to a defendant in contempt cases, even in cases of indirect criminal contempt, stemmed from a real or apparent misunderstanding by the Founding Fathers and their immediate successors of the status of the common law of England with respect to those contempt cases in which jury trials were and were not afforded. In the early days of our Nation, the practice of denying jury trials to defendants in all manner of contempt proceedings was not of great and national moment, for the simple reason that contempt proceedings were relatively rare and involved matters of slight import, with negligible punishments.

Out of this inauspicious beginning, the practice of denying jury trials in all types of contempt cases has grown into a hideous monster, involving matters of great seriousness with correspondingly high penalties and which occur with great and increasing frequency. The complexity has been confounded by the disposition of the Congress to resort to the expediency of the contempt process or the enforcement of administrative law, except in those cases, of course, where the political repercussions of such a course are decidedly disadvantageous. The exception has occurred almost exclusively in laws passed with regard to labor unions, and the Congress has seen fit to provide that both labor unions and members of labor unions shall have the advantage of jury trials even where remedies provided by law involve injunctive proceedings.

The anachronism of denying a defendant a jury trial, even in cases of indirect criminal contempt, has been the divisive subject of two recent Supreme Court decisions. The first in point of time was Green, et al., against United States, decided in 1958, and United States against Barnett, et al., the decision in which was handed down on April 6 of this year. Both of these cases resulted in 5 to 4 split decisions by the U.S. Supreme Court. From the standpoint of consistency of procedural and substantive due process, the Congress should long ago have eliminated the star chamber summary proceedings which have flourished like a thistle on the surface of an otherwise cultured lawn of laws to protect the rights of individuals.

Mr. President, the confusion which exists in the state of the law on the subject of criminal contempts could have been avoided by a simple enactment of Congress at any time in the past. As a matter of historical fact, as early as 1896, the Senate recognized the need for legislation in this area. On April 30, 1896, the Committee on the Judiciary of the U.S. Senate reported favorably on S. 2984, a bill in relation to contempts of court. This bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That contempts of court are divided into two classes, direct and indirect, and shall be proceeded against only as hereinafter prescribed.

SEC. 2. That contempts committed during the sitting of the court, or of a judge at chambers, in its or his presence or so near thereto as to obstruct the administration of justice, are direct contempts. All other are indirect contempts.

SEC. 3. That a direct contempt may be punished summarily without written accusation against the person arraigned, but if the court shall adjudge him guilty thereof a judgment shall be entered of record in which shall be specified the conduct constituting such contempt, with a statement of whatever defense of extenuation the accused offered thereto and the sentence of the court thereon.

SEC. 4. That upon the return of an officer on process or an affidavit duly filed, showing any person guilty of indirect contempt, a writ of attachment or other lawful process may issue, and such person be arrested and brought before the court; and thereupon a written accusation, setting forth succintly and clearly the facts alleged to constitute such contempt, shall be filed and the accused required to answer the same, by an order which shall fix the time therefor, and also the time and place for hearing the matter; and the court may, on proper showing, extend the time so as to give the accussed a reasonable opportunity to purge himself of such contempt. After the answer of the accused, or if he refuse or fail to answer, the court may proceed at the time so fixed to hear and determine such accusation upon such testimony as shall be produced. If the accused answer, the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him; but such trial shall be by the court, or, in its discretion, upon application of the accused, a trial by jury may be had as in any criminal case. If the accused be found guilty judgment shall be entered accordingly, prescribing the punishment.

SEC. 5. That the testimony taken on the trial of any accusation of indirect contempt may be preserved by bill of exceptions, and any judgment of conviction therefor may be reviewed upon direct appeal to or by writ of error from the Supreme Court, and affirmed, reversed, or modified, as justice may require. Upon allowance of an appeal or writ of error execution of the judgment shall be stayed, upon the giving of such bond as may be required by the court or judge thereof, or by any Justice of the Supreme Court.

SEC. 6. That the provisions of the Act shall apply to all proceedings for contempt in all courts of the United States except the Supreme Court; but this Act shall not affect any proceedings for contempt pending at the time of the passage thereof.

This bill drew the distinction between direct and indirect contempts and allowed for summary punishment for direct contempts, without a jury trial. However, in cases of indirect contempts, it provided for the normal safeguards which accrue to a defendant in any criminal procedure, including a trial by jury upon application of the accused.

There was considerable debate on this subject on the Senate floor before this measure was finally passed by the Senate. It was passed, however, Mr. President, and in due course, the Committee on the Judiciary of the House of Representatives acted on the measure. Instead of approving the measure which the Senate passed, however, the Judiciary Committee of the House of Representatives reported an amendment in the nature of a substitute for the Senate-passed bill. This substitute, although different in some degree, contained the same procedural and substantive safeguards, including the right to a trial by jury for indirect contempts, as did the Senate-approved bill.

Due to the controversy which arose as a result of the House Judiciary Committee's actions, and the lateness of the session, no final action was taken on this measure before the 54th session of Congress adjourned, sine die.

Had the controversy never arisen over matters which were purely form rather than substance, the law on this subject today would be clear and unmistakable.

Mr. President, although it is similar in nature, the issues as to the denial of jury trials which derive by virtue of the provisions of H.R. 7152 far exceed in magnitude that which has grown up in judicial practice since its beginning with an obscure and largely misunderstood conception of the English common law. The provisions of H.R. 7152 bring to bear additional factors which make the inclusion of a provision for jury trials even more essential in order to achieve harmony with the constitutional concept of due process.

H.R. 7152 attempts to create new rights for certain citizens. Most of the rights which the bill attempts to create, and particularly those in the so-called public accommodations field and the employment field, had they existed at all in common law, would have fallen into the category of implied contract rights, for they are of this nature. Relations between merchant and customer, and between employer and employee are contractual, although the contract may be implied, rather than specific.

The situation would be bad enough if the bill only attempted to create such rights, and went no further. If that were the case, the so-called rights created by the bill would be enforceable by means of private, or civil, litigation.

Enforcement of the so-called new rights would be at the instance of the person aggrieved by his commencing a civil action against the person who he believed violated his rights and caused him damage.

The bill goes much further, however, than just attempting to create new rights and new contractual responsibilities. The bill provides that the new class of so-called rights which it creates shall be enforced, not by civil actions as is normally the method of enforcing contractual rights, but by the United States through injunctive procedure.

The effect, Mr. President, is to convert what would rationally be a matter for civil remedy into a new class of criminal prosecutions which utilize the summary proceeding of the star chamber. It should be emphasized that the abridgement of the so-called rights attempted to be created by the bill is not specifically made into a crime, but a procedure is prescribed which will result in criminal sanctions to enforce something in the nature of a contractual right without providing the safeguards of due process, including trial by jury, to those accused of abridging the so-called rights created under the bill.

Mr. President, the fact that H.R. 7152 provides that the enforcement of the so-called rights created by the bill will be in actions in which the United States may bring the suit has special significance. The fact that the suits will be prosecuted by the United States operates to circumvent the existing statutory provision for jury trials in indirect contempt proceedings. The two statutory requirements as to jury trials are 18 U.S.C. 402 and 18 U.S.C. 3691.

In both statutes, an exception is made to the requirement for a jury trial in cases where the suit or action is brought or prosecuted in the name of the United States.

Thus, Mr. President, the obvious effect of H.R. 7152 is to create a new type of action, which employs star chamber proceedings for the enforcement of so-called rights which, if they can exist at all, are in the nature of contractual rights.

It was because of this situation that the Senator from Georgia [Mr. TALMADGE], who was joined by several of us as cosponsors, offered to the bill amendment No. 513. This amendment would provide for a jury trial for the defendant in all cases of indirect criminal contempt, including those arising from H.R. 7152, without disturbing the well-settled authority of the court to deal summarily with cases of direct criminal contempt and valid cases of civil contempt.

The line of distinction between the types of contempt is well established. It is explained clearly in a memorandum placed in the RECORD by the Senator from Georgia on April 21. That memorandum states, in part:

> The contempt can be direct (arising out of acts committed in the physical presence of the court) or constructive (arising out of acts committed out of the physical presence of the court).
>
> There are two types of contempt proceedings—civil and criminal. The distinction is based on the character and purpose of the suit. If remedial, it is civil contempt. If punitive, it is criminal contempt. The following rules generally apply:
>
> Criminal: (1) Punitive punishment; (2) plaintiff is U.S. Government; (3) imprisonment for fixed period; (4) fine paid into court; (5) proved guilty beyond a reasonable doubt; (6) defendant cannot be compelled to testify against himself; (7) case cannot be settled out of court.
>
> Civil: (1) Remedial; (2) plaintiff is the original plaintiff in the injunction suit; (3) imprisonment only to coerce; (4) fine is paid to plaintiff; (5) proved guilty by a preponderance of the evidence; (6) case can be settled out of court.

Mr. President, the language of the amendment No. 513 also adheres strictly to the established distinction evolved in the case law between direct and indirect criminal contempts. A direct contempt, the trial of which the amendment excepts from the jury trial requirement, is one committed in the "presence" of the court. The language of the amendment includes the three distinct and separate definitions of presence, which are: First, actual presence, which means in the sight or hearing of the court, under such circumstances that the facts are known to the judge without confession or collateral inquiry; second, such presence that includes any place where court or grand jury sessions are held, including hallways and rooms for witnesses and jurors; and third, such presence that is sufficiently near to the court to obstruct the administration of justice, which means within hearing distance of the court, but not necessarily under such circumstances that the judge knows from firsthand evidence who is responsible for the contempt. The exempted direct criminal contempt also includes that feature of contempt found by Sir John Fox to have a firm basis in the common law for which summary proceedings were applicable; namely, the disobedience of any officer of the court of the writ or process of court, regardless of the geographical location of the act of disobedience in relation to the physical presence of the court.

The initial jury trial amendment, therefore, is the conservative minimum consistent with traditional constitutional concepts of due process. It is designed in such a way as to create no problems with enforcement for application, for it is based on a well established and historically recognized distinction as to types of contempt.

Faced with the forthright approach of amendment No. 513, the proponents of H.R. 7152 in the person of the majority and minority leaders then offered amendment No. 516 as a substitute for amendment No. 513.

This substitute is still pending before the Senate.

In essence, amendment No. 516, offered by the leadership, is patterned on the atrocious split-level jury trial provision incorporated by what was termed a compromise in the 1957 civil rights bill.

The 1957 jury trial provision fixed the right to a jury trial on the amount of severity of the punishment involved. In 1957, the compromise of the jury trial was based on a punishment level of a $300 fine or 45 days imprisonment. For sentences to be imposed in excess of this level of severity, the defendant was required to be afforded a jury trial. He was given no right to a jury trial when the punishment imposed was of a lesser severity. Amendment No. 516, the original Dirksen-Mansfield jury trial amendment, adhered to the split-level design but changed the applicable punishment level from $300 fine and 45 days imprisonment to a $300 fine or 30 days imprisonment.

This substitute has also been the subject of debate since it was offered on April 24, 1964. In this debate, it has been pointed out in some detail, and not refuted, that like the 1957 jury trial provision, the Dirksen-Mansfield substitute contained in amendment No. 516 is not merely a compromise of penalties, but indeed is a compromise of fundamental principles. It is a compromise of traditional and just standards of due process of law and the rights of individuals.

There is no logical basis for making the right to a jury trial contingent on the severity of the punishment inflicted. Conviction and punishment are entirely two different matters. The stigma of conviction is not mitigated by a light sentence, and an unjust conviction is no less unjust because the sentence of the court is mild.

If it is unjust for a judge in cases of indirect criminal contempt to be vested with the power to act as prosecutor, judge, and jury, then it is unjust in all cases, whatever the sentence of the court.

The pending substitute amendment, or compromise, as it is called, is well named, for it is completely compromising. The very fact that the amendment has been offered is an admission that it is wrong, unjust, and out of harmony with the Constitution for a person to be denied a jury

trial when charged with indirect criminal contempt. The rationale of the compromise, however, is that a little bit of wrong is all right; that a little bit of injustice is permissible; that it is all right if just a little bit of one's constitutional rights are denied.

Yes, Mr. President, compromise is the correct and descriptive label for the pending substitute amendment. It is not a just compromise of the level of punishment at which a jury trial will be denied; it is a compromise of a fundamental principle of justice.

Judges should either have star chamber powers or they should not have such powers. Judges should either have the power in indirect criminal contempts to charge a man with a crime, prosecute him for it, conduct his trial, find him guilty and impose the sentence, or they should not have such power. Justice either requires that a man be given a jury trial in cases of indirect criminal contempt or it does not so require.

There is no such thing as confining justice to the flagrant cases, and permitting injustice in the minor cases. If the Senate departs from the principle of justice in any case, it commits an injustice.

After amendment No. 516 had been offered by the minority and the majority leadership as a substitute for the Talmadge amendment No. 513, amendment No. 577 was offered as an amendment to the Talmadge amendment No. 513. Procedurally, it was offered as a perfecting amendment to the Talmadge amendment, taking priority of consideration over the substitute offered by the minority and the majority leadership. Amendment No. 577, which is the pending business before the Senate, while it maintains and preserves the fundamental right to a trial by jury in cases of indirect criminal contempt, as provided in the Talmadge amendment, severely mitigates the minimum provisions of the Talmadge amendment by permitting a defendant to demand a jury trial only at the risk of being subjected to a more severe sentence.

I, personally, could not support amendment No. 577, for I believe the Talmadge amendment, which I cosponsored, to be the minimum consistent with justice and the demands of the constitutional concept of due process. Nevertheless, I can fully understand the factors which prompted the action of both the author of amendment No. 577, the Senator from Florida, and the Senator from Louisiana who offered the amendment. I am sure that both the Senator from Florida and the Senator from Louisiana would prefer the absolute jury trial guarantee in cases of indirect criminal contempt, as proposed by the Talmadge amendment to the provisions contained in amendment No. 577. From a practical standpoint, one cannot overlook the fact that any proposal jointly submitted by the minority and the majority leaders of the Senate has a distinct advantage, from the standpoint of garnering votes, over an amendment offered by several southern Senators to a civil rights bill, irrespective of the comparative substantive merits of the two amendments. When faced with such a situation, I can understand the offering of amendment No. 577 to weaken the Talmadge amendment in the hope that in its modified form at least the basic right of a defendant to a jury trial in cases of indirect contempt arising under the provisions of H.R. 7152 might be secured.

The Smathers amendment, No. 577, provides, as I have said, that in proceedings for indirect criminal contempt, the accused shall, upon demand, have the right of a trial by jury. This amendment also provides, however, that if the defendant does not demand a trial by jury, the sentence of the court upon his conviction shall not exceed a fine of $300 and 30 days. If, however, the accused in such a case demands a trial by jury and if he is convicted, he subjects himself, by his demand for a jury trial, to a sentence of as much as a $1,000 fine and imprisonment of up to 6 months.

Under this amendment, Mr. President, the defendant at least has the option of demanding a jury trial, albeit, at the risk of subjecting himself to much more severe penalty in the event he is convicted.

Mr. President, within the last week, the Senate has been put on notice of the intention of the minority and the majority leaders, together with the whips of the minority and the majority, to abandon the so-called Dirksen-Mansfield substitute embodied in amendment No. 516, which is pending before the Senate, in favor of what might be referred to loosely as a jury-trial provision, embodied as a part of a package substitute bill printed as amendment No. 656. The Senate has not been advised as to precisely when it is the intention of the minority or the majority leadership to call up this substitute bill containing this new so-called jury-trial provision; but it is quite apparent that this substitute will be called up after, rather than before, a gag is placed on the Senate, in the form of cloture under rule XXII.

Mr. President, from what is reported in the news media, one would be led to believe that the substitute package contained in amendment No. 656, intended to be proposed by the majority and the minority leaders, is a compromise bill which has eliminated the most objectionable and oppressive features of the House version of the bill. This masterpiece of compromise, according to the news media, has been accomplished by the minority leader, with the consent of the leadership of the majority in the Senate, and more important, with the consent and acquiescence of the nearly all powerful—and, if this bill is passed, soon to be more powerful—Attorney General of the United States.

This latest jury trial proposal is contained in section 1101 of title XI of the substitute bill intended to be proposed by the leadership of the Senate. This section well illustrates the type of compromise with which the Senate is faced, for it deprecates the right of trial by jury even worse than did the split-level jury trial provision of the 1957 act.

In this latest proposal, it is the judge who in his discretion would have the option of determining whether or not the defendant shall be given a jury trial. The accused would have no option in the matter whatsoever. Indeed, he would have no right to an opinion on whether he will or will not receive a jury trial. The judge would have the option of whether he will give the accused a jury trial and, therefore, subject him to a higher penalty of as much as a $1,000 fine and 6 months or whether he will try the accused himself without a jury, and thereby limit the possible sentence to a maximum under this provision of $300 fine and 30 days imprisonment.

Conceivably such a provision might put a Federal judge in something of a quandary. Should he risk an acquittal of the accused in order to have the option of giving him a more severe penalty, or should he try the accused without a jury, eliminating the risk of acquittal, and thereby be satisfied with imposing the less severe sentence upon the accused?

Mr. President, the leadership's latest proposal on jury trial is not just a compromise; it is a sham. It completely ignores the demands of justice and the constitutional concept of due process. As far as individual rights are concerned, it goes backward as compared to what has been previously proposed—not forward. From the standpoint of potential oppression of individual rights, the latest proposal does take a great stride forward.

In essence, the latest proposal by the leadership on jury trials would give the judge the option to provide a jury, and thereby a stiffer sentence in those cases which he believed were strong enough to get a conviction by a jury. In those cases which the judge thought too weak to sustain a conviction by a jury, he could try the accused himself, find him guilty, and punish him less severely. Mr. President, no sense of justice plagues the concept of this proposal.

Mr. President, this is typical of the compromises contained in the leadership's substitute bill in the form of amendment No. 656 to be called up after cloture is imposed and its iniquitious provisions thereby shielded from the bright light of extensive analytical debate. This substitute will be called up at a time when it will be shielded not only from the light of debate which would inform Senators, but from the light of debate which would also inform the American public of the travesties on justice which it contains.

Mr. President (Mr. BAYH in the chair), the jury trial issue is but one of innumerable issues of great import to the liberties of individuals in the Nation. It has received more debate in this body than possibly any other issue in the bill. Nevertheless, it is clear from the announcement of the intention of the leadership of its latest proposal that this issue of jury trials has itself not been debated sufficiently. It would be a sad day for America if cloture were invoked and debate limited even on this most discussed issue of jury trials. It is my sincere hope that the Senate will continue to engage in debate on this issue as well as the numerous other issues which have hardly been touched in debate.

Mr. President, the Michigan Law Review, volume 61, No. 2, published in December 1962, contains an article entitled

"The Constitution and Contempt of Court." In this article, the author, Mr. Ronald Goldfarb, discusses the present state of the law with regard to contempts of court. The author draws the conclusion that "the legal treatment of the judicial contempt power has created a constitutional maze. Peculiar handling of a frequently implemented power has resulted in a unique body of law." Mr. Goldfarb has gone to great lengths in gathering material from which this conclusion is drawn, and I believe this article is worthy of the consideration of the Senate. I quote:

THE CONSTITUTION AND CONTEMPT OF COURT

(By Ronald Goldfarb)

I. INTRODUCTION

The contempt power of American courts is as old as our judiciary itself and, while derived from historical common law practices, is peculiar both to and within American law. It is peculiar to American law in that other legal systems (not based on the English) have no such power of the nature or proportions of ours. It is peculiar within our system in that no other of our legal powers is comparable to contempt in pervasiveness or indefiniteness. Nor does any analogy come to mind of a legal power with the inherent constitutional anomalies characteristic of contempt. The contempt power of American courts is truly "sui generis," to adopt a favorite cliche of our judiciary.

Few legal devices find conflict within the lines of our Constitution with the ubiquity of the contempt power. These conflicts involve issues concerning the governmental power structure such as the separation of powers and the delicate balancing of Federal-State relations. In addition, there are civil rights issues attributable to the conflict between the use of the contempt power and such vital procedural protections as the right to trial by jury, freedom from self-incrimination, double jeopardy, and indictment—to name only the most recurrent and controversial examples. Aside from these problems, there are other civil liberties issues, such as those involving freedom of speech, association, and religion, arising out of the exercise of the contempt power. The purpose of this article is to present an extensive review of the constitutional problems provoked by the use of the contempt power by American courts.

Most of the constitutional issues concerning the courts' contempt power arise from both its procedural authorization and practical implementation. A brief outline of contempt procedures should assist the review which follows:

While the congressional contempt power is presently governed by a single clear statute, the judicial contempt power is procedurally more intricate, confused, and troublesome. The power of courts to punish contempts early became a settled precedent in English common law, though the extent of its application, historically, is open to question. After a brief colonial use of contempt powers, claimed to be inherent in the common law, and the formal establishment of the power by some State legislatures, the first Federal statute concerning contempt of court was passed in 1789. This statute gave Federal courts the discretionary power to punish contempts as defined by the common law, expressly covering misconduct of officers of the court, disobedience of process, and misbehavior in the presence of the court. The contemnor was provided with no procedural rights and a judge was limited in sentencing only by his conscience. This enactment was followed in 1821 by a second Federal statute authorizing a summary, virtually unrestricted power, albeit with certain specific limitations, encompassing the same categories of conduct as the prior legislation, except that the controversial words "or so near thereto as to obstruct the administration of justice" were added with reference to the offense of misbehavior in the presence of the court. A court's sentencing power is in many ways unlimited, and the procedures are often summary. Through the years some fear has been expressed about the unlimited nature of the power. Though few have advocated abolishing the contempt power itself, there have been some restrictions in its use by both limiting legislation and judicial interpretation.

The Clayton Act of 1914 included a provision guaranteeing the right to a jury trial in all criminal contempt cases arising out of willful disobedience of any lawful writs or orders of the district courts. Further conditions required that the contemptuous act must be one listed as a Federal or State criminal offense in order to fall within this provision, and that direct contempts and contempts arising out of suits brought by the United States be excluded from the statute's coverage. These qualifying conditions sobered hopes that the new law would be labor's Magna Carta by so circumscribing the scope of jury rights as to prevent the useful and available employment of the jury which it was hoped might be accomplished.

In the next decade, numerous bills were presented to Congress calling for liberalization of the harsh summary contempt procedures, and finally in 1932 the Norris-La Guardia Act was signed into law by President Hoover. This statute provided for trial by jury in indirect contempt cases arising out of labor disputes, and disqualification of judges personally involved in contempt actions. When the Supreme Court ruled that legislation such as this did not violate the separation of powers doctrine, several of the States followed with similar legislation ameliorating some of their more stringent contempt procedures. Rule 42 of the Federal Rules of Criminal Procedure further refined the accompanying procedures for prosecution of all direct and indirect criminal contempts in matters of notice and hearing.

In 1957, the Civil Rights Act which was passed included certain contempt provisions. This act, the first major Federal attempt to deal with civil rights since post-Civil War times, gave injunctive protection to voting rights, enforceable through criminal contempt proceedings. Use of the contempt power was a pivotal issue in passage of the act, providing as it did an effective means for governmental protection of rights already existing but lacking enforceability. Contemptuous misconduct under this statute might arise out of disobedience to subpenas issued by the Civil Rights Commission or interference with voting rights. The statute grants contemnors the right to demand a jury trial de novo when their sentence exceeds $300 or 45 days' imprisonment. Otherwise the right to trial by jury is permissive and in the court's discretion.

The courts have also shown some self-consciousness about the exercise of the summary contempt power, and at times have limited some of its harshnesses through judicial interpretation. Though less direct than legislation, this technique has often been as effective. For example, it has been noted that a strong policy against judicial control of the press provoked the Supreme Court to interpret the "so near thereto as to obstruct the administration of justice" clause of the Federal contempt statute in a way which all but precludes most constructive contempt convictions. This attitude, the antithesis of the English treatment, results probably as much from distaste for summary procedures as from attitudes about the contempt power itself. Another example of judicial conservatism with the applicability of contempt procedures may well be evidenced by their interpretation of the Federal statute's words "officer of the court" not to include attorneys. By such an interpretation contempt sanctions are given one less subject, though in other contexts attorneys are considered officers of the court. Further, courts have created mystic distinctions between civil and criminal, direct and indirect contempts, often to avoid or apply specific procedural protections attaching to those various kinds of contempts, if in disregard of all other legal symmetry. Many of the tenuous judicial classifications of contempt appear to have been prompted, at least in part, by a desire to avoid the summary procedures typical of certain types of contempt. In other more isolated instances, courts have gone far to interpret statutes and situations in order to arrive at more just results, where the contempt power, strictly construed, might not have clearly directed such results. Thus one can note in the present body of contempt law a trend toward limiting in specific instances the harshness of certain procedures customarily used in trying contemnors.

Beyond the statutory scheme within which the contempt power is now operative, the greater, more taxing and more vital issues concerning limitations of the contempt power lie in the Constitution. As with so many important legal issues, it is necessary, in this case, to examine those parts of the Constitution which in a number of ways would appear to curb and qualify the contempt power.

II. TRIAL BY JURY

The most apparent abridgement of civil liberties resulting from current contempt practices is the denial of the right of an accused to have a trial by jury. Originally, few contempts in this country were tried by a jury. Gradually, American courts and legislatures, while relentlessly adhering to other vestigal common law characteristics of the contempt power, have discernibly, if sketchily, retreated from an absolute denial of the right to a jury trial. Now, all contempts of Congress are tried by a jury; so are indirect criminal contempts of court if they arise out of certain labor disputes, if the act constitutes another State or Federal crime, or if it arises under the Civil Rights Acts. But all direct criminal contempts, the remaining indirect criminal contempts, and all civil contempts continue to be punished summarily.

A recent decision, *Green* v. *United States*, clearly underscored both the problems with respect to the right to trial by jury in criminal contempt cases, and a political dilemma which arises out of the judicial dispositions of Supreme Court members, affecting the law in general, and contempt law more particularly. The case involved two of the men who had been convicted in the celebrated New York Smith Act trial for conspiring to teach and advocate the violent overthrow of the Government of the United States. They were sentenced to 5-year imprisonments and $10,000 fines. They were released on bail, but the court ordered them to appear on a set date for execution of their sentences. On that date it was discovered that they had absconded. They remained fugitives until their voluntary surrender 4½ years later. At that time the United States brought criminal contempt charges against them for willful disobedience of the surrender order. This action was tried by the district court without a jury; they were found guilty and were sentenced to an additional term of 3-years' imprisonment. The Supreme Court upheld this conviction and sentence, finding no reasons of law, history, or policy which would mitigate the egregious offense of the defendants.

No one would seriously suggest that the defendant's tardiness ought to have gone unsanctioned. The issue which the Green decision raised was the extent to which the constitutional safeguard of trial by jury is

applicable to criminal contempts. Mr. Justice Harlan, who wrote the majority opinion, disposed of issues regarding the applicability and extent of the contempt power by resort to the accepted history and precedent surrounding the exercise of this power. Conflicting constitutional safeguards were dismissed as being inapplicable. An existing bail jumping statute, under which defendants might have been tried, was deemed irrelevant.

Mr. Justice Black, in a strong dissent, criticized the summary nature of the contempt power as "an anomaly in the law," ripe for "fundamental and searching reconsideration." He called for judicial action which would reconcile the existence of a contempt power with what he conceived to be basic principles of the American form of government and our Constitution. His principal complaint was that the manner in which the contempt power is administered denies the accused's traditional right to trial by jury, in his words, the "birthplace of free men."

This sharp divergence in attitude emphasizes the vital importance of the membership of the Supreme Court in the resolution of legal, political, and even philosophical problems. Statement of such a conclusion unfortunately comes more easily than accurate and thorough description of the precise sources of the difference. As well as any single legal issue, the review of contempt practices crystallizes the existing differences in attitude within the recent Court.

The majority disposition is best attributed to Mr. Justice Frankfurter's philosophy concerning the nature of judicial power. In 1924, while a member of the faculty at Harvard Law School, Professor Frankfurter and a colleague published an article which unearthed much of the academic misconception about the summary use of the contempt power. The clear import of the article was one of criticism. In fact, in his attack upon the historical support for the summariness of contempt procedures, Mr. Justice Black alluded to this article, and noted that the myth of immemorial usage as a justification for continuance of the practice had been exploded by recent scholarship. Yet, Mr. Justice Frankfurter concurred in the majority opinion in the Green case, which upheld the contempt conviction, for reasons which he has typically urged. Change, he argued, must come, if at all, from the legislature. Courts are inhibited in this respect, notwithstanding their impressions concerning the merits of the existing law. He stated that "the fact that scholarship has shown that historical assumptions regarding the procedure for punishment of contempt of court were ill-founded, hardly wipes out a century and a half of the legislative and judicial history of Federal law based on such assumptions." Calling a roll of Supreme Court Justices and lower Federal court judges who for 150 years approved of the summary use of the criminal contempt power, and admonishing that the Court is not a third branch of the legislature, Mr. Justice Frankfurter refused "to fashion a wholly novel constutional doctrine * * * in the teeth of an unbroken legislative and judicial history. Citing former Mr. Chief Justice Hughes' words—"we do not write on a blank sheet"—and never mentioning the merits or demerits of the doctrine at issue, he cast the vote which made his views the substance of the majority decision.

When Mr. Justice Black's attitude about those matters deemed crucial by Mr. Justice Frankfurter is compared, their differences become apparent. After stating his fear of the political dangers of the summary contempt power arising out of their conflict with the Bill of Rights, he urged that the precedents mentioned by Mr. Justice Frankfurter should be rejected because they were wrong. Though sound policy directs adherence to prior decisions, this practice should not be so inflexible as to preclude correction of obvious errors. Mr. Justice Black suggested that the prime responsibility of the courts lies precisely in the exercise of this power to reappraise when valued parts of the Constitution are jeopardized.

Mr. Justice Black is usually characterized as the leader of that school of Supreme Court personnel loosely labeled as liberals or judicial activists. Speaking often in dissent, this group has been chiefly concerned with the substantial effect of any law upon the rights and liberties of individuals guaranteed by the Constitution in the Bill of Rights. The attitudinal conflict within the Court, which often reappears in the garb of legal rationales, has had an enormous impact upon contemporary American law and society in general, and often lies at the heart of the contempt decisions of American courts.

There has been, in the past quarter of a century, an increasing inclination to alleviate some of the procedural harshness of standard contempt procedures. Extension of the right to trial by jury has been a foremost example of this trend. This trend is at least in part reflective of generally changing attitudes toward the value of the jury method of trial. As with more mundane fashions, the vogue toward the value of the jury system has had periods of rising and falling favor. Critics of the jury system in general have been as frequent and as vociferous as have been its advocates. Rather than digressing to enumerate the arguments, it should be only briefly noted that summary contempt procedures are most obnoxious to those who place faith and importance in the libertarian nature of trials by jury.

It could well be suggested that, most peculiarly in contempt cases, the jury has a valuable role. First, it permits public participation in a dispute which is usually of an official, governmental character. Public enlightenment, even if only through jury representation, has been characterized as an "indispensable element in the popular vindication of the criminal law." This hopefully encourages popular understanding and acceptance of the administration of justice. Second, the jury may serve as an insulation between the alleged offender and the offended party (who is sometimes his judge and sentencer), allowing the jury, in an otherwise unlimited, uncontrolled situation, to function as a wall against possible abuses by governmental powerholders upon individuals. The general public may look with skepticism upon a judicial process which allows one man to be victim, prosecutor, judge, and jury, while, as Mr. Justice Black has aptly observed, there is inclined to be less false martyrdom where a jury convicts. Third, there are subtle subversive potentialities in summary criminal proceedings other than the direct issues concerning who should be the decisionmaker and why. The lack of external restraints over the vices of summary proceedings was also scored by Mr. Justice Black in his dissent to the Green decision. The detached review of a contempt decision by an appellate court whose members are sometimes sympathetic to their brethren of the lower trial courts, and are often hesitant to reverse in absence of clear and serious error, is to some viewers an impotent or idle ceremony. Therefore, the original denial of a jury trial is not only dangerous in itself, but this danger is compounded by being carried up through appellate levels in the form of an often "cold," unreviewable record. Judicial self-restraint, as that voiced by Mr. Justice Frankfurter in the Green decision, induces lethargy in appellate judicial scrutiny. This has provoked Mr. Justice Black to comment that this offense, which is inordinately vague and sweeping in substantive scope, is now punished by the harshest procedures known to law and is subject only to token review.

For better or worse American law has adopted the practice of summarily trying contempt cases. How, then, can this practice be justified in light of our most basic legal directives—those found in the Constitution? With respect to the right to trial by jury, article III, section 2 of the Constitution provides: "The trial of all crimes, except in cases of impeachment, shall be by jury." This particular section was included within the early substance of the Constitution as a reflection of the strong feelings at the time of our Nation's birth that the right to trial by jury was coequal with, and essential to, a government under law free from tyrannical abuse. The deprivation of this right was one of the serious grievances which the American settlers held against the King. Specific exceptions to this guarantee were included in the Constitution, so that it can be argued that the intent was not to exclude contempt from this coverage since it is not one of those exceptions. This argument is strengthened by the fact that contempt is not listed as a special judicial or legislative power in the enumeration of the granted powers of those governmental branches. Any other conclusion respecting this aspect of the contempt power is interpretive, and based on less evidence. In the Green case, again, Mr. Justice Black noted that, although called upon to present any available evidence of intent on the part of the authors of the Constitution or expressed at the original State conventions, the Government attorneys in that case could find no corroboration for the use of summary contempt proceedings. The cases during this period do not illuminate this uncertainty

The Bill of Rights twice reaffirmed the importance to the people of the right to trial by jury. The fifth amendment directs that "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury." And the sixth amendment follows, declaring: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury." The import of this latter constitutional provision was applied to the contempt situation in these compelling words:

"The history which gave rise to the constitutional provisions guaranteeing the right of trial by jury 'is succinctly summarized in the Declaration of Independence in which complaint was made that the Colonies were deprived "in many cases, of the benefits of trial by jury."'

"The Constitution provides, 'The trial of all crimes * * * shall be by jury.' But those fresh from experiences with tyranny were not content with this general guarantee, and amendments 6 and 7 were promptly adopted, the former providing: 'In all [criminal prosecutions], the accused shall enjoy the right to a speedy and public trial, by an impartial jury.' The concept of a criminal 'prosecution' is broader than a 'trial' and the addition of the more inclusive term indicates a determination to afford the right of trial by jury to those subjected to prosecution of any sort which might result in fine or imprisonment. The selection of the language of the sixth amendment is hardly explainable upon any other postulate."

Nonetheless, contemptuous conduct has been excluded from these constitutional protections and those who have disputed the clear meaning of these words have, for the most part, prevailed in their unique constitutional interpretations.

The right to jury trial is initially dependent upon an ability to classify the contemptuous act as criminal. Writers, judges, and lawmakers have peremptorily brushed aside any argument about juries for civil contempts with declarations that such procedural provisions simply do not apply to the ordinary contempt situation. Interestingly, even Mr. Justice Black has found no fault

with summary procedures for civil contempts, although he has suggested that all criminal contempts be tried by a jury. In this former respect, he is not in a minority. Since civil contempts most often arise out of equity proceedings, the seventh amendment's guarantee of jury trials in civil matters would by its own terms—"in suits at common law"—be inapplicable. So, civil contemnors are between two rules. One allows jury trial in civil matters arising out of other than equity actions. The other guarantees jury trial in criminal cases, a category from which civil contempts have been exempted, though many characteristics of criminal treatment attach in those cases.

With these constitutional provisions in mind, as well as the judicial and legislative fiats concerning contemporary contempt practice, an analysis of the propriety of jury trial would seem appropriate. Is contempt a crime? Is it an infamous crime? Are there any valid reasons for applying variant nonjury procedures in this situation?

The fifth amendment speaks of "infamous crimes." Like the eighth amendment's prohibition of "cruel and unusual" punishments, this phrase is subject to changing interpretations. In 1885 the Supreme Court, drawing upon Lord Auckland's "Principles of Penal Law," attempted to impart substance into the words "infamous crime." Ruling that no U.S. court had jurisdiction over infamous crimes unless the fifth amendment's conditions precedent of indictment and grand jury were fulfilled, the Court set up two criteria of "infamy." The first entailed an inquiry into whether a conviction for that particular crime would result in impeaching the credibility of the criminal in the future. This is based on an old rule of evidence which impugns the credibility of testimony given by one who has committed a crime involving moral turpitude or bearing on veracity. This test for infamy may become circuitous when one presses for definitions of moral turpitude. This legal term of art is often applied as an ingredient or characteristic of more infamous crimes, the type which would reasonably connote some questionable trait bearing on the probable truthfulness of the criminal. Reasonable as this rule may be, in the present context it leaves one with a formula stating that infamous crimes bear on credibility, and crimes bearing on credibility are infamous. It leaves indeterminant which crimes are by their nature infamous, or which aspects of criminal behavior bear either upon the infamy of the crime or the credibility of the criminal.

The second criterion, which the Court adopted as a guide to determine the infamous nature of a crime, involved the mode of punishment authorized for the particular crime. Here again there is less insight afforded before the fact to establish the nature of a crime than reflection after the crime has been characterized or classified. Since in contempt cases, where no constitutional or statutory maximums exist, the potential extent of the punishment is unlimited, and therefore unknown until it is announced, one cannot determine at the time of indictment whether the crime is infamous or not. This phenomenon accounts for the inadequacy of the mode of punishment test in classifying criminal contempts as infamous.

The Court has also mentioned that the nature of the crime, independent of its punishment, determined its characterization as infamous. Therefore precedent is only partly helpful in determining whether contempt, or any crime, is infamous and warrants the protection of the fifth amendment. What was infamous early in English history may not have been so during the period of American colonialism, and in turn may or may not be so at the present time. Generally, the decisions have held that the possibility that grave punishment could be inflicted is the test for an infamous crime, and the test of grave punishment is the possibility of being sentenced to hard labor or imprisonment. This tautological logic consists of little more than holding that an infamous crime is infamous, and that infamous crimes are treated with punishments worthy of infamy. This is of little assistance in cases where there is question as to whether a crime has been committed, and what the sentence will ultimately be.

Later decisions appear to have adopted the mode-of-punishment test. If a crime can be punished by a sentence including imprisonment or hard labor, it is infamous. Again, a contemnor often does not know that he has committed what a court may later decide was a criminal contempt, or what his sentence will be even if he has some notion of his contemptibility. It is suggested that without employing further semantic niceties, it can be fairly concluded that contempt qualifies as an infamous crime by any reasonable standard which considers either the nature of the wrong or the usual gravity of the sentence. Contemporary America can concern herself with the procedural protection of her people who commit acts for which serious and unlimited prison sentences can be exacted, and which are as socially grave as rationales for the contempt power imply. The right to an indictment and a grand jury hearing has already been recognized in limited contempt situations by legislation. Those areas which are not now embraced by this protection, other than civil contempts, should be. Society is apt to lose less by the minor delays and insignificant expenses of jury trials than it may from the insecurity which flows from arbitrary treatment of its citizens. Inexpensive, fast, or easy convictions are the aim of neither the Constitution nor the Bill of Rights, and in fact are a trifling economy in view of the inequities likely to result from such unrestrained governmental tactics. This conclusion is strengthened by reference to the statutory definition of a felony as any offense punishable by death or imprisonment for a term exceeding 1 year. Contempt frequently qualifies under this criterion, as well as having all other characteristics commonly attributed to crimes.

The other pertinent constitutional jury provisions allow even less latitude. That there shall be no trial without jury admits of little interpretation. But the courts have ignored this constitutional admonition or disregarded it as inapplicable to contempt.

The distinction between civil and criminal contempt has often entailed no more than a matter of retrospective classification of charatceristics. The courts are as inconsistent in their conclusions as they are in deciding upon which characteristics to base their classification. So, while the Supreme Court was saying at one time: "These contempts are infractions of law visited with the punishment as such. If such acts are not criminal we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early laws they were punished only by the usual procedure * * * and that at least in England it seems that they may be and preferable are tried in that way."

At another time it was asserting with equal authority and vigor: "If it has ever been understood that proceedings according to the common law for contempt of court have been subject to the right of trial by jury we have been unable to find any instance of it. It has always been one of the attributes—one of the powers necessarily incident to a court of justice—that it should have this power of vindicating its dignity, or enforcing its orders, of protecting itself from insult, without the necessity of calling upon a jury to assist it in the exercise of this power."

And a still more judicious, if not more perplexed Court, was saying about the dichotomic difference between criminal and civil contempts that "it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both."

The decision last quoted from held that contempt was sui generis, possessing the qualities of both civil and criminal wrongs. Indeed it does. On the authority of precedent alone, that Court said that although contempt is criminal in nature, it is not criminal in the sense that the sixth amendment envisions. So concluding, it denied the right to a jury trial. This inconsistent, illogical judicial treatment is not unusual in contempt cases. Courts are wont to justify their decisions on grounds that contempt is peculiar and subject to novel treatment. Therefore it may be considered a crime for the purposes of the statute of limitations and the pardon power, but not for the purpose of applying the venue guarantees of the sixth amendment. Such ad hoc treatment is all too typical. Courts have selectively held that contempt is what the Constitution meant by a crime in one clause, but not what it envisioned in another. All this is done with vision bordering on the clairvoyant, since the constitutional authors left no evidence of their intent in this respect.

Strong statements like those of Mr. Justice Black, if not prevailing as judicial policy, have had some liberalizing effect on the courts. Mr. Justice Jackson has written that summary punishments must always and rightly should be regarded with disfavor. In another case, a court wrote:

"It is abhorrent to Anglo-Saxon justice as applied in this country that a man, however lofty his station or venerated his vestments, should have the power of taking another man's liberty from him.

"Society has always permitted one exception—a limited right of courts to punish for contempts. But that right has been grudgingly granted, and has been held down uniformly to the 'least possible power adequate to the end proposed.' "

Mr. Justice Murphy expressed this hesitancy in these words:

"The contempt power is an extraordinary remedy, an exception to our tradition of fair and complete hearings. Its use should be carefully restricted."

And more recently, a Federal court reiterated: "The grant of summary contempt power * * * is to be grudgingly construed so that instances where there is no right to a jury trial will be narrowly restricted to the bedrock cases where concession of this drastic power to the courts is necessary to enable them to preserve * * * authority * * * order * * * decorum."

These three values—authority, order, and decorum—are currently tipping the scales away from constitutional protection accorded criminal defendants, though not without the aid of some judges' thumbs. These are the overriding interests which courts consider to eclipse the established right to jury trial—these and the reverence of prevailing majorities of the Supreme Court for steady, respected precedent.

This subject was treated long ago by Edward Livingston in his famous work on the penal system of New Orleans. In discussing the contempt power, he noted that all the rationales giving courts broad and indefinite contempt powers are based upon necessity. This is so even though the power itself is repugnant to all the fundamental principles of criminal justice applicable to other criminal acts. He pointedly asked what sort of conduct would secure a man against a vain or vindictive judge. The necessity for promoting regard and respect for the judiciary which Blackstone offered as a justification for the contempt power—the need for order and respect which courts now rely upon

as authority for this power—can be gained only by impeccable judicial conduct, and not always by that. In response to the claims of necessity, he wrote: "Not one of the oppressive prerogatives of which the crown has been successfully stripped, in England, but was in its day befended on the plea of necessity. Not one of the attempts to destroy them, but was deemed a hazardous innovation."

Mr. Justice Black emphasized this same point in his Green dissent, pointing out that "necessary" has come to mean expedient rather than indispensable, and is applied too loosely to warrant derogation of fundamental constitutional rights. Quoting with agreement the suggestion of Mr. Justice Holmes that, where there is no absolute need for immediate action, contempts should be dealt with like other breaches of law, he added that there is actually more of a need in the contempt situation for delay to prepare and prove a case than an urgency to try it immediately.

Livingston suggested that although courts may have a right of self-defense, only society as a whole has the right to punish offenses. Once the interruption to the court's proceeding ceases, the sovereign should be the only one to punish, and then only according to the procedures set out in the Constitution. It is not for the individual, or for the incorporeal body that is wronged, to punish. The sovereign which permits such retribution is radically defective because this gives a single party the right to punish. The necessity ends, he pointed out, with its own self-defense. The punishment should be by law alone. Though a governmental body has the power of self-defense, the power to punish should be exclusively vested in society as a whole, and not in its individual departments. He compared the practices in contempt cases with the right of individuals to defend themselves against assault. Certainly an individual may defend himself. But once having defended himself, he cannot punish his assailant other than through the orderly processes of law. Livingston concluded that contempt is less a necessity for the exercise of a legal power than an engine for its abuse; and though courts should have the right to dispel interference with the performance of their functions, that power should go no farther.

Still others have argued that the summariness of contempt proceedings is necessary because it speeds prosecutions, deters misconduct, avoids delay in the judicial process, and promotes the dignity of the court. True as these observations may be, it is questionable whether in our democratic society these expediencies—and this is all that they are—are sufficient grounds to ignore important procedural safeguards, such as the right to jury trial, which are so imbedded in the democratic way of life and our system of justice. And as long ago as 1874 the Supreme Court held that contempt of court is a specific criminal offense, and the fine therefor is a criminal judgment. Yet, arguments continued, opinions varied and exceptions were made, so that now there is no clear answer to gain from history.

The Constitution is specific and clear. Criminal contempt should be tried as other crimes are—with all procedural guarantees protecting the accused. There should be the right to a jury trial of the charged contempt. The confusion wrought from vague and misleading distinctions between civil and criminal contempts, and the stronger policies of protecting individual liberty underscore this logical conclusion.

The argument that contempt is of a sui generis nature because it has customarily been treated peculiarly, and that it is treated this way because it is sui generis is of questionable appeal. Clearer views, such as Mr. Justice Black's comment in the Sacher case that "these contempt proceedings are 'criminal prosecutions' brought to avenge an alleged public wrong" are more directly reasoned, if not preferable in substance.

There are instances where an act of contempt simultaneously constitutes another crime. There, by statute, the defendant is entitled to a jury trial. Such laws were probably enacted to avoid the circumvention of the right to a jury trial by hasty or angry judges, who might treat an ambivalent act as a contempt instead of whatever other crime it was, in order to apply the stricter contempt procedures. How, it could be asked, can an act be a crime for so many purposes—perjury, bribery, etc.—and sui generis for another—contempt?

When a man is deprived of his property or liberty as punishment for commission or omission of an act which is proscribed by society, for whatever reason, he is treated as a criminal. In contempt cases there are no reasons strong enough to override the long and well-established policies guaranteeing the right to be tried by a jury, after indictment, and in the ordinary course of the law. The Constitution is quite clear in its directives in this respect. The policies involved go to support, at least in comparative value, the Constitution's implications.

In the Green case, Mr. Justice Black in his dissent carefully articulated the argument for reinstatement of jury protections in criminal contempt cases. With a directness and clarity that should be the standard of all who would follow this view in the future, he wrote:

"The power of the judge to inflict punishment for criminal contempt by means of a summary proceeding stands as an anomaly in the law. In my judgment the time has come for a fundamental and searching reconsideration of the validity of this power which has aptly been characterized by a State supreme court as 'perhaps, nearest akin to despotic power of any power existing under our form of government.' Even though this extraordinary authority has slipped into the law as a very limited and insignificant thing, it has relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping our regular constitutional methods of trying those charged with offenses against society. Therefore to me this case involves basic questions of the highest importance far transcending its particular facts. But the specific facts do provide a striking example of how the procedural safeguards erected by the Bill of Rights are now easily evaded by the ever-ready and boundless expedients of a judicial decree and a summary contempt proceeding.

"I would reject those precedents which have held that the Federal courts can punish an alleged violation outside the courtroom of their decrees by means of a summary trial, at least as long as they can punish by severe prison sentences or fines as they now can and do. I would hold that the defendants here were entitled to be tried by a jury after indictment by a grand jury and in full accordance with all the procedural safeguards required by the Constitution for 'all criminal prosecutions.' I am convinced that the previous cases to the contrary are wrong—wholly wrong."

III. THE FIRST AMENDMENT

Some indirect ramifications of the exercise of the contempt power raise questions relating to provisions of the first amendment. All contempts are in the form of speech, writings, expressive acts, or inaction. The first amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances."

A. Problems involving freedom of religion

A freedom of religion issue arises only in a limited number of contempt situations. The Supreme Court of Pennsylvania in 1793 reported that in a case which was tried on a Saturday "the defendant offered Jonas Phillips, a Jew, as a witness; but he refused to be sworn, because it was his Sabbath. The court, therefore, fined him 10£; but the defendant, afterward, waiving the benefit of his testimony, he was discharged from the fine." In a similar case, the supreme court, while recognizing an excuse from swearing for Quakers, denied it to a Jew, and found him in contempt for refusing to be sworn. This type of problem is now somewhat obsolete since affirmation has been generally accepted as a substitute for the court oath.

Another area of conflict, though not yet of serious proportions, has recently been before the courts. The Supreme Court of Iowa in 1956 dealt with the following situation. A Protestant woman and a Catholic man had married, and had had a child. They were later divorced, agreeing that the mother would have custody of the child and would rear him as a Roman Catholic. Years later the father sought to have the mother punished for contempt because she was rearing the child as a Protestant. The trial court held the mother in contempt, but suspended her sentence, giving her an opportunity to purge the contempt by rearing the child as a Catholic. This was a civil contempt proceeding to coerce her to act. She appealed to the State supreme court on the ground that this treatment violated her right to the free exercise of religion guaranteed by the 1st and 14th amendments. The court reversed the contempt conviction, but on the ground that the decree which she had disobeyed was too vague and uncertain to warrant a contempt citation for its breach, thus avoiding the constitutional issue raised by the first amendment.

There is some analogous, though indirect, precedent to support this first amendment defense. Rearing a child in a particular faith has been held to be the exercise of a religious act by the parent. And the right of custody includes the right to dictate the religious teachings which one's child will receive. Parental agreements concerning the religious education of a child are not so binding, in this context, that they cannot be altered by one of the parties free from legal censure. Those moral inhibitions of personal conscience which may flow from such an agreement have not been considered to be within the control of the law. Such a judicial attitude involves a proper and natural application of the principle of governmental noninterference with first amendment rights by the courts—applicable to the States through the operation of the 14th amendment.

Precedent such as this does not and ought not leave the offended person without a remedy; the critical issue is with the nature of that remedy. Penal sanctions, such as those implicit in the civil contempt power, are not proper. The frustrated father may still seek the strictly civil, supervisory aid of the courts to protect his rights in ways less drastic than imprisonment of his spouse, or former spouse. Only the gravest social necessities should be deemed sufficient to warrant governmental curtailment of rights of religious activity. Even then it is questionable whether the contempt power is the most suitable vehicle of control.

The issue which this problem raises could, under the present unpredictable status of the contempt power, fission into several tangential problems. The matrimonial, surrogate, and juvenile courts are often called upon to deal with situations involving questions of religious freedom. Although there are numerous instances in which these courts

might feel compelled to exercise their contempt power, there is no clear-cut resolution of the problems raised by the first amendment's guarantee of religious liberty by the contempt cases to date. Better reason would suggest judicial abstinence in this area, at least insofar as the exercise of the contempt power is concerned.

B. Problems involving freedom of speech and of the press

The free speech and press decisions in which the judicial contempt power has been questioned might, by analogy, offer a solution to the religious liberty problem. In these cases, the courts have adopted a strictly construed "clear and present danger" test for balancing the exercise of first amendment rights with other interests which are often augmented by the sanction of the contempt power.

This doctrine gradually evolved from the protracted controversy within the Supreme Court concerning contempt by press publications in this country. Both the United States and England have long wrestled with the problem of maintaining a free press consonant with a system of fair trials. Often, the two goals have conflicted and, presently, both countries resolve the conflict by resorting, or not resorting, to the same contempt power.

In this country, the contempt by publication problem began as one of interpretation of the Federal contempt statute. Courts were given the power to punish contempts in their presence "or so near thereto as to obstruct the administration of justice." This clause was first applied in its causal connotation. The application of the contempt sanction was left to the discretion of the judge, who could punish accordingly if a publication's commentary had a reasonable tendency to obstruct justice. This approach was abandoned in 1941, when the Supreme Court decided that the quoted words from the Federal statute should be interpreted in a physical, rather than causal, context. Since most press publication occurs neither in the presence of the court nor "near thereto" geographically, the power to punish contemptuous publications was made ineffectual. Soon thereafter, the Court acknowledged the presence of the first amendment issues by adopting and applying Mr. Justice Holmes' clear-and-present-danger test to press comments about pending cases. This approach has been held applicable to the contempt powers of both the Federal and State courts. Mr. Justice Black has referred to the clear-and-present-danger test as "a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished."

The evils envisioned in the contempt by publication decisions are disrespect to the judiciary and interference with the administration of justice. Through the years the Supreme Court has not allowed the exercise of the contempt power in the former instance. The rationale has been that judges should be above personal attack, and that popular respect for the judiciary is less apt to be gained from exercise of the contempt power than from exemplary judicial conduct subject to open criticism. "The assumption," Mr. Justice Black noted, "that respect for the judiciary can be won by shielding judges from published criticism wrongly appraises the character of American public opinion."

Though recognizing the possibility of contempt treatment in the second category of presumed evils resulting from press comments—interference with the administration of justice—courts have been chary to find the instance where the need to protect the fairness of trials overrode the value to be gained from permitting free discussion. The decisions indicate that the courts have been more concerned with the conflict between the rights to fair trial and freedom of the press than with developing a consistent doctrine with respect to the power to punish contempts by publication on theories implicit in the contempt power itself. The Supreme Court's formula seems to grant the press a virtual immunity from contempt rather than resolve its historic struggle with the courts. Nevertheless, the actual scope of the immunity continues to be uncertain.

Though the majority of the Supreme Court has limited contempt as used against the press, a minority of the Court has consistently sought a broadening of the scope of the contempt power. However, the Court has recognized press abuse only under the due process clause, where press commentary has made a fair trial impossible. Moreover, the clear-and-present-danger test has been somewhat extended in decisions other than those involving the contempt power by emphasizing the magnitude of the danger of the evil as an aspect of its imminence. A change in personnel on the Court might tip the balance in favor of the minority which has been disposed toward extension of the contempt power in these cases in emulation of the English courts.

Individuals, on the whole, have not fared as well as the institutionalized press in avoiding contempt convictions for what might otherwise be characterized as an exercise of first amendment rights. In one decision the Supreme Court upheld the contempt conviction of an attorney who disobeyed a trial court's admonition to be silent about a certain matter in his summation to the jury. Mr. Justice Black, for a four-man minority, wrote in his dissent to this decision: "Fisher having been stopped at one point tried another strategy. He was acting the role of a resourceful lawyer. The decision which penalizes him for that zeal sanctions censorship inside a courtroom where the ideals of freedom of speech should flourish."

Another attorney was fined $1,000 and imprisoned by a State court for 6 months for a contempt which had consisted of a series of critical letters and articles about the State judiciary. A television announcer was found in contempt for comments made over the air concerning parties to a pending divorce proceeding in response to personal claims made against him in the divorce action. The trial court exercised its contempt power on the ground that the administration of justice had been impaired. A single letter to a judge was considered contemptuous, while an advertisement by an insurance company concerning excessive verdicts and their economic effect was held not to present a clear and present danger to the administration of justice. A more recent case dealt with an avid segregationist who made a rousing speech to 1,500 people urging disobedience of Federal court orders relating to the integration of Tennessee public schools. He spoke in violation of an injunction against interference with the court's integration order. The court upheld a contempt conviction, and ruled that the conduct of the contemnor was not protected by the first amendment. Since the right of free speech is not absolute, it can be subordinated to legitimate and overriding governmental objectives. He had created a clear and present danger of public disorder, and it was held that the first amendment did not give him the right to incite others to violence.

The cases in this area are too numerous to list comprehensively. Since most disobedience which would constitute a contempt is involved in some act which might well come within the protection of the first amendment, the possibilities of conflict are myriadal. One can examine any contempt case, and the probabilities are high that it involves some form of speech when silence was appropriate, or silence when speech was demanded.

This problem is most vexing with respect to the conduct of lawyers in the course of trials. At what point does the proper zeal of advocacy end and contumacy commence? Although, on the one hand, attorneys should be given the broadest margin to advocate their clients' causes effectively, on the other they are representatives of the court with a professional interest in the fair and respectful administration of justice.

There is no satisfactory answer to this dilemma, and courts have treated these situations in an ad hoc fashion. Recently, the Supreme Court disposed of two such cases. In re McConnell dealt with an attorney who violated a court order to discontinue an offer of proof which the attorney felt in good faith was required by the Federal Rules of Criminal Procedure. The court summarily found him in contempt for obstructing the administration of justice. The Supreme Court reversed the conviction, stating that a lawyer's arguments for his client do not amount to contempt of court unless they so exceed the line of duty as to constitute an obstruction of the performance of judicial duties. Surely this line of demarcation is so vague and subjective as to provide little if any reasonable and foreseeable standard or guide. The second case, In re Green, dealt with an attorney who advised a union client to test the validity of a State court injunction because only the NLRB had jurisdiction to issue the requested order. The court found the attorney in contempt without a hearing. The Supreme Court reversed this conviction on the ground that it violated the due process clause of the 14th amendment, and did not reach the 1st amendment issue.

The status of the individual who claims that the first amendment shields him from the contempt power of the courts is less certain than is that of the identical person who writes the same comments in a newspaper or magazine. In such situations the clear-and-present-danger test will usually be applied, but with less certain expectation of sympathetic judicial reaction. There are no clear policies, doctrines, or trends. Analogy with the press cases would indicate a liberal predisposition since the dangers of interference with proceedings by the press are greater than those which might be caused by individuals. The courts leniency in the press cases has been consistent. The lower courts have taken a case-by-case approach in nonpress cases, and no cause celebre or precedent-setting decision has reached the Supreme Court which might hint of an established attitude. Nevertheless, although the degree of interference with the administration of justice by an individual would, in most cases, be less than that of the ubiquitous press, the individual's greater susceptibility to contempt conviction is indicated by a study of court decisions. Possibly this is explained by the fact that many cases of contempt by individuals arise out of personal incidents involving direct affrontery to the judiciary. There is a danger that these convictions may in fact be more the result of governmental power being exercised for personal or emotional reasons than a desire to foster the efficient administration of justice. It may, as well, be a manifestation of the long-inculcated American attitude favoring the judicial power and the necessity for contempt law.

Acceptance of what is now a minority view—that first amendment rights are absolute—would clearly resolve these issues. The wisdom as well as the popularity of such an attitude is open to question which it is not the purpose of this article to include or evaluate, except insofar as it affects the present subject. In the contempt context, it is not unreasonable to suggest a complete first amendment protection of the press. Since judges may be left to private actions for

defamatory criticism by the press, and ought to be able to withstand nondefamatory criticism, the principal reason for the contempt power is to protect the fairness of the trial itself. This can be accomplished in ways calculated to interfere less with vital constitutional rights such as freedom of the press. In nonpress cases it could be argued that the contempt power should be changed in this respect too.

Some distinction between press-published comment and other verbal activity might be developed, recognizing the right of press or individual editorializing or opinion venturing, while outlawing speech which is really no more than verbal misconduct of a slanderous or clearly obstructive nature. This, too, provides only a vague standard.

The thinking and words of Mr. Justice Brandeis, as expressed in his famous concurrence in *Whitney* v. *California*, echo eloquently over this issue, as they have over others in the intervening years since they were uttered. Authority must be reconciled with freedom; order should not be exalted over liberty. "Order cannot be secured merely through fear of punishment for its infraction * * * it is hazardous to discourage thought, hope, and imagination * * * fear breeds repression * * * repression breeds hate * * * hate menaces stable government * * * and the path of safety lies in the opportunity to discuss freely."

IV. THE FOURTH AMENDMENT

The fourth amendment provides that the people have the right to be secure in their persons, houses, papers, and effects from unreasonable searches and seizures, and that search warrants shall not issue except upon probable cause and with sufficient particularity. Fourth amendment defenses have been raised indirectly and infrequently in contempt of court cases, although such assertions in congressional contempt cases indicate the existence of some analogies.

The moving spirit of this constitutional provision was the protection of individual privacy from governmental trespass, or as one court put it, to protect against autocratic and despotic action under the color of national authority. The amendment was adopted in response to an unhappy English and colonial experience with general warrants and writs of assistance, and was specifically aimed at protecting the interests of individual liberty from governmental overbearing. In words peculiarly applicable to the contempt situation, though not so intended, one Federal court interpreted the policy of this amendment to mean that expediency in law enforcement must yield to the necessity of observing individual freedom.

It is now settled that Congress and the courts may compel unwilling witnesses to disclose facts essential to proper governmental inquiry and, to that end, may enforce the attendance of witnesses and the disclosure of evidence through their subpena and contempt powers. In this, they are limited only by the general rules of procedure and the Constitution. Where an individual asserts his prerogative not to cooperate, these governmental bodies may exercise their contempt powers to punish him, or to try to coerce his cooperation. A fourth amendment issue may arise where an individual claims that compulsion of his testimony or securance of his property amounts to a search or invasion of privacy which the Constitution prohibits.

Critical to the issues raised by fourth amendment contempt of Congress cases is the question whether the amendment's protection encompasses only physical, trespass-like interferences, or whether the scope of this provision is broad enough to cover indirect psychological interferences; such as those claimed in first amendment defenses to congressional contempt convictions. In this sense, the inquiry is directed beyond questions relevant to the procedural application of the contempt power, and is addressed more to the substantive effect of its use upon rights of privacy in general. Is the amendment aimed at physical searches and seizures only or, it could be asked, is it broader, encompassing an intangible right of personal security—some privacy of person and property?

In contempt of court cases where direct physical interference is involved, the applicability of fourth amendment defenses is clear, whether or not tenable under the circumstances. For example, a contempt of court conviction by which judges and clerks concerned with a State election were punished for misbehavior in office was upheld by the Illinois courts over the objection that the trial court violated defendant's fourth amendment rights by opening ballot boxes and examining tally sheets which were used as evidence against them. Here, the assertion of the fourth amendment defense is obvious. The Government physically took things which were used as evidence against a defendant. Though the court did not uphold the defense, its assertion was appropriate, and typical of search-and-seizure cases in general.

The more indirect effects of the contempt power upon fourth amendment rights are more obscure, and the issues less clearly defined. A recent Federal case, though it dealt with a congressional contempt situation, is exemplary of the problem. There the defendant argued that the threat of the contempt power nullified the voluntariness of his submission of incriminating evidence. Called before a Senate investigating committee, defendant was threatened and led to believe that he must testify and incriminate himself, or be convicted of contempt for his refusal. The defendant surrendered a drawer full of papers and books and was thereafter convicted of violation of the lottery laws, the conviction being based at least in part upon the evidence he submitted. On appeal, the defendant claimed that he did not understand his alternatives, and therefore his presentation of the incriminating evidence was really involuntary, and thus was a violation of his fourth amendment rights. On appeal, the court of appeals ruled that his "freedom of choice had been dissolved in a brooding omnipresence of compulsion. The committee threatened prosecution for contempt if he refused to answer, for perjury if he lied, and for gambling activities if he told the truth." The court went on to say: "Courts and committees rightly require answers to questions. But neither may exert this power to extort assent to invasions of homes and to seizures of private papers. Assent so extorted is no substitute for lawful process." Concluding that the evidence was illegally seized in violation of the fourth amendment, the court reversed the conviction. The dissenting judge believed that the situation was one of proper compulsion, a sound feature of the judicial process, and not an illegal coercion, and that this did not violate the fourth amendment.

The most profound issue raised—thus far unsuccessfully—concerns judicial determination of the outermost reaches of the fourth amendment, and the extent of the amendment's protection of the right of privacy. Does the fourth amendment protect against infringements of a physical nature alone, or does it go further to protect people against invasions of personal thoughts, associations, and property, and from public scrutiny and exposure? The defense that use of the contempt power violates the right of privacy, guaranteed implicitly by the fourth amendment, has not thus far met with success.

So far this issue has been dealt with by the courts only in the context of congressional contempt defenses. In these situations the courts have consistently held that forced disclosure through contempt of Congress convictions is not protected by any right of privacy which might be implicit in the policy of the fourth amendment. Investigations prompted by national needs can then constitutionally invade an individual's right of privacy, at least insofar as the fourth amendment is concerned. The decisions to date have consistently held that, while the fourth amendment includes a right of personal security from physical attack and inspection and guarantees some element of personal sanctity and privacy, a proper legislative investigation is not preempted thereby.

The Federal Rules of Civil and Criminal Procedure provide for contempt proceedings in case of failure to obey subpenas. It is conceivable that the thinking expressed in fourth amendment defenses raised in congressional contempt cases might prompt the assertion of a similar defense to a contempt of court conviction. The congressional contempt decisions portend similar disposition of possible contempt of court defenses alleging that forced disclosure or surrender of evidence violates a right of privacy protected by the fourth amendment.

In the recent flood of congressional contempt cases, where all constitutional defenses have been raised in defense to committee exposure tactics, the lower Federal courts have consistently followed this approach. The mere fact that an individual's private affairs are subjected to the public gaze has not been considered sufficiently serious to bar an otherwise proper legislative inquiry. Still there has been no clear-cut decision by the Supreme Court dealing specifically and solely with the fourth amendment defense to a contempt conviction arising out of a congressional investigation. This defense is often made along with the gamut of other constitutional defenses which have been typically raised in these cases. The Federal courts have usually either denied the defenses in toto, or upheld the defense on narrow procedural grounds or on the basis of limited interpretations of a specific amendment other than the fourth.

The applicability of the fourth amendment defense to congressional investigations is closely linked with arguments about the "exposure" function of legislatures, and the general rights of individuals to resist inquiry into personal matters, exposure of which would subject them to unofficial public condemnation. To this extent the defense has been thrown into what at times has been a hodgepodge of constitutional arguments, all amounting to the position that "you can't do this to me" or "there must be some constitutional provision to protect me." This has caused some uncertainty as to the scope of the fourth amendment's provisions. Though the argument, in general, against legislative infringement of conscience or intellectual privacy is compelling, the legal rationale is less clearly attached to fourth amendment principles than revelant to first amendment protections of privacy. Rights of privacy implicit in the fourth amendment differ from those guarded by the first. In the former, the invaded privacy is one deriving from a trespass of subtle though physical means, such as secretly wiretapping or televising speech or conduct. However, that right of privacy which properly protects persons from public ventilation of their spiritual or intellectual ideas is more suitably derived from first amendment freedoms of speech and association. To this extent, it would seem that right of privacy defenses in these fourth amendment cases have been ill advised.

V. THE FIFTH AMENDMENT

The fifth amendment provides:

"No person shall be held to answer for a capital, or other infamous crime, unless on a presentment or indictment of a grand jury * * * nor shall any person be subject

for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law."

A. Indictment by grand jury

The first clause of the fifth amendment, requiring a presentment or indictment by a grand jury prior to trial for criminal offenses, has been mentioned briefly in connection with the discussion of the right to trial by jury. The guarantee has been long established; it is based upon the idea that one should not be put on trial until a body of his peers finds probable cause.

Mr. Justice Gray, while a member of the Supreme Court, elaborated on the purposes of the Constitution's grand jury requirement, though not with specific reference to the contempt situation. He said that "whether a man shall be put upon trial for crime without a presentment or indictment by a grand jury of his fellow citizens depends upon the consequences to himself if he shall be found guilty." By this standard, contempt would certainly qualify for grand jury protection, since the consequences of contempt convictions could be, and often are, grave. Mr. Justice Gray went further, stating that no congressional declaration could defeat this safeguard. Broadly considered, the purpose of the clause was to limit the legislature as well as prosecuting officers. Of course, the grand jury provision of the fifth amendment applies only to the Federal Government, and not to the States. However, most States have similar requirements in their own laws.

The Constitution specifically excludes certain classes of cases from the protection of the grand jury provision. If contempt was meant to be excluded, it is conspicuously absent from any manifestation of historical intent—in the Constitution or elsewhere.

Surprisingly, although intermittent volleys of criticism have been fired at most other contempt procedures, the denial of the right to a grand jury hearing has provoked little attention or comment. This may be because the broad criticisms made of other contempt procedures implicitly include this argument. For example, if a right to trial by jury were allowed, indictments of some kind would probably follow a fortiori. If not, some of the dangers of its absence would be rectified by the jury trial itself. Sui generis rationales which are used in answer to other, often stronger, complaints about summary contempt procedures would undoubtedly be offered in response to arguments that the contemnor should be indicted by a grand jury.

In contempt cases arising out of disobedience to orders of a court, it is not an unusual procedure for the action to be commenced by an order to show cause. Some courts have held that the particularity required of an indictment is not necessary for a contempt charge, and that technical accuracy is not required. In one case of contempt, which arose out of the carelessness of a sheriff in permitting the escape of his prisoners, the contemnor argued that the charge was not sufficiently made out in the information against him. The court, applying an exception to the general rule requiring particularity of indictments, denied the defense, and approved a fair notice standard for the indictment requirement. But even so, such cases allowing a casual treatment of indictments impliedly conform procedurally to the constitutional directive that there be some form of indictment or information.

No case has specifically challenged the constitutionality of the practice, in direct contempt cases, of deeming the personal knowledge and action of the offended judge sufficient satisfaction of the indictment-by-grand-jury requirement. In certain cases of indirect contempt, and with a contempt of Congress, no problem is presented because the customary grand jury procedure is required by statute. But in cases of direct contempt, and in those cases of indirect contempt where the proceedings are commenced by the court sua sponte, by an order to show cause or similar procedural means, there may be a proper constitutional objection. Of course, civil contempts are excluded from many fifth amendment protections because they are not crimes. Civil contempts arise almost spontaneously, and are part of the original action out of which they developed.

The contemnor may well be apprised of the proceedings against him, even where summary procedures are applied. Under the present Federal Rules of Criminal Procedure indirect criminal contempts are prosecuted by an order to show cause or an arrest order, and notice and hearing are guaranteed. However, pleadings may be based on information and belief, and direct criminal contempts are prosecuted on a certified order of the judge.

On the other hand, that policy of the fifth amendment's indictment clause which aims at insulating the individual from his Government by interposition of a popular group of his peers is ignored. This right was adopted from the common law and is a mandatory rule in normal Federal prosecutions, intended as a substantial safeguard against oppressive or arbitrary proceedings. The contempt situation involves exactly the kind of summary punishing power which this provision should cure. It is one of the few situations where our Government has been so brash as to act in violence of this constitutional provision. To allow this clear constitutional mandate to be circumvented on grounds of expediency is to condone the abrogation of an important mandate of the Bill of Rights. There is no counterbalancing governmental necessity warranting the circumvention of this constitutional right, except that which would call for expeditious litigation. Hurried justice may be no justice at all.

B. Double jeopardy

The policy of the double jeopardy clause of the fifth amendment may conflict with the contempt power to cause any one of several difficult, somewhat mathematical problems. The double jeopardy problem can arise in two situations—the crossfire and the reiterated contempt.

The crossfire situation is presented where one act constitutes both contempt and another crime, either in the same or another jurisdiction. For example, in the case of attempted bribery of a witness, the briber could be found guilty of contempt and/or subordination of perjury, or perjury if he was successful in his attempt. One wrongful act could then be punished twice. This problem is compounded in a case where the act of contempt is not a crime in the jurisdiction where it is committed, but constitutes a separate crime in another jurisdiction. From this possibility of crossfire of prosecutions arise problems involving dual sovereignty, immunity, and double jeopardy.

The second situation is one of multiplied pressures, in which the contemnor is forced to reiterate his act of contempt after he has been punished for the first act; or where one contempt is multiplied by reiteration of the same or a similar situation as resulted in the first contempt, and the separate punishment of each repeated contempt is immediately sought. The first situation could occur where an individual refuses to testify before a court, is sentenced for contempt and, after serving his sentence, is recalled before the same court, again asked the same question, and again sentenced for his second refusal. The other situation arises where a witness is asked a series of related questions, refuses to answer any, and is punished separately for each contemptuous refusal. In such cases a persistent inquisitor could punish a persistent contemnor indefinitely.

In considering the applicability of the double jeopardy clause to contempt practices, it should be noted that the constitutional provision is worded in terms of "offenses"—"nor shall any person be subject for the same offense to be twice put in jeopardy." Though verbally gymnastic critics have sidestepped or passed over other constitutional protections in contempt cases, no one has gone so far as to suggest that the unique act of contempt is not an offense. In fact, "offense" is the word usually used to describe contempt. Overcoming that hurdle, one can proceed to the substance of the clause.

C. The crossfire of prosecutions

Mr. Justice Brandeis dealt with the crossfire situation in a case in which a convicted contemnor argued that his conviction for contempt of Congress was improper because the same act of contumacy was made a crime by a special Federal statute. The offense in that case could have been punished twice—once for contempt and again under the statute which made refusing to answer questions or produce papers before either House a misdemeanor. Mr. Justice Brandeis dismissed the argument that the defendant was immune from one punishment because of the existence of another. He wrote, "Punishment, purely as such, through contempt proceedings, legislative or judicial, is not precluded because punishment may also be inflicted for the same act as a statutory offense."

An earlier Court, certain that this power would not be used cumulatively, had previously upheld a conviction under a Federal statute which made refusal to testify before a Senate committee a statutory misdemeanor even though the contemnor was subject to punishment for contempt of Congress as well. At that time Mr. Chief Justice Fuller wrote:

"It is quite clear that the contumacious witness is not subject to jeopardy twice for the same offense, since the same act may be an offense against one jurisdiction and also an offense against another; and indictable statutory offenses may be punished as such, while the offenders may likewise be subjected to punishment for the same acts as contempts, the two being diverso intuitu and capable of standing together."

The theoretical ground for this practice, which seems to circumvent precisely those results which the double jeopardy clause sought to prevent, is quite well settled. Where one act is both a contempt and substantive crime, it is an offense against judicial authority on the one hand, and against the State in general on the other. One punishment then is for an offense against the judiciary, and the other for violation of the law created by the legislature.

Another judicial attitude, by which double jeopardy objections are avoided, was enunciated in *United States* v. *United Mine Workers* in 1946. There the Supreme Court avoided charges of duplicity by classifying one contempt as criminal and another as civil. The rationale for this approach was stated, though not in a contempt case, in 1955. Congress may impose both a criminal and civil sanction in respect to the same act or omission, since the double jeopardy clause prohibits merely punishing twice, or attempting a second time to punish criminally, for the same offense. So again, by its power to classify contempts, a court may avoid double jeopardy problems by characterizing one of the contempts as civil, though in effect treating it as an offense.

The more difficult State-Federal jurisdictional problem also arises in the context of contempt and double jeopardy. Early authorities held that one criminal conviction would not bar later prosecution for the same

offense in another jurisdiction. Similarly, contempt actions are not precluded merely because the same act constitutes a crime such as perjury, bribery, or insubordination in a second jurisdiction. Here the individual is subject to double punishment for his one act. The misconduct is single; the offense to society is single; but the sanction is multiple. Recent statutes have, however, granted the right to a jury trial in some instances where one act is both a contempt and another crime. These statutes, while preventing a conviction-minded court from circumventing a jury trial by treating an otherwise ordinary crime as a contempt, do not satisfactorily alleviate the double jeopardy problem. One rationale for allowing double punishments in these cases is that the social interest which warrants legal protection is different in contempt cases from that which might justify such action in the case of another crime. Even though the wrongful act is singular, the antisocial elements may be several. Contempt sanctions are aimed at misconduct which interferes with governmental activity. While kidnaping a witness, for example, is misconduct toward the person of an individual, it may also involve an interference with Government processes, and therefore constitute a contempt. The wrongful act is the same, but the interests to be protected are different and, it is sometimes argued, warrant separate treatment. The usual explanation for allowing separate prosecutions in separate jurisdictions is, however, that the classic thought behind the double jeopardy clause was to prevent one sovereign from twice punishing the same act. It never was meant, so the argument goes, to preclude a second action by a second sovereign. So, one State may prosecute although the Federal or another State government has already prosecuted.

D. The reiterated contempt

The second area of difficulty involves the so-called reiterated contempt. Assuming that all other elements were presented in a given contempt situation, could the punished contemnor be repunished if adamant in his disobedience to the same, though later, order? If the underlying justification for contempt convictions is the punishment of affronts to judicial authority, then a second contempt is a separate offense to that authority, although predicated on exactly similar facts. However, if the reason for using the contempt power is to coerce cooperation or deter interference with government bodies, then a repeated incident comes closer to the double jeopardy prohibition. Although it might be argued that continuous punishments for interference would tend to increase the coercive or deterrent force of the particular governmental body, the second punishment borders on the overbearing power which the Constitution proscribes in the double jeopardy clause.

The reiterated contempt situation directs attention, perhaps more clearly than any of the others involving contempt procedures, to the political and philosophical implications of this power. A court may want information. An individual may desire privacy. The conflict of the two desires may and often does cause, social friction of substantial political consequence. How far can and should government go in pressing its collective will against the uncooperative, free-willed individual? Even assuming that government can punish an individual's obstructiveness, should it be able to repunish for persistence of individual adamancy when that individual has already been once punished for that same characteristic? If so, when, if ever, is the government curtailed in its insistence? The issue is one of policy which should be reflected in the manner in which it is resolved by the law.

By the preponderance of judicial authority, the power of a prosecutor initially to multiply contempts by reiterating similar questions has been limited. In *Yates* v. *United States*, the defendant was charged with violation of the Smith Act. After waiving her privilege against self-incrimination, she refused to answer 11 questions put to her on cross-examination. The trial court treated each refusal as a separate contempt and sentenced her to 1 year in prison for each. Under such a system, the only thing insulating the defendant from a 100-year sentence is the limited stamina of the prosecutor. Fortunately, our system of justice is based on sounder principles. The Supreme Court held that her refusals constituted only one contempt. Refusal to answer many questions within one area of refusal, it stated, constitutes but a single offense. This concept has been applied in some State court decisions, but ignored in others. Although lower Federal court decisions had similarly divided on this issue, presumably this decision of the Supreme Court has resolved the matter. Where separate questions seek to establish one fact, or relate to a single subject of inquiry, only one penalty for contempt may be imposed for refusal to answer all.

The recent decision of *Uphaus* v. *Wyman* involved another facet of the same problem. Even though acknowledging that the Government may not cause repeated contempt citations by reiterating its questions, may the frustrated Government officer await the fulfillment of sentence for the first contempt by the contemnor, and then greet him with the same question, threatening another contempt conviction if he persists in his refusal? The cases have not answered this perplexing question. In the Wyman case, the defendant refused to answer certain questions before a one-man State investigating committee. He was committed to jail for 1 year. As the anniversary of his imprisonment approached, the contemnor and the contemned both indicated that they would repeat the incident. An onlooker could only hope that one would relent. Neither did, and as his final act in office, the attorney general moved for the unlimited confinement of the contemnor. Judge Grant, who ordered the first commitment, denied the motion, and Uphaus went free. Interestingly, the contempt of Uphaus was termed civil throughout all of the proceedings, and it arose out of a legislative investigation by an executive officer who, upon encountering the contemnor's refusal, went to the court for an order, which resulted in a contempt of court conviction.

Analogy with past rationales would probably have supported the second conviction. Good reason and mercy would not. Once having suffered the punishment for his strong and sincere convictions, the individual ought not to be sacrificed again to overbearing officialdom. The Yates decision adds weight to this latter attitude.

The double jeopardy problems indicated herein can be readily resolved either by liberal construction of the policy of the double jeopardy clause, or by the adoption of a statute covering the contempt problem as a whole, thus treating contempt no better, and no worse, than other crimes.

E. The privilege against self-incrimination in the contempt context

The fifth amendment directs that no one shall be forced to testify against himself if his testimony would subject him to a criminal prosecution. Though this privilege relates solely to Federal actions, all States have adopted it by their constitution, statutes, or judicial decisions. In the contempt context, problems may arise in one of two ways. First, an individual charged with commission of a contempt may refuse to testify on the issue of his contempt at the contempt proceeding. Secondly, one may refuse to testify about some criminal, noncontempt matter, and this refusal itself may be considered a contempt. This would include situations where the refusal would subject him to criminal action either in the local or in another, foreign jurisdiction, and is akin to the crossfire situation discussed in the double jeopardy section. The first class of cases deals with the assertion of the privilege against self-incrimination in contempt cases. The second category concerns the convertibility into a contempt of the invocation of the privilege against self-incrimination in a noncontempt case.

The fifth amendment's proscriptions are phrased in terms of a "criminal case." Enough has been written about the important ramifications of a judicial classification of a given contempt as criminal or civil to warrant only its briefest mention again here. Better reasoning dictates agreement with Wigmore that the policy of the privilege against self-incrimination should apply to the contempt situation. The possible legal consequences in the form of punishments of fine or imprisonment are reason enough to afford this constitutional protection. Wigmore concluded (and, it is suggested, correctly) that distinctions between civil and criminal contempts should not be the criteria for allowing the assertion of the privilege in cases of such basic importance. The applicability of the privilege would better rest on its own policies and logic.

Most States have held the State-established privilege applicable to contempt cases. One California court stated that "it is fundamental that requiring a defendant in a criminal case to testify violates his constitutional privilege against self-incrimination," and that "it is likewise a violation of this privilege to compel a defendant to testify in a contempt proceeding." The court resolved the classification problem in this manner:

"Contempt of court is a specific criminal offense * * * punished sometimes by indictment and sometimes in a summary proceeding. In either mode * * * the adjudication * * * is a conviction. The proceeding to punish * * * is in the nature of a criminal prosecution. Its purpose is * * * to vindicate the dignity and authority of the court. It is a special proceeding, criminal in character."

In *Gompers* v. *Bucks Stove & Range Co.*, the Supreme Court ruled, in a Federal criminal contempt case, that the alleged contemnor is entitled to the protection of the privilege, but it avoided approval or rejection of the applicability of privilege to civil contemnors. At least one writer has concluded that "a defendant in a contempt case, either civil or criminal, is entitled to claim the privilege against self-incrimination, and to require that the contempt be proven against him by other witnesses."

In the category of cases where testimony would subject the individual to incrimination for another crime in the same jurisdiction, the courts have allowed claims of the constitutional protection with respect to defense to charges of both contempt of court and Congress.

With the tremendous increase in legislative investigations and the adamant response of individuals in recent times to congressional exposure tactics, the fifth amendment's self-incrimination clause has been invoked by many individuals as a shield from committee harassment. Since the contempt power was then subject to judicial review, the Federal courts' interpretation of the fifth amendment was crucial to the resolution of this individual-legislative committee conflict. Originally, these cases turned on procedural points such as whether the privilege was properly asserted, whether it was waived, what is incriminating, and whether the witness was apprised of his rights or the committee's purpose. The Supreme Court went far to extend the applicability of the fifth amendment in such cases, reflecting a policy sympathetic to the protection of individuals. Still, Professor Beck, in his study of the congressional contempt power, con-

cluded that the vitality of the fifth amendment in congressional contempt cases was, as a practical matter, limited. Its broad application, he concluded, did not "presage any significant substantive limitations on the investigatory power," and its application carried "an aura of skepticism toward the innocence of the persons who sought recourse to its protections." Perhaps this provoked the gradual turn to the first amendment as a surer protection from exposure and harassment, as suggested in the section on that subject. In any event, a review of some of the leading fifth amendment contempt cases is appropriate in understanding the background of the more recent first amendment era.

The general rules of immunity and waiver were held to apply to contempt cases as well as to any other offense. The rule allowing assertion of the privilege where the testimony sought would only indirectly tend to incriminate has also been applied in contempt cases. The same rule applies to contempt cases arising from the assertion of the privilege before grand juries. The breadth of the protection of the privilege in these cases has been liberally extended by the Supreme Court. Not only will the privilege against self-incrimination protect against answers that would in themselves support a conviction, but also to those which would furnish a link in the chain of evidence needed to prosecute the claimant for a crime. Any language reasonably indicating that the privilege is raised will be sufficient to invoke its protection, and committees must clearly apprise individuals about the risk of possible prosecution for contempt if they do not cooperate, in order to be able later to secure a contempt conviction.

Susceptibility to a noncontempt criminal prosecution in another jurisdiction has not been accepted as a basis for protection under the privilege. Therefore, refusal to answer questions, on the ground that the answer would subject the witness to prosecution for a crime in another jurisdiction, would constitute a contempt.

In 1892, the Supreme Court in broad language ruled that the self-incrimination clause of the fifth amendment precluded forced incrimination in any criminal proceeding. "This provision," the Court said, "must have a broad construction in favor of the right which it was intended to secure." The Court held that the object of the self-incrimination clause was to insure that a person could not be compelled to be a witness in any investigation where his testimony tended to show that he had committed a crime. Immunity legislation cannot circumvent this constitutional privilege unless it is so broad as to have the same extent in scope and effect as the privilege. The Court stated that "no statute which leaves the party * * * subject to prosecution after he answers the incriminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution." The Court held that only a grant of absolute immunity would suffice to preempt this constitutional privilege. This decision could have been literally construed to mean that immunity must be absolute in order to do away with the self-incrimination privilege. However, the quoted language has been restrictively interpreted, by resort to its peculiar facts, to apply only within one sovereignty, and not to preclude later prosecution in a different jurisdiction. Decisions since that time have limited the immunity rule to apply only to prevent later prosecuton in the granting jurisdiction. In one case a man was punished for contempt of a Federal immigration inspector. He based his refusal to respond to questions on the grounds that his answers would expose him to Federal and State prosecutions. The court of appeals remanded, and instructed the lower Federal court to advise the witness which of his answers would incriminate him under Federal law, and then to allow him to refuse to answer these, free from contempt sanctions. However, those answers which would subject him to possible prosecution under State laws were not covered by the privilege, and unless he purged his offense in this respect, he could be punished for contempt. This holding is consistent with a long-noted and recently accented trend to reduce the circumferential protection of the privilege in deference to the independence of sister sovereigns in matters of criminal justice. This policy was thoroughly treated in a recent article, where the author properly concluded that such a restrictive policy cannot avoid "enervating the principle embodied in the privilege." However, the policy is not without respectable and persistent authority.

The problem of self-incrimination, immunity, and the contempt power, as affected by the dual sovereignty concept, was recently before the Supreme Court. A prisoner was called before a Federal grand jury and offered immunity with respect to questions which the Federal Government wanted him to answer. He refused, urging that his answers would subject him to State criminal prosecution. The district court found him in contempt of court, sentenced him to 2 years imprisonment, and included a 60-day purge clause. Both the district court and the court of appeals justified the contempt conviction on the ground that Federal immunity need extend only to susceptibility to Federal prosecution, and this it did in the case before it. The Supreme Court was faced with the contention that older precedent, to the effect that the immunity extended only to the granting sovereign, should be broadened to cover any later prosecution for the particular crime in question by any sovereign. The Court avoided the broad issue, and decided the case on the ground that the particular immunity statute under scrutiny should be interpreted as covering both State and Federal prosecution. A dissent noted the admixture of civil and criminal aspects in the lower court's contempt citation and the absence of criminal procedural safeguards.

In another case, which questioned a State court's contempt conviction based on the defendant's claim that State immunity did not protect him against later Federal prosecution, the Supreme Court adhered to the concept of federalist division between State and National Governments, and upheld the conviction. A dissent criticized the uncertain posture in which Supreme Court decisions had left the matter, noting that the current status of the self-incrimination clause was such that "a person can be whipsawed into incriminating himself under both State and Federal law even though there is a privilege against self-incrimination in the Constitution of each. A related problem involves the hazardous situation of a witness who is called before a State or Federal agency, and ordered to testify. He can testify himself into the jail of another sovereign, commit perjury, or remain silent and run the risk of imprisonment by the immediate sovereign for contempt.

This view has been vigorously attacked, and has often prevailed only by a one-man majority of the Supreme Court. The theory that the immediate and potential evils of compulsory self-disclosure transcend any difficulties that the exercise of the privilege may impose on society in the detection and prosecution of crime seems more compelling than historical or academic arguments about the original intent of this clause.

This State-Federal dichotomy is sometimes presented in situations where the work of one governmental agency invades the province of another. Such a problem arose in a typical case involving a Senate investigation of organized crime. Senator Kefauver's committee questioned the defendant about his alleged violations of State laws. The defendant's refusal to cooperate was based on the fifth amendment's self-incrimination clause. He was adjudged in contempt. A Federal district court ruled that the defendant was entitled to immunity against disclosures that might incriminate him under State or Federal laws, and, in addition, that the fifth amendment precluded a Federal contempt conviction where the Federal investigation overlapped into matters of State concern.

The conclusion from these cases may be thus summarized. In a contempt case, the privilege may be raised as a defense to testifying where the testimony would subject the individual to a criminal contempt citation. It would seem that the privilege may be successfully raised in refusing to testify in order to avoid a civil contempt charge as well. An individual may also refuse to testify about matters which would subject him to a noncontempt criminal prosecution in the same jurisdiction, and this refusal will not be deemed a contempt. However, where testimony would subject him to noncontempt criminal prosecution in another jurisdiction, his refusal on self-incrimination grounds will be held contemptuous. Yet, where one inquiry solicits testimony relating to incriminating incidents in two jurisdictions, defendant may refuse to testify about any of the incidents, or demand absolute immunity from later prosecution in either jurisdiction.

The essence of the self-incrimination clause is that forcing incriminatory evidence from an individual is unconscionable, generally resulting in unreliable testimony, and that he should therefore be constitutionally protected. This policy seems to be dissipated by that trend of cases which allows prosecutions in a second jurisdiction, based on evidence which would be unconstitutional if admitted in the jurisdiction wherein it was secured. This kind of judicial reasoning allows individual rights to be subjected to circuitous prosecution tactics. If the self-incrimination clause is to be given more than ceremonious effect, the rule in contempt cases should be brought in line with the rule which prevails within each separate jurisdiction. Otherwise, intergovernmental cooperation could emasculate the potency of this constitutional protection.

As with the double jeopardy situation, the self-incrimination problem is aggravated in contempt cases. The problem of cross-fire of prosecutions, as arising in search and seizure, double jeopardy and self-incrimination cases, is presently one of the most litigated and argued about problems concerning constitutional law and political power. The interjection of the contempt power adds another pressure to an already explosive situation, by aiming punishment at the individual who, not knowing which way to turn, elects to stand still.

F. Due process of law: Proof

"Summary punishment of contempt is concededly an exception to the requirements of due process. Necessity dictates the departure."

The due process clause is one which is doubly difficult to define. It is as uncertain semantically as it is as a direction of legal consequence. Its history has been one of redefinition according to the dictates of changing times and attitudes. Generally, if vaguely, it is a requirement for some minimum standard of comportment in governmental proceedings equivalent with contemporary concepts of fairness and justness. The discussion of the requirements of notice, hearing, and representation, in the sixth amendment section to follow, establishes that many of the specific procedural guarantees in that amendment have been deemed applicable to the contempt situation, but under due process rationales.

In *Cooke* v. *United States*, the Court wrote: "Due process of law, therefore, in the prosecution of contempt, except of that committed in open court, requires that the accused should be advised of the charges and have a reasonable opportunity to meet them. This includes the assistance of counsel * * * and the right to call witnesses." Indeed, several of these rights are now incorporated in the Federal Rules of Criminal Procedure, should there be any uncertainty in constitutional interpretation with respect to the contempt situation. However, there are other aspects of contempt procedures which still raise serious due process questions.

One of these problems is the requirement of a certain quantum of proof of a contempt. Civil wrongs are characteristically proved by a preponderance of evidence, while crimes demand proof beyond a reasonable doubt. However, the Supreme Court has again applied a variant formula to contempt cases, and, likening civil contempt to fraud, has called for a requirement of clear and convincing evidence—exceeding a mere preponderance, but something less than the beyond a reasonable doubt test of criminal cases. In the case of criminal contempts, proof beyond a reasonable doubt is required. These two criteria have occasionally been applied by Federal courts, which have been astute about the rules but hopelessly confused about the proper classification of the contempt. Again, classification of a contempt is the key to an appropriate decision.

In a recent case, *McPhaul* v. *United States*, the Supreme Court dealt with this problem. The Court was called upon to review a conviction for contempt of a congressional committee. The defendant asserted that there was insufficient proof that subpenaed records of the Civil Rights Congress (an organization alleged to be subversive) were relevant to the committee's inquiry, in existence or in his possession and control. The trial court refused to instruct the jury that they must find these three facts to be proved beyond a reasonable doubt. Instead, the court instructed the jury to ignore these facts because if the defendant had legitimate reasons for failing to produce the records he should have stated the reason for noncompliance with the subpena, thus giving the defendant the responsibility of coming forward with exculpatory evidence. On certiorari, the majority of the Supreme Court, following certain past decisions, upheld the contempt conviction. Relying on analogous precedent that records kept in a representative rather than a personal capacity are not subject to the personal privilege against self-incrimination, as well as the primacy of the House of Representatives' committee work, Mr. Justice Whittaker, for the majority, agreed that the defendant should have proved part of the Government's case against himself by cooperating in the gathering of evidence for his own future conviction. The Chief Justice and Justices Black, Douglas, and Brennan dissented on the ground that the majority's decision "marks such a departure from the accepted procedure designed to protect accused people from public passion and overbearing officials." The presumption of innocence is shifted by giving such a defendant the burden of proof on the issue of the willfulness of his refusal.

This point had been recognized in an earlier Federal case. Dealing with similar facts, the second circuit overruled a contempt conviction pointing out that "the defendant can here legally be jailed only for a contempt in failing to produce the sought-after books when they are fairly shown to be presently within his power and control. He cannot legally be jailed for contempt for invoking his constitutionally protected privilege not to be a witness against himself. Admonishing that this case was a step backward, the minority in the McPhaul case warned: "When it comes to criminal prosecutions, the Government must turn square corners. If Congress desires to have the judiciary adjudge a man guilty for failure to produce documents, the prosecution should be required to prove that the man * * * had the power to produce them."

The McPhaul case, though turning on what appears to be a narrow question of statutory interpretation, underscored a very basic concomitant of the exercise of the contempt power: the constant tug between governmental power and individual freedom, a philosophical and political problem recurring again and again in the garb of legal decisions in contempt cases. Also, the case above deviates from the past Federal court treatment of this problem. As far back as 1894 one Federal judge wrote: "Accusations for contempt must be supported by evidence sufficient to convince the mind of the trior, beyond a reasonable doubt, of the actual guilt of the accused, and every element of the offense. * * *"

Yet, where a direct criminal contempt is committed, the defendant may be convicted upon the sworn statement of the judge alone. That statement, it was held, "imports absolute verity." The import and gravity of this procedure is compounded by the fact that the appellate courts have no record upon which to base any review and therefore usually uphold the trial court's discretionary conduct.

All congressional contempts are now prosecuted pursuant to a Federal criminal statute, and as such require proof beyond a reasonable doubt, as with all other crimes. The general civil-criminal distinction is made concerning proof of contempts of court. However, these otherwise clear situations are muddied by interpretations such as that in the McPhaul case, and by odd classifications of contempts, as well as the special way of proving direct and civil contempts.

G. Due process of law: The judge

"A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias."

Another element of contempt procedures which would seem to conflict with the due process protection is that whereby the judge in a summary proceeding acts as judge, prosecutor, jury, and sentencer. Often he was personally the subject of the contempt. This anomalous procedure derives from old English practices which were not, and still are not, looked at askance. We have seen that some of these practices have been proved to be based upon shaky historical foundations. Strictly a product of the common law system, this procedure is astonishing to those of the civil law tradition. It is astonishing to some common law lawyers, as well. Mr. Justice Black wrote in the Green case:

"When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true and reflecting impartially on the guilt or innocence of the accused. He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied * * * an indispensable element of the due process of law."

The Federal Rules of Criminal Procedure provide: "If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent." A similar requirement was included in the Clayton Act, but in some existing contempt situations the judge is still not disqualified.

These provisions, though they apply only to indirect criminal contempts, are eminently proper as far as they go. Federal rule 42 was based on the observations of Mr. Chief Justice Taft in *Cooke* v. *United States*. There he noted the delicate balance which individual judges must strike in these cases between any impulse toward reprisal, and such leniency as would injure the authority of the court. He suggested substitution of another judge wherever possible. Obviously concerned with this problem, Mr. Chief Justice Taft in an earlier opinion had suggested this inequity as another ground for extending the pardon power to cover contempt convictions.

The Supreme Court has often noted the human qualities of judges by which they, as others, are subject to fallibilities and frailties such as anger, petulance, and even vengeance. Whether judges are made of sterner stuff than other men, and are consequently better able to withstand the natural evocations of human emotion, has been debated many times and in many contexts. Although variant opinions abound, and the problem may never be adequately resolved, it is not too heretical to suggest that a shift in personnel is more calculated to insure fairness in the trial of contempt cases, and that the mere donning of judicial robes, and the consciousness of an oath taken long ago, may succumb to more immediate emotional demands. In a case in which he discussed this issue, Mr. Justice Frankfurter wrote: "These are subtle matters, for they concern the ingredients of what constitutes justice. Therefore, justice must satisfy the appearance of justice."

Although one can never know the mental processes by which a judge has acted, it seems more reasonable to conclude that the impersonal authority of law is better guarded and applied by one who is not himself personally involved in a given conflict. Perhaps the most striking example of this problem involves the New York Communist trials in 1949. There, Judge Medina and counsel for the defense wrangled and fought for 9 months during a heated, protracted trial in a celebrated political atmosphere. At the conclusion of the trial, Judge Medina summarily sentenced his contemnors to 6 months imprisonment. The Supreme Court upheld the conviction, but Mr. Justice Frankfurter wrote a dissent in which he deplored the trial judge's conduct. He included in his opinion an appendix of quotations from the trial record which indicated the open hostility and distaste which the judge and contemnors had for one another. It would have taken godliness in that case for the judge to have acted impartially and with proper detachment. Several of Mr. Justice Frankfurter's brethren felt that Judge Medina had shown somewhat less than that.

Greater expansion on the demerits of judging a cause in which one is personally interested begs the very obvious. The axiom that no man should judge his own cause was one early accepted in American law, and with good reason. This was later applied so that a direct, pecuniary interest would preclude judicial action. Professor Cahn recently noted the anomalous position which would have a wealthy judge disqualified on the basis of a minor or remote pecuniary interest in a cause before his court, while allowing him to decide a case which involved matters of the deepest, most profound effect on his emotional attachments. Not only would his interest be likely to affect the issue of innocence or guilt of the contemnor, but it might also bear on the sentence exacted as punishment for the contempt. The due process inhibition on judges who are interested in proceedings applies to State officers as well, by application of the 14th amendment.

Still the Supreme Court has not gone as far as it could. It has not ruled that as a matter of due process of law a judge cannot sit in a case in which he is personally affected. It intimated so in *Offutt* v. *United States*, but that decision was based on the Court's supervisory authority over the administration of criminal justice in the Federal courts—not on due process grounds.

This leaves those judges who are so disposed to distinguish what could have established a correct rule.

The Supreme Court has upheld a summary conviction for a direct contempt which arose out of an altercation between a trial judge and defense counsel in a case before that judge. Recognizing the difficulty appellate courts have in reviewing such cases, yet upholding the conviction, the majority of the Court agreed: "In a case of this type the transcript of the record cannot convey to us the complete picture of the courtroom scene. It does not depict such elements of misbehavior as expression, manner of speaking, bearing, and attitude." Mr. Justice Douglas felt that the majority opinion deprived the defendant of his constitutional right of freedom of speech; Justices Rutledge and Murphy dissented as well, but on due process grounds.

Of all the complaints about the summariness of contempt procedures, the argument against having an insulted or at least interested judge preside over the proceedings which adjudge and punish the misconduct requires the least support. Its moral and reasonable sense should not be open to legal distinction. Contempt is the only instance where such an anomalous practice occurs, though there is less reason there than in any other case. This injustice is already recognized in judicial decisions and by legislation. To the extent that this view does not presently prevail, relief should be afforded.

VI. THE SIXTH AMENDMENT

The jury trial guarantee of the sixth amendment is not the only aspect of that constitutional provision which is pertinent to a review of contempt practices. The full text of the sixth amendment reads:

"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, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

A. Venue

In addition to the issue of whether contempt proceedings are criminal prosecutions and as such merit jury trials (which has already been discussed), the following section of the sixth amendment, raising problems of venue, is also noteworthy. Before determining where the crime was committed the decision-maker is initially belabored with the recurrent problem of whether contempt is a crime, as envisioned by that section. If it is not, of course, there is no sixth amendment venue issue. Assuming that it is, as good sense and reason would dictate, the venue problem may, in a given case, be one of constitutional magnitude.

In 1924 the Supreme Court addressed itself to the problem of ascertaining the proper venue for a contempt proceeding. The defendants had violated a court decree of one district court by contumacious conduct in another district. At the trial, an objection to the contempt jurisdiction of the first court was made on the ground of the sixth amendment's direction that crimes be tried in the district where they are committed. The Court held that contempts as sui generis, not criminal prosecutions within the sixth amendment, and that the defendants' conviction was therefore proper. This authority has been followed on the theory that the court whose order was disobeyed would not have the power to punish the offense if a contempt had to be tried where the act was committed. Federal statutes provide that civil actions will be tried only in a judicial district where all defendants reside, subject to certain qualifications not important to this discussion. The venue provision of the sixth amendment is now embodied in the Federal Rules of Criminal Procedure, as well. These are logical rules since in both civil and criminal contempts the wrong which is committed is directly or indirectly one to the court controlling the main action. In cases of contempt by publication these rules could become awkward. Take, for example, the hypothetical case of a California newspaper which publishes a contemptuous article about a pending New York proceeding. The New York court, having plenary jurisdiction over the subject matter, must have the controlling power elsewhere as well. The contempt is to the New York court, although it might seem that the offensive act really took place in California. This problem has arisen most often in cases involving injunctions, where court orders were violated in different districts from that of the court which issued the order. The decisions have uniformly upheld the power of the first court to deal with the contempt. It was stated in *Dunham* v. *United States:*

"A proceeding for contempt springs out of a litigation instituted in a particular court. Its principal object is to secure obedience to the orders of that court, by punishing as a contempt disobedience thereof. It is the court whose judgment or order has been defied which must try the contempt and pronounce judgment. If the place of the trial for a criminal contempt must be in the district where the acts constituting it were committed, then where such acts were committed in a different district than that of the court whose order has been contemned, such court would be powerless to deal punitively with the violation of its injunctive orders, and the trial and punishment of such contempt would have to be by a different court than that whose order had been defied. This would clearly be an alteration of the entire idea of a contempt, and in derogation of the power of a court to deal with violators of its orders."

The principal policy of the venue section of the sixth amendment is to guarantee that a person charged with the commission of a crime will be tried by his neighbors who are familiar with the factual setting, rather than by strangers unappreciative of local problems, customs, and values. This central idea is maintained in the contempt venue situation, though for slightly different reasons. Since a contempt conviction is designed to punish an act's ramifications (like judicial indignity or inconvenience) rather than the act itself (such as writing a letter to a judge, or failing to produce a book), it is sensible to conclude that the wrong took place where the particular ramification resulted, and not where the act which initiated that result was committed. A jury composed of residents of the area in which the affected court presided would be attuned to the problems presented by the case, and aware of the effect of the offense.

B. Speedy trial

The first section of the sixth amendment also speaks about the right to a "speedy trial." Is there some statute of limitations governing the contempt action? This problem was dealt with in *Gompers* v. *United States,* in which Mr. Justice Holmes wrote an opinion which discussed the time limitations for contempt actions. Gompers defended himself on the ground that a general statutory 3-year time limitation for all noncapital offenses implicitly barred his conviction for contempt. Mr. Justice Holmes ruled that this statutory period was appropriate, and that formal or rigid legal formulas for statutory interpretation were to be avoided in such vital proceedings. Dismissing an attempt to avoid the application of the statute or the Constitution by classifying contempt as a sui generis "offense" not quite within the terms of either, he wrote:

"[P]rovisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth.

"Indeed," he continued, "the punishment of these offenses peculiarly needs to be speedy if it is to occur." He said by way of dictum that it was well that some rule be set out dealing with the punishment of this crime, by the courts if not by the legislature.

"The power to punish for contempt must have some limit in time, and in defining that limit we should have regard to what has been the policy of the law from the foundation of the Government. By analogy if not by enactment the limit is 3 years."

Central to Holmes' thinking was his conviction that allowing an action to be commenced at any time "would be utterly repugnant to the genius of our laws."

In a later contempt case, Mr. Justice Douglas applied the 3-year statute of limitations held applicable by Mr. Justice Holmes, and refined the holding by ruling that the statute began to run from the time of the contemptuous act, and not from the time of the last act by which the misbehavior was consummated. A 5-year period of limitations for the commencement of criminal contempt actions is now guaranteed by a Federal statute. A sister statute limits this time to 1 year in cases where the contemptuous act also constitutes another crime.

A civil contempt, by its very nature, becomes extinguished at the termination of the action from which it arose. One court has said that a district court which issues a compensation-oriented civil contempt order may, as part of that remedial process, later commit to prison where the order is not obeyed. However, acts violative of a decree, and thereby contemptuous, but occurring after the date of the final decree, can be punished as a contempt only so far as they violate terms of that final decree. Another court has gone farther and held that it is "within the power of the court to order punishment for such [civil] contempts whenever the proof was brought to its attention * * * whenever it learns of acts which constitute such contempts." This language seems unduly broad. Suppose the court learned of the contemptuous conduct long after it was committed, and after the main action from which it arose was completed. A civil contempt citation would not only violate the policy against the revitalization of stale claims, but also would have no relation to the purpose of civil contempt—coercing a certain lawful result. In fact, this would seem to constitute a criminal contempt sanction.

C. Notice and hearing

The general trial procedures which govern contempt proceedings are less than uniform, and depend again upon a prior classification of the particular contemptuous act—here, as direct or indirect. This distinction was drawn by the Supreme Court in 1888 in a case which involved a determination of the proper procedures for a contempt committed in the presence of the court. The Court first stated the proposition that proceedings without notice and hearing are not judicial, or worthy of respect. It then expounded a special rule "of almost immemorial antiquity, and universally acknowledged"—that notice and hearing are not required, and imprisonment may immediately follow—vital to personal liberty and ordered society, and applicable to direct contempts. The Court adopted this rule, which it felt was based on precedent and necessity.

"[I]t is a settled doctrine in the jurisprudence both of England and of this country, never supposed to be in conflict with the liberty of the citizen, that for direct contempts committed in the face of the court, * * * the offender may, in its discretion, be instantly apprehended and immediately imprisoned, without trial or issue, and without other proof. * * * [S]uch power, although arbitrary in nature and liable to abuse, is absolutely essential."

In a later case that same term, the Court articulated the rule for indirect contempts. Citing the earlier opinion and its rule for direct contempts, the Court distinguished indirect contempts, holding that "whereas, in cases of misbehavior of which the judge cannot have such personal knowledge, and is [only] informed thereof * * * the proper practice is * * * to require the offender to appear and show cause why he should not be punished." At this proceeding, the Court held, the accused should be given notice of the charges made, and an opportunity for explanation and defense. The particular manner of the proceeding, though, is a matter for judicial regulation, so long as "it be without oppressiveness or unfairness." Thirty-six years later, the Supreme Court ruled that these sixth amendment procedural rights were equally protected by the due process clause of the fifth amendment.

"Due process of law, therefore, in the prosecution of contempt, except of that committed in open court, requires that the accused should be advised of the charges and have a reasonable opportunity to meet them by way of defense or explanation. We think this includes the assistance of counsel, if requested, and the right to call witnesses to give testimony."

And so the sixth amendment's rights of notice, hearing, and counsel were held applicable to indirect contempts, though direct contempts were still permitted to be treated summarily, in order to avoid a feared demoralization of the Court's authority. The balance again was judicially tipped in favor of judicial security and efficiency over personal liberty and procedural safeguards.

The problem arose again in 1947. The Supreme Court was called upon to review a contempt conviction arising out of a secret one-man grand jury proceeding held pursuant to a Michigan statute. The Court reversed the conviction on the grounds that the 14th amendment's due process protection included such procedural rights as public trial, hearing, notice of charges, examination of witnesses, and representation by counsel. Although the Court was divided in its decision, the majority held that these procedural rights bound the States as well as the Federal Government, even in criminal contempt cases.

These rights are now covered by Federal statute in most situations. For any contempt of Congress the accused is allowed all rights guaranteed by the sixth amendment. A similar situation also exists with respect to an indirect criminal contempt of court. For direct criminal contempt of court, or civil contempt of court, exceptions to the otherwise general rule are made. It is suggested that these exceptions are, as a matter of policy, unnecessary, and, as a matter of law, unconstitutional. The reasons advanced in support of these exceptional deprivations of procedural rights are precedent, judicial self-defense and respect, and efficiency. Any legal proceeding, in which an individual may be imprisoned (whether for a specified and limited time, or more especially where the duration is unlimited), or deprived of his property in a penal sense, as is the case in all present contempt situations, should be treated as a criminal prosecution as contemplated by the sixth amendment. All rights warranted by that constitutional provision should be available to the accused contemnor. Any loss to society through judicial embarrassment, inconvenience, or delay would be far outweighed in social values by the added dignity of individual freedom and the greater respect which would derive from a system which consistently recognized these constitutional liberties. This is the liberal essence of our constitutional Government, of our philosophy of the relation between men and law and government.

VII. THE EIGHTH AMENDMENT

The eighth amendment provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Mr. Justice Black's sweeping condemnation of contempt practices in the Green case also included an attack upon the open-end sentencing procedure available in many contempt situations. He wrote:

"[A]s the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the eighth amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of 'reasonableness' now promulgated by the majority."

And later in that opinion he noted:

"[I]ts subversive potential * * * appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years."

This constitutional provision has been infrequently applied and strangely interpreted. The phrase "cruel and unusual punishment" first appeared in the English Bill of Rights in 1688. Thereafter, it appeared in early legal declarations in the United States, and finally was adopted as a part of the eighth amendment to the Constitution. All States have similar constitutional languages. Courts, though infrequently visited with eighth amendment issues, have not always agreed upon its true meaning or application. Although there is common agreement that the original purpose of this clause was to allay fears of excessive governmental intrusion upon personal liberties by providing a constitutional check, modern courts are less than clear about its interpretation, specifically regarding questions such as what is cruel, what is unusual, what constitutes punishment, and whether civil sentences are covered. The predominant view is that the clause is aimed only at preventing barbaric, torturous punishments. Modern interpretations have occasionally gone further, holding that it could be used to relieve sentences whose durations were cruel in proportion to the wrongful act, as well as in the mode or nature of the punishment itself.

The eighth amendment promises little shelter to the contemnor who feels that his sentence is onerous. First of all, there is serious question about its applicability in civil contempt cases. The clause speaks of punishments, and the argument can be made that civil contempt sentences are remedial devices, not punitive sanctions. In a legal sense, punishments are imposed for the commission of crimes. In a literal sense, punishment is a penalty, retributive suffering, pain or loss. Civil contempt sentences are punishments in the latter sense, but not necessarily in the former.

Occasionally the point has been litigated. In a New York case, a husband was imprisoned for failing to pay alimony to his wife. He had suffered financially from the depression, and his wife was childless and earning her own living. After 2 years and 7 months in jail, he applied for discharge from imprisonment. The court, facetiously nominating him "the senior inmate of the sheriff's alimony colony," released the contemnor, noting that the State's cruel and unusual punishment provision need not be limited to "barbarities," but should be construed as a "forward-looking and progressive declaration of principle." Critical of the rule which would confine the merciful application of the clause to criminal contempts while denying it in harsher civil contempt cases, the court wrote:

"Under these sections if an intruder disturbs the serenity of a courtroom * * * the limits of judicial displeasure are circumscribed by statute. * * * However, let a waspish woman pluck the sleeve of the judicial gown * * * and this temperate restraint is immediately cast aside, and the delinquent spouse faces the possibility of unending imprisonment. * * * This carries the supposed rights of women to absurd * * * lengths. [T]here are those who doubt the expediency of its extension into a form of petticoat justice."

The good sense of this reasoning has not prevailed. The cruel and unusual punishment provision has generally been held relevant only to situations arising out of the more traditional criminal punishments, and civil contempts have consistently been differentiated from this class of cases.

The New York newspapers have reported, with proper indignation, the confinement of an 80-year-old woman for civil contempt of a surrogate court. She had languished in prison for over 3 years before the same judge who committed her ordered her release. At the time of this writing she is still in contempt of that court, and conceivably could be sent back to prison. Her contempt resulted more from her naivete and ignorance of probate proceedings than it involved any corruption of the administration of justice. The severity of the law of contempt upon little old ladies has been dramatically frustrating to the courts of England, too. In 1886, a woman, unsuccessful in attempts to get legal title to some houses and property to which she claimed ownership, had to be enjoined from forcibly possessing them. When her endeavors were not deterred, she was incarcerated for contempt until she would conform to the court's order. She remained adamant, though in jail. Two years later, an embarrassed court discharged her from custody, lamenting their position and hopefully ordering her cooperation. In its opinion, the court voiced regret that this annoying, though not serious, offense was punishable by imprisonment at all.

Mr. Justice Rutledge defined what he thought to be the mandate of the eighth amendment, in his dissent to *United Mine Workers* v. *United States*. There, he wrote:

"The law has fixed standards for each remedy, and they are * * * for damages in civil contempt the amount of injury proven and no more * * * for coercion, what may be required to bring obedience and not more, whether by way of imprisonment or fine; for punishment, what is not cruel and unusual or, in the case of a fine, excessive within the eighth amendment's prohibition."

The realities have not always coincided with his articulation of policy.

In civil contempt cases there is often no relation between the sentence and the coercion necessary to compel obedience. In cases where the contemnor does not cooperate on grounds of moral indignation or principle, or impossibility (as in some alimony cases), there is no calculable relation between the punishment and the goal sought. Unfortunately, this often results in harsh waiting-out periods, with the prisoner remaining in jail indefinitely. Moreover, civil contempts are in fact sometimes civil in name only, entailing, in reality, criminal punishments.

There is equal question about the realism of the Rutledge formula in criminal contempt cases. Most criminal contempt sentences are something short of cruel or unusual, though they may at times be viewed as harsh, more than necessary, or overly strict.

In the Green case the convicted Smith Act defendants were given an additional sen-

tence of 3 years' imprisonment for "jumping bail" in contempt of a Federal court order to appear for sentencing. The maximum sentence under the bail-jumping statute was 5 years. But indictment under that statute would have guaranteed a jury trial before a disinterested judge. Such a severe sentence (and at that the judge was limited only by his conscience) is not unusual in contempt cases.

Another Smith Act defendant was found guilty of criminal contempt and sentenced to imprisonment for 4 years. He failed to obey a district court order to surrender, and was apprehended 2 years later. The second circuit considered this sentence "well within a reasonable exercise of discretion by the trial judge, obviously * * * not violating the eighth amendment."

In *United States* v. *Toledo Newspaper Co.* the publishers and editor of a local newspaper were fined $7,500 for their constructive contempt of a pending judicial proceeding. Their offensive conduct consisted of no more than editorializing about a disputed street railway franchise in the city of Toledo. Far more vitriolic comments have gone unpunished since then because of the Supreme Court's reluctance to include press comments within the wording of the Federal contempt statute.

In the sensational *United States* v. *United Mineworkers* case, John L. Lewis, the famous union leader of the mineworkers, was fined $10,000 and his union was fined $3,500,000 for contempt. Their contempt involved disobedience of a court order restraining interference by the mineworkers with temporary governmental operation of the mines during conciliation of a labor-management dispute. The Supreme Court upheld Lewis' fine, but reduced the union's to $700,000, conditioned upon its subsequent compliance with the same order. In a separate opinion, Justices Black and Douglas criticized the excessive sentence. They pointed out that the same interference during wartime would have been governed by a $5,000 maximum fine under the War Labor Disputes Act. The equities in that case were compounded by the fact that the defendants believed, in good faith, that they were acting within their legal rights. Lawyers and legal scholars have differed in their interpretations of many laws similar to the one which gave rise to the contempt in the *United Mineworkers* case, and of the sweepingly broad language of the contempt statute itself. Even the Supreme Court has been unable to clarify this muddled area of the law.

Regardless of how onerous sentences for contempt may become, present indications point to little solace from the eighth amendment's protections. This amendment was originally included in the Constitution to protect citizens against those horrid and barbarous punishments which the history of man had seen inflicted, and which shock the conscience of civilized society. However, American courts have restrictively construed this potentially merciful legal vehicle to the point where its utility is minimal. Capital punishment by gas, hanging, and electrocution have been considered neither cruel nor unusual. Prolonged imprisonments, and sometimes capital punishments have been imposed by less progressive states for relatively insignificant crimes. A $3½ million fine for contempt was based upon a persistent but mistaken interpretation of the law. When John Kaspar, an extremist racist, flaunted a court order and attempted to provoke interference with the Supreme Court's segregation decision at Clinton High School in Tennessee, he was sentenced to 1 year's imprisonment. The Federal court which reviewed that contempt conviction disposed of the defense that the sentence violated the eighth amendment. Punishments are cruel and unusual, the court held only where they are "so greatly disproportionate to the offense committed as to be completely arbitrary and shocking to the sense of justice." What criteria, or what sense of justice, the court did not indicate.

Another Federal court has held that the words "cruel and unusual" are to be considered in light of developing civilization, not what was so in the 18th century. But courts have given little attention to this constitutional problem, even philosophically. In a California case where policemen pumped a man's stomach to retrieve evidence later to be used against him at trial, the Supreme Court could not muster approval. They reversed the conviction because these tactics were too close to the rack and screw for American justice to tolerate. In discussing the meaning of due process, the Court has spoken of those fundamental rights basic to fair play upon which our concepts of justice are founded. And in 1959, the second circuit, while recognizing that the unlimited contempt power exists, remanded a case for redetermination because, among other things, a contempt sentence was so inordinately harsh as to be onerous. There, a defendant was fined $1,500 and sentenced to imprisonment for 6 months. He had been summoned in California to appear before a New York grand jury. He sought a temporary adjournment but was refused. Though he failed to appear on the date required, he did appear voluntarily soon thereafter. He offered to purge his contempt and testify before the grand jury, but the government officials refused, and prosecuted the contempt instead. However, such sporadic decisions have not coalesced to form a definite eighth amendment philosophy.

On another occasion the Supreme Court offered a vague formula for considering the cruel or unusual quality of punishments, which sought to strike some balance in the relation between the crime and the punishment. In discussing the cruel and unusual punishment provision, one State court judge wrote:

"It is regarded as primarily relating to the kind and character or method of punishment, referring to inhumane or barbarous treatment or punishment unknown to the common law or which has become obsolete with the progress of humanitarianism, rather than to the severity in the amount or duration. But it would seem that most of the courts hold it covers that too."

The examples presented in this section would indicate either that the last sentence of this opinion is inaccurate, or that one individual's concept of what is excessive in amount is at odds with that prevailing among many present authorities.

In a recent contempt case, a Federal court sustained a 15-month sentence on the ground that it was reasonable when viewed in the light of other similar convictions of 18 months, or 3 and 4 years, and the Supreme Court upheld the decision. The lower Federal courts have "considerable latitude" in sentencing for contempt. Compounded by the minimal trial record in contempt proceedings, and the reluctance of appellate courts to overturn the decisions of lower courts, this discretion is tantamount to total license. In the case above, an aggressive district attorney asked the judge to mete out a substantial sentence, to omit a standard clause by which the contemnor might purge his offense, and to deny bail. The judge, in his discretion, did all three.

In summary, for contempt of Congress there is a 1-year maximum sentence; the eighth amendment would not prohibit this severity, but might possibly apply in cases where successive convictions were sought for the same but repeated act of contumacy. For certain specific contempts of Federal courts, there are statutory limitations. Many situations find the courts with unlimited powers. Only three States have no statutory maximum on the quantum of punishment permitted incident to an exercise of the contempt power. Sixteen have a maximum for contempts committed outside of court, but none for direct contempts. Twenty-nine have overall maximums. Nine have maximums of 6 months; one has a 3-month maximum; and the rest have 30-day limitations.

The cruel and unusual punishment provision of the Constitution, though indicative of a policy against excessive sentencing practices, in actuality operates only against barbarous, Draconian punishments. While contempt sentencing practices do not fall into this category, they may be viewed as more harsh, more extensive, and aimed less at purposeful, judicious goals than they might be. Some alleviation, at least, is deserved. The chances would appear to be better that this relief will be arrived at through avenues other than the eighth amendment. Courts may someday decide that current contempt practices improperly result in cruel punishments, and the versatility of the Constitution, through the elastic powers of judicial review, will then be brought into play.

Beyond this possibility, some trend can be sensed in recent years in which contempt sentences have been increasingly limited by statute. These legislative maximums have been realistic, and are the best answer to this problem—for two reasons. A statutory maximum sentence apprises the potential contemnor of the likely consequences of his wrongful conduct before he acts. It would also limit the power of judges to exaggerate the gravity of punishments in cases where they might otherwise be so inclined. This is a far clearer method of controlling sentencing powers than the vague, varying, and often unusable protections of the eighth amendment, or the equally impractical recourse to judicial interpretations of excessiveness or unreasonableness.

VIII. THE 10TH AMENDMENT: FEDERAL-STATE RELATIONS

The 10th amendment to the Constitution reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The powers of the Federal Government were early interpreted to include all those necessarily inferable from specific constitutional grants as well as the powers which were expressly enumerated. These so-called implied powers have been the source of heated political and social conflicts from earliest times. One of the most volatile parts of the Constitution, touching sensitive areas of local chauvinism and power, the 10th amendment has caused debate both concerning the respective content of State and Federal powers, and relating to conflicts between those same powers. Which powers are to be left solely to the control of the States, and which to the National Government? And how does one determine which should prevail where both, properly asserted, conflict? Into this struggle the contempt power enters only indirectly and infrequently. When it does, it provokes deep and difficult basic problems with respect to the balance of Government powers.

In re Comingore illustrates the basic problem. In that case a collector of internal revenue for the Federal Government was questioned as a witness in a State civil proceeding. He refused to provide certain information attempted to be elicited from him, on the ground that a regulation of the Treasury Department forbade such disclosure. He was fined and imprisoned for contempt, and brought habeas corpus proceedings. The Federal district court held that the State had no authority over property or archives of the U.S. Government. The State imposition

through the medium of a contempt proceeding was therefore improper. The court further held that though this might not be the case with respect to the Federal Government's access to public records of States, or vice versa, there was no corresponding right to demand information about nonpublic matters. If the latter pertained to internal governmental conduct which policy demanded be kept from the public, no right of inspection would exist. "The State has neither occasion nor right to call upon the United States nor her officers for reports made under the administration of its laws in order to enforce the collection of State revenue. Nor would the United States have the right to call upon the State."

Occasionally, the issue has recurred in the context of congressional contempt cases. In *United States* v. *Owlett* the power of a State committee to investigate intrastate work of the Federal Works Progress Administration in that State was questioned. The United States objected on the ground that this interference would obstruct proper governmental functions. The Federal court enjoined the disputed investigation, holding that it was beyond the jurisdiction of the State, and an interference with the established immunity of Federal agencies from State control. Since this was not a proper area for State legislative action, an injunction against the State was issued.

The recent conflict between the New York-New Jersey Port Authority and the Celler House Judiciary Subcommittee gave to the problem some added notoriety. An officer of the port authority, an interstate municipal agency created by a compact between the two States, was subpenaed to produce a voluminous amount of the authority's records before the House subcommittee. In obedience to orders of the Governors of New York and New Jersey he refused, and Congress cited him for contempt. One of his defenses to the congressional contempt citation was that Federal investigations into areas of State concern unconstitutionally interfere with the Federal system of government as exemplified by the reservation clause of the 10th amendment. It had been suggested that "the theory that State documents are sacrosanct when dealing with wholly internal matters was recently rejected." The district court found Tobin guilty of contempt. The court of appeals reversed. The port authority case is now being appealed by the Government. The 10th amendment issue was left unanswered by the court of appeals decision. In the lower court opinion in this case, Judge Youngdahl did attempt to reach this constitutional issue. He wrote:

"If possible, attempt should be made to accommodate conflicting powers which overlap before it is decided that one must yield absolutely to the other. * * * Honest and vigilant administration of the balancing test by the courts can accomplish this result. The Federal system is itself the product of accommodation between the need for central direction of affairs affecting the entire Nation and the desire to prevent overcentralization."

As a final example, the contempt situation which arose from the recent dispute in Mississippi between the Governor of that State and the Federal courts and executive glaringly exemplifies the emotional content of 10th amendment conflicts. Such cases show both the versatility of the amendment, its adaptability to thwart any Federal action with which a State may disagree, as well as the deep-felt and incendiary nature of the issue which the amendment raises.

The assertion of States rights arguments to uphold civil liberties is itself interesting. Lately, a States rights approach has been frequently argued in defense of conservative causes, and in conflict with certain libertarian objectives. Yet, it may be that contempt convictions, arising out of Federal interference with State governmental bodies or agents, violate the 10th amendment, and that the reverse might well be true unless some broader province is given to the powers of the National Government in conflicts arising out of a federal system. The final decision should be doubly interesting, as most issues arising from use of the contempt power involve the rights of government versus individuals. Here, the case is one of two sovereigns disputing powers, and attempting to utilize the coercive contempt tool to prevail.

IX. CONCLUSION

The matters which have been herein discussed indicate that the legal treatment of the judicial contempt power has created a constitutional maze. Peculiar handling of a frequently implemented power has resulted in a unique body of law. The purpose of this article was merely to point out some of the constitutional ramifications and anomalies incident to the utilization of this unusual legal device. Answers or attitudes about particular problems have been suggested or hinted at along the way. No complete analysis was intended. Even so, selective consideration of the major constitutional problems suggests that some new and deep-cutting changes should be wrought.

Mr. President, one point which deserves further treatment and which has not been discussed to any length so far in this debate is the role of the U.S. Government in the contempt proceedings which would arise under this bill.

As to the contempt proceeding itself, it is generally accepted that in the case of a criminal contempt the Government is the real party in interest, whether it arises out of an action to which the Government was originally a party or one between private litigants. The purpose of the proceeding is to vindicate the court's authority; this is true even though the court may appoint the attorney for the party who sought the relief to prosecute the case and the proceeding be styled as if between the original parties. Normally, the Government may intervene to prosecute the contempt proceedings in its own name. Michaelson against United States ex rel Chicago, St. P., M & O Ry., states that this prosecution is a new and independent proceeding and no part of the original cause. It would seem that ordinarily the character of the original suit, and not that of the contempt proceeding, is controlling on the question of the right to have a jury trial. Hill against United States ex rel. Weiner holds specifically that an exception contained in the Clayton Act was designed to limit the jury trial provision to prosecutions for contempt arising out of cases instituted by private litigants. If the original suit is not controlling, a question of the propriety of allowing the Government to intervene arises. Normally, it is said that the Government should not be allowed to intervene in a case in which the intervention will unduly delay or prejudice the adjudication of the rights of the original parties; the right to a trial by jury is a substantial right, which might be said to have accrued to the defendants at this stage of the proceedings.

The last question under this aspect of the problem is whether the Government should be allowed to become a party to the original suit, so as to defeat any future defendant's right to a trial by jury. Section 2403 of the civil code permits the Government to intervene in suits in which the constitutionality of a statute is drawn into question. It may also intervene if it has a "proprietary interest" in the suit. Rule 24(b) of the Federal Rules of Civil Procedure grants a permissive right to any party to intervene whenever there is a statute granting that right, or when the parties have a common question of law or fact in two separate claims or defenses. While the United States may prosecute criminal acts which deprive parties of their civil rights under the Civil Rights Act, there does not seem to be any provision or precedent for enjoining threatened deprivations of the type we are considering, aside from specific statutory provisions.

FOREIGN POLICY IN VIETNAM

Mr. MORSE. Mr. President, in one of its more insipid editorials on foreign policy, the Washington Post yesterday endorsed a continuation of the war in Vietnam as a mistaken commitment that "must be upheld."

What a futile, shaky, and hopeless basis for the expenditure of more money and men in South Vietnam. What makes the Washington Post editorial writers, or Washington policymakers, think the American people are going to support for long a war effort that is merely an upholding of a mistake?

How many Americans are willing to spend and die for that? Not many. It is a degrading and shameful basis for any American policy, much less for a war effort.

This newspaper's endorsement of the present policy in Vietnam ignores the most important consideration: The attitude of the local population toward perpetual fighting and unrest. It may be within the toleration of the American people to continue supporting the South Vietnam Government's war against the rebels. We do not live there. We only send military and aid people over there on a rotation plan.

But the local population has been living in the middle of war ever since the Japanese occupation. How is the American promise of more of the same indefinitely going to build what the Post calls "confidence in non-Communist rule"?

The only hope we can offer to the people of South Vietnam who are not part of the ruling clique that is living so well off the war, is eternal conflict and devastation. The question is not only how long the American people will sustain such a war, but more important, how long will the common people of Vietnam put up with it?

A boy from Oregon who had served over there visited me over the weekend. He pointed out that the article in the U.S. News & World Report written by Mr. Moore that I commented on in one of my speeches some days ago is absolutely correct. He agreed that the mercenary officers of the South Vietnamese Army have an allergy as far as battlefronts are concerned. They live in high luxury in Saigon. They have no desire to fight a war. But as he said, it is the "poor devils" down in the lower echelons

that are being pushed into a war in regard to which they have no heart.

The only worse disaster for the United States than the continuation of the status quo in South Vietnam would be expansion of the war into North Vietnam. What a disgusting spectacle the United States is presenting to the world and to our own people with the current meeting in Honolulu which seems to be little more than a war council.

What is being done there is the planning of an American war in Asia, at least against North Vietnam and eventually against China, unless our bidding is followed in South Vietnam. It will be interesting to see whether this, too, is going to be McNamara's war, or whether a declaration of war will be asked of Congress.

An attack on North Vietnam cannot by any stretch of the imagination be regarded as a defensive measure by the United States. And it no longer can be considered a defensive measure in the South Vietnamese civil war. The Government of South Vietnam is being threatened by its own people, and they are fighting with weapons and materials they are capturing from government forces or making on the spot.

The military jargon about interdiction of Communist supply lines is essentially a "cover story." If there is in fact an attack upon North Vietnam it will not have a military purpose, but a political purpose: to induce Ho Chi Minh to stop giving leadership and advice to the rebels. What the Honolulu conference is doing is making plans, virtually in public, for a bombardment of North Vietnam. Undoubtedly the information being given out about this planning is designed to intimidate the Asian Communists and perhaps cause them to retreat before the mere threat of attack.

But if the threat alone fails, the publicity itself will have created heavy pressure on this country. Having discussed so openly and at such high levels a possible attack upon North Vietnam, the American military commanders and their chief, Secretary McNamara, will feel even more obliged to carry out the attack than before the Honolulu meeting.

That is the danger of what is going on there.

But there are many other dangers. The planning of a unilateral war in South Vietnam is bad enough, without our planning a unilateral aggression against North Vietnam. Bombardment by air and sea is pure and simple aggression. Of all the fatuousness that has gone into American policy in that part of the world, the most fatuous contention yet made is that air and sea bombardment, without the participation of troops, is not an aggression. That is pure nonsense. It is worse than that. It is lying to the American people.

One may as well say that the Japanese attack on Pearl Harbor and the Philippines on December 7, 1941, was not aggression against the United States because no Japanese troops were landed then, either. Clearly, what the Japanese had in mind was merely to intimidate the United States to keep out of her way as she conducted her unilateral, self-serving policy in Asia, and perhaps, to "interdict" by knocking out the Pacific Fleet of the United States.

So Pearl Harbor was a nice, neat air attack, with no messy ground fighting. How similar to what the American military is discussing for North Vietnam. And the consequences could be similarly disastrous for American people, too, unless they demand that their military and political leadership come back into the framework of American moral and legal standards. One does not have to extend the parallel with Pearl Harbor very far to know that international outlaws have a way of coming to a bad end, both for themselves and their countries.

What is being done in Honolulu is outlawry. It must be stopped by the American people before it is too late.

In the one enlightenment of the editorial section of the Washington Post, one finds today that Walter Lippmann is again calling for the only legal and responsible handling of our policy in Vietnam. It is that we legitimatize our presence in southeast Asia.

We must do that either through the United Nations or through an international conference that will give the United States legal standing in Asia and that will give its people some hope of a future other than perpetual war.

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

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

[From the Washington Post]

THE ASIAN BALANCE OF POWER

(By Walter Lippmann)

The death of Nehru has come at a time of great uncertainty and change in the Asian balance of power. It compounds the uncertainty. For what happens in India, or more exactly in the Indian subcontinent which includes Pakistan, will affect the future of Asia as a whole.

At the worst, India will, as so often in the past, become fragmented. Nehru was not only a national hero but also, as the direct heir of Mahatma Gandhi, an anointed man. Lacking such a ruler there could be a great disorder among the many tribes, clans, castes, and sects which comprise Indian society.

At the best, which we may dare to think is possible, India under Nehru's successor will not only consolidate itself but will also go on with the task, which Nehru had just begun before his death, of making peace with Pakistan, turning what is hostile coexistence into some kind of collaboration.

The inherent strength of India-Pakistan cannot be measured in terms of army divisions, tanks, and air squadrons. The crucial fact about the great subcontinent is that it has shown itself highly immune to the kind of pressure and propaganda and infiltration which has been causing so much of southeast Asia to crumble.

If India is to be conquered by China, it will have to be by direct and overt military aggression, by the kind of aggression which is unmistakable and is indubitably a casus belli under international law and the Charter of the United Nations. This point is critically important in any evaluation of our own foreign policy in Asia. For it would justify, it seems to me, a firm commitment to go to the defense of India-Pakistan if the Chinese attacked them.

The other strong position in South Asia is held by the United States, and it consists of our sea and air forces. The presence of these forces in the South Pacific and, increasingly, in the Indian Ocean is our real contribution to the eventual stabilization of southern Asia and of the islands of the South Pacific. In the foreseeable future China is quite incapable of challenging this great force, and the central business of a serious assessment and planning of U.S. policy is to come to an understanding of the nature of our own power.

The essential problem arises from the fact that our forces are infinitely more destructive than any other forces in the region, including the Chinese forces. The American power is so overwhelmingly great that it cannot be used at will. It cannot be used, for example, as fellow travelers of Senator GOLDWATER have been proposing, to intimidate North Vietnam and China by bombing them "coolly yet massively," while we "stop our ears to a fearful worldwide clamor until the job is done."

This is as foolish as it is immoral. It is foolish because for the United States to intervene with such savage cruelty in an Asian country would be to show a wanton disrespect for the opinion of mankind. Such disrespect does not go unpunished because we stop our ears. It would be our day of infamy if we used our superior power to "destroy the entire military, industrial and economic infrastructure" of a country with which we are not at war. This would be the way to destroy our influence in Asia, not to preserve and consolidate the American presence in the Pacific and in Asia.

The fundamental principle to which we must subject ourselves is that American sea and air power can be used only if and when the United States is acting, as it did in the Korean war, under an international sanction. What we do not have and what we need now in southeast Asia is a treaty guaranteeing the independence of the countries of southeast Asia, a treaty which is signed and ratified by all the great powers that are concerned—namely, China, the Soviet Union, India, and Pakistan, the United States, Britain, and France.

The foreboding that we are on the verge of being expelled from Asia and the western Pacific is quite unreal. American sea and air power command the whole Pacific Ocean, and there is no serious rival sea and air power on these waters, as there was when Japan had a great navy. Our problem in the Pacific is not how to make our power credible, how to make ourselves feared, perhaps by coolly yet massively destroying a country. Our problem is to legitimatize our presence in Asia and in the Pacific as the possessor of this monopoly of enormous force.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD in my remarks an article published in the Manchester Guardian of May 28, 1964, entitled "The 20 Years' War," written by David Holden.

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

[From the Manchester Guardian Weekly, May 28, 1964]

THE 20 YEARS' WAR

(By David Holden)

In 10 days in South Vietnam I have talked to dozens of people—Vietnamese, Americans, British, French, and others—and except in General Nguyen Khanh and a few members of his government who must needs put the best face on things I have nowhere met more than anxious hope or desperate determination about the outcome of the present struggle against Communist subversion and the attacks of the Vietcong. Of optimism there is

none and of confidence little; of black pessimism a great deal.

In theory, the chance of victory is still there. But it needs an even bigger effort than the United States has made so far, and a far greater and more imaginative effort from the Vietnamese leaders to turn it into reality. Any comparison with the Malayan emergency—which was never very valid anyway—has long ago been left behind.

There were never more than 10,000 hard-core Communist guerrillas in Malaya, yet for the best part of 12 years they tied up 60,000 to 80,000 British and other troops and as many police and special reservists in a ratio of 1 guerrilla to 12 or more of the security forces. In Vietnam there are 25,000 to 30,000 "hard-hats," as the Americans call them, and probably another 100,000 local guerrillas or sympathizers who are ready to turn out for the Vietcong. Against them are more than 200,000 regular soldiers of the Vietnamese Army, with 16,000 American "advisers" and another 200,000 men in various auxiliary forces—a ratio of 1 to less than 4.

In Malaya the Communists were all Chinese, easily recognizable, and easily divided from the Malayan peasant base. In Vietnam the Communists and their supporters are Vietnamese and can easily vanish into any village. And, of course, in Malaya there was no open frontier beyond which the Communists could take refuge or across which they could receive supplies and reinforcements.

To the Americans and to the present and previous Vietnamese Governments, the open borders and the resulting infiltration of Communist Vietminh from the north, have always seemed the crucial weakness of the south's position. It is pretty widely agreed, for instance, that from 1959 to 1963 at least 12,000 hard-core fighters and instructors moved in from the north. The pattern of subversion and guerrilla warfare suggests strong central control from north of the border and the repeated capture of Chinese, Russian, and Czech weapons by the Government forces reveals plainly enough the source of material support for the Vietcong.

But this is only part of the story. The rest lies with history. With the inadequate administrative legacy of the French. With the arbitrary dictatorship of the Ngo Dinh Diem regime. With the failure of the Vietminh—in breach of the 1954 Geneva agreements—to withdraw all their units from the south, leaving many behind to organize the new underground movement. And with the failure of the Americans and the Vietnamese Government to realize, until too late, what sort of a war was being forced upon them.

The Vietnamese Army has been trained to fight a soldier's war, like the French Army before it, when its opponents are fighting a revolutionary war. The big battalions have rarely been able to bring the other side to battle, because the enemy is not concerned with killing soldiers so much as with paralyzing institutions and undermining popular confidence.

This elementary fact does not seem to have been properly grasped by the Americans until some 2 years ago, when it led to the strategic hamlet program, designed to bring security and administration to a countryside by then in chaos. But it was not then, and I think still is not now, fully understood by the Vietnamese leaders, who still sometimes seem to think that winning territory is more important than winning people. In fact, without the latter the former is meaningless.

Nor do the Americans follow through by withholding support from some of the more wasteful forms of military operation. Napalm and high explosives, for instance, are still being used by American aircraft in full-scale assaults on supposed Vietcong strongholds. These sometimes flatten whole settlements and kill hundreds of people, whose bodies may then appear (on the flimsiest evidence) in the published lists of Vietcong casualties.

The villagers can scarcely be blamed thereafter if they prefer the Vietcong's usually selective killing and intimidation to this sort of wholesale slaughter. Yet the Americans are in the difficult position of often having their advice rejected or ignored, while still being blamed whenever anything goes wrong.

Like the British in the Persian Gulf, they suffer all the odium of colonialism with little of its real authority. Ultimately, however, their biggest difficulty is simply that they are foreigners, and the North Vietnamese, whatever unpleasant things they may bring in their train, are not. To ask the Americans to win the confidence of the Vietnamese peasants where the South Vietnamese leaders themselves have failed, is simply crying for the moon.

To the United States, blamed, reproached, and frustrated at every turn, and anxious also to prove to the Chinese that her power is no "paper tiger," the temptation to seek victory at all costs by throwing in fighting troops and carrying the war to the north, must be tremendous. But the dangers are tremendous, too: a clear breach of the Geneva agreements, an acknowledgment of political bankruptcy, a major diplomatic defeat, and a real risk of war with China. And in the end this course would surely be self-defeating, whether China entered the war or not; for even after Hanoi had been bombed and Dien Bien Phu recaptured the Vietcong and the Vietminh would still be there. The military solution would remain as mythical as ever, and the political solution would have retreated into infinity.

The only alternative short of withdrawal seems to be a slow crawl toward stability within South Vietnam. A piecemeal recovery of people and territory, village by village, providing security and administration simultaneously, and demonstrating through at least local self-government that the Communists do not have all the answers. This implies a resolute (and very un-American) refusal to believe in any quick solution. Indeed, if the Malayan experience is any guide, no one should think of success in less than 10 to 20 years.

But there is the most savage dilemma of all. As a wise, old Vietnamese observed when I put this to him: "If you prolong the war, you will lose it." After 20 years of fighting already, this may well be true; and it reduces the chance of victory to no more than a glint in Washington's eye.

Mr. MORSE. Mr. President, Mr. Holden, a leading British correspondent, has been for some time in North Vietnam and also in Malaysia. He writes, in this article on South Vietnam, about the hopelessness of the situation if we follow the course of action that the United States is presently following.

Mr. President, at the close of my remarks today I ask unanimous consent that certain correspondence which I have received in support of the position that I have taken for weeks on the floor of the Senate against this U.S. illegal war in South Vietnam be printed in the RECORD. Also, I ask that a recent column by Jack Anderson dealing with the basic lack of will on the part of the South Vietnamese to fight be inserted in the RECORD. He points out how our military pay and aid is really corrupting men in the South Vietnam army.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to reiterate something which I believe is particularly appropriate, in view of the fact that American warmongers are meeting in Honolulu, planning their various schemes and programs of indirection for getting around the Constitution of the United States and making war without a declaration of war.

It is particularly fitting that once more on the floor of the Senate I offer again the substitute proposal which I have offered for many weeks in connection with McNamara's war in South Vietnam.

I repeat my challenge to Mr. McNamara or Mr. Rusk or to anyone else in the administration to come forward with a single principle of international law which justifies American unilateral military action in South Vietnam.

The sad, ugly fact is that the United States is standing today outside the framework of international law. The sad, shocking fact is that the United States today stands before the world in violation of the United Nations Charter. The sad fact is that the United States today, with its illegal course of action in South Vietnam, is becoming an outlaw nation with respect to international law.

Mr. President, we ought to be big enough to recognize our mistake. We ought to seek, as Walter Lippmann points out in his column this morning, international approval of a course of action in Asia by keeping peace in southeast Asia under the United Nations Charter procedures. The rule of law not the rule of American military might should be used to meet the crisis in Asia.

I call upon our Ambassador to the United Nations to start his long march back into the area of international statesmanship. Adlai Stevenson, when he made his sad and shocking speech before the Security Council a few days ago, in which, in effect, he beat his breast and said to the world that we intend to do what we want to do in South Vietnam, turned himself into a humpty-dumpty.

Adlai Stevenson knows that all the king's horses and all the king's men cannot put a fallen egg back together again, even though it is an egghead.

Mr. President, the fact remains that the United States is following a course of action in South Vietnam which violates the Geneva accords of 1954.

My country, the United States, in open violation of the Geneva accords of 1954, has the audacity to try to alibi to the American people and to the people of the world that we are justified in our action because North Vietnam and Red China are violating the Geneva accords of 1954. So they are. I have no doubt about it. I have no doubt about North Vietnam and Laos and Red China violating the Geneva accords of 1954 which, I repeat, the United States never signed, and which, by reason of pressure by John Foster Dulles, South Vietnam did not sign. We seek to alibi justification for murdering American boys in South Vietnam on the ground that North Vietnam and other countries are violating the Geneva accords of 1954. In the absence of a declaration of war, the killing of every American boy means, in my judgment, a murder. I am opposed to it. I would rather walk out of the Senate than give support to this illegal

course of action of the United States in South Vietnam. Our top warmongers in Honolulu are trying to find some way of alibiing a way in which they can present a case for escalating the war in southeast Asia.

What we ought to be calling for is United Nations consideration of the violation of the Geneva accords, before the Security Council of the United Nations.

I suspect that Red Russia would veto it. Let us prove to the world who it is that, in the last analysis, is seeking war, not peace.

Of course, Red Russia welcomes our weakening ourselves and our losing world prestige, which we are rapidly losing because of this illegal and unconstitutional course of action in South Vietnam.

I want to put Red Russia on the spot, and I want to have my Government live up to its signature under the U.N. Charter. I have quoted in past speeches, and incorporate in my speech today by reference, articles 33, 37, and 51 of the U.N. Charter, which we are not following by not bringing our complaint as to the violation of the Geneva accords of 1954 to the United Nations for determination.

If and when Red Russia—if she does—and we shall not know until we try to find out—vetoes the proposal to have the Security Council take jurisdiction, the next step for the United States to take would be to ask for the calling of an extraordinary meeting of the General Assembly of the United Nations. There let the nations of the world exercise what jurisdiction they have through the procedures of the General Assembly of the United Nations in trying to bring the war in southeast Asia under the canopy of the United Nations, as we support similar peacekeeping procedures of the United Nations, at the moment I speak, in the Congo, in the Middle East, and on Cyprus.

I wish to forewarn the American people, once more from my desk, that we are at a crossroads in American foreign policy. We have run out on our moral and spiritual obligations that we owe to peace. We are not trying to keep the peace. We are making war. We should give support to a United Nations peacekeeping corps in South Vietnam. As I have said many times, and repeat today, I would support a substantial number of American military personnel to help make up that peacekeeping corps, but it would not be a fighting corps; it would not be a killing corps; it would not be a warmaking corps; but it would be a peacekeeping corps. There is quite a difference between supporting a peacekeeping corps and the course of action we are following today. The United Nations Charter calls for such a function on the part of the members of the United Nations.

I ask Senators to read again the Lippmann article of today and to read again the Lippmann article of the other day, which I placed in the RECORD. There is no answer to the principle that Lippmann lays down. The sad thing is that the United States is compromising its principles in the field of international obligation as a signatory to the United Nations Charter.

I say to the warmongers meeting in Honolulu that I know what their position is, because they have expressed it many times in this country, and they do not make it any better by the coverup from Honolulu. The responsibility for following peaceful procedures rests squarely at the White House.

I continue to pray to my God that the President will see his responsibility before it is too late and that an international conference will be called, and called quickly, under the aegis and auspices of the United Nations, to see what can be done to bring the killing to an end and to bring stability in Laos, stability in North Vietnam, stability in South Vietnam, and stability in Cambodia. We cannot plan to escalate this war into North Vietnam without leading to the great danger of a nuclear conflagration.

It is interesting to see the hedging in all the statements that Rusk and McNamara have made to date concerning the possibility of expanding and escalating the war across the borders of North Vietnam into Laos and possibly elsewhere. That adds up to one ugly word—aggression. My voice will be raised in a plea, up to the last moment, to stop my country from becoming an aggressor nation in Asia.

As I said the other day—and I repeat it—if our country makes the horrendous mistake of deciding on a course of war, and formally declares war, we must all rally behind our country until that war is successfully prosecuted—if we can successfully prosecute it. But as individual Senators, we have a responsibility to try to prevent our country from going into an unnecessary war. We have a responsibility, under our oaths as individual Senators, in accordance with our sights, to raise our voices in a plea for peace, not war, because I am satisfied that nothing can be gained through war, but that much will be lost.

No one knows at this hour where an expansion of the war in South Vietnam will lead, so far as future events around the world are concerned. Do we want to continue what we are doing at this hour—undermining and undercutting the United Nations? We have a clear moral obligation to try to make the United Nations work, and we are not trying. To the contrary, acting in Asia outside the framework of the United Nations, without ever having filed a complaint before the United Nations vis-a-vis North Vietnam, Red China, Laos, and Cambodia, we are in no position to allege that we stand for peace at this hour, for we do not. At this hour the United States is writing a sorry and sad chapter on warmaking in southeast Asia.

I close with a prayerful plea on my lips: It is important that the United States exhaust every possible procedure available to it to try to settle the war in Asia by resorting to the peaceful procedures of the United Nations Charter, not by continuing to ignore them. So I ask my President: "When will your voice be raised in support of resorting to the procedures of the United Nations as the most honorable recourse for this Republic to follow in seeking to end war in Asia within the framework of international law?"

EXHIBIT 1

MAY 27, 1964.

Senator WAYNE MORSE,
Old Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Let me add this to the pile of letters you will receive in support of your position on Vietnam. Please continue to fight for a sane approach to this problem. It is hard to believe that some Americans call for use of tactical nuclear weapons. The United States has no business in Vietnam, and what's more, southeast Asia is not worth fighting for. Your suggestion to pull out and use the machinery of the United Nations is the only solution. Americans must accept the fact that the United States cannot "liberate" anyone, much less people in this part of the world who have no inkling of democracy. If democracy is to win in southeast Asia, it must be won by the people themselves in their hearts.

I object, however, to your attacks on Secretaries Rusk and McNamara. You know who is responsible for our foreign policy. Your indirect approach is only confusing an already confused public. The President cannot pick the middle ground on every issue that crosses his desk. Three Presidents have already tried to half-fight and half-negotiate in southeast Asia to no avail. Keep pushing for your solution, but carry it to the White House. If it fails today, try again after the November elections. And Senator, ask this one question of the "hawks": What happens after we drive off the Vietcong, Pathet Lao, etc., from southeast Asia? Will there be a millenium of peace and democracy? Will democracy be instantaneous? Will America pull back its troops and money?

Please save some energy, Senator, for defeating the omnibus bill for the District of Columbia. I know you will. I know the usual course of correspondence to Congressmen, but in your case and because I am not a constituent (although a great admirer) of yours, I hope this will be fuel to add to your fire. Keep it up.

Sincerely,

ROBERT A. GIANNASI.

MAY 26, 1964.

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

MY DEAR SENATOR: We had occasion to watch and listen to the "Meet the Press" last Sunday and I must commend you for the tremendous verbal and clear explanation of our troubles in Asia. You were quite forceful.

It is literally an undeclared war and only Congress has that authority to declare it and not by back door methods.

Furthermore, its a matter for the United Nations in every conceivable way. We either make the United Nations a "living force for peace" or else lets get out of it. I'm beginning to believe that our unilateral action there and at times elsewhere in the world, is a slap at the United Nations and looks like we're acting like "bullies" because we're strong.

Because of our military strength we should show more "humility" and cooperation with United Nations; even if we have to take up the "tab," at least we have the sanction of the United Nations members.

With best wishes to your health,

Very truly yours,

GEORGE M. BURKHART.

SAN DIEGO, CALIF., *May 25, 1964.*

Hon. WAYNE MORSE,
U.S. Senator,
Senate Building, Washington, D.C.

DEAR SENATOR MORSE: Let me express to you my deep appreciation for the courageous and enlightened stand you took on the TV program "Face the Nation" in regard to foreign policy and civil rights.

Your righteous views have my enthusiastic support.

Only recently I wrote a letter to Ambassador Adlai Stevenson, expressing my gratitude for the peace establishing activities of the United Nations in various parts of the world, and urging the United Nations to intervene in and stop the senseless war in South Vietnam. There is no excuse to delaying such action any further.

In these troublesome times, while the civil rights bill is before the U.S. Senate for deliberation, I recommend that the press, the movie industry, the theater, and the public media of television and radio contribute to a growing understanding between the white man and the Negro by enhancing in their articles, shows, and programs, the moral and spiritual qualities of both American citizens, thus fostering friendly feelings, good will, respect, and compassion.

I further recommend that the best and most convincing TV plays, dealing with the harmonious intercourse of both races, be transmitted by satellite to other nations in order to promote peace and moral progress. If the U.S. Congress succeeds in passing just and equitable civil rights laws, this will be a shining example for South Africa and further the improvement of race relations in that country.

Last, but not least, I recommend that each public school, from kindergarten to university, introduce a special course on "The Moral Duties of the Individual," given by teachers of highest moral integrity, with a view to raising law-abiding citizens and wiping out crime. This basic moral school education is indispensable in view of the fact that many parents are neglecting their duty to give their children a sound moral education, and many children are deprived of the blessings of a church Sunday school.

With my best wishes, I am,

Very sincerely,

LILY F. ZELL.

MAY 24, 1964.

Hon. WAYNE MORSE: I have just listened to you being interviewed on our present policy in southeast Asia. I am 100 percent in accord with your thinking. I thank God for you and men like you who have the guts to speak up and give the people facts. Honesty and truth will never be defeated.

Sincerely yours,

GEORGE M. SPARKS,
Pomona, Calif.

LOS ANGELES, CALIF., *May 25, 1964.*

Senator WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heard your Sunday telecast in which you questioned the constitutionality of our sending troops to Vietnam.

From what I have read, I have for some time felt as you do. The question is what is the most effective step a citizen can take to express his views where it may do some good. I am certain that not only the Senate Foreign Relations Committee is aware of your point of view, but also the entire Senate.

So far as I know, I have recourse only to my district's Congressman and Senator KUCHEL. Have you any other suggestions?

Yours sincerely,

WILLIAM C. WAGNER.

STOCKTON, CALIF., *May 24, 1964.*

DEAR SENATOR WAYNE MORSE: In regard to the program "Face the Nation" when you were interviewed on Sunday, May 24, 1964, Mrs. Batt and I agree with you that the United States has no business in Vietnam fighting a war by ourselves. We feel the U.N. should send a peacekeeping force there. Keep up the good work. We also favor your stand on civil rights, that it is about time the Negro is given his constitutional rights. It's about time the American Negro is treated as a first-class citizen.

Sincerely,

PETER E. BATT,
PAULINE BATT.

MAY 24, 1964.

Mr. WAYNE MORSE,
Washington, D.C.

DEAR SIR: I just heard your talk on "Face the Nation" and I think you were glorious. Your view coincides with mine on this matter perfectly. I think it would be a good thing if someone like you would stump the country and wake the people up to what is going on as there seems to be an apathy on the part of the people on this whole thing. They are spending billions of dollars on this cold war which should be used for the benefit of poor people instead of armament. It seems to me if communism is good for these people you can't stop it anyway and if it isn't, it won't succeed. I am glad that at last someone is coming out against this whole program.

Yours sincerely,

W. MINCHERHONT.

SANTA MONICA, CALIF.

MAY 25, 1964.

Senator WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: Congratulations from a Californian who wishes you were from this State, but who considers it lucky that you are in the Senate no matter what State you are from.

I wish I could vote for you. I wish I could be of some help to you. However, you seem to get along fine, and I hope you stay in the Senate forever. The greatest embarrassment in my life is that in a country as big and as rich as this one is, there are only you and a couple of others in the whole Senate who are brave enough, smart enough, and humane enough to speak and act intelligently.

Thank you very much for serving in the Senate. The next time you are campaigning, my husband and I wish to contribute to your campaign. Please keep our address and let us know where your campaign headquarters will be in Oregon.

Sincerely,

MRS. MEGAN CLARK.

PHOENIX, ARIZ., *May 24, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Have just watched, as I always do, "Face the Nation." Thank you for giving voice to the opinions I have long held, both as to our southeastern policy, and the civil rights issue. I firmly believe in every word you uttered. I am glad there is one American in public life with the wisdom to form such opinions, and the strength to express them. Keep up the good work. My son was a casualty of World War II. I believe the United Nations is the hope of the world. But how can it function if the world's most powerful Nation wages war on its own initiative?

God bless you, Senator.

Yours truly,

FRANCES DIX.

MAY 24, 1964.

DEAR SENATOR: I heard your talk on the radio program, "Face the Nation." I agree with you in what you said Sunday evening, May 24, 1964. Thank you. The United Nations is our only hope.

THOMAS A. FRANCIS.

P.S.—May God bless and protect you in a special way.

MAY 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Your recent interview on the CBS television program revealed your outstanding faith and knowledge of the American people. I want to add my support to your views regarding the mess in South Vietnam. I also hope that the United Nations will be able to restore peace. This war is dirty and will lead to the use of atomic weapons unless something is done. I hope that we can avoid this escalation of the conflict.

Once again I am proud of your stand and hope we can have other Senators with your courage and ability. Thank you.

Sincerely yours,

HARLEY L. ROSS.

ANAHEIM, CALIF.

MAY 24, 1964.

Mr. WAYNE MORSE,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR: Three cheers for your stand vis-a-vis our insane foreign policy in southeast Asia. Mr. Stevenson's address before the U.N., last week, was a national disgrace. What a flagrant disregard for truth. What blatant propaganda. Since Caryl Chessman's execution, since Dallas, I have never been so ashamed of my country.

If we cannot count on rationality or protest from the Stevensons, Rusks, and McNamaras, who must we turn to for sane leadership? I hope the death of President Kennedy isn't going to cost us more than we are now realizing.

Shades of the Weimar Republic.

EDWARD F. NASH,
Los Angeles, Calif.

P.S.—Your appearance on "Face the Nation" (May 24) was most inspiring.

CHATTANOOGA, TENN., *May 25, 1964.*

Senator WAYNE MORSE,
Congress,
Washington, D.C.

DEAR SENATOR: Permit me to congratulate you having the courage to speak out, and frankly, about the present foreign policy as it concerns South Vietnam. The question is being frequently advanced as to whether the administration really has any desire to bring the war in that unhappy country to a close. Of course, you should be aware that your questioning attitude to this situation may well cost your seat in the Senate. Just how may other Senators, other than Senator FULBRIGHT, would have the courage and honesty to assume the position that you have in open criticism of this wholly useless war?

We do not have to surrender one iota of our interest and honor in order to bring peace in all southeast Asia; we have absolutely no moral right to force any form of government upon that land or that people or any other land or any other people, that the people concerned do not wish to have; we do not have any moral right either to force any religion upon the people there or any other place or country that the people of that country do not wish to have. I realize that it is harsh but it is all too true that America is reflecting the ugly shadow of Hitler across the whole world. A long delayed reaction of disgust and remorse is slowly taking form here at home.

There is absolutely no indication that a change in political control in Washington would generate a sense of responsibility in our dealings with other countries; but it is entirely possible that the Congress may have to assert its authority over control of the "silent government"; that is the CIA, in order for us to live at peace with any government.

Respectfully,

C. C. OAKES.

LOS ANGELES, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Democrat of Oregon,
Washington, D.C.

DEAR SIR: After seeing and hearing you on TV today in "Face the Nation" I am compelled to let you know how appreciative I am of your foreign policy views, and I sincerely hope that you will speak many times on TV to the people.

It has long been my thinking that we should not be in Asia fighting this useless war which will never end, but I never knew until hearing you that there were legal reasons as well as moral reasons we should not be there.

Hoping that you will continue your fight in this regard, knowing that all of the people are with you, I am

Yours respectfully,

Mrs. MARGARET S. BARRETT.

P.S.—You are my choice for Vice President.

MAY 26, 1964.

DEAR SENATOR MORSE: We applaud the stand taken by you and Senator GRUENING on Vietnam, also on Cuba and Laos. Our foreign policy leaves much to be desired. The more our Government talks peace the more it prepares for war and sends American boys off to do the killing and to be killed.

We believe nations must select their own governments and not have them forced upon them by outside interests. We believe only the people can decide their own destiny. We cannot police the whole world and threaten the world with extinction if it is composed of peoples and nations who want a different way of life than our own. The U.N. exists to settle differences, to promote peace. Why is the United States so reluctant to bring these matters before that body of nations?

Mr. and Mrs. CURCIO.

LOS ANGELES, CALIF., *May 24, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Thank you, sir, for your outspoken opposition to our Government's dangerous foreign policy. Not only is it dangerous but so immoral. My heart goes out to those poor little people who are suffering so terribly as a result of our policy.

It's like a breath of fresh air to hear you and Senator FULBRIGHT and others speak out against this dangerous and immoral policy.

May I have some copies of your speeches?

Deepest regards.

MRS. BILLIE SCOTT.

LOS ANGELES, CALIF.,
May 23, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your recent statement that the newspapers are not telling the American people the situation in Vietnam is, unhappily, but too true. Suppression by the press and other mass media of the discussion of the policy of the United States in Vietnam which has gone on in the Senate is a grave state of things, especially the blackout of your speeches and those of Senator GRUENING. I urge you to take every means to tell the people the facts and to rouse their opposition to the present dangerous and irresponsible involvement.

Yours truly,

JULIET GREEN.

SAN JOSE, CALIF.,
May 23, 1964.

DEAR SENATOR MORSE: Thank you for your opposition to the Vietnam war. I hope that that area can be neutralized with the help of the United Nations.

Sincerely yours,

GEORGE L. COLLINS.

MINNEAPOLIS, MINN.,
May 26, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Bravo. Bravo. Bravo. I refer to your courageous stand on the Vietnam situation. Sometimes it may seem futile, but you are making a considerable dent on public opinion.

Sometimes I get so disgusted with our foreign policy in southeast Asia I honestly want to leave the country, but when I read your words I decide to stay. I could move to Oregon instead. It must be full of sane, wise people, to elect the likes of you.

Sincerely,

MARGARET BATES.

BRONX, N.Y., *May 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Despite the irresponsible lack of reporting by the New York press, some aspects of your views of the tragic political and military developments in and among the states of Indochina have come through. The superficial reporting makes them sound wonderful, and when occasionally your ideas are reported in some depth they are absolutely brilliant. I hope that you and your several colleagues in the Senate will continue to present your strongly reasoned views on the failure of American policy in southeast Asia to achieve a responsible political settlement there to which all of our allies can adhere. Certainly, further unilateral American actions in that area without the complete and equal participation of Great Britain and France would be incredibly foolhardy and a threat to world peace.

Recalling that the Democratic Party was able to revive its political fortunes and reverse the public opinion that it was the dangerous war party which resulted from the intervention on the continent of Asia in 1950 when in 1954 Senators Johnson, Kennedy and Mansfield strongly opposed the attempts of many Republicans to stampede President Eisenhower into an Indochina war, I am sure that the present Democratic leadership will not permit the present Democratic administration from being frightened into a war on the continent of Asia by Republican critics. I think that Senator Lyndon Johnson's words during the April 1954 crisis are even more applicable today. He declared that he was "against sending American GI's into the mud and muck of Indochina on a bloodletting spree to perpetuate colonialism and white man's exploitation in Asia."

Considering the poor reporting of your speeches, I would appreciate it if you could send me a copy of each of the speeches which you have made this year on the Indochina problem.

Thank you very much, again, for the important work in which you are engaged in foreign affairs.

Sincerely,

LEONARD P. LIGGIO.

BROOKLYN, N.Y., *May 26, 1964.*

DEAR SENATOR: I wish to congratulate and thank you for your clear, convincing, and courageous statements on the war in Vietnam. I heard you on TV on Sunday and was very much impressed. I find myself in 100 percent agreement with what you said. The United States has no right to be taking unilateral action in Vietnam. This situation should be handed over to the U.N.

Would you please send me a copy of one of your speeches on Vietnam? I should like to use it in a social studies class.

Thank you very much.

Sincerely yours,

HELEN V. SCHMITT.

OROVILLE, CALIF., *May 24, 1964.*

DEAR SENATOR MORSE: We listened to your presentation on southeast Asia—Vietnam, etc., on the program "Face the Nation." We agree with your faith in the ability of the American people to formulate foreign policy if given the facts. We appreciate your giving us such a factual account of this serious problem. We agree that this serious situation should be taken to the United Nations and that we should not take unilateral action. We are appalled that our American troops are again dying by the thousands in a war we cannot win because it is undeclared and unsupported by the U.N. Stevenson's speech caused us concern.

Mr. and Mrs. W. J. DUNN.

MAY 24, 1964.

DEAR SENATOR WAYNE MORSE: I heartily agree with your position on Vietnam over the CBS interview this Sunday morning.

Thank you for making the issue so clear-cut and unequivocal. The peace of the world is at stake, and as you say, "might does not make right," and let us live by international law, and not risk nuclear war. Let us keep nuclear war outlawed.

I am a good Democrat. We need your clear-cut and forceful position on basic issues.

Very sincerely,

Mr. and Mrs. MAX KAGAN.

OLD LYME, CONN., *May 22, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: My family and I wish to thank you for "speaking up" for the American people and not for our military. You spoke eloquently on the "Face the Nation" program and we hope you will continue to be our rather lonely voice in the Senate.

Respectfully,

EVA R. SCHMITT and FAMILY.

CAMBRIDGE, MASS., *May 28, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: We were very disturbed to read that some Pentagon personnel were considering the use of atomic weapons in South Vietnam. We feel that this would be an incredible folly.

We strongly support your stand on Vietnam and are personally in favor of an immediate negotiated settlement with the Vietcong or an immediate and complete withdrawal of American troops and weapons from South Vietnam.

Sincerely,

Mr. and Mrs. RONALD JANSEN.

CAMBRIDGE, MASS., *May 28, 1964.*

DEAR SENATOR MORSE: As an engineer I am delighted to see that you are against dropping atom bombs to reduce foliage (and "peopliage") in Vietnam. Our scrap in Vietnam is highly illegal, and unless we can come to a peaceable agreement shortly we should get out of Vietnam.

Sincerely,

Miss FRANCES M. HICKEY.

MY DEAR SENATOR WAYNE MORSE: On Sunday, I've listened to you on "Face the Nation," especially on the subject of the war in South Vietnam. I think your voice was an echo of some of our great Americans of yesteryear. The facts you have revealed, that the United States is conducting an unwarranted war in South Vietnam, your emphasis on informing the people of the United States of all the facts, that if the war is extended to the north it will inevitably escalate to a nuclear war. I think we have reached a crucial point. The war must be

stopped now. I agree with your recommendation that the U.N. be given the mandate as the only authority to administer a strong military peace force in southeast Asia to enforce peace instead of war. My congratulations to you for speaking up so truthfully on behalf of us—the people.

More power to you.

Yours for a peaceful policy,

Mrs. L. ROSENTHAL.

CULVER CITY, CALIF.

LOS ANGELES, *May 24, 1964.*

The Honorable Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: Both my sons were in the last war, and I hope my grandsons will not have to fight in the jungles of South Vietnam. I therefore commend you for the stand you take to neutralize that part of the world, and I wish you every success.

Respectfully yours,

Mrs. SARAH GURAVICH.

MAY 24, 1964.

Hon. Senator WAYNE MORSE,
Washington, D.C.

SIR: I was so happy to hear your remarks on television this morning, Sunday, May 24, 1964, regarding the situation and the stand this Government has taken in the war in Vietnam and the Far East generally. I must say I was shocked when I heard Mr. Stevenson's stand the other day. I have been quite an admirer of Governor Stevenson and usually can agree with his ideas but after hearing him the other day I began to think perhaps I was "crazy" for I disagree with his ideas as broadcast this week. After hearing your remarks this morning I was so happy to know there are others who take exception to my Government's stand and intentions.

This is the second letter I have written to you. The other was when you were still a registered Republican and I am a Democrat but I do agree and commend your stand on so many ideas and thoughts. Please keep up the good work and God bless and keep you.

Mrs. ESTHER ROHDE.

LA MESA, SAN DIEGO CO., CALIF.

DENBEIGH, VA., *May 26, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Although I live far from the State which you represent, I want to tell you how much I enjoyed the interview you gave over the radio last Sunday evening.

Your views coincide with mine exactly. I am glad to know that we have a man of your calibre and courage representing all of us in the U.S. Senate.

Wishing you good health and success,

Sincerely,

FRED SMITH.

ERWIN, TENN., *May 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to congratulate you for speaking out so forthrightly in the cause of humanity and political decency. Every American is indebted to you and the men in our Armed Forces must be greatly relieved to have even one man stand up for minding our own business.

It is almost unbelievable to hear any American having the daring to speak his mind these days; there have been so many obscene political lies such as those on Cuba and Brazil and Guatemala that to have anyone show unflinching courage is a cause for great rejoicing.

I wrote to the President myself about pulling out of South Vietnam, but my letter was at once referred to the State Department to send me a lot of diplomatic doubletalk.

So hooray for the people of Oregon for electing a great Senator.

Very sincerely,

ELIZABETH SEEMAN.

VINELAND, N.J., *May 26, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I listened to your answers on the program "Face the Nation." I agree with you that we shouldn't be in South Vietnam with men even if we are only training their men, I think this should be a U.N. program with our support. The way I look at it, we are not getting support of the Communists in Laos because we are engaging in war against them in South Vietnam.

As Gen. Smedley Butler told us here in Vineland about 35 years ago, to never try to fight the Chinese in land fighting as they could send men through our lines just as they proved in the Korean war. President L.B.J. is doing a good job but his advisers are giving him the wrong tips.

Keep up your good work.

If I can help in any way please let me know.

Yours truly,

J. LEWIS HADSELL.

BROOKLYN, N.Y.,
May 25, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I want to thank you for your speech yesterday on TV, "Face the Nation." I believe your speech and answers may have saved this Nation and the world from an atom war in south Asia and a third world war. Your speech was a warning in the 11th hour and I hope the Presidential advisers—who in this case look like teenagers in kneepants—will be sent back to school.

Please, sing out again when necessary.

Sincerely,

GUNNAR L. BERNTSEN.

BIG SPRING, TEX.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just listened to you "Face the Nation" and how much I did enjoy you. Do wish we had more Representatives who shared your view in Washington to represent us. We are represented by too many people who can't think for themselves and are just "yes" men. Thank God for having you, a man who does think, and who isn't afraid to express an opinion. I just had to tell you. American people are entitled to know the truth, but do they know it? I don't think so, and I think as taxpayers, we are entitled to the truth.

I had rather have a wrong opinion, than have no opinion at all.

Keep up the good fight and I am so glad you faced the Nation.

Most sincerely,

CLEO I. GUY.

P.S.—Do you put out a newsletter—if so, how could I obtain copies?

LOS ANGELES,
May 25, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I wish to applaud your TV presentation last Sunday. I agree with your views, especially on Vietnam, and admire your forthrightness and courage. You speak for numberless Americans who seek a peaceful solution to our international difficulties. Keep up the good work.

Yours truly,

GERTRUDE REED.

OSKALOOSA, IOWA,
May 25, 1964.

DEAR SENATOR MORSE: We heard your television talk against our sending troops to southeast Asia. My husband and I have often talked about this. Why our boys should be sent over there to die in an undeclared war (as you said) is a sad mystery to us.

God bless you for speaking out.

Sincerely,

Mrs. C. W. GILDERBLOOM.

This should be done through the United Nations.

LOS ANGELES, CALIF.,
May 24, 1964.

DEAR SENATOR MORSE: I just came home from church and turned on NBC and your interview, Face the Nation, was on.

It is the most intelligent information that has been given to the American people. The President should take heed and make this information his own, as only God could use you, Mr. MORSE, to deliver this message now. Mr. Johnson speaks of God so often if he will just let God direct him in carrying out such most important intelligent God-directed information then the American people as you say will go along.

I am a registered Republican and have been all my full experience here in the world, but my God-given intelligence directs my way when it comes to voting. Now, if Mr. Johnson will put God first and let Him direct his way, God also directs the American people.

When it comes to voting, the American people as a whole, vote for the lesser of the two evils. Mr. MORSE, I have been God-directed to write this message, as I am an Austrian scientist the past 30 years. I know one must be God-directed.

I thank the Father and you for that most important message and let us see it take roots by the grace of God, so be it.

Sincerely,

J. G. WAGNER.

FALMOUTH, MASS.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Would that we had more Congressmen with the vision, intelligence and courage which you showed in the broadcast of "Face the Nation" today. My name will mean nothing to you but I hope you receive thousands of letters like mine, supporting your views on the present U.S. foreign policy and the United Nations.

Sincerely yours,

ALICE F. MITCHELL.

Republican voter in Florida but really an independent as suiting ideas of candidates.

MILFORD, MASS.,
May 22, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Please stick to the statement you made about not sending American boys to fight in a war we should not be in.

None of our boys should be subjected to such miseries.

When we are not at war those boys go through many hardships and then they are just peacetime veterans and cannot receive any of the GI benefits.

Wishing you well and many years in the Senate.

Sincerely yours,

Mrs. MARGARET MORSE.

OKLAHOMA CITY, OKLA,
May 26, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: You spoke the minds of millions of U.S. citizens.

We have no legal excuse for sending our soldiers to Vietnam to be killed or to kill.

Too much of foreign troubles are in the interest of some private business or corporation.

We do not have the facts on that, and other things as well.

I was glad to see you stand and be counted—on Vietnam, and civil rights—today.

Sincerely,

J. B. MITCHELL.

MASPETH, N.Y.,
May 26, 1964.

DEAR SENATOR WAYNE MORSE: We have just finished looking at the TV program "Face the Nation" in which you participated. We wholeheartedly agree with your views on the whole Vietnam mess. It is a willful waste of human life to send our boys over there. Certainly it is a matter for the United Nations to act upon. We applaud you for bringing this before the public and I hope we will be hearing and seeing more of you on TV. I have just finished writing to Senator Javits, President Johnson, and Senator Fulbright in regard to this very important matter.

Sincerely,

IRENE MALMBERG
Mrs. E. Walter Malmberg.

HOLLYWOOD, CALIF., *May 24, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank God. Thank God. Your "Face the Nation" appearance gave us Americans the first full feeling of listening to an American of judgment, wisdom, and courage in the area of foreign policy we have had in years.

You filled us with hope that the truth, the facts, the peril, and the American alternative may yet reach our fellow citizens.

How absurd you made all the martial airs of McNamara, Rusk, and their satellite Stevenson sound against the clarion ring of your clarity and sanity.

Hold fast—you give us our opportunity to make our desires heard, felt, and followed.

With profound gratitude,

HERBERT SIBERMAN.

SILVER SPRING, MD.,
May 24, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I thought your talk on "Face the Nation" today was excellent and I agreed with every word that you said concerning South Vietnam.

I am from Michigan and have always had a very high regard for Secretary McNamara and still do for that matter. However, if he is to become the symbol for what we are doing in South Vietnam, and I guess he is, then you are absolutely right in your decision to oppose him for the vice presidential nomination.

Congratulations and please keep up the good work. I would be very happy to help in any way that I was able.

Sincerely,

JAMES H. INGLIS.

ZION, ILL.,
May 25, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Yesterday afternoon I happened to have on TV and heard your statement in regard to our involvement in the war in Vietnam and the cost it will take in American lives.

All I know is what I hear and read in the newspapers and see and hear on TV but being a veteran of World War I and a member of the VFW I can reach my own opinions.

I say let McNamara fight his own war. If the French couldn't win it how can we? The natives over there do not react like we Americans do; and you cannot change the spots on a leopard.

What is the purpose of the U.N. nowadays? I never did think much of its ultimate success and today we are the biggest sucker in the world. I pray that God gives us statesmen who will put our country in its right place; that they have the guts to stand up and be counted.

I compliment you on your guts to come out and make your stand on Vietnam. I hope millions heard your statement and it should be broadcast from coast to coast. Maybe the people will wake up. They need a good jarring.

Respectfully,

ROBERT S. LEE.

READING, PA.,
May 24, 1964.

DEAR SENATOR: I sure was glad to hear a voice that says what he thinks on "Face the Nation."

Trouble as I see it, Mr. Senator, our news media have the people educated; it pays more financially to be for a war program than for a peace program.

What I think our leaders should point out to the people that after every war we get more communism, so war is not the answer to solve our problems.

It seems as though the owners of industry think they have nothing to gain with a democratic plan for all industry.

How about Sweden?

Nowadays people have no time or I should say fear to talk politics and economics.

A job is so precious that most people fear to talk about controversial matters.

My wife and I struggled in a small grocery store for the last 40 years. Enjoying good health we were able to educate our three children. Two teachers and one businessman.

With civil rights and unemployment there sure is plenty for our leaders to fight for.

Hope to take a trip to the State of Oregon soon.

Kindly answer.

PAUL E. RICKENBACH.

P.S.—Voters need encouragement, too.

POMONA, CALIF.,
May 25, 1964.

DEAR SENATOR WAYNE MORSE: Thank you for your appearance on television today. Never miss an opportunity to present your views to the American people. You can clarify our thinking.

E. WAMEL.

SOUTH NORWALK, CONN.,
May 24, 1964.

MY DEAR SENATOR MORSE: Congratulations on your TV interview today in "Face the Nation." It was wonderful to hear your point of view on southeast Asia expressed so forcefully. Thank you.

Very gratefully,

ANITA WILCOX.

NEW YORK, N.Y.,
May 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Having heard you express your views on the program "Face the Nation," I am writing you again to express my appreciation for the courageous fight you are waging against our disastrous policy in South Vietnam and Laos.

I am in complete accord with your opinion that if we continue taking unilateral action in southeast Asia, it will only result in a holocaust for all concerned.

Thank you for doing your utmost to influence our administration to change their policy, and to work for a peaceful solution.

Respectfully yours,

HELEN LEMBERG.

FLEMINGTON, N.J.,
May 24, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: God bless you for the contribution to peace that you are making with your courageous stand in these troubled times. We need men like you to give leadership to a world gone mad.

Keep up your fight for peace. You have the millions who want peace behind you. You are a man of high principles. May you keep well and lead us to sanity and peace and civil rights.

Sincerely yours,

ALMA SZATMORY.

ITHACA, N.Y.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I am a 16-year-old student in high school. Recently, we have been studying the two World Wars. I have become rather alarmed, especially after starting to read "The Guns of August," by Barbara Tuchman, at the striking similarities, if not in some cases parallels, between the situations of 1900–1914, 1933–39, and 1947–64. Actually, I see many reasons to be optimistic now; international, especially Russo-American, good will seems to be, at least at times, sincerely meant and well thought out. At other times, however, our Nation's policies seem guided by a desire to "conquer nations for democracy" as immoral as the Communist desire to bring countries under their influence which we condemn so strongly in all our words and actions.

The present Vietnam, or southeast Asian, situation, is one such case. Tonight, on CBS radio, I heard you speak in what I found an intelligent and sincere manner on this crisis. I was very encouraged to realize that there are men who hold such realistic and nonmilitaristic or chauvinistic views somewhere in our Government. I find your proposal of a U.N. peacekeeping force in Vietnam sound and necessary, and I certainly hope that you can use your influence to change our country's foreign policy on this matter, for Vietnam is undoubtedly one of the most sensitive triggers in the world today. I am glad you have faith in the American people, as an American citizen. I wholeheartedly support you on this issue.

Sincerely yours,

HUMPHREY MORRIS.

MAY 25, 1964.

"FACE THE NATION," CBS,
New York City.

DEAR SIRS: Congratulations on giving the American people a chance to hear the views of Senator WAYNE MORSE. The suppression of his views by the press is one of the more disquieting aspects of the whole Vietnamese situation.

If the Russian delegate to the United Nations had not quoted from Senator MORSE's speech on the Senate floor, many Americans would not have known the opposition exists. If you had not allowed the Senator to "face the Nation" the American people would not have been able to hear the Senator expound his total position. It is absurd for them to get only that part which the Russian delegate thinks suits his case.

Yours sincerely,

CLARK FOREMAN,
Director.

JERSEY CITY, N.J., *May 24, 1964.*

DEAR SENATOR MORSE: You spoke out real good on TV today. So when you get together with L.B.J., it will be a forward step for the U.S.A.

Sincerely yours.

Mrs. M. CARNEY.

P.S.—Our President is a brave, courageous man. He needs your kind of Senator.

CLAREMONT, N.H., *May 24, 1964.*

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR: A million "thank you's" for the magnificent delivery of commonsense which you so ably gave to the Nation today. Last night a worried group met to discuss many of the truths you so courageously exposed today. My fear was that so few Americans would know about the machinations in high places. Now, I hope millions have been enlightened, thanks to a great wise Senator.

Very truly yours,

RUTH HAMILTON.

NEW YORK, N.Y.,
May 25, 1964.

DEAR SENATOR MORSE: I was amazed and flabbergasted to find that the late city edition of today's New York Times (May 25, 1964) didn't carry a single line about your TV interview that took place yesterday.

I expected it to be page-oned since it is the most important contribution I've heard to sanity on the question of South Vietnam, etc.

I've written to the New York Times editor expressing my indignation. I should think an inquiry by your office may be in order.

Best wishes,

Sincerely,

ABE WEISBURD.

CHICAGO, ILL.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: We heard your wonderful talk over television on Vietnam and Laos. We agree with everything you said and hope you will keep up the good fight.

We think it would be a good idea to show to President Johnson and Secretary of State Rusk, the letters you get commending your stand, so they will know that the people here want peace and not war in Vietnam.

Very truly yours,

Mr. and Mrs. EDWIN ALBRECHT.

COPY OF TELEGRAM SENT TO PRESIDENT JOHNSON

Heard Senator WAYNE MORSE on television give his views on securing peace in Vietnam and Laos. Urge that you give most earnest consideration to his suggestions.

W. ALBRECHT.

REBA PLACE FELLOWSHIP,
Evanston, Ill., May 24, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: I simply want to express my deep gratitude for your position on the war in Vietnam.

I saw and heard you today on "Face the Nation" and felt a burden lifting, knowing that someone in public office had the courage and wisdom to say the things you did.

I am praying that God will give you strength to continue bringing this message with clarity and force. It will be a dark day ahead for our Nation, I fear, if we continue the policies we have, both toward Vietnam and Cuba.

Sincerely,

JOHN MILLER.

ALAMEDA, CALIF.,
May 24, 1964.

SENATOR MORSE: I heard you this morning on "Face the Nation." Congratulations. I hope President Johnson was listening in. The only way to get results with the United Nations is to follow the rules—and the nations that do not pay their way—expel them.

G. MORRIS.

NEW YORK, N.Y.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations—words cannot express how welcome were your courageous and sensible thoughts expressed on the TV program this afternoon.

I hope everyone you mentioned on the air viewed the program—and I wonder if even you realize how many of the women of the Nation agree with you wholeheartedly.

Please continue to use every opportunity to so forthrightly and forcefully express your ideas—as well as whatever else you can to bring about a change in the present unhappy course of events.

Sincerely,

ISABELLE JOYCE.

MILL VALLEY, CALIF.,
May 24, 1964.

Senator WAYNE MORSE.

DEAR SIR: We have just heard your speech on television this morning on southeast Asia and our military participation in that area. Your talk made it very clear to me that we should let the United Nations handle this situation.

I think the legal aspects are not made clear to the American people.

If you have any literature on this question I would appreciate very much being on your mailing list.

Sincerely,

Mrs. W. W. BLUME.

PHILADELPHIA, PA.,
May 24, 1964.

DEAR SIR: Once again I must warmly applaud you, on your talk appearing on "Face the Nation," this Sunday (May 24). It takes great courage to speak the truth as you have and particularly point out the mistakes of some of our topmen specifically in reference to our policy in Vietnam. Please maintain your health so you may continue to speak out for peace through the United Nations, as against an ultimate war that we might be catapulted into with this reckless policy of a unilateral action by the Armed Forces of the United States. God speed to you, sir, and we pray for you every night. I am a veteran of World Wars I and II.

Sincerely,

DAVE LIPNER.

P.S.—Please try to influence Senator CLARK as I and others seemingly cannot.

Thank you.

ATLANTA, GA.,
May 24, 1964.

DEAR SENATOR: I am an insignificant student from India. But allow me to express my admiration and respect for your wise and courageous stand on the issues you discussed on the TV program today.

More men like you, sir, and we could be sure of a world where peace and sanity would preside.

Sincerely,

DAVID YEEDA.

DEAR SIR: I am a college student and I had the pleasure of seeing you on the CBS program, "Face the Nation."

My family and I want to commend you for your straightforward opinions and answers. It is an inspiring sight, indeed, to see someone speak the forbidden and think the unthinkable. There is too much to lose if the American people believe and practice the "one side coin" that all too many public officials are handing their constituents. I hope that there are many people thinking as you are talking. Perhaps, now that free discussion is not only legal but also respectable, more and more people will say what they think.

I agree with your colleague, Senator J. WILLIAM FULBRIGHT, in his statement that we are living with "old myths in the face of new realities." It is a shame that it takes great courage to speak the words and beliefs of our Founding Fathers.

Walter Lippmann once wrote, "there has been a benevolent and patriotic conspiracy throughout our public life to pretend that there is only one answer, and that the right answer can be had any day from the official spokesman of the State Department." I am happy to know that there are such courageous leaders as yourself in the U.S. Senate to give us another answer.

My address: John Hamilton; 271 North Fifth Avenue, Canton, Ill.

Very respectfully yours,

JOHN HAMILTON.

SANTA MONICA, CALIF.,
May 24, 1964.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR HUBERT: You may or may not have heard Senator WAYNE MORSE's indictment of the current handling of the U.S. conduct of affairs in southeast Asia on the CBS television "Face the Nation" program today.

I think, and many others must think, it urgent that the Congress, the President, and his Cabinet should consider his criticisms and proposals very seriously.

This situation might easily become even more disastrous than the Korean one did. I know you have your hands full managing the civil rights bill—and doing an excellent job at it—but I hope you will use your potent influence, and at once, in this extremely important Asian affair.

With personal regards.

ROY G. BLAKEY.

DEAR SENATOR MORSE: I knew you slightly when on the University of Minnesota staff some years ago, though I would not expect you to remember me. I hope you will succeed in securing a better and successful procedure in Asia.

ROY G. BLAKEY.

NEW YORK, N.Y.,
May 24, 1964.

DEAR SENATOR MORSE: How refreshing and heartwarming it was to hear the facts on Vietnam instead of empty rhetoric which is Mr. Stevenson's forte. Would that more Senators would be less arrogant and more truthful.

Also if we were above suspicion in Laos, why didn't we disapprove of the rightists and the moderates combining? Wasn't it reasonable to expect that the Pathet Lao wouldn't be happy about this? It's supposed to be a coalition government, isn't it?

Thank you and thank you. Keep up your good work.

Cordially,

PAULA KLINGHOFFER.

HANOVER, PA.,
May 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was delighted to hear your forthright views on our foreign policy in southeast Asia on the Face the Nation program today on TV. We need more people who will courageously speak those

views. I am glad you shared with the Nation your views. We certainly have bypassed the United Nations in this situation. I too was disappointed in Ambassador Stevenson's speech to the U.N. You are so right that right actions should not depend on politics or political expediency.

Your views on the civil rights issue were equally appealing to me. I do hope we do not water down the bill, and if it doesn't have all we want for equal rights for the Negroes, I hope you do plug away until the Congress does pass the necessary legislation to give the Negroes their constitutional rights.

Inpedendent thinking of conviction is a refreshing breeze; keep up the good work.

Sincerely yours,

BEATRICE M. MYERS.

WASHINGTON, D.C., *May 24, 1964.*

Hon. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SIR: My wife and I were fortunate enough to hear you on the program "Face the Nation" today.

I may say that seldom have we been so stirred. What you said was what millions of Americans want to hear. You are absolutely right, Sir, you can trust the informed American people, who are a little tired of being uninformed!

At the end of the program, my wife said "If only we had him for President"—a sentiment that I, and I feel certain, millions of other Americans, echo. Please keep up the good work, in the secure knowledge that the people are behind you. Believe me.

Yours very truly,

A. C. BROOKES.

NORWICH, CONN.,
May 24, 1964.

Senator WAYNE MORSE.

DEAR SIR: May a far easterner say thanks to a far westerner for a very enlightening TV session. I don't even know the name of the program (tuned in late), but it was good. Was it "Face the Nation" with Marvin Kolb, etc.? You spoke of the Vietnam situation and gave us little folk food for thought. You said what you thought was wrong and gave your reasons for it.

The thing I liked most was your obvious respect for those in whom you disagreed. No snide remarks, no political hoorah, just your own honest opinion. I hope Mr. Stevenson weighs your opinion seriously.

I liked your TV visit today and I hope you will again speak over the networks, and often. When "we, the people" hear only one side of any given undertaking, we have very little to evaluate the situation, place, or thing. I like your remarks in regards to the United Nations. We can be a mighty Nation only as long as we are a just Nation. That goes for "at home" as well as abroad.

Sincerely,

VENALDA CHAPMAN.

BROOKLYN, N.Y.,
May 24, 1964.

Hon. WAYNE MORSE,
The Senate, Washington.

MY DEAR SENATOR MORSE: I wish that every voter in the country were compelled to read, or have read to him, your comments on "Face the Nation" today. Never have I agreed with any position more completely.

Yours truly,

HENRY L. WOOD.

P.S.—Save time and money by not sending the usual acknowledgement of this note.

MAY 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: "WAYNE for President"—wish it were possible. I was simply delighted with you and your opinions as expressed on "Face the Nation" today.

I also share your disappointment with Ambassador Stevenson. He has chosen to articulate the Government's views, rather than his own deep convictions. I am convinced his views are actually close to your own as expressed on the air May 24.

My admiration for you dates back to 1952. I share your hope that Mr. Stevenson returns to his former greatness.

Most sincerely,

A. KRIEGEL.

INGLEWOOD, CALIF.

URBANA, ILL.,
May 24, 1964.

Senator WAYNE MORSE: Your remarks on "Face the Nation" had logic and adherence to our previous commitments and were very stimulating. I hope we will admit our errors, set a wonderful example by getting out of all places where we do not belong and call all nations to guard peace through the United Nations.

I haven't yet left the Republicans.

Cordially,

W. G. KAMMLODE,
Retired, University of Illinois.

P.S.—No reply please, you have too much to do.

NEW YORK, N.Y.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I support your courageous stand on southeast Asia. However, in attacking foreign authoritarianism, one might consider whether the American citizen has had a chance to express his views on foreign policy at any time since the last war, in view of our "humpty-dumpty" two-party system.

Your truly,

WILLIAM F. GARBER.

MAY 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Your position relative to our involvement in South Vietnam is the most sensible that I've heard expounded.

I recently completed a tour of duty in that country and have retired from active service in sheer disgust with our asinine efforts to assist a people who will not assist themselves.

We have not only overequipped and oversupplied them, but now seem imbued with the idea of going all out in doing their fighting for them.

May God give you the strength to prevail in getting the U.N. into South Vietnam and the United States out.

Yours truly,

F. W. LOYHENDALL.

FALLS CHURCH, VA.

LAW OFFICES OF GEORGE C. VOURNAS,
INVESTMENT BUILDING,
Washington, D.C., May 25, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I listened to your remarks on television yesterday, and—better still—I read your speech in the CONGRESSIONAL RECORD regarding the same subject matter. Of course, you are right.

Permit me, however, to state to you that as long as the U.S. Government permits either governmental or private agencies to poison the atmosphere 24 hours a day, how do you expect the ordinary citizen to understand the implications of your arguments? The ordinary citizen, who is supposed to be the ultimate source of authority in our Republic, has been and is being poisoned every hour with appeals by Radio Free Europe and other agencies, to the extent that he feels that we are at war. It has been said that "All is fair in love and war." Therefore, whatever the Government does in South Vietnam is absolutely proper.

It occurs to me that if the President of the United States—who desires to build more bridges between East and West—and the U.S. Senate want to discharge their constitutional duties and obligations, they must first eliminate all these governmental and private busybodies who, like poison ivy, pollute the atmosphere. A good start would be with CIA and all its manifold activities, and then Radio Free Europe, etc. When that is done, then the voice of those who have constitutional responsibility in promulgating policy will be heard and evaluated by the ordinary citizens. Unless that is done, the voice of the White House and that of the U.S. Senate are voices in the wilderness.

As ever, yours,

GEORGE C. VOURNAS.

NEW YORK, N.Y.,
May 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Thank you very much for your excellent exposition of the foreign policy that we, as a Nation, must adopt both on legal and moral grounds. I am happy that you didn't permit the not-so-friendly reporters divert you from the main issue, which was to inform the American public.

I have also written to "Face the Nation," and President Johnson to express my support of all you said.

Very truly yours,

Mrs. GERTRUDE ETTENSON.

NEW YORK, N.Y.,
May 24, 1964.

DEAR SENATOR MORSE: As a stanch supporter of Adlai Stevenson when he was running for President in 1952 and 1956, I must agree with your adverse criticism of him as expressed on today's "Face the Nation" television program and I have written him to tell him so.

Of course he may have his own reasons for saying what he does in the U.N., including—God forbid—that he believes it. But I can't really think that. Is there anything you can think of, beyond what you said today, for prevailing on him to be what I hope is still himself—the self we all so admired and respected in 1948, 1952, 1956, and even 1960? If so, will you let me know what it is? And would it be possible to have a copy of today's television program? I think you did us a yeoman service in saying what you did. I'm all for it. More power to you.

Sincerely,

Mrs. CORINNA MARSH.

HUNTINGTON PARK, CALIF.,
May 24, 1964.

To U.S. Senator WAYNE MORSE of Oregon.

DEAR SIR: I heard you today on "Face the Nation." I am mighty pleased to learn that men like you do exist in this country in which I put my last hopes and the only ones to save the justice and freedom of this planet.

Because I feel like you, I put my whole life and future at stake and disregarded all the advices of friendly people and preferred self-sacrifice in order to be able to come to this country and to help the cause of law and righteousness before the violent people destroy them completely. It took me 10 years to come here and only 4 years to lose hope and faith in my ideals and to get almost completely discouraged and stopped on my way of search for the law of truth and justice.

Listening to you today a spark of hope lit in my heart and I want you, sir, to know that I do support your views on the law, and also the way to preserve the reputation and everything that forefathers of this country

sacrificed for that reputation of sincerity, truthfulness, peace, and justice in and for the United States of America and made it a symbol and a leader of peace, justice, and freedom for the rest of the world that lost most of these great gifts our Father Almighty presented to all of us equally.

I hope, sir, this letter may give you additional strength in your struggle for defense of good rules that Jesus Christ, Mohammed, Buddha, and other great leaders recommended to mankind for their happiness and their salvation.

Very truly yours,

PETER BASIC.

WAYNE, PA.,
May 25, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SENATOR: My thanks to you for the ideas expressed on television today, and for the fight you are making in the Senate for a wiser foreign policy.

I am one American who feels that our foreign policy has been largely negative, even stupid, for a long time. By his handling of the Cuban revolution, President Eisenhower forced Cuba into the arms of Russia, then we complain because Cuba embraces communism.

We have kept mainland China out of the United Nations, when it was very important for her to be there, so that there would be a world tribunal to which she was responsible. It would be a very different story today if China were a member of the United Nations and had to answer to that body for her actions in Laos and Vietnam.

And it looks as if we are preparing the way to get nuclear weapons into the hands of West Germany, still largely influenced, if not dominated by Nazis. How can we ever hope to get peace with Russia, if we insist on making Germany the strongest power in Western Europe? And we talk of the "free world" and our devotion to democracy, yet it is our power that keeps the unspeakable Franco in his position of dictator over the tortured Spanish people.

I agree with you—there can never be world peace unless we build up a world under law, we've made a beginning in the United Nations; we should strengthen it by using it, and not ignoring it, using our power to go off on unilateral expeditions just because we have the power. To me, that is cowardly.

Respectfully yours,

REBECCA P. ELLIOTT.

DEAR SENATOR MORSE: Just finished watching and listening to you on TV. I am in 100 percent agreement with you on one main issue. The American people are not getting the facts. This has been a sad 15 years for the American people. I have been believing this line for the last 13 years, ever since I came from Korea. Why is that press don't not give the people the facts about our international situation? As I am stating in my speech tomorrow, I think if the American people were really told how they have been swindled the last 15 years. I would go as for to say there would be the greatest uprising this country has ever seen. I have read "The Ugly American" and "Nation of Sheep," and I have been in the Orient and around the world. I know for a fact we are being led around like a bunch of sheep. The money we have poured into Asia is beyond belief. What has it got us, nothing.

We are almost banging in the jungles of southeast Asia. Latin America, they are not being told about. I hope in God's name that you and the President and a few of the politicians that God some good commonsense. Will go after the press and make one thing clear. Get the facts to the people.

I think that something should be done to account for our money in Asia, too. Korea—$35 billion, Formosa—about $10 billion or more. We have $50 billion in Asia. And we are where we were in 1950. Only we are now being readied to get the boot, if we don't do something fast. I hope that you get a bill in Congress and see that every damn dollar of this money is accounted. I just got my income tax return back for audit and I wrote and told maybe they would like to keep it so they could buy a few more rotten B-26's. Captain Shank's letters which were published in Life and other magazines is what really burnt me up. I know because I fired duds in Korea, a good many of them. Give them hell, Senator MORSE. If we had a few more people like you the American people would get up off their fat cans. If they had the facts.

Thanking you.

Sincerely,

GENE LANSING,
Disabled Veteran of Korea, July 1950 to September 1951.

MAY 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I first want to congratulate you on your stand on foreign policy expressed on the CBS television program, "Face the Nation," on the 24th of May. I want to say that I completely agree with you and that I am appalled at the situation in southeast Asia in general, and in South Vietnam in particular. Specifically, what I am writing to you about is this: You stated that the American people are not being informed of the true facts abroad. I would like to know, from you, what I as an individual can do to help inform our people of the truth. I would deeply appreciate any advice you can give me on what I can do.

Yours truly,

HARVEY SANDERS.

ALBION, MICH.,
May 26, 1964.

Hon. WAYNE MORSE,
Senator from Oregon,
U.S. Senate,
Washington, D.C.:

Congratulations on your attempt to prevent a global war in Vietnam.

ARTHUR W. MUNK, PH. D.

CHICAGO, ILL.,
May 24, 1964.

DEAR SENATOR MORSE: I was one of your interested listeners on "Face the Nation" today. Thank you for clearly telling us (one and all) just what's going on in this our beloved land, which we all love and want to preserve. How I wish you could have been on for an hour or two. Hope you are successful in convincing your fellow constituents how really right you are.

Yours truly,

MRS. NORA BOSSMAN.

PHILADELPHIA, PA.

DEAR SENATOR: May I compliment you proudly on the forthright stand and explanation you gave us on "Face the Nation." If the United Nations fail, lose their ethical value, we are lost.

MRS. SCHATZ.

PHILADELPHIA, PA.,
May 24, 1964.

DEAR SENATOR MORSE: I endorse wholeheartedly your support of the U.N. and of the wisdom of taking the issue of South Vietnam to the Security Council and if necessary of bringing it before the General Assembly. I oppose strongly our unilateral action there (Vietnam).

Sincerely,

MARION M. MALLERY.

LOS ANGELES, CALIF.,
May 22, 1964.

DEAR SENATOR MORSE: Again my thanks and gratitude for your consistent, courageous, and timely efforts for peace and a more realistic approach to our very dangerous foreign policies. It is good to know you now have help in this noble task from your coworkers GRUENING and MANSFIELD. The world now knows we, the common people, have voices (even) in the U.S. Senate that want and work for peace.

Respectfully and cordially,

G. J. RINDLER.

CLEARWATER, FLA.,
May 24, 1964.

DEAR SENATOR WAYNE MORSE: I agree with you that the undeclared war we are waging against the people of Vietnam is unconstitutional, and also illegal under the charter of the United Nations—as you stated on the "Face the Nation" program today. We should cease our unilateral action there at once and turn the whole southeastern Asia problem over to the United Nations.

I am very disappointed in Adlai S.

Sincerely,

LILLIAN C. MCFARLAND.

Hon. Senator WAYNE MORSE.

DEAR SIR: After listening to you on "Face the Nation" on Sunday May 24, I agree that the United States should take the Vietnam issue to the United Nations, and withdraw our troops. I am against the United States helping militarily.

Sincerely,

MRS. MARY E. FITZGERALD.

NEW YORK CITY.

MAY 24, 1964.

DEAR SENATOR MORSE: I happened to catch your TV interview by sheer chance. I want to tell you, I was both delighted and amazed to hear some straight talk for a change on the southeastern situation.

I meant to write to you later during the week. But when I heard the radio announcement that Senator GOLDWATER advocates using atomic weapons, I was horrified, and I'm writing to you at once. For God's sake Senator, for humanity's sake, don't let up a moment in your fight for a commonsense and a realistic approach to the southeastern crisis. I fear to think of what could happen if the United Nations doesn't act soon.

I am writing to Senators KEATING and JAVITS who are the Senators from my State urging them to support your program.

Sincerely yours,

JOSEPH EDWARDS.

LOS ANGELES, CALIF.,
May 23, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I support vigorously your statements concerning southeast Asia and Vietnam. Events of the past week have stirred me to write and urge that you intensify your courageous and straightforward opposition to recent administration statements concerning this area. The futility of our present policy is evident to any student of history, and to increase force is sheer folly. If the purpose is to demonstrate that the American way is best for Asians, then our means better be changed or they will find other ways.

Thank you for your attention.

Very truly yours,

RICHARD J. HUNTER,
Member Los Angeles County Democratic Central Committee.

GREENBRIER MILITARY SCHOOL,
Lewisburg, W. Va., May 23, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: It was my pleasure to see and hear you on the press conference TV program just completed.

You did a superb job. I enjoyed all of it.

I only wish you had had a chance to comment on Senator GOLDWATER's candidacy and a few other matters of importance.

Sincerely,

J. W. BENJAMIN.

PRINCETON, N.J.,
May 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: The undersigned wish to tell you that they heard the opinions you expressed on the television program on May 24 on our foreign policy, and to congratulate you on your courageous outspokenness. We agree with your opinions wholeheartedly.

Yours respectfully,

Miss MARGARET R. LAW.
MARY ROZICH.
CATHERINE ———
NATALIE ALEXANDER.

WEST HAVEN, CONN.,
May 24, 1964.

DEAR SENATOR MORSE: Congratulations on that excellent interview that you had on television today. If you see anything I can do to help make our Vietnam policy more intelligent please let me know.

I wish you would write the President urging him to have Senator HUMPHREY as his Vice Presidential candidate.

Cordially yours,

JEROME DAVIS, LL.D., D. LIT.

FOREST HILLS, LONG ISLAND, N.Y.
May 24, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: How right you are about the American people not being informed about what is going on in South Vietnam (from your statements on the TV "Face the Nation" program). To confirm the truth of your statement and my sincere agreement with you, I am sending to you a copy of a letter I have written to the editor of my union paper the RWDSU Record just a few days ago.

Sincerely yours,

Mrs. KATIA SPELOTTI.

FOREST HILLS, LONG ISLAND, N.Y.
May 21, 1964.

The RWDSU RECORD,
Editor of Letters.

DEAR EDITOR: To someone who is in the dark (myself) and needs enlightenment, please explain: Who started the war in South Vietnam? Who is fighting whom, and what for? And if our country is not at war with them, why are our boys there, and so many of them have given their lives, for what? I seek a truthful answer and hope to get it from you. Thank you.

Sincerely yours,

Mrs. KATIA SPELOTTI,
Stern Local 5.

SOUTH BOSTON, MASS.,
May 24, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Congratulations on your frank discussion during "Face the Nation." Please keep us informed. The majority of Americans want to do what is right.

As soon as I finish this letter, I am writing to the President, asking him to bring the situation in South Vietnam before the United Nations.

God bless you.

Sincerely yours,

Miss MARY LYDO.

MANHATTAN, KANS.,
May 24, 1964.

DEAR SENATOR MORSE: Congratulations on a very fine showing today on "Face the Nation." I agree with and fully support everything you said. Keep up the good work.

I am deeply disturbed—have been for some time—that we Americans do not seem to be getting the full truth about what is going on in such places as southeast Asia. How can we get the facts?

Respectfully yours,

WAYNE AMOS.

GRAFTON, MASS.,
May 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Last night my wife and I heard "Face the Nation"—an interview with you. Fine.

We couldn't agree more with the views you so eloquently expressed—regarding Vietnam especially and foreign policy in general.

Could we have a copy of the interview to share with friends?

Gratefully yours,

REGINALD ANDERSON.

URBANA, ILL.,
May 26, 1964.

Hon. WAYNE MORSE,
Senator from Oregon, U.S. Senate,
Washington, D.C.

DEAR SIR: Thank you for your words on "Face the Nation," which came over our local station here at the University of Illnois on May 24.

We must certainly utilize the gift we have in the United Nations. Idealism is thought highly of us as graduate students. I and my colleagues are sometimes criticized in being "idealists" but we are at a point in foreign relations where peace is absolutely necessary. We must remain idealists and use the United Nations. We must communicate with other nations—via the U.N.

Continue to speak. Thank you.

Sincerely,

HOWARD THORSHEIM.

MAY 24, 1964.

Hon. WAYNE L. MORSE,
Senator, State of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My confidence in the Democratic Party and my faith that our Nation is in the hands of some responsible leaders has been renewed tonight after hearing your remarks on CBS' "Face the Nation."

Your plea that we must strive for international peace through international law accepted by all nations under the guidance of the United Nations is most timely, though grounded in a timeless philosophy. Thrasymachus in the "Dialogues" was wrong when he believed that justice was in the interest of the stronger, yet it would seem, as you pointed out, that our presence in Vietnam is rooted in such a notion. The verbal struggle, even over procedure, in the United Nations is a far more satisfactory alternative than an arms struggle continually threatening our very existence.

Needless to say, your desire to "give the Constitution to the Negro" via a strong (and sternly enforced) civil rights bill is admirable. More power to you and to leadership like yours which will bring our Nation to a position of being the rightest in the world, rather than the strongest.

Sincerely,

JAMES K. L. LAWRENCE,
Vice President, Young Democrats,
The Ohio State University Law School.

RACINE, WIS.,
May 26, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I am writing to you as a father whose sons are in the armed services and who is, I hope, a loyal American. I agree with your stand on sending our boys into a mess the French, with their Legionnaires, could not cope with, what business is it of ours anyway; don't we recognize the United Nations any more, or are we so smug in our belief that we should run the whole world? Our sons are too precious to us to be at the beck and call of any politician or small nation hollering for help, let some of these people do their own fighting. If I had the means I would challenge the legality of sending our men into undeclared wars.

We are a sorry mess as a Nation when we sit back, do nothing, and let our State Department experts condemn our sons to death, the last mess like this took a presidential election to get us out of. I sure pray it doesn't go that far this time. Please Senator continue your fight in the Senate and if needed call on the parents of the servicemen to pitch in and help you convince these nonbelievers of American family life.

Sincerely,

LEONARD DAVIS.

WEST TOPSHAM, VT.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Heard your television talk today and we heartily agree with all you said. As we have heard before there won't be an end to fighting in Vietnam in view of what is going on now. What can be done to make the President and others in authority change their views and do what is right instead of employing might? Hammer at them until they take notice and end this foolish waste of money and men. We are just dairy farmers but this senseless war touches all our lives.

I never believed in the Democrats foreign policy and the party is too socialistic to suit me. We hear some people say, "I believe in getting all we can out of the Government." People lose their independence and pride after too many handouts. I love our country, have always been a Republican, but do think a lot of President Johnson. I believe he is a good, honest, and sincere man. Pardon the long letter.

Yours truly,

Mr. and Mrs. K. A. BATTEN.

NEW YORK, N.Y.,
May 24, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I listened to your "Face the Nation" today and could not agree with you more. You are right on all points.

Sincerely,

WINNIFRED WYGAL.

SANTA CRUZ, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Having just listened to the broadcast of "Face the Nation" this morning, in which you expressed your views on our war in Vietnam, I wish you to know that I

am completely in accord with everything you had to say. My hope is that your stand on this aspect of our foreign policy can be more widely brought to the attention of the American people.

Is it possible to obtain a transcript of this interview of which I write? I am participating on June 12, in Santa Cruz, in a public discussion of our southeast Asia policy. Therefore I am anxious to obtain any pertinent material including speeches you may have made recently. The time is short, but I am hopeful that I may be able to receive from you before this meeting any printed matter that can be used at this discussion. Thank you.

Sincerely yours,

ETHEL E. ANDERSON
Mrs. Frank A. Anderson.

MONROE, GA.,
May 26, 1964.

Senator WAYNE MORSE,
Senator From Oregon,
Washington, D.C.

DEAR SIR: Your television appearance of May 24 was received here yesterday. While not in complete agreement with your philosophy it was rare and refreshing to hear one clearly defined. How nice it would be if more of your colleagues (nationwide) would put courage behind their convictions and give the American public a clear picture and thus a clear choice.

Thank you for your message.

Sincerely,

DOROTHY (Mrs. J. L.) MATHEWS.

VERGENNES, VT.,
May 25, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Heard you on "Face the Nation." That's telling 'em, Senator. Best I've heard in a long while. More power to you.

WOODBURN HARRIS,
Retired Farmer.

URBANA, ILL.,
May 24, 1964.

DEAR SENATOR MORSE: Just heard you on "Face the Nation" and must tell you how completely I agree with you—decision by an honestly informed public. We have altogether too much government by edict from Washington which bypasses Congress.

More power to you. The things you said need to be said.

Sincerely,

W. E. CARROLL.

MILWAUKEE, WIS.,
May 25, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Please accept my compliments for your honesty, courage, and straightforwardness on "Face the Nation" yesterday, May 23.

It is reassuring to see and hear a U.S. Senator who speaks his opinions boldly, clearly, and fearlessly and has a realistic grasp of foreign affairs.

No doubt the administration and Mr. Stevenson are dismayed that you cut through and exposed the entire phony basis of our activities in the Far East. And many Americans must have been startled. As you said; We do not know all that is going on—and half of what we read and hear is distilled or "administered." Certainly the nations of the world know we are not being honest with them nor with ourselves. Please continue to speak up. There are still many Americans who believe in integrity.

THOMAS SAIELLI.

EASTCHESTER, N.Y.,
May 24, 1964.

DEAR SENATOR MORSE: This is to support your position on South Vietnam as expressed on "Face the Nation" yesterday.

We have had an almost continuous "brink of war" atmosphere since 1946 now, and there are strong pressures to continue this—apparently indefinitely. Republicans and Democrats seem to compete in war cries. I am grateful that there are such admirable exceptions as yourself.

I question the intelligence and integrity of the CIA. I am shocked to see pictures of tortures by our Allies in South Vietnam in the press—almost routine by now.

With best wishes for success,

Sincerely,

L. PACH.

PANAMA, ILL.,
May 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

HONORABLE SIR: I sure humbly thank God for having you, Senator, in the Senate.

I do fully subscribe to your standing, that you do not want our young men in military services to fight and to die in places where the United Nations Forces should be employed.

Honorable Senator, I served in World War I for 3 years in France and Germany.

My son served in World War II for 6 years in Pacific and Asiatic war operation with the 1st Division of Marines. Now thousands of our young men are fighting and dying where all free nations men ought to be with them.

God bless you, dear Senator. Protect you and yours.

Respectfully,

JOSEPH SAFRANEK.

PASADENA, CALIF.,
May 4, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just turned off the "Face the Nation" program after the end of your part in the program. Often I have wondered why we are in South Vietnam, and why it was not in the province of the U.N. instead of the United States.

As I understand it our involvement goes back to the policy of Foster Dulles in the Eisenhower days, and I suppose a change is difficult.

But I agree heartily with your argument today and what you think should be done. Why should a civilized world have to fight to make things go right?

From brief reports I gather that Senator FULBRIGHT and Senator MANSFIELD also do not agree with what we are doing to southeast Asia. Let us hope more voices will be raised for a change—and not to nuclear means, but a way of peace.

Sincerely,

EDNA K. NEUGEBAUER.

KEW GARDENS, N.Y.,
May 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I listened to your interview on "Face the Nation" May 24 on channel 2. Many thanks for your sincerity and outspokenness with regard to our position in southeast Asia. I agree this crucial matter should be handled by the United Nations.

I hope the news media will publicize this interview and also give us the true facts, as you suggest.

Respectfully,

LEE M. ROSENSTEIN.

BELLEVUE, WASH.,
May 24, 1964.

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: After hearing you on "Face the Nation" I can only say that I wish I lived in Oregon so I could support you. It might be worth moving to Oregon just for that privilege. You expressed by own thoughts in a way I am incapable of.

Thank you.

JOSEPHINE MCCORMICK.

MAY 25, 1964.

DEAR SENATOR MORSE: Yesterday, Sunday May 24, I saw and heard you on a TV program. I would like to thank you for what you said and for what you are trying to do.

I do not write letters to Senators very often but I felt in this case I had to. I'm sure that your office will be flooded with mail from all "way out" nuts calling you all kinds of names and saying you are a sellout, etc, etc. Let me say this to you now: There are many hundreds of thousands of our people who are with you and for you but they just don't write. They are like me.

But if you continue to state your case often enough the people will grasp onto the problems you spoke of and they will demand that something be done about them.

Please go on talking and asking and showing the way as you have been doing. Perhaps you will give some courage to other Members of the Senate to speak out the way you have.

May your tribe increase.

Very truly yours,

RAYMOND E. DRAPKIN.

NEW YORK CITY,
May 25, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You may be interested in seeing the enclosed letter I just addressed to the President. I hope it may contribute one mite in support of the valiant work you are doing on the issue involved, not merely in representing the conscience of millions of concerned Americans, but in pressing our Government toward a policy of peace and reason.

Sincerely yours,

IRVING KAPLAN.

MAY 25, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Friday morning, May 22, I read the statement of your Ambassador to the United Nations, Adlai Stevenson, presenting the U.S. position on the current problems in Indochina. That same Friday, in the evening, I could not overlook the enclosed AP wirephoto in the New York Post. You will see that according to the accompanying text, it is not the Vietcong as anyone following Ambassador Stevenson would unquestionably expect, but the South Vietnam soldiers, advised, guided, and paid by us, who are responsible for the scene depicted.

How long, Mr. President, can we continue to rely on the cry of aggression to cover the crimes of perfidious governments our own representatives establish and our own Government supports in distant southeast Asia? How long will our own fate be hopelessly bound to the endless mistakes initiated by John Foster Dulles in 1954 and the ensuing horrors for which we must bear responsibility in that unfortunate land.

I find just one ray of hope in Ambassador Stevenson's statement: That we are prepared to go back to the 1954 agreement. This, of course, is the agreement which Mr.

Dulles and Mr. Nixon tried to avoid even at the risk of world conflagration; the agreement which Mr. Dulles, with his unmatched genius for legalisms and mastery of the self-righteous pose, had us, as Secretary of State, on the one hand agree to without signing, and on the other hand circumvent by unilateral intervention; it is the agreement which otherwise would long ago have terminated all traffic in armaments and military personnel throughout Indochina and reunited North and South Vietnam after democratic elections. I hope, Mr. President, you will direct our policy vigorously toward this end.

Sincerely yours,

_____ _____.

UNIVERSITY OF CONNECTICUT,
Storrs, Conn., May 25, 1964.

U.S. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Can I take only a minute of your time to tell you of my admiration of your continuing criticism of American foreign policy with respect to Vietnam?

You are apparently one of the few men in the higher echelons of the Government that has the integrity to stand up and fearlessly state extraordinarily simple and elementary facts. The continuation of our policy in Vietnam has no goal in sight—the myth of establishing freedom there is at best a question of freedom for a few and at worst is simply absurd. Nor do any of the alternatives mentioned, save for U.N. intervention, offer even the slightest hope of constructive action. The fact of the matter is that Vietnam has a long future of dichotomized, dictatorial politics before it, and the question of who is going to perform the administration of these politics is largely an unimportant and uninteresting one, except insofar as one answer to the question involves the senseless killing of Americans and Vietnamese alike and the perpetuation of the tendency toward "the garrison state" here at home.

All of this is not to advocate a complete abandonment of American involvement and interest in southeast Asia. Rather, only our present, unsuccessful, and senseless policy must go. And since you are one of the few who seem to recognize this, perhaps it may mean something to you if I testify that the support for your position here in the hinterlands of Connecticut is not inconsiderable. In short, keep up the good work. There is a larger number of people behind you than you might think.

Sincerely yours,

JOHN C. HIGLEY.

MODESTO, CALIF.,
May 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: Yesterday we listened to your comments on "Face the Nation," re our international relations and the U.N.

We agree with you 100 percent. We sincerely hope your remarks together with those of Senator FULBRIGHT, will bear much fruit. You gave some constructive suggestions for our foreign policy. Keep it up.

Sincerely yours,

Dr. THOS. ISHERAN ILLICK.

WESTMONT, N.J.,
May 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your speech on Vietnam of May 24. It was a masterpiece. Please keep it up.

CHARLES R. MORRY.

EVANSVILLE, IND.,
May 24, 1964.

DEAR SENATOR MORSE: Your efforts to convince the President that war in Vietnam should not be enlarged are appreciated. France learned that Vietnam was a lost cause. Our country should waste no more men or materials in that country. Keep on with your good work.

Sincerely yours,

Mr. and Mrs. GEORGE HESSENAUER.

SHREVEPORT, LA.,
May 24, 1964.

Senator WAYNE MORSE,
U.S. Senate Building,
Washington, D.C.

DEAR SIR: This is to assure you that you have wholehearted and whole-minded support in your position, concerning U.S. foreign policy in Vietnam and on the civil rights question in our domestic policy.

The expression of your position in the press conference on TV this morning echoes the feelings and thoughts and fears I may add of many people who regard our present course as highly unrealistic.

I thank you for giving expression to these thoughts and I wish you to be assured that you have wide support.

Sincerely yours,

Mrs. CORNELIA M. PAUSTIAN.

MIAMI, FLA.,
May 27, 1964.

Hon. WAYNE MORSE: I admire the stand you have taken on Vietnam. Why does the United States take on the responsibility of this war alone? What is the United Nations for? Our supposed "allies" don't even offer to help and we are not informed of the true situation in Vietnam by our returning representatives. We can forget about Communism in Cuba apparently, but send our men thousands of miles to fight a losing war.

Do we still have a Congress?

J.P.

RENTON, WASH.,
May 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I wish to express approval of your views on Vietnam as stated on "Face the Nation" on Sunday, May 24.

It is interesting to note that on a news broadcast immediately following your interview it was stated that Senator GOLDWATER advocates the use of low yield atomic blasts along the border between North and South Vietnam.

The need to work incessantly for a legal means for keeping order between nations is increasingly apparent.

Thank you for your courageous expression of your views.

Very truly yours,

RACHEL L. BOWEN.

KELLOGG, IDAHO,
May 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I consider I would be remiss in my duty as a citizen if I didn't write to as many Senators as possible, to go on record as being violently opposed to our present operation in Vietnam.

We should not become involved in that part of the world, in any action which would require the presence of our servicemen, or any loss of life on their part.

The time to have taken a stand in Asia, I feel, was during Truman's war in Korea, when we were already actively committed there, also had a very able man, General of the Army Douglas MacArthur, who could have won for us a victory over communism in that part of the world, had he not been prevented from doing so by a less intelligent and far-seeing man.

Besides, if we didn't have the will, or ability, to fight communism in Cuba, at the Bay of Pigs, 90 miles off our shore, why should we go 7,000 miles around the earth looking for a fight which should, in my estimation, be placed under the United Nations, an institution which was supposedly set up to handle these so-called limited wars. It's an institution to which we contribute heavily financially.

Hoping you will use all the power of your office to prevent another tragic mistake like Korea, with its wanton waste of the lives of American youth.

Thanking you.

Sincerely,

M. MACMILLAN.

PACIFIC GROVE, CALIF.,
May 24, 1964.

Hon. WAYNE B. MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: My wife and I were strongly impressed with your position on "Face the Nation" this morning in regard to our present embroilment in South Vietnam.

We wish to thank you for your courage, and the clarity with which you stated your views, which we strongly endorse.

Sincerely yours,

WILLIAM H. BLISS.

TAMPA, FLA., *May 25, 1964.*

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I was fortunate to have caught your interview on television, Sunday, May 24, so that I heard all of your views on Vietnam and civil rights instead of the sparse words as reported in our Tampa Tribune.

My opinion has changed about you over the years as I matured in knowledge of our foreign and domestic affairs. In our history, many great statesmen have echoed the simple truths which set the rules for freemen. They can't be reiterated too often: "Our foreign policy should be set by the wishes of an informed American public who can well decide what is right." Thomas Jefferson stated in similar words "When the people are properly informed, their judgment is better than that of a few."

Yes, our foreign policy should reflect what the average American thinks, who looks for high ideals in his local and National Government. We should be a Nation which reflects right, not might. I have stated that many times in "letters to the editors," etc.

* * * * *

As to the United Nations, it has been the most successful, in representation and effort, in really keeping peace in the world, of any other entente or organization, previously.

Best wishes,

LOUIS FRITZE.

P.S.—Civil rights—Our country is growing in attaining government for freemen.

SHARON, MASS.,
May 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know that I strongly support your efforts to limit and end our military involvement in Vietnam.

Your courageous leadership on this most crucial of issues is an inspiration.

I would appreciate being sent the text of your speech(es) bearing on this.

Sincerely yours,

ALFRED J. KUTZIK.

SANTA BARBARA, CALIF.,
May 25, 1964.

Re Vietnam and the U.N.

DEAR SENATOR MORSE: I wish to commend your statements heard yesterday on TV on the "Capital Cloakroom" program relative to the role that the United Nations should be asked to play in the Vietnam crisis.

I heartily agree with your contention that this whole matter should be referred to the United Nations and that our Government should support a U.N. peacekeeping operation there.

It seems to me that we cannot win a war on the mainland of Asia, as we learned during the Korean war, and that this is a typical case where the good offices of the U.N. Secretary-General and a U.N. force should be utilized.

Too often we do not call in the U.N. or request the U.N. to act until it is too late or until matters have deteriorated to such an extent that the U.N. position is almost unsolvable.

Respectfully yours,
CONSTANCE DE SANTILLANA.

GLENDORA, CALIF.,
May 24, 1964.

DEAR MR. SENATOR: On "Face the Nation" today, you have outfaced the petty and pettifogging politicians with the acid bite of principled truth.

It was a most statesmanlike performance and should serve to alert such a fallen idol as Adlai Stevenson that one can always escape the web of circumstance by an act of conscience.

It was sickening to those of us who held him in high esteem, to watch him read, schoolboy fashion, a statement of foreign policy that diminished both himself and the American people. I like your confidence in us.

Latterly I have felt like "The Ugly American," "The Unlawful American," and "The Oppressive American." All this guilt is being wished on us, and the perpetrators dress policy up in phony labels which fool only the gullible and the immature.

It gave me back some faith to hear you speak out for right against might, for law against expediency, and for peace above everything.

Respectfully,
STELLA FALK.

LOCKPORT, N.Y., *May 29, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I notice that you and several other Senators have been brave enough to oppose extension of the war in South Vietnam.

It is a war, yet undeclared and unapproved by either Congress or the American public.

Government officials should take note of the fact that some of us don't appreciate half of our tax going to support the military and their war that appears to be a flagrant violation of the so-called police powers of the executive department.

Some of us are also opposed to it because it obviously violates the 1954 Geneva agreement.

Then there is the consideration that our support of Diem and now Khanh is hardly popular with the South Vietnam people—in view of the number of deserters, the constant proddings of U.S. advisers needed to keep the war in motion.

Idealists are also squeamish about the use of experimental techniques of warfare, such as chemical sprays in forests and rice paddies that often maim innocents.

With over $3 billion spent (according to MIKE MANSFIELD), with more than $1.5 million a day needed to continue the war, with all the majesty and might of the U.S. military, which prides itself as the most powerful force in the world, the war has still continued to swing to the side of the Vietcong.

We are entitled to ask why. And the answer must be that the effort is not popular; that victory can only come with massive onslaught, an open declaration of war, military occupation, the threat of a frightful engagement with North Vietnam and China.

Because of the latter's numerical superiority, that kind of total war would have to boomerang into a nuclear conflagration of East and West that would make Armageddon look like kid stuff.

The rightwing coup in Laos, probably abetted by CIA agents, and formation of a neutralist government with heavy rightwing support, and the subsequent struggle there accompanied by overtones of U.S. promises to aid the people poses a further threat to the peace of Asia.

I think if Americans were honestly presented the facts, they would not support a war that cannot possibly be won short of horrifying casualties.

Presented the facts of the Geneva agreement, American citizens would question the legality of the American role in South Vietnam—certainly as flagrant an act of aggression as the Soviet repression of the Hungarian revolt.

We must call for immediate withdrawal of American forces from the area, and reconvene the Geneva Conference with all interested parties, including representatives of the Vietcong. The solution in these countries is up to the people there, and all foreign intervention must be arrested. Consider the fate of the American Revolution if France and Spain had joined Britain against the tiny band of men led by George Washington.

ALFRED S. HOPKINS.

P.S. I am not a Communist and the views here expressed are strictly my own, as guaranteed by our Constitution that, incidentally, was born in blood and sweat.

P.P.S. Please send a copy of your recent talk on this subject and bill me if there is a charge.

MEDFORD, MASS., *May 24, 1964.*

DEAR SENATOR MORSE: After listening to your views as expressed on "Face the Nation" today, I sort of felt obliged to write you and let you know just how I and I know hundreds of thousands of Americans feel about your commonsense logic.

We certainly have some queer thinking going on in our Government. It is indeed refreshing to hear common horsesense as you made things clear today.

I trust that you will give some thought to accepting the Vice Presidency if President Johnson should offer it to you. I am writing him tonight, suggesting that he do so. I shall get as many others as I possibly can to do the same. You are needed in a higher position in Government.

Sincerely yours,
ARTHUR M. SMITH.

LOS ANGELES, CALIF.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Bravo. Bravo. Bravo. I heard your remarks on CBS radio Sunday, May 24. It was like a breath of fresh air breaking through the dense foul fog that has enveloped all of our country's airwaves. If only we had a few more voices like yours.

Might I suggest a TV nationwide hookup? I feel confident that some such group can be organized to secure funds for such endeavor. It is a must if we want to save humanity from nuclear holocaust.

Keep on this great effort of yours and all of America will be grateful to you.

Respectfully,
SIDNEY EHRLICH.

MOUNT VERNON, N.Y.

DEAR SENATOR MORSE: Both my wife and I heard your interview with newsmen about the war in South Vietnam. We would like you to know that we approve completely of what you said. We thank you for having the courage to speak out for reason and good sense. Both here and in the city I have yet to meet anyone who has wanted us to continue our involvement in the Vietnamese massacre. People here are shocked at the suggestion of expanding the war. But our Representatives in Congress do not represent us. God knows whom they do represent. We count on you to make our lost voices heard in the sea of congressional irresponsiblity and Pentagon warmongering. Keep up the good work.

WILLIAM DUELL.

TUJUNGA, CALIF.,
May 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: Your remarks on the TV interview this Sunday afternoon in regard to the war in Vietnam were wonderful to hear.

We agree with you that we are violating international law in southeast Asia and that the problem is one for the U.N.

Keep up the fight for a peaceful world.

IVER AXELSON.

LINCOLN PARK, MICH.,
May 24, 1964.

DEAR SENATOR MORSE: We heartily agree with you about our role in Vietnam and about what should be the role of the U.N.

We appreciate your forthright remarks about the civil rights bill.

We wish we had more Senators like you.

Most sincerely yours,
D. SPEER.

SENATOR MORSE: Please be advised that I agree with you wholeheartedly on your stand on the whole Far Eastern mess.

Why can't we put this in the United Nations' lap before another Korea develops.

Sincerely,
IVAN F. WARD.

LARKSPUR, CALIF.,
May 25, 1964.

Hon. WAYNE MORSE,
Senator from Oregon.

DEAR SENATOR MORSE: My respect and gratitude for your statements before the "Face the Nation" broadcast Sunday, May 24. Your courageous statements were a sane voice in our unfortunate situations in southeast Asia. You gave me hope and confidence again.

Sincerely,
ELIZABETH BRAY.

SAN DIEGO, CALIF.,
May 24, 1964.

Hon. Senator W. MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Just a brief note to say I support your efforts to seek a political solution to the war in Vietnam.

A photograph published May 23 in the San Diego Union shows preparation of a Vietcong prisoner for torture to secure intelligence. I am fearful if this war continues we will find ourselves justifying such torture, and the American character will be seriously corrupted.

I cannot see how this war in Vietnam can be regarded as a just war—again, my thanks to you and to Senator MANSFIELD for your efforts to halt it.

A. L. FLICK.

BERKELEY, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We listened to you this morning on "Face the Nation" and as a family we commend you highly.

I do believe the people are very much confused and curious as to what is going on in South Vietnam. At least all who are interested in anything. There are those who amble on through life following the leader—fair or foul, sad to say.

We believe in the U.N. and you.

Congratulations.

ELLA KITTREDGE.

BALLWIN, MO.,
May 26, 1964.

Hon. WAYNE MORSE,
U.S. Senator, Oregon,
Washington, D.C.

Honorable DEAR SIR: I listened to your remarks last Sunday, May 24, on television program "Face the Nation."

I heartily agree with your remarks and your opinions.

Four of my sons have served their tours of duty as commissioned officers in the Army Reserve. Three of them served in Korea in a so-called police action. My fifth and last son will be commissioned a Second Lieutenant in the Army Reserve upon his graduation from college next month, and I certainly do not want him sent to Vietnam, Laos, etc.

If the people of these nations are not interested in defending their freedoms I am certainly opposed to sending American troops, some of them sacrificing their lives, defending it for them.

Yours respectfully,

DANIEL A. MCCARTHY.

P.S. I served 6 months as an enlisted man in World War I.

BELLEVUE, WASH.,
May 27, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am a former resident of Oregon. While there I voted for you several times, for I was proud of the stand you took on important issues. Although I cannot vote for you now I am very much impressed by your courage and good sense.

In my opinion you are definitely correct in regard to the position you have taken about the war in Vietnam.

Thank you and good wishes.

Sincerely,

ALIDA J. MICHAEL.

Senator WAYNE MORSE.

DEAR SENATOR: I think you ought to know that a great many of us here in Wisconsin thoroughly agree with your stand on southeast Asia. * * * Somewhere along the line someone had to tell the truth and keep telling the truth. I am glad and grateful that it was you.

You owe it to the American people to persist until all the facts are known. I, too, think, as you, that once the public has facts, it can act with great wisdom.

Sincerely,

SOL BENSMAN.

P.S.—Would appreciate a copy of your Senate speech on southeast Asia.

HARRISBURG, PA.,
May 27, 1964.

DEAR SENATOR WAYNE MORSE: It did us good to hear your voice ringing out against our terrible actions in Asia when the whole world is against us especially in Vietnam.

Hoping that you can get your friends to keep us out of further losses.

Sincerely,

BONNIE and MANUEL SEGAL.

TEMPLE CITY, CALIF.,
May 26, 1964.

Hon. WAYNE MORSE.

DEAR SENATOR: I have not always agreed with you on the stand you took in the past.

As is often the case it is easier to throw rocks than roses and often we agree with a person but fail to let them know of our support. Both myself and a number of friends are taking this opportunity to thank and congratulating you for your talk on "Face the Nation" Sunday, May 24. What a pity we do not have more stalwarts who express themselves so forcefully.

Sincerely,

GRACE M. CLARKSTON.

BROOKLYN, N.Y.,
May 30, 1964.

DEAR SENATOR MORSE: We just wrote President Johnson supporting your courageous stand against our South Vietnam policy of continuing and escalating this "dirty" war. We are against military solution to all world problems, instead of the use of more diplomacy.

We are indeed grateful to have a few dissenting voices in the Senate such as yourself, who represent the popular feeling of the United States. The U.S. public we feel has not really been well informed on the matter. If the fact were brought out more perhaps there would be greater pressure by the people toward stopping this useless war.

We are glad that you are doing your utmost to stop this unnecessary taking of life.

We again support your policies toward a peaceful world. It is with regret that we do not live in your State so that we could vote for you.

Sincerely,

Mr. and Mrs. BERNARD WEINTRAUB.

STATE UNIVERSITY OF NEW YORK,
LONG ISLAND, N.Y., *May 30, 1964.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: This is to express my strongest support for your courageous and realistic stand against continued U.S. involvement in the civil war now taking place is South Vietnam, and against U.S. intervention in other parts of southeast Asia, such as Laos and Cambodia, not to speak of invasion of North Vietnam.

If sanity prevails in our Government's policies and a third world war is avoided, it will be due to men like yourself who have the vision and courage to protest against the prevailing militaristic hysteria which grips our Nation. If men like yourself sat in the White House this would be a better country to live in.

Yours very sincerely,

GEORGE W. ROSE,
Instructor.

DETROIT, MICH.,
May 30, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am one of the millions of people in the United States who admire your vision and moral standards in regard to the most shameful war waged for 10 years on small nations which want to get rid of colonial and imperial domination, in order to build up a dignified human existence, as they see fit.

Deep-felt thanks for your consistency and courage. Like the prophets of old, you call the rulers of this country to their senses and therewith save the rest of esteem and appreciation still left for America the Beautiful.

If your advice is snubbed and disregarded, then woe to the United States of America.

I would be very grateful if you could send me, if possible, five copies or more of your most outspoken speeches, and including the one I heard over the radio "Face the Nation" on Sunday, May 24.

I will do my best to make your message known to as many people as possible.

Gratefully yours,

ALICE HERZ.

SAN FRANCISCO, CALIF.,
May 28, 1964.

PRESIDENT JOHNSON,
The White House.

DEAR SIR: I have just heard Senator MORSE's speeches in the Senate on the crisis in southeast Asia, and particularly Vietnam.

I humbly believe that his appraisal of the situation should be given careful consideration.

I believe that if the American people were to have these facts the majority would be in agreement.

The alternative, as Senator MORSE and many other able statesmen and scholars have warned may lead to an escalation of the war to uncontrollable limits.

Respectfully,

MATHILDA SELIGER.

SAN FRANCISCO, CALIF.,
May 27, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was privileged this evening to hear, on KPFA, Pacifica Radio in Berkeley, Calif., a program of excerpts from your various Senate speeches since March on the subject of our country's activities in Vietnam.

I agree with your position on the illegality and immorality of our efforts in Vietnam, and I can only hope that your voice will be heard more. Finding, among my acquaintances, very little regard for the Government's position in Vietnam, and a general feeling that we are wasting time, lives, and money on corruption, it is a relief to find a voice in the Senate speaking on this subject, and speaking in such a manner.

I am not one of your constitutents, but you do, in a sense, represent the entire country as well as your State. I am writing my Senator, THOMAS KUCHEL, to commend your stand to him.

Incidentally, although I am not aware of your position concerning our actions toward Cuba, I trust you have thought about the legality and morality of these actions.

Sincerely,

THOMAS LEE.

MODESTO, CALIF., *May 26, 1964.*

DEAR SENATOR: I agree with you that the war in Vietnam is a costly and illegal war and one in which we cannot expect to win. If any action is to be taken in Vietnam it should be a force sent by the U.N..

Sincerely,

R. H. FRENCH.

SAN FRANCISCO, CALIF., *May 28, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I take this opportunity to applaud your stand on the situation in southeast Asia and particularly in South Vietnam.

I wholeheartedly agree with the various points you have made regarding the fact that we are in South Vietnam illegally and unconstitutionally, that Congress has been too cowardly to declare war, and that the entire problem should be given to the United Nations. We are not only, as you state, a colonial power in this situation; but our use of airplanes, napalm bombing, and chemical spraying is actually terroristic since they

are often directed against the civilian population.

Thank you again for your unique effort on behalf of ending our military participation in southeast Asia.

Sincerely yours,

EUGENE EAGLE, O.D.

BROOKLYN, N.Y.,
May 30, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Keep up the fight to move our troops out of Vietnam. I listened with admiration and thankfulness to your talk on "Face the Nation" last week. I agree that we must repudiate the policy enunciated by Adlai Stevenson in the Security Council. I could feel him crawl.

I am writing to my own Senators, telling them how much I admired your stand, and urging them and the President of the United States to negotiate on the Vietnam question.

Cordially yours,

LILLIAN RUBIN.

SAN FRANCISCO, CALIF.,
May 25, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Listening to the television program "Face the Nation" last Sunday, I was delighted to hear you giving your views about the war in South Vietnam, and I share these views with you.

Yes, we should make an end with this fighting war and give it over entirely to the United Nations for the purpose of the establishment of peace.

It was good to hear you on this program speaking up for what is the right thing to do, the real right thing and the only right thing; that, what God would want us to do too, even if it does not always mean a victory for us.

I hope you will continue to speak up and defend the truth in the world and keep your wonderful courage and your high ideals in the ultimate righteousness of all things.

May God bless you and guide you in your work as a Senator and in the part you have as a leader in our Government.

Sincerely,

GERTRUD BROWNE.

FOREST HILLS, N.Y.,
May 25, 1694.

DEAR SENATOR MORSE: I was greatly impressed and horrified by your description of the Vietnam and Laos situation, and wish to commend you on your forthrightness.

I too would like to see the U.N. handling the situation there as I fear this talk of escalating the war. Your mention of our possible use of atomic weapons worried me and when Senator GOLDWATER later in the afternoon mentioned it also, I felt panicky.

I am writing to my two New York Senators to ask them to support you in solving the Vietnam and Laos situation by putting it in the hands of the United Nations.

Thank you for your courage.

Sincerely yours,

BETTY EDWARDS.

BERKELEY, CALIF.,
May 27, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My husband and I have just listened to a program on Pacifica Radio, KPFA, concerning Vietnam. The program dealt with speeches by you and others in the Senate on American involvement in South Vietnam. In these days of cliches and meaningless statements of patriotism, your candid analysis of this situation is both refreshing and frightening.

To our knowledge, unfortunately, your comments have not gone far beyond the CONGRESSIONAL RECORD. Such a critical analysis of American foreign policy deserves a wider audience.

Would you consider forwarding to us any future statements you may make on this issue?

We encourage you to continue your efforts in insisting that American foreign policy be stripped of its myths and analyzed within the framework of the rule of law.

We are most anxious to help you in your valiant efforts in any way we can.

Sincerely,

LOIS PATSEY.
RICHARD PATSEY.

DETROIT, MICH.,
May 30, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I wish to communicate to you the fact that my feelings regarding U.S. military intervention in South Vietnam coincide with those of your colleague from Oregon, Senator MORSE.

I agree with him when he said on the floor of the Senate, "* * * this illegal and unilateral course of action of the United States in South Vietnam could lead to a third world war." I agree with him the war should not be extended to the North. I agree with him that the United States should pull its troops out of South Vietnam and a neutral Vietnam be established.

Proposals contrary to the above would seem to constitute grave dangers to world peace and I would be unable to support an advocate of them.

Yours for peace,

PETER WERBE.

BELEN, N. MEX.,
May 28, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: As an American, I wish to compliment you on your daring exposure of the McNamara war in the nation of Vietnam. Indeed, someone must make such, and I want to thank you for doing so. Commonsense tells Americans the war being waged there on our part has no semblance of constitutionality. May I ask, How long will dirty politicians seek to abridge and diminish our constitution and usurp power unto themselves—under the disguise of executive authority?

I can tell you, Senator, there are some in our land who seem bent on bringing about another revolution in America by reason of their insistence on assuming personal power. A people finally tire of such—and the case in point here abounds with just that type of material.

May I say thanks again.

Sincerely,

WM. T. WALKER.

PHOENIX, ARIZ.,
May 28, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I commend you for telling the American people the truth about the war in Vietnam.

I have just written to Senator GOLDWATER concerning his policy of using atomic weapons in Asia and am going to get others to write him our opposition to his foreign policy.

Sincerely,

DOROTHY JACOB.

SAN FRANCISCO, CALIF.,
May 26, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: If a fellow does wrong, give him hell. Likewise, if he does right, give him a pat on the back.

I listened with great interest to your "Face the Nation" program last Sunday and just wish to say "Bravo." I agree with every word you said. God help our country when there are not a few men in Congress who are not afraid to speak out the truth. There are very few.

Sincerely,

MARIAN S. PHILLIPS.

MAY 25, 1964.

DEAR MR. MORSE: I should have written to you sooner, but have been so busy writing other authorities in and out of government about yours and Senator GRUENING's incredibly patriotic stand for the prevention of nuclear war and getting our boys out of that mess in South Vietnam.

I say "incredible," because "the Establishment" and all the rest of the people making these military decisions for our country seem not to give a damn about our lives or whether we all get blown up in a nuclear war.

It looks like the "pretensions of the Pentagon," as you so well put it, have everyone being pulled around by the nose.

Thank goodness—not you and the dozen or so others—who have had the courage to stand up to the maniacal militarists; not all the military people—but too many of them.

McNamara was on CBS–TV last Thursday in that report to the press. He was very emotional about this South Vietnam involvement, his eyes blazing as he expounded his desires for escalating this war.

It was horrifying to see this lack of sobriety and responsibility in the Secretary of Defense. He positively looked unstable—reminding one of Forrestal.

Well, Rockefeller and Goldwater have toned down their bluster for nuclear bombs and going into North Vietnam. But we'd like some assurance from President Johnson.

The American people will ever be grateful to you for your wisdom and true faithfulness to the welfare of our country.

Gratefully,

Mrs. M. SIEGEL.

P.S.—Your explanation on "Face the Nation" Sunday, will encourage millions of Americans to stand up for their lives. Stupendous, Mr. MORSE.

VENICE, CALIF.,
May 26, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I applaud your courageous and patriotic efforts to get us out of the South Vietnam mess. Do we have to make the same mistakes—and worse—of the French who used ex-Nazi soldiers and criminals to stamp out independence in South Vietnam? Why can't the South Vitenamese have their day in court—the U.N. with all foreign troops pulled out of their country and allowed to vote their own officials into power?

As you know, the present situation is a disgrace. We can "save face" and show the world we still believe in democracy by acting like democrats (small "d") instead of "world conquerors." (Shades of Hitler.)

Thanks again for your noble efforts. I only hope you can get our Government to act sensibly before we get involved into another Korea and worse.

Respectfully yours,

GEO. PERMAN.

MOUNT VERNON, N.Y.,
May 27, 1964.

Senator WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Allow me to express my appreciation for the remarks which you have made from time to time in criticism of the policy which we have been following in Vietnam and now in Laos. I would urge that you continue this pressure up to the State Department and the President to the end that we shall withdraw our forces and extricate ourselves from this war for which there is neither moral nor political justification.

Very truly yours,

WARREN P. SHEEN.

SALT LAKE CITY, UTAH,
May 27, 1964.

DEAR SENATOR MORSE: We are in complete agreement with your statement on U.S. involvement in the South Vietnam civil war as expounded on "Face the Nation."

We have allowed ourselves, little by little, to be drawn into an untenable position where we have no support from SEATO, Australia, or our Western allies. We do not believe military victory is possible in this guerrilla war or that we can in the long run maintain pro-Western Governments on China's border. Therefore we favor seeking a negotiated settlement of the conflict now.

Respectfully,

R. D. BAUMBACHER,
MARIAN M. BAUMBACHER.

COLUMBUS, OHIO,
May 28, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The administration is obviously planning to compound the folly of its Asian policy by extending the undeclared war in South Vietnam to Laos and North Vietnam. The American people and their Congress are being disregarded, as usual, by the hotheads who are willing to risk war with China.

Would it be possible to suspend the business now before Congress in order to clear the way for unlimited debate concerning the southeast Asia crisis? Certainly there is no issue more important than this one, as it brings us face to face with the question of human survival. Civil rights, unemployment, education, and other issues are extremely important, but an international crisis which carries with it the danger of war with China—and the terrible threat of nuclear holocaust—should be first on the agenda for the time being.

Sincerely,

MARCUS A. BOWEN.

MUSKEGON, MICH.,
May 27, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I was much impressed by your television talk Sunday, May 24. Keep up the good work by letting people know that our boys are fighting an illegal war in the Far East.

The people of America are not aggressive. They desire peace. It is certain influential people with money invested in Asia that want us involved. American boys should not be asked to fight for them.

Sincerely,

ERNESTINE WALL.

NEW YORK, N.Y.,
May 28, 1964.

Hon. Senator WAYNE MORSE,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: I fully back and support your views about the U.S. position in South Vietnam and neighboring areas. I am ever more deeply worried and I notice the same among the students, and people of all walks of life who are not articulate enough to express their profound anxieties and who have neither newspapers nor public relations offices on their side. All of us thus rely on the courageous men like you who may still be able to prevent even graver mistakes from being committed and even worse horrors being perpetrated; and who, instead, will veer the course toward constructive solutions which are in the true interest of the United States of America.

If I can be of any assistance to you in my field, which is international law, I shall be honored and glad to do so.

Respectfully,

JOHN H. E. FRIED, PH. D., LL.D.,
Visiting professor of political science, City College of the City University of New York; formerly, expert, Judge Advocate General's Office, U.S. Department of the Army; special legal consultant, U.S. military tribunals, Nuernberg; member of the Secretariat of the United Nations.

PALO ALTO, CALIF.

Senator WAYNE MORSE,

DEAR SIR: Today when seemingly there is little hope for the world, may I say, sir, that people like yourself offer a promise of hope. It is too bad there are not more like you. It certainly would make your job easier.

This last Sunday I saw you on "Face the Nation". Although I am a Negro I was not only impressed with your statements on civil rights but also on your comments of the U.N. Getting the facts to the people cannot be overemphasized.

I plan to travel through the State of Oregon on my vacation. And I shall certainly tell my children about you.

Thanks so very much.

GEORGE LAMPKIN,

WHITEFISH BAY, WIS.,
May 27, 1964.

MY DEAR SENATOR: I was so pleased to hear your opinion on the Vietnam situation. The neutralization policy seems the most intelligent projected thus far, if it can be done.

My friends and I would be most willing to make a supreme effort for supporting any move in this direction.

Sincerely yours,

GLADYS SCHOENIKE BOHR.

DEAR SENATOR MORSE: I applaud your fine speech on the South Vietnam situation. It was wonderful to hear you—and you are a brave and courageous Senator—as you always have been.

You are not my Senator. I am visiting here from Chicago, where I live.

I was fortunate to hear you, and I noticed those in the gallery were enraptured too.

This I know—we must join with that lone voice. Yours is like a voice crying in the wilderness. But it will catch hold and others will stand up and be counted.

I just could not leave Washington without telling you how wonderful you were today, and I am a good Democrat, usually.

Sincerely yours,

IDA ROSE SILVERMAN.

NEW YORK, N.Y.,
May 28, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I just want to tell you how much I appreciate your recent Senate speeches, opposing the war in Vietnam. Every morning when my husband and I read the Times we get quite depressed, until we are lucky enough to find an excerpt from one of your speeches, which gives us a little hope that somebody in the Senate may listen to you and start thinking a little.

So thank you very much, both for thinking and for speaking your thoughts. I know that many people support you in your efforts—probably the majority of the people in the whole world. I hope that your constituents appreciate you as much as we do.

Sincerely yours,

JOAN LESTER.

P.S.—It was particularly your May 20 speech which prompted this letter. It was excellent, and quite frightening.

JACKSON, MISS.,
May 28, 1964.

Senator WAYNE MORSE,
Washington, District of Corruption.

DEAR SENATOR MORSE: How long will Congress allow our boys to be murdered in Vietnam without modern weapons? We have no business there in the first place. Why didn't the aid we have given these countries make them want to help themselves?

Under McNamara the no-win-kill-our-boys policy will wreck this Nation, but Congress has sold out to the State Department, the Justice Department, and the President.

Yours very truly,

JNO C. BATTE.

SANTA ANA, CALIF.,
May 26, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We as parents, of a young marine stationed in Vietnam, wish to express our thanks, for your honest, sincere, and uphill stand on our position in Vietnam. May your faithful work and enduring wisdom, be rewarded by our Creator. Your views are shared by me and my wife. Yes, we are Democrats, but have voted twice for a Republican when we thought he was the best choice for our President. As small, humble Americans and parents of a marine in Vietnam, we want you to know, that there are many who share your views on the above matter.

Sincerely yours,

Mr. and Mrs. JOHN T. HUNASKY.

ROYAL OAK, MICH.,
May 28, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: You made me proud to be an American. History will vindicate your stand on this aggression of ours in southeast Asia. There should be a world court of justice similar to the one after World War II. The Nazis were no more guilty than are these scoundrels of ours in South Vietnam with napalm bombs and all the other crimes we commit.

Congratulations on your courageous, forthright vocal stand on our shameful and shameless crimes. You have lots of friends who agree with you.

Sincerely,

WALTER ALLMENDINGER.

MAY 28, 1964.

DEAR SENATOR MORSE: I was in the visitor's gallery of the Senate yesterday May 27, 1964, when you attacked the administration's policy in Vietnam. I was very much impressed by your attack on this senseless slaughter of U.S. forces. The one question I have been left with is, What can the average man on the street do to alert his fellow citizens? Would your office send me a copy of your speech on the Senate floor May 27, 1964, and any other material exposing "McNamara's War."

Respectfully yours,

WILLIAM ZAHN.

Addendum to SENATOR MORSE: Thank you, sir, for your timely warning to the American people. I only hope they will heed the voice of reason.

For my Ph. D. dissertation I studied very carefully the process of military intervention

(based on military modes of thinking) in the process of foreign policy making.[1] To my distress, I find the same patterns operating to some extent here.[2] At a conference some years ago I heard a speech by a colonel who had just come back from Vietnam where he had recommended military assistance as the remedy to be applied. As you say, it was a mistake. But we keep throwing in good money after bad, in an effort to "save face" just as the Japanese did during the thirties.

And when we get in just a little too deep then the Chinese will come along and finish us off—as they did the Japanese eventually, and as they practically did to us in Korea.

I think you are absolutely right to go back to first principles: our treaty commitments and moral commitments under the U.N. Charter. I am attempting to get the tapes of the dramatization of your Senate remarks (and those of Senators FULBRIGHT, JAVITS, et al), and intend to play them for my classes.

If you have extra copies, I would be delighted to have them.

Sincerely yours,

YALE MAXON.

OAKLAND CITY COLLEGE,
Oakland, Calif., May 26, 1964.

DEAR MR. PRESIDENT: The writer is a Naval Reserve officer (retired) with 5 year's residence in the Far East and a Ph. D. in international relations—Far East. I have been listening to Senator MORSE's recent speeches in the Senate on our involvement in Vietnam. I urge you to heed his advice.

I was in Japan in the late thirties and saw the Japanese get sucked into, and then bogged down in, illegal war with China. Casualties mounted, and the mirage of "victory" retreated into the indefinite future, but the Japanese "had a tiger by the tail and could not let go."

The Japanese were an obedient and docile people compared to the Americans. The latter will not support a full-scale war in Vietnam. They are profoundly uneasy over even our present degree of involvement.

If we follow Mr. McNamara's advice and get any more committed than we already are, sooner or later it will be proposed that we employ nuclear weapons to "win." It will be argued that "American prestige" is at stake. Yet the use of nuclear weapons is clearly genocide, against which the civilized world recoils. If we were to use them we would be branded (and rightly) as the world's worst murderers—if, indeed, we did not in the process bring on Armageddon. We must not blunder into this fatal sequence of events.

We must realize that Asia cannot be "protected from communism" or "made democratic" by illegal military support of tyrannical regimes carried out in direct violation of our obligations under the U.N. Charter.

We would be far better off in the long run to try to get the U.N. to handle this—or even to accept the good offices of the French to neutralize the area—than to follow the McNamara policy of expanding the war. This is a time for cool judgment and honest facing of facts. I urge you to reject the McNamara advice which, in an effort to "save face," can only make things a great deal worse than they already are.

The Japanese—who are Orientals and share a common culture with the Chinese—could not subdue China although they mounted a total effort over a period of many years. How much less can the Americans—babes in the wood, comparatively speaking, with a different culture, and vastly further separated in space from China—hope to dominate southeast Asia by means of either half-hearted efforts or full-scale efforts. This thing can become a quicksand—let us avoid it while there is time.

If we intervene, why shouldn't China? This is what happened in Korea, and I believe it would happen here.

Sincerely,

YALE MAXON,
Instructor, Asian Civilization.

MILWAUKEE, WIS.,
May 28, 1964.

DEAR SENATOR MORSE: Thank you for your speech on Vietnam. I am not proud of the way our Government has interfered there. I realize this administration inherited an unfortunate policy from previous ones, but when a method fails, more of the same is not the answer. Since Laos has also erupted we should go to the conference table and seek a solution to southeast Asia by neutralization or U.N. supervised elections. Do we want to confront militarily China's vast hordes? I'm glad my Senator NELSON also spoke up.

Sincerely,

EVELYN C. KNAPP.

OLD FORGE, PA.,
May 29, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Just a brief note to compliment you on your splendid performance on "Face the Nation" on May 24, 1964.

I agree with all of your views.

Keep up the good work.

Very truly yours,

NICK ERMOLOVICH.

LEOMINSTER, MASS., *May 26, 1964.*

DEAR SENATOR MORSE: We listened to you on radio Sunday and think you were great. We agree with every word you said. We were wondering for a long time already why America is doing everything and not the United Nations.

It is too bad that there are not more men like you in Washington.

Sincerely yours,

MRS. GUSTAV FRICKE.
WALTER LINDERER.

MEDIA, PA., *May 28, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Last Sunday evening I heard you speak on the radio as you were being interviewed by members of the press.

I was most favorably impressed by your point of view that the United States should deal with the Far East through the United Nations, and that we should not take matters in our own hands claiming (since it suits us here) that might is right.

Your arguments were well thought out, based on a good fund of facts and relying always on the fundamental principle of the rightness of international law.

I agree with you that this is absolutely the only course of action that the United States should take. I thank you for taking this stand and wish you well in your crusade, and sincerely hope that you can win over many in Washington to your point of view.

Sincerely,

MARY P. ENGLE.

BROOKLYN, N.Y., *May 28, 1964.*

DEAR SENATOR: My hope for the future of my country rests in men like you, and those of your Senate colleagues who share your humane viewpoint.

I have today sent the President the following message:

"DEAR MR. PRESIDENT: If, in our policy of containment, we march our troops up to the border of China, we march ourselves up to the edge of nuclear war. For God's sake, Mr. President, never lose sight of the fact that we live in a nuclear age. If we must not 'lose face' there must, I repeat, must be other alternatives to nuclear holocaust. New York newspapers print the news that you are ready to embark on a 'hard sell' to the American people of the need of sending our troops. Must the Democratic Party always be the war party?"

Very truly yours,

MRS. BETTY TRAUN.

BERKELEY, CALIF., *May 27, 1964.*

DEAR SENATOR MORSE: Thank you for your statements on U.S. involvement in Vietnam.

You represent completely my feelings on that subject.

Sincerely,

LILLIAN ELLIOTT.

BAYSIDE, N.Y., *May 29, 1964.*

DEAR SENATOR MORSE: Congratulations on your speech of May 21 commenting on Mr. Stevenson's U.N. speech, which, at best, was a disgrace.

Could I please have a copy of your speech?

Thanks,

BARBARA A. ZELUCK.

SAN DIEGO, CALIF., *May 27, 1964.*

Senator WAYNE MORSE,
Capitol Building,
Washington, D.C.

DEAR SIR: We commend you on your idea that the United Nations keep the peace in Vietnam. It takes courage to speak out like this. We are glad that you have the combination of this courage and clear thinking. Keep it up.

Sincerely,

ROBERTA HEYER.
WARREN HEYER.

MODESTO, CALIF., *May 27, 1964.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I wish to comment on your appearance on "Face the Nation" last Sunday. It was, in my mind, the greatest statement made of our foreign policy since Senator FULBRIGHT's Senate speech, on the floor of the Senate.

It is now clear that Ambassador Stevenson is no longer a man with ideas of his own, but rather a "tool of the State Department." If he came up with something new it would be a novelty indeed.

What kind of war is it where the higher rank's have their wives and children with them and it takes a large number of troops just to guard them?

If it is to be a military operation, let it be one, or get out. Man for man, and gun for gun, we could never hope to win.

I can only say that if there should be more Senators like yourself and Senator FULBRIGHT perhaps something would be forthcoming.

Sincerely yours,

DELMER MORRIS.

LAKESIDE, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I appreciate the great effort you are making to stop the criminal war in Asia.

I hope a great many Americans heard your message this month on "Face the Nation."

I should like to receive some of your speeches you have delivered in Congress concerning the U.S. participation in this conflict.

Yours truly,

LILLIAN ALLEN.

REDWOOD CITY, CALIF.,
May 28, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I would like to express my thanks for your continuing fight

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[1] "Control of Japanese Foreign Policy: A Study of Civil-Military Rivalry, 1930–1945," University of California Press, 1957.

[2] See Cook, Fred, "The Warfare State."

regarding southeast Asia. I have kept myself fully informed about the problem, and am convinced that we must withdraw immediately; our presence there is intolerable.

It is equally amazing to me that the State Department can print such drivel and pass it off as "fact sheets" and/or blue books. They must have a very low opinion of the American intelligence, which, I must say, seems to be continually verified, since we continue to send money, and more money, and more murder to South Vietnam.

Can you tell me who else to write (besides L.B.J., Kuchel, Engel, Gruening) to regarding this issue?

Most sincerely yours,

EDWARD APPLEBAUM.

YORK, PA., *May 27, 1964.*

Senator WAYNE MORSE.

DEAR SIR: Last Sunday I heard you on TV and I do agree; and hope something can be done to keep our boys from going to Vietnam.

I am sure there are a lot of people who do not think it necessary for us to get mixed up over there, to the extent of sacrificing our young men. Hope you can convince others in Washington to keep our young men out of that war.

Please do what you can, and I will be grateful.

Thank you,

MRS. STEIN.

MAY 24, 1964.

DEAR SENATOR WAYNE MORSE: I seen and heard you on "Face the Nation" program this morning.

So herewith wish to compliment you on your Christian attitude and convictions as to foreign policy through League of Nations. May God bless you.

Gratefully yours,

WM. R. MORITZ.

CORONA DEL MAR, CALIF., *May 27, 1964.*

DEAR SENATOR MORSE: We got in on your TV session last Sunday and have to congratulate you on the ideas which you set forth on the Vietnam picture. In our estimation both you and Senator FULBRIGHT are on the right side of the fence. We have the utmost respect for the President and Mr. McNamara but it seems to us that they are fearful to let go of the tiger's tail right now due to the conditions existing in the political arena.

If a few more Democrats would get behind you fellows we believe that there would be quite a change in the Vietnam picture.

Yours very truly,

WARREN S. LOUD.

P.S.—Your work on civil rights is also appreciated.

PALO ALTO, CALIF., *May 24, 1964.*

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for saying officially what I as a private citizen was thinking. I cannot understand why a country with our democratic tradition must continue to support the military adventure going on in former Indochina, caring nothing for the poor nameless peasants who bear the brunt of the napalm and lesser hurts. Now that a United Nations organization exists, I believe it should be respected.

Further, I think we should support the French proposal for a reconvention of the guaranteeing powers of southeast Asia. Surely a way can be found to reduce and discontinue our military operations there, despite this being an election year.

Although I am a California voter, I strongly support your position as stated this past week.

Very truly yours,

MRS. JANE TAYLOR GORAJ.

NEW YORK, N.Y., *May 29, 1964.*

Senator WAYNE MORSE:
Senate Office Chambers,
Washington, D.C.

DEAR SENATOR MORSE: Last night on the television news program, the announcer spoke of a speech you had made on the Vietnam southeast Asian crisis, critical of the Government stand. However, a thorough search of today's New York Times fails to disclose any mention of it.

I am very seriously concerned with the growing crisis in southeast Asia, and dissatisfied with the position taken by Rusk and Adlai Stevenson. It seems to me we are throwing good money after bad, trying to prop up the military dictatorship in South Vietnam; and even more seriously, we are losing American lives, and are in grave danger of losing many more. Today's announcement that Premier Khanh wants to reunify Vietnam under a non-Communist government sounds very dangerous—a man who can't control the major part of his own country wants to undertake to conquer another. Actually, the original Geneva agreements called for such reunification on the basis of elections, but that was never carried out, and I'm afraid "elections" is a dirty word to Khanh.

What I wanted to say was, that I am very thankful that there is a voice in the Senate opposing further involvement in this war, calling for negotiation not escalation, but I would like to know just what you are saying. When even the New York Times, whose own news reports of the war are what made me so dubious, prints only one side of the matter, it seems as if the American people may be pushed into a very dangerous situation, possibly even a world war, while only hearing one side of the question.

So could you possibly send me a copy of your speech yesterday, as well as those made last week, and also just mentioned in Sunday's Times editorial summary, and any other pertinent material you may have?

Thank you very much.

Sincerely,

MRS. ISABEL MAUES.

MAY 25, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SIR: Congratulations on your honest and forthright stand on U.S. policy in Vietnam as expressed on "Face the Nation." We hope you will be able to convince our California Senators. Please continue to bring your arguments to the American public.

Mr. and Mrs. DAVE LANDY.

TARZANA, CALIF.,
May 24, 1964.

DEAR SENATOR MORSE: We just finished listening to "Issues and Answers" as we do every Sunday at this time. You were superb.

It is such a refreshing experience to listen to a man with such a realistic (and yet idealistic) outlook on our world problems. I only hope you are right in your faith in the American people. No doubt you can see the broader picture, but from this end of our country, the "kooks" (extremists from either right or left) seem to be the most vocal—make the most noise—one almost can believe the whole country is truly "way out."

My husband and I had the pleasure of a fleeting introduction to you some years back.

I didn't want this to turn into a "fan letter" (although we are all your most ardent admirers), but for some reason it is a known fact that the extremists are more vocal, and take to pen more often, and these communications are constantly being referred to as the "voice of the people," that I decided to add my little letter to your pile of "bouquets." (God knows our "public servants" receive enough undeserved "brickbats.")

With all good wishes to you and yours and may God give you many long years of good health and a long, long life. We need more men like you.

Sincerely,

MRS. (PAUL) ANN M. HERZOG.

DEAR SENATOR MORSE: I want you to know that I support you in your stand against the administrator's policies on Vietnam. To face and speak the truth can be painful and it takes courage; I respect you for this. Enclosed is a letter I have sent to a number of our representatives concerning my attitude toward our policies in Vietnam. I thought you would appreciate a copy at this time. How is the mail running toward Vietnam?

Sincerely yours,

RONALD C. CONANT.

BOSTON, MASS.,
May 25, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: While my letter may have little effect upon our precarious and deplorable policies in Vietnam I find that my conscience and beliefs as an American force me to write this letter at this time, realizing that this statement is long overdue. Not only are we losing a war in Vietnam, but more important, we are losing American lives in a war that can only be detrimental to whatever is left of our image as a Nation founded on, and believing in, the rights of the popular majority to govern itself.

In the past we have supported such men as Batista, Chiang Kai-shek, Syngman Rhee, Diem, and presently Franco and the military leaders in Vietnam under General Khanh. Our support of these men has been based upon their statements that they were against communism. But what were they for? None of them have been for political, educational, social, and reforms of freedom upon which our Nation has been established. Time and truth have exposed these men and their regimes for what they were. The same will certainly be true in Spain and Vietnam. Instead of aiding and supporting the people, we have allowed injustices to continue as long as the countries remained anti-Communist.

What has happened? Without any hope from the United States of pressuring these governments into beginning social reforms, the people have instead turned to the Communists for aid in their plight. Surely we can learn this lesson before it is too late in Vietnam. The Diem regime has been exposed for what it was. The strategic hamlets have been more like concentration camps and have fallen one after another to the national liberation front. The Saigon government lacks the popular support of the people, and can hardly maintain itself outside of that city while the Vietcong roams unmolested with aid from many villages. Raiding Cambodian villages (at the rate of 263 incursions in 1½ years) and killing their women and children is unpardonable. As is bombing Vietnamese villages of no military importance such as Ben Cau and then under the personal supervision of Ambassador Cabot Lodge and Gen. Paul Harkins offering the villagers a few thousand piastres for their dead is reminiscent of the senseless, sadistic, bombing raids of the Nazi Germans on helpless Spanish towns during the Spanish Civil War.

Increasing aid to the Saigon government would not only magnify our defeat when the end comes for Vietnam, but also heighten the possibilities of a nuclear holocaust once China enters the war, which she will certainly do if we further our participation. Our U.S. Army military advisers admit that the morale of the Vietnamese is very low and that they are terrified of the Vietcong. In other words, our soldiers cannot rely upon the Vietnamese

to stand up to the national liberation front and fight their own war. The result has been increased loss of Vietnamese and American lives and victories for the Vietcong. How can we carry the war to North Vietnam if we cannot control Saigon, never mind South Vietnam? Bombing North Vietnam would not kill the rebels, but helpless civilians, resulting in further world opinion, including that of our allies, being lodged against us.

Committing American troops to this country has been another proposal offered as a solution to this crisis. This would be folly. The national liberation front is well trained in guerrilla and jungle warfare, while only a very small contingent of American troops, those in special forces, are. In order to win this war our troops would have to occupy every bit of soil in Vietnam since concealment is very easy in the jungles. This of course, would be an impossibility.

Neutralization of Vietnam with a United Nations peace-keeping force is the only solution to the problem with the eventual holding of free elections. Since we have become deeply involved in this country, this move would allow us to withdraw while losing as little prestige as is possible at this late date. Perhaps more important, we would be strengthening the United Nations by showing the world that we have faith in its potential for handling a difficult situation. I have attempted to be realistic and objective as is possible in my evaluation of Vietnam.

Further, we can learn a lesson from our policies in Vietnam, which we should have learned a long time ago throughout South America, Cuba, China, Laos, and Korea. We have given billions to dictators, but not a thought to the people. Man has always lived in hope of something better, and as we have moved to the present period of history, man the world over has become more critical of his situation. If we do not begin having faith in the will of the people to overcome all adversities, both natural and human, which attempt to stifle his right to better his life we might just as well plunge into a grave and cover ourselves over with our shame.

I look back on our revolutionary heritage with pride and hope for the future, but our present policies in places like Spain and Vietnam fill me with anger and disillusion. We must develop a humanitarian foreign policy rather than feeding a money and life consuming military-industrial complex for no other reason than that of Machiavellian self-preservation even if we remain devoid of human responsibility. Certainly the Peace Corps and the United Nations are a beginning and not the end.

If we took all the money we gave and are still giving to these dictators and started aiding the people we would have nothing to fear from the Communists. You may say that this is not "as easy as all that, to give money and other aid to the people while bypassing the leaders," well, all I can say is that these people will then turn to the Communist world for aid in overthrowing their leaders, which has been continually done in the past, leaving us with the dictators without countries to dictate.

I await your reply.

Sincerely yours,

RONALD C. CONANT.

NEW HAVEN, CONN.,
May 24, 1964.

The Honorable WAYNE MORSE,
U.S. Senator from Oregon,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: My wife and I applaud your stand on foreign issues as reflected in your discussion with reporters on "Face the Nation" today.

I sincerely hope that ways will soon be made available to implement your recommendations, especially as these take good advantage of the presence of the United Nations.

We know that it requires a great deal of courage to speak as you do.

Sincerely yours,

WALTER H. CAPPS.

POMONA COLLEGE,
DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY,
Claremont, Calif., May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: This is to convey my heartfelt thanks for your fine performance on "Face the Nation" today.

It is time that we had some forthright speaking on the mess in Vietnam, and it was both heartening and inspiring to hear you talk as you did. Everything you said was absolutely true.

With all good wishes,

Yours sincerely,

JOHN E. OWEN.

MINNEAPOLIS, MINN.,
May 31, 1964.

To Senators HUMPHREY and MORSE.

MY DEAREST FRIENDS: After a long meeting and discussion with the members of my union here, we all agree in one position in common, "we do not want any further involvement in southeast Asia."

Our members here agree with the position taken by Mr. WAYNE MORSE that we spill no more American blood over there.

Some of our members took the position (and I partially agreed) that many of our reasons for fighting on foreign soil are the same reasoning used by the Germans under Hitler.

Personally I think that some of our leaders are just stupid enough to think that the rift between Russia and China is so great that neither would come to the aid of the other if we get an immoral hot war going with China.

We as a nation have no right to allow a handful of warmongers to decide our destiny and possibly the destiny of the world. I'm sure there is a handful of leaders in the Pentagon who would prefer to burn up the earth rather than give it to the people.

Gentlemen, I am very frightened by our immoral attacks on other countries, including Cuba. I'm convinced that history will prove that "while we were denazifying Germany, we caught the disease."

Gentlemen, I beg you to face up to this plot going on in the meeting in Hawaii. Expose the warmongers. I have a lot of living I want to enjoy.

With best personal regards to both of you, I remain

Your dear friend

ELVIS E. SWAN,
International Representative, RWDSU, AFL–CIO.

[From the Washington Post, May 29, 1964]

WHERE DOLLARS PROVE HARMFUL

(By Jack Anderson)

Though it isn't mentioned in the appeals to Congress for more aid, one cause of our setbacks in southeast Asia has been the distressing fact that American aid has often corrupted and weakened the men it was supposed to build up.

The United States has poured millions into the jungle kingdoms of South Vietnam, Laos, and Thailand. This was supposed to make them bulwarks against the spreading Red tide, which threatens to engulf all Asia.

Youths were taken out of the rice paddies, put into American-made uniforms, and elevated to sudden affluence. With their U.S.-guaranteed paychecks, they were able to buy luxuries they had never known existed: wrist watches, transistor radios, fun in town.

Now there often seems to be more fun than fight in them. They dislike giving up their new living standards for the dangers and discomforts of jungle combat.

The taste of luxury has also corrupted many of their officers. They like to have orderlies serve them tea in bed in the mornings. They prefer to ride in jeeps on their patrol missions; they disdain the thought of slogging through the jungle in pursuit of guerrillas.

A few have found they can increase their comforts merely by accumulating more of those wonderful dollars. By failing to report casualties and deserters, for example, officers discovered they could pocket the missing men's pay. Others sell U.S. supplies on the black market in the happy conviction that there's more where those came from.

HOW TO GET RICH

The generals and politicians who have handled American aid have also had a dismaying habit of growing rich in their jobs. The new South Vietnamese leader, Gen. Nguyen Khanh, has found it necessary to shoot embezzlers.

Yet he has been remarkably fortunate in his own finances; indeed, he has boasted that he is worth $10 million.

In Laos, the Central Intelligence Agency's protege, Gen. Phoumi Nosavan, has been unsurpassed in his opposition to communism. But he has also partaken generously of the fruits of the capitalism he upholds.

When the United States withdrew military assistance, he found it hard to break old habits. He was appointed minister of finance in the new coalition government. Immediately, he founded a private bank which has benefited from his financial policies.

His former U.S.-paid army has fared worse. Deprived of dollars, Phoumi resorted to the printing press to produce the salaries for his soldiers. Result: An outbreak of inflation.

Now he is leading the cry for renewed military aid for Laos.

Though U.S. arms are needed to fight off the Reds, those who bear them somehow must be taught to put principles ahead of profits.

IOU NO. 25—TURN ON THE LIGHTS IN TEXAS

Mr. METCALF. Mr. President, there is competition in the electric power industry. IOU's—investor-owned utilities—in Montana and Texas vigorously compete for several titles. They are the top contenders for the "light overcharge" championship of the United States.

They vie for preeminence in use and abuse of the restricted stock option, by which company insiders dilute the equity of ordinary investors and obtain millions of dollars worth of tax-free profit from stock purchased at a small fraction of its cost to the ordinary stockholders.

They provide cash contributions and leadership for organizations which would maim, if not kill, the income tax, the United Nations, civil rights legislation, and the companies' competitors, and which view UNICEF as a sinister Communist plot.

Power companies in Texas and Montana represent the industry's leadership in yet another way. W. W. Lynch, president of Texas Power & Light, and J. E. Corette, president of Montana Power, each served recently as president of Edison Electric Institute, the trade association of the electric power companies, which constitute the largest industry in the Nation.

This giant industry spends millions of dollars each year questioning the motives of its critics, attacking its competitors—the rural electric and municipal power systems—and berating the Federal Government, which has nevertheless favored the industry with nine tax cuts since World War II. These tax reductions, in many instances, have not been passed on to the consumers who paid those taxes for and to the company.

Mr. President, I am all for President Johnson's exemplary attitude toward economy, in the matter of turning off lights. But more meaningful reduction of costs to the electrical consumer requires illumination of some of the dark recesses of power company operations. We need to turn the spotlight of publicity on these companies.

MONTANA, TEXAS RATES MOST EXORBITANT

I shall first report on the extent of overcharges by Texas IOU's. The January 3, 1963, issue of Public Utilities Fortnightly, an industry publication, carries an analysis of rate of return of electric utilities in 1960. The analysis was presented to the New York Society of Security Analysts by Frank D. Chutter, utility analyst for Massachusetts Investors Trust. It is the biggest mutual fund in the country, with more than a quarter of a billion dollars invested in electric utilities.

Mr. Chutter reported that Montana provided the highest rate of return of any of the 48 continental States—8.7 percent; Texas was next, with 7.4 percent.

Arnold H. Hirsch, a Washington, D.C., utility consultant, analyzed the rate of return for the 3-year period, 1958–60, for the major electric utility in each State. He computed the rates of return by two methods. First, he based the rate of return on Federal income taxes actually paid. Montana was again the highest in the Nation, with 9.3 percent; Texas was second, with 9.1 percent.

Then he computed rate of return based on normalization of Federal income taxes. Montana was again highest in the Nation, with 8.9 percent; Texas was again second, with 8.5 percent. Tables showing rate of return in all States appear on pages 9930–9931 of the CONGRESSIONAL RECORD for May 4, 1964.

THE $84 MILLION ANNUAL OVERCHARGE IN TEXAS

During the 5-year period 1956–60, the annual rate of return for Texas electric utilities rose as high as:

Utility	Percent	Amount
Texas Electric Service	10.1	($80,667,000)
El Paso Electric Co	9.6	(16,975,000)
Texas Power & Light	9.5	(60,594,000)
West Texas Utility Co	8.9	(20,810,000)
Community Public Service	8.5	(6,993,000)
Central Power & Light	8.3	(38,513,000)
Dallas Power & Light	8.2	(33,221,000)
Southwestern Electric Power	8.1	(27,448,000)
Gulf State Utility	7.8	(26,287,000)
Southwestern Public Service	7.6	(26,486,000)
Southwestern Electric Service	7.4	(1,133,000)

In parentheses, in the above tabulation I have placed the overcharges to consumers during the 5-year period. By overcharge, I mean profit to the company over and above a 6-percent rate of return, which is considered reasonable by most regulatory commissions and utility experts.

The average rate of return for Houston Lighting & Power, during the 5-year period, was 8.4 percent, which permitted the company to collect $80,160,000 in overcharges.

The average rate of return for Montana Power—still the light overcharge champion, although hard pressed by Texas companies—was 9.4 percent over the 5-year period, which resulted in an overcharge of $39,391,000. The total overcharge, over the 5-year period, by the 12 Texas companies, was $419,287,000; from analyses of company reports compiled by National Rural Electric Cooperative Association, based on taxes actually paid, using data and accounting procedures of the Federal Power Commission.

BIGGER GIVEAWAY THAN DIXON-YATES

Mr. President, to realize the magnitude of these overcharges, to put them in perspective, it is useful to recall that one of the reasons for congressional concern over the Dixon-Yates contract, 10 years ago, was its provision of a 9-percent rate of return for the utility combine. But in Montana, in Texas, and in some other States, the permitted rate of return is frequently or regularly, over a period of years, greater than that which was properly denied the Dixon-Yates group.

The question arises: Why does not the Texas regulatory commission do something about these overcharges? The answer is, there is not any. Texas is one of the few States without a State agency with jurisdiction over electric power rates. Some major Texas electric companies also deny that they come under the jurisdiction of the Federal Power Commission. In its 1963 report to the Securities and Exchange Commission, Texas Utilities, a holding company whose subsidiaries are Texas Electric Service, Texas Power & Light, and Dallas Power & Light, reported:

> Each (subsidiary) utility believes that it is not a public utility as defined in the Power Act and has been advised by its counsel that it is not subject to regulation by the (Federal Power) Commission under such act.

Nevertheless, Texas Power & Light blandly tells the public, through its advertisements, that it is "regulated." I may add that this denial of Federal jurisdiction is made despite the fact that Texas Utilities receives power via high voltage interconnections with the Southwestern Power Authority and Lower Colorado River Authority, which are not Texas intrastate institutions. The electric power companies of this Nation—as the maps in their national advertisements show—are well along on the way toward interconnections that extend far beyond one State's borders. The current president of Edison Electric Institute, Walter Bouldin, said this year that by 1966 "all the major operating groups in the industry will be capable of operating interconnected as a nationwide interregional grid."

But as part of the hokum that attends the electric power industry, the companies tell the regulators one thing, and the public another.

HOW THE RESTRICTED STOCK OPTION WORKS

Key officials of several Texas power companies profit handsomely—and secretly—from use of the restricted stock option. It works this way:

The board of directors grants to selected company insiders options to purchase stock. The option price is slightly below the market price at the time of the option. The market price of Texas utility stocks, as those in many other electric companies, has been skyrocketing for several years. For example, the market value of stock in Texas Utilities has increased more than eightfold since 1950, Southwestern Public Service more than fivefold. Both have had two 2-for-1 stock splits during this period.

The utility executive with options to buy stocks at a previous, much lower price, is going to encourage the inflation in the market value of the stock, so that he can reap an even greater windfall profit, at the expense of the ordinary stockholder and the ratepayer. This, Mr. President, is exactly what is happening in Texas, in Montana, and in other States.

Unlike depletion allowances, no risk whatsoever is involved in the restricted stock option. It is pure gravy. For example, brother officers of the company granted executive A an option on 5,000 shares of stock back in the fifties, when it was worth $10 per share. He exercises his option now, when the stock is worth $50 per share. Bingo, he has made a paper profit of $40 per share, or $200,000. He can convert that to hard cash, and can pay capital gains—a maximum of 25 percent, but frequently much less—on the $200,000. But if he is smart, as most utility officials are, he gives the stock away, to his wife, his sons—in one Texas case, to a "prospective daughter-in-law," to a family foundation, or to his favorite charity.

In these cases he does not pay any tax at all. Furthermore, in many cases the full, inflated market value of the stock can be deducted from his own personal income tax.

His family is happy; his favorite charity is happy; he becomes known as a great philanthropist, viewed with reverence and respect even by the ordinary stockholders and ratepayers, who are unaware that it was their money which he gave away, tax free.

A $350,000 WINDFALL FOR ONE IOU EXECUTIVE

Since 1957, the president of Texas Utilities, G. L. MacGregor, of Dallas, has received approximately $350,000 in windfall profits under the stock option gimmick. This is in addition to his annual remuneration of $92,150. His retirement benefits will amount to $42,438 annually.

W. W. Lynch, president of Texas Power & Light, a subsidiary of Texas Utilities, has received approximately $200,000 in windfall profits via the stock option during the same period. This is in addition to his annual remuneration of $71,000 and retirement benefits estimated at $33,397 annually.

C. A. Tatum, Jr., president of Dallas Power & Light, another subsidiary of Texas Utilities, has received approximately $100,000 in windfall profits.

through the use of restricted stock options, during this period. This is in addition to his annual remuneration of $70,950. His annual retirement benefits amount to $30,282.

Through the restricted stock option device, many utility executives pay less than a quarter for stock which costs ordinary stockholders a dollar. For example, on July 12, 1962, Beeman Fisher, president of Texas Electric, bought 204 shares of stock. The market price that day was $43.50 a share. He paid $9.72 a share. His annual remuneration is $70,800 a year; his annual retirement benefits, $12,123.

The IOU's mentioned above, which comprise Texas Utilities, serve 75,000 square miles in northern, eastern, and western parts of Texas, including Dallas, Fort Worth, Wichita Falls, Waco, Odessa, Midland, and Tyler. But ratepayers in the Texas and Oklahoma Panhandle and in New Mexico also help subsidize utility officials who gouge customers and ordinary stockholders, through use of the restricted stock option. This is accomplished by Southwestern Public Service, which has its headquarters in Dallas.

The chairman of the board of Southwestern Public Service—H. L. Nichols—has made a windfall profit of approximately $200,000, through use of the restricted stock option since 1957. This in addition to his $60,000 annual salary and $12,900 in annual retirement benefits.

A. R. Watson, president of the Southwestern Public Service, has received approximately $180,000 in windfall profits from exercise of restricted stock options since 1957. This is in addition to his $55,000 annual remuneration, and $23,180 in annual retirement benefits.

OPTION WINDFALLS NOT CONSIDERED IN RATE CASES

Mr. President, there are at least five principal adverse effects of utility executive use of the restricted stock option.

First. Little is known, even by regulators and utility consultants, about the profit afforded IOU insiders through the device. It follows that the income from options, in at least some if not all cases, is not considered in rate cases. Hidden income—just as a padded rate base—adds to the consumer overcharge.

Second. Issuance of this cheap stock to company insiders dilutes the equity of ordinary stockholders.

Third. It reduces the company's capital, in that a share of stock sold on the regular market would bring in two, three, four, and sometimes five or six times as much capital.

Fourth. Prospective investors—including the mutual funds and insurance companies which invest heavily in electric utilities—are unable to determine the extent to which stock in a company has been watered, or inflation encouraged, by the restricted stock option. I previously reported to the Senate—on May 13—that insiders held options on approximately 10 percent of the stock—750,000 shares—of the Montana Power Co. The insiders have already acquired close to 500,000 shares in that company.

Fifth. Availability of option stock encourages company officials to forgo rate reductions and make ever greater profit, thus increasing the market value of the stock, so the windfall profit will be ever greater when they exercise their options.

OPTIONS ENCOURAGE STOCK INFLATION

Southwestern Public Service affords an excellent example of the latter point. The Value Line Investment Survey, in its February 21, 1964, analysis of the electric utility industry, cautions investors that the present market for Southwestern Public Service "is out of line with historical norms and a correction is easily possible." The stock is now selling at approximately $37, after reaching about $40 early this year.

However, as of the end of last year, company insiders held options, due to expire September 27, 1965, on some 5,500 shares of stock, at the option price of only $12.71. They also held options, due to expire September 25, 1966, on about 10,000 additional shares, also at the option prices of only $12.71.

This means, simply, that it is in the interest of the people who run the company to keep the market value of the stock bloated, so they can make as big a killing as possible before they have to exercise their option. This is good business for the insiders. But it is unfortunate for electric consumers east, west, and north of the Pecos.

Southwestern Public Service insiders have already received 114,160 shares of stock through the option gimmick. Options have been granted to insiders on an additional 139,840 shares.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a summary of the Southwestern Public Service Co.'s restricted stock option plan.

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

ITEM NO. 4.—*Common stock options granted to officers and key employees under the company's restricted stock option plan*

[Annual report of Southwestern Public Service Co., year ended Dec. 31, 1963]

	Shares granted under plan [1]	Shares exercised to Dec. 31, 1963 [1]	Price per share [2]	Options expire
H. L. Nichols, chairman of board	8,000	8,000	12.70625	Sept. 27, 1965
	2,000	1,600	12.70625	Sept. 25, 1966
	6,000	4,800	14.36875	Sept. 24, 1967
A. R. Watson, president	6,000	6,000	12.70625	Sept. 27, 1965
	2,000	1,600	12.70625	Sept. 25, 1966
	6,000	4,800	14.36875	Sept. 24, 1967
	2,000	1,200	16.50625	Sept. 23, 1968
	5,000		28.2625	Sept. 24, 1972
Don D. Loden, vice president and secretary.	4,000	3,200	12.70625	Sept. 27, 1965
	2,000	1,600	12.70625	Sept. 25, 1966
	4,000	2,400	14.36875	Sept. 24, 1967
	2,000	1,200	16.50625	Sept. 23, 1968
	1,160		19.5344	Sept. 21, 1969
	1,000		26.3625	Sept. 26, 1970
	1,000		29.45	Sept. 25, 1971
	2,500		28.2625	Sept. 24, 1972
H.O. Hodson, vice president	4,000	3,200	12.70625	Sept. 27, 1965
	2,000	1,200	12.70625	Sept. 25, 1966
	4,000	2,400	14.36875	Sept. 24, 1967
	2,000	800	16.50625	Sept. 23, 1968
	1,000	400	19.5344	Sept. 21, 1969
	1,000		26.3625	Sept. 26, 1970
	1,000		29.45	Sept. 25, 1971
	2,500		28.2625	Sept. 24, 1972
Roy Tolk, vice president	3,000	2,400	12.70625	Sept. 27, 1965
	2,000	1,600	12.70625	Sept. 25, 1966
	3,000	1,800	14.36875	Sept. 24, 1967
	2,000	1,200	16.50625	Sept. 23, 1968
	1,000	400	19.5344	Sept. 21, 1969
	1,000		26.3625	Sept. 26, 1970
	1,000		29.45	Sept. 25, 1971
	2,000		28.2625	Sept. 24, 1972
	500		34.31875	Sept. 23, 1973
W. L. Pearson, vice president	2,000	1,600	12.70625	Sept. 27, 1965
	2,000	1,200	12.70625	Sept. 25, 1966
	2,000	1,200	14.36875	Sept. 24, 1967
	2,000	800	16.50625	Sept. 23, 1968
	1,000	400	19.5344	Sept. 21, 1969
	1,000	100	26.3625	Sept. 26, 1970
	1,000		29.45	Sept. 25, 1971
	2,000		28.2625	Sept. 24, 1972
	500		34.31875	Sept. 23, 1973
George Dupree, vice president	1,200	960	12.70625	Sept. 25, 1966
	800	480	16.50625	Sept. 23, 1968
	1,000		26.3625	Sept. 26, 1970
	2,000		29.45	Sept. 25, 1971
	1,200		28.2625	Sept. 24, 1972
	1,000		34.31875	Sept. 23, 1973
J. T. Bradley, treasurer and assistant secretary.	2,000	1,600	12.70625	Sept. 25, 1966
	1,000	600	16.50625	Sept. 23, 1968
	2,000	1,200	19.5344	Sept. 21, 1969
	1,000		26.3625	Sept. 26, 1970
	1,000		29.45	Sept. 25, 1971
	1,500		28.2625	Sept. 24, 1972
	500		34.31875	Sept. 23, 1973
A. D. Sebastian, assistant secretary and assistant treasurer.	1,000	600	14.36875	Sept. 24, 1967
	800	480	16.50625	Sept. 23, 1968
	600		26.3625	Sept. 26, 1970
	600		29.45	Sept. 25, 1971
	1,000		28.2625	Sept. 24, 1972
	600		34.31875	Sept. 23, 1973
L. S. Cotter, assistant secretary	2,000	1,600	12.70625	Sept. 25, 1966
	800	480	16.50625	Sept. 23, 1968
	800		26.3625	Sept. 26, 1970
	900		29.45	Sept. 25, 1971
	1,000		28.2625	Sept. 24, 1972
	540		34.31875	Sept. 23, 1973
Other key employees (8)	21,000	18,100	12.70625	Sept. 27, 1965
Other key employees (18)	22,440	16,780	12.70625	Sept. 25, 1966
Other key employees (8)	12,200	7,600	14.36875	Sept. 24, 1967
Other key employees (16)	11,000	5,540	16.50625	Sept. 23, 1968
Other key employees (28)	15,260	940	26.3625	Sept. 26, 1970
Other key employees (27)	16,800		29.45	Sept. 25, 1971
Other key employees (28)	21,300	100	28.2625	Sept. 24, 1972
Other key employees (28)	12,000		34.31875	Sept. 23, 1973
Total options granted to Dec. 31, 1963	260,000	114,160		
Total shares available under plan	260,000			
Less shares canceled during 1961 due to retirements	6,000			
Maximum shares issuable under plan	254,000			

[1] After adjusting for 2-for-1 common stock split effective Mar. 1, 1960.

[2] Option price per share is 95 percent of closing market price on day option was granted.

SOUTHWESTERN PUBLIC SERVICE CO. NOTES TO FINANCIAL STATEMENTS, AUGUST 31, 1963

There are in effect stock option plans under which 260,000 shares of the company's unissued common stock have been made available for option to officers and other key employees. Options are exercisable 20 percent every 2 years over a 10-year period at prices equal to 95 percent of the market price of the shares on the date the options were granted. At August 31, 1963, options to purchase 238,360 shares had been granted, and 6,000 shares had been canceled, leaving 15,640 unoptioned shares available for the plans. At the beginning of the fiscal year 55,640 shares were available for option.

At the beginning of the fiscal year options were outstanding for 105,740 shares; during the fiscal year options were granted to purchase 40,000 shares at $28.26 per share, and options were exercised to purchase 12,600 shares at prices ranging from $12.71 to $28.26 per share, leaving options for 133,140 shares outstanding at August 31, 1963.

The amount received for the shares sold to optionees totaled $193,442. The excess of this amount over the par value of the shares, $180,842, was credited to premium on common stock.

Mr. METCALF. In its prospectus of March 24, 1964, Texas Utilities provides some information on its restricted stock option plan. As of January 31, 1964, 369 persons were entitled to exercise 74,704 options. Options on about 70,000 shares have been exercised since 1961. The prospectus does not include information on exercise of options prior to 1961, although reports to the SEC indicate substantial transactions in prior years. The company declared it was going to suspend and evaluate the granting—but not the exercise—of options. Texas Utilities also reported that, except with respect to the fund by which credit is provided for purchase of stock, "no accounting is made by the companies since the plan is administered by a stock purchase plan committee and said committee and the aforesaid trustee, jointly, maintain all accounting records relating thereto."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD pertinent portions of the March 24, 1964, Texas Utilities prospectus.

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

The remuneration directly paid by the company and its subsidiary companies to the directors and officers of the company named hereunder, while acting as such during the year 1963, was as follows:

Name of individual or identity of group	Capacities in which remuneration was received	Aggregate direct remuneration
G. L. MacGregor	President and director of the company and director of the subsidiary operating companies.	[1] $92,150
Beeman Fisher	Director and vice president of the company and president and director of Texas Electric.	[1] [2] 70,800
W. W. Lynch	Director and vice president of the company and president and director of Texas Power.	[1] [2] 71,000
C. A. Tatum, Jr	Director and vice president of the company and president and director of Dallas Power.	[1] [2] 70,950
Directors and officers as a group (including those named above).	Directors and officers of the company and its subsidiaries	426,545

[1] The estimated annual benefits payable to Messrs. MacGregor, Fisher, Lynch, and Tatum in event of retirement at normal retirement dates and on the basis of present salary rates amount to $25,000, $9,297, $25,000, and $23,301, respectively. Reference is made to statements under "Employee Relations," concerning proposed amendments to the employee retirement plans which, if adopted, would cause the foregoing annual benefits to be $42,438, $12,123, $33,397, and $30,282, respectively.

[2] Consists principally of salary from subsidiary operating company.

As of February 14, 1964, the directors and officers of the company owned beneficially an aggregate of 67,983 shares of the common stock of the company, a portion of which was held in community with their wives, and 7 shares of preferred stock of Texas Electric. In addition thereto, approximately 171,923 shares of common stock of the company were owned by members of families of directors and officers and by individuals, corporations, estates, institutions and others with which the directors and officers were associated.

Options to purchase securities: [1] Under a stock option and purchase plan, which met the requirements for "restricted stock options" under section 421 of the Internal Revenue Code of 1954 prior to its amendment by the Revenue Act of 1964, officers and other supervisory employees of the company and its subsidiaries could purchase shares of common stock of the company having an aggregate market value at the time of granting of options of not to exceed twice the employee's annual salary. Payment is made by means of an initial payment and salary deductions over a period of years, such stock being acquired for such purpose in the market by a trustee. The price to be paid by an employee for such stock shall be the market value (defined in the plan as market price plus brokerage and taxes) at the time of the granting of an option less a discount approximately equal to interest at 4 percent per annum on the partial payments to the trustee, a maximum discount of 15 percent of the market value at date of granting being attainable after 8 years of continuous employee payments.

Options generally are exercisable fully in 8 years from date of granting but are exercisable in part beginning 4 years from date of granting and, in the event of death, retirement or permanent disability of a holder, are exercisable in part or in full after 2 years from date of granting. Option prices generally range from 95.8 percent of the market value at the date the options were granted as to those options exercised after 4 years to 85 percent thereof as to those options exercised at the end of 8 years.

Inasmuch as options issued under the plan subsequent to December 31, 1963, will no longer constitute "restricted stock options" and will not meet the new requirements of a "qualified stock option" under the Internal Revenue Code as amended by the Revenue Act of 1964, the company has given notice of the suspension of the granting of options, effective April 6, 1964, pending an evaluation of the changes or modifications (including termination) which may be made in the plan as a result of the new act.

At January 31, 1964, there were 855 options outstanding, entitling 369 holders thereof to purchase 74,704 shares having an aggregate option price at dates the options were granted (before deduction of an indeterminable amount of discount based on the period elapsed between dates options were granted and dates they were first exercised in whole, or in part) of $3,088,768, or an average of $41.35 per share. The aforesaid shares on January 31, 1964, had an aggregate value (based on closing market price on that date of $58.375 per share) of $4,360,846 and for which options became or will become exercisable, generally, as follows:

Dates options granted	Shares under option	Dates options partially to fully exercisable	Option prices per share (range) [1]
1955–56	2,854	1964–65	$17.88–$17.81
1957–58	12,288	1964–67	21.30– 21.07
1959–60	13,944	1964–69	35.25– 32.59
1961–62	34,432	1965–70	45.43– 40.31
1963–64	11,186	1967–72	52.28– 46.39

[1] Average.

Included in the above tabulation for the account of the officers (some of whom were also directors) of the company (including officers who were also officers of the subsidiaries) are the following options pertaining to stock having an aggregate value of $246,926 [2]:

	Shares under option	Dates options granted	Dates options partially to fully exercisable	Option prices per share (range)
G. L. MacGregor	482	1957	1964–65	$18.99–$17.70
Beeman Fisher	400	1961	1965–69	48.63– 43.15
W. W. Lynch	36	1955	1964	17.11
	396	1957	1964–66	22.71
	1,056	1961–62	1965–70	[1] 45.83– 40.66
	1,078	1963	1967–71	[1] 52.09– 46.21
C. A. Tatum, Jr	600	1957	1964–66	19.22
All officers as a group (including those named above)	116	1955	1964	[1] 17.44
	1,378	1957	1964–66	[1] 20.10– 19.65
	1,058	1961	1965–69	[1] 48.53– 43.06
	500	1962	1966–70	42.58– 37.78
	1,178	1963	1967–71	[1] 52.34– 46.44

[1] Average.

Reference is made to "Options to purchase securities" under the heading "Management" for description of employee stock option and purchase plan (all statements concerning which are in terms of the common stock of the company outstanding after giving effect to the 2-for-1 stock splits in 1955 and 1962).

Pursuant to said plan, options were outstanding at December 31, 1963, entitling holders thereof to purchase 75,632 shares of common stock of the company. These shares had aggregate market values (market prices at dates options were granted plus brokerage and taxes) and option prices (before deduction for ultimate discount based on the period elapsed between dates options were granted and dates they were first exercised, in whole or in part) of $3,078,418 with per share values ranging from $59.22 to $17.36, with ultimate option prices not being determinable at dates options were granted. However, option prices generally range from 95.8 percent of the market value

[1] All references herein to stock options are in terms of the common stock of the company outstanding after giving effect to the 2-for-1 stock splits in 1955 and 1962.

[2] Based on the closing market price on Jan. 31, 1964, of $58⅜ per share.

at the date granted to 85 percent, depending upon the life of the option at the date of first exercise. At December 31, 1963, and based on the status of the individual options as of that date, option prices of the aforesaid 75,632 shares ranged from $56.73 to $16.63 and aggregated a maximum of $2,946,499 and a minimum of $2,668,375. Such options became or will become exercisable generally in the year or years shown hereunder:

Dates options granted	Shares under option	Dates options partially to fully exercisable
1955-56	3,158	1964-65
1957-58	13,396	1964-67
1959-60	14,374	1964-68
1961-62	34,532	1965-70
1963	10,172	1967-71

Options becoming exercisable and options exercised during the 3 years ended December 31, 1963, were as follows:

	Number of shares	Option price	
		Per share (range)	Total
Options becoming exercisable:			
1961	33,016	$30.56-$8.63	$529,000
1962	26,788	37.67- 9.09	443,000
1963	16,698	50.03-11.01	400,000
Options exercised:			
1961	31,286	30.56- 8.63	496,000
1962	23,510	37.67- 9.09	384,000
1963	15,448	50.03-11.01	363,000

	Number of shares	Market price	
		Per share (range)	Total
Options becoming exercisable:			
1961	33,016	$57.38-$40.50	$1,686,000
1962	26,788	54.50- 39.88	1,220,000
1963	16,698	58.75- 51.00	899,000
Options exercised:			
1961	31,286	57.38- 40.50	1,599,000
1962	23,510	54.50- 39.88	1,051,000
1963	15,448	58.75- 51.00	828,000

To provide credit resources by means of which the trustee under the plan purchased stock in the market without recourse to the company or its subsidiaries, a net amount of $1,693,491, deposited by the subsidiaries, was held at December 31, 1963, in a fund by the trustee. Except with respect to such fund, no accounting is made by the companies since the plan is administered by a stock purchase plan committee and said committee and the aforesaid trustee, jointly, maintain all accounting records relating thereto, including those concerning the issuance and exercise of options which, under the plan, are granted by the trustee. Further amounts may be deposited with the trustee in connection with any additional options, and in the course of the operations of the trustee under the plan, funds so deposited may be lost in whole or in part or may be refunded to the companies in whole or in part. The operation of the plan has not necessitated any charge to income to date.

Mr. METCALF. Mr. President, before I am accused of frightening investors from one particular company or State let me add that the inflation of electric company stock is not peculiar to Texas and Montana. It is a characteristic of the industry, according to independent utility consultants.

One of them, David A. Kosh, wrote last fall in Public Utilities Fortnightly, an industry publication that "the cost of capital has been declining during the past few years," and "utilities are earning substantially in excess of the cost of capital required by the market."

Continued Mr. Kosh:

When 75 percent of all electric utilities are selling at two times book value the market is signaling that earnings are high and possibly too high. Excessive earnings, which lead to stock prices out of all reasonable relationship to rate base values, pose a real threat to the continuation of private ownership of our public utilities.

FEW QUESTIONS ASKED, FEWER ANSWERED

Much pertinent information concerning options is not available. The questions asked utilities, concerning stock options, have been insufficient. The replies provided, by some utility officials, are grossly inadequate. Were an ordinary ratepayer to disregard his light bill, the way some IOU executives disregard reports on the restricted stock option, his lights would have been cut off long ago.

For example, in 1956 the Securities and Exchange Commission asked officers and directors of companies which report to SEC to advise the Commission—beginning in 1957—of stock which they acquired by exercise of options, and to report the exercise price per share. Companies were given timely notice. Yet, late in 1959 an officer of Southwestern Public Service told SEC he had not been "aware of the requirement for filing the report." The reports on exercise of options, filed by the president of Southwestern Public Service, in his form 4 report to the Securities and Exchange Commission, do not conform with the company's proxy solicitation material, sent out prior to annual meetings. Likewise the form 4 reports filed by the chairman of the board of Southwestern Public Service do not conform with the proxy solicitation material. They presumably neglected to report that certain of their stock acquisition was acquired through exercise of options.

I am sure the omission was not willful. They are busy men, and have not had an opportunity in recent years to review the delinquency of their reports, as the president of Texas Power & Light, W. W. Lynch, finally did, whereupon he wrote SEC, on May 6, 1964, as follows:

In addition to the error on the October report (which SEC had called to his attention) it also develops that form 4 reports were not made in 1963 on a gift by me of 100 shares in June, the exercise by me of options on 40 shares in July, and 136 shares in December and a further gift by me of 67 shares in January 1964.

Tardy, erroneous reports by these leaders of the Nation's largest industry simply add to the workload of the small Securities and Exchange Commission staff, and reduce the amount of time available for providing investors, regulators, and Congress with what scant information can be collected on the basis of existing, insufficient reports.

In the early 1950's the staff in the SEC section of ownership reports totaled 14. It was slashed in half, to seven. It has now been supplemented by two persons, for a total of nine. Yet because of the expansion in business organizations the staff has twice as many ownership reports to review as it had when the staff was almost twice as large. Similarly, the staff of the Federal Power Commission was drastically reduced during the 1950's and has not been sufficiently revived.

SOUTHERN STATES INDUSTRIAL COUNCIL

Mr. President, if the captains of the Nation's largest industry tended to their own business instead of peeking under beds, ordinary stockholders and ratepayers would both benefit. But if one scratches almost any of the noisy outfits which saturate the airwaves and newspapers with fear and hate, he frequently uncovers a whole nestful of IOU executives.

One of their favorites is the Southern States Industrial Council. This organization—as most of the others which attract IOU leaders, sends a column to hundreds of daily and weekly newspapers. SSIC—according to its 1963 and 1964 policy statements and its regular letters to those of us who serve in Congress—is against the United Nations, the progressive income tax, the civil rights bill, public housing—which is particularly popular in Southern States—the Youth Conservation Corps, truth in lending, and a substantial number of other programs which have won rather broad and bipartisan support since enunciation of the Monroe Doctrine, which the council reasserts and firmly supports and in which era the council still lives.

But the Southern States Industrial Council reserves its harshest words for UNICEF, the United Nations International Children's Emergency Fund. "UNICEF is in fact a powerful propaganda agency for the worldwide Communist conspiracy," according to the council's 1963 summary of its policies.

Mr. President, I ask unanimous consent to insert at this point in my remarks the declaration of policy on UNICEF which was adopted by the board of directors of the Southern States Industrial Council at its annual meeting, the Homestead, Hot Springs, Va., May 20-22, 1963.

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

UNICEF

Another U.N. special agency about which the American people know all too little is UNICEF—the United Nations International Children's Fund. Created in 1946 as an adjunct of UNRRA, it has always been and is now completely Communist dominated.

Ostensibly working for the relief of needy children in the underdeveloped lands, UNICEF is in fact a powerful propaganda agency for the worldwide Communist conspiracy.

The council calls upon its members and the general public thoroughly to familiarize themselves with the anti-American objectives and operating methods of these organizations to the end that they may combat them more effectively.

Mr. METCALF. Mr. President, it is easy to see how the gullible are misled when statements such as that appear in publications adorned by the names of key officers of the Nation's largest industry. Presidents of the United States

have helped UNICEF. The churches of America support it magnificently. The one man who has probably done most for UNICEF in all the world is the inimitable Danny Kaye. What the Southern States Industrial Council says about UNICEF is no less despicable than the statement of Robert Welch, founder of the John Birch Society, that President Eisenhower was "consciously serving the Communist conspiracy for all of his adult life."

The directors of Southern States Industrial Council include A. R. Watson, president of Southwestern Public Service, the gentleman I referred to earlier who was so busy raking in windfall profits from the restricted stock option that he still has not properly reported his insider transactions during the 1950's. Other directors of Southern States Industrial Council are William M. Shepherd, vice president of Arkansas Power & Light, William H. Skinner, vice president of Kentucky Utilities, and Louis V. Sutton, president of Carolina Power & Light.

R. Baxter Wilson, president of Mississippi Power & Light is a vice president of Southern States Industrial Council. So is D. S. Kennedy, president of Oklahoma Gas & Electric, and P. A. Feringa, assistant to the board chairman of New Orleans Public Service.

The Southern States Industrial Council draws financial support from IOU's from the Far West as well as within the Deep South. For example, for years the council has received an annual $250 contribution from the Idaho Power Co.

MANION FORUM

W. P. Bomar and J. L. Latimer, serve together not only as directors of Texas Utilities but also on the committee of endorsers of the Manion Forum. Clarence Manion founded his forum after former President Eisenhower fired him for advocating sale of the Tennessee Valley Authority. Manion—a member of the national council of the John Birch Society—fights the income tax, public power, Federal aid to education, and the union shop by the usual newsletters, pamphlets, and tracts, and over some 250 stations which carry his weekly program.

One of Mr. Manion's radio programs and newsletters in April consisted of his interview with the head of the IOU trade association, headlined as follows:

Invest-Owned Power Companies Prime Target of Socialist Planners, by Edwin Vennard, managing director, Edison Electric Institute.

Mr. President, I ask unanimous consent to insert in the RECORD the text of the Manion-Vennard interview at this point.

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

[From Manion Forum, Apr. 26, 1964]

INVESTOR-OWNED POWER COMPANIES PRIME TARGET OF SOCIALIST PLANNERS

(By Edwin Vennard, managing director, Edison Electric Institute)

Dean MANION. The privately owned, taxpaying electric power business is the bull's eye on the big target of private property and private enterprise that Karl Marx said must be destroyed by the forces of socialism and communism.

Many years ago, the Tennessee Valley Authority was set up as pattern for the socialization—public ownership, so-called—of the electric power business in this country. Since that time an ever-growing segment of the electric generating facilities in the United States has gone into public ownership.

In the wake of this drive into the socialization of electric power, billions of dollars worth of other privately operated business enterprises have been swept into the Federal domain. As a result, the shrinking segment of privately owned property finds itself groaning under an intolerable burden of ever-increasing taxes assessed against it in order to support its tax-free, publicly owned competitors.

With me here today is one of the country's top authorities on the subject of electric power. Mr. Edwin Vennard is the managing director of the Edison Electric Institute, the trade association of the Nation's investor-owned electric light and power companies. He is the author of informative books on the American economic system in general and on the electric power business in particular.

People who wish to fight against the advance of socialism must know more about the present plight of those who are on the Socialist gunner's "bull's eye," namely, investor-owned electric power companies. I am convinced that we have the country's best authority here to tell us about it. Mr. Vennard, welcome to the Manion Forum.

Mr. VENNARD. Thank you, Dean Manion. It is an honor to speak on the Manion Forum.

I should like to spend the next few minutes talking with you about the electric power industry, and how it is related to the central issue facing the world today: that is, whether man will depend upon government for his welfare, or whether he will depend upon himself.

The choice is that simple, and people have been faced with it for centuries. Adam Smith and Karl Marx both recognized it, and chose different paths. The founders of this Nation recognized it, and made their choice.

Down through the ages every society and every nation has had to face this decision. In most cases, people have chosen the philosophy of "government-take-care-of-me." The names of the governments formed to carry out this philosophy have differed, but they all had this in common: in order to provide for the people, governments had to control the people. The people became subservient to government. They were not free.

In a few instances, groups of people have decided to organize themselves so that they will not need to be dependent upon government. They have preferred to depend on themselves. Because they were not dependent upon government, they did not become subservient to it. They were free from government and its force.

For many years, America has been the leading example of this kind of free society.

Philosophically, there seems to be no middle ground between the two kinds of society. Either a person is free, or he is not. But history tells us that societies do not remain constant. They swing from one form to another.

Looking at Russia today we can see the pendulum beginning to move from complete government control of the economy toward a degree of freedom. At the same time, looking at our own Nation objectively, many thoughtful people conclude that we are moving toward a Government-planned economy.

The electric power industry is an important part of this problem of gravitation toward Government control. Students of history will recall that people who advocate government planning always call for government ownership or control of key industries. The electric power industry is frequently the first step.

Why is this so?

I suppose the reason is that electricity has become the lifeblood of modern society. It has made possible the mechanization of industry, commerce, agriculture, and the home. It has multiplied productivity, helped raise standards of living, and led to technological advances in many fields. It is one of the important building-blocks of economic progress.

Naturally, the advocates of Government control of the economy see electric power as essential to their plans.

PRIVATE POWER COMPANIES CAN ADEQUATELY SUPPLY ALL NEED

We in America can be proud of our electric power system. It is the greatest and most advanced on earth. We have more electric power capacity than the next five-ranking countries in the world combined—and 2½ times the capacity of the Soviet Union.

In searching for greater efficiency of operation and ways to provide better service and lower costs, power companies have installed larger and larger generating units and learned how to transmit power at higher and higher voltages.

These developments, combined with increased use of electricity and good Government regulation, have kept the cost per kilowatt-hour of electricity down. In fact, while the cost of living has about tripled since World War I, the cost of electricity to the residential customer is less than two-thirds of what it was then.

Today, the investor-owned electric utility industry is the largest of all American industries, and represents about 12 percent of all capital invested in business in this country. About 80 percent of the Nation's electric power customers are served by these investor-owned companies, operating under Government regulation. The remaining 20 percent are served by Government-owned and Government-financed agencies of various kinds.

We have tried to analyze why some people in this country believe Government should be in the power business. In doing so, we found that most advocates of Government power are not Socialists. They are good, loyal people—with some serious misunderstandings of a few important facts.

For example, when we ask why people advocate Government power, one answer we get most frequently is: "Providing power is such a big job, only Government can handle it. The free market just can't take it."

But the investor-owned companies spent $3.3 billion in 1963 to provide new facilities for 80 percent of the Nation's electric customers, and there is nothing to indicate that all power facilities could not be financed in the free market.

America has an ample supply of electric power, and our power-producing capacity has always kept ahead of demand. The investor-owned power companies stand ready, willing, and able to meet all the future power needs of the Nation.

Another answer we get from people who advocate Government power is this: "Government needs money to carry on worthwhile projects like flood control and navigation. Producing electric power brings income to help cover the cost of these activities."

That sounds logical, but it just is not so. Government could gain greater income if it sold its falling water to taxpaying, investor-owned companies. By doing this, Government would make an immediate saving of the large investment needed to build power-producing facilities.

Moreover, the taxes it could collect from the investor-owned company licensed to provide the power facilities, and the payments

the company would make for the use of the falling water, would provide more income than could be gained by selling power directly. Thus, Government—and the American taxpayer—would gain three ways.

We sometimes hear that Government power serves as a yardstick to measure the operations of investor-owned companies. But the fact is that the whole difference in price between a Government power agency and investor-owned power can be traced to subsidies in taxes and in the cost of money.

Let me illustrate this, based on analyses of Government power operations we have made. In one study we analyzed 23 large generating and transmission cooperatives financed by the Rural Electrification Administration. These cooperatives borrow money from the REA at 2 percent interest and are excused from paying Federal income taxes, and some other taxes as well. We found that if these cooperatives were required to pay the true cost of money and to pay taxes on the same basis as investor-owned companies, they would have to raise their rates about 40 percent in order to break even.

RATES OF PUBLIC-OWNED FACILITIES ARE FALSE YARDSTICK

We analyzed the Bonneville Power Administration, a large Government power agency in the northwestern part of the country, and found that if it paid the market cost of money and taxes equivalent to those of investor-owned companies its rates would need to be raised 221 percent to cover its costs.

We studied the Tennessee Valley Authority, the largest Government-owned and financed power system in the country. TVA is often praised by advocates of Government power for its efficiency. But we found that if TVA and its distributors were required to pay the market cost of money, and had to pay taxes equivalent to those paid by investor-owned companies, rates would need to be raised 56 percent. When so raised, TVA's rates are no lower than the rates of taxpaying, investor-owned companies operating under similar conditions.

In short, there is nothing about Government that makes men who work there more efficient than men who work in business.

More important, we must remember that the cost of capital for providing electric power facilities is ultimately the same, whether the facilities are provided through the free market or by Government. With equality of taxes, there is nothing that makes Government power cheaper than power produced by investor-owned companies. It is simply a device for selling energy below cost to 20 percent of the American people at the expense of the other 80 percent.

Government power does not pay its way. At a time when the Federal budget is forecasting a deficit of $5 billion, the American people should understand that Government saves money when power is financed in the market and that Government gains income when it can tax power facilities financed in the free market.

Government power operations should be brought under the jurisdiction of independent regulatory bodies for the establishment of rates that will earn a fair return based on the market price of money and proper tax payments. Of course, where there are multiple functions at a Government project, only the power operations should come under regulation. When this is done, it should be possible to refinance the power projects in the free market and bring an end to discrimination among power supply systems and their customers.

This is the approach a free society should take, and it can be done any time the American people decide to do it.

Dean MANION. Thank you, Mr. Edwin Vennard, for this informative directive in the fight to save our private enterprise system.

Taxes of investor-owned electric utility companies, 1936–61

[In millions of dollars]

Year	Electric operating revenue	Total taxes	Federal taxes	State and local taxes
1961	10,257	2,441	1,379	1,062
1960	9,697	2,322	1,332	990
1959	9,144	2,192	1,271	921
1958	8,478	1,980	1,149	831
1957	8,054	1,858	1,108	750
1956	7,521	1,766	1,081	685
1955	6,934	1,641	1,015	626
1954	6,317	1,442	875	567
1953	5,940	1,339	824	515
1952	5,426	1,224	753	471
1951	5,005	1,150	719	431
1946	3,127	644	378	266
1936	1,911	281	(1)	(1)

[1] Not available.

NOTE.—These tax figures apply only to investor-owned companies, serving 79 percent of the country's consumers. Governmental power projects pay no Federal income taxes and in many cases no State or local taxes.

Mr. METCALF. Mr. President, in the tract which I have just inserted in the RECORD Mr. Vennard would have us believe that the electric companies were digging all that tax money. However, in his book, "The Electric Power Business," written in a more candid moment in 1962, Mr. Vennard said:

It is the customer who pays these taxes. The company in effect merely acts as tax collector for the Government.

Vennard's charge about the Socialist planners against the IOU's is similar to the charge made 15 years ago by the late John T. Flynn in his book, "The Road Ahead," which was condensed by Reader's Digest and mailed out by the bushel by the Foundation for Economic Education and America's Future, both liberally financed by electric power companies. By using this Red scare tactic, then and now, the industry has kept public and congressional attention diverted from its exorbitant profits and its leaders' secret rakeoffs.

Mr. President, Texas IOU officials, just as their counterparts in many other States, serve on a variety of organizations with aims similar to those of the Southern States Industrial Council and Manion Forum. Director Clifford B. Jones, of Southwestern Public Service, appears as a director of For America. Director H. Frederick Hagemann, Jr., of Southwestern Public Service, serves as a trustee of the Foundation for Economic Education, publisher of the Freeman magazine and long a favorite charity of many IOU's. President W. W. Lynch of Texas Power & Light, Director Robert H. Stewart III, of Dallas Power & Light, and Director J. E. Jonsson, of Dallas Power & Light, serve on the advisory board of Dallas Freedom Forum, which sponsors rightwing speeches in that city. President Lynch of Texas Power & Light helped set up the original Freedom Forum, directed by Dr. Fred Schwarz, president of Christian Anti-Communism Crusade, by providing the forum with office space in the Fidelity Union Tower Building. Possibly Mr. Lynch's reports on his use of the restricted stock option, so long delayed, got mixed up with Dr. Schwarz' mail.

Texas Power & Light is one of the IOU's which shows the film, "Communism on the Map," produced at one of the Nation's largest manufacturers of Bircher visual aids, Harding College, Searcy, Ark. Many IOU's contribute regularly to Harding College—Houston Lighting & Power, for example, has sent it $1,000 annually since 1955. The Harding College line—in its visual aids and weekly free column to thousands of newspapers, written by Dr. George Benson, the college president, follows the usual pattern which attracts power company donations. The rich should be taxed less, and the poor more and—Benson wrote in a recent column:

Any American who loves freedom and is willing to work, work, work to protect it can find intelligent direction and companionship in a John Birch Society group.

All three affiliates of Texas Utilities—Dallas Power & Light, Texas Electric Service, and Texas Power & Light—contributed $200 each during the 1961–62 year to the Intercollegiate Society of Individualists. This society was founded by Frank Chodorov, author of the book, "The Income Tax—Root of All Evil." His writings reveal a similar distaste for public education.

It is impossible to determine the extent to which the money of Texas electric consumers is diverted, by utility officials, into organizations such as those I have mentioned briefly. This is because key Texas utilities—as well as some in other States—disregard the reasonable, if insufficient, reporting requirements of the Federal Power Commission.

Instead of reporting to whom they donate, the companies simply report in the following manner, as taken from the companies' form 1 reports to the Federal Power Commission:

Company	1963	1962	1961
Dallas Power & Light: Account 930, "Donations"	$351,743.53	$270,515.59	$230,839.56
Texas Power & Light:			
Account 426, "Donations"	78,907.79	138,747.13	73,861.56
Account 930, "Other expenses"	474,126.00	432,008.00	292,978.00
Texas Electric Service:			
Account 426, "Donations"	248,528.09	183,031.19	94,023.52
Account 930, "General business and civic activities"	203,172.67	248,356.17	194,455.83
Southwestern Public Service:			
Account 426, "Donations"	15,102.95	36,787.09	41,410.15
Account 930, "Miscellaneous donations"	73,959.67	64,883.93	51,102.67

Items entered in account No. 930 are generally considered as a cost of business, chargeable to the consumer. Items entered in account No. 426 are generally not allowed as a business expense. But this might not hold true in Texas, where some utilities consider themselves beyond the pale of regulation by Federal authority, and there is no State authority.

The absurd, advertised statement of Texas Power & Light that it is a "regulated" company—reiterated by T.P. & L.

President Lynch when he was president of Edison Electric Institute—was completely answered by one of the company's former engineers, Lewis B. Walker. In a letter last year to the Austin American, Walker wrote:

First, it is absolutely false that there is any regulation of any character of these Texas companies, at the national level. Rates charged in Texas are not subject to review by the Federal Power Commission or by any other agency of the Federal Government.

Second, there is no State utility commission in Texas to regulate rates charged by the electric utilities.

Second, there is no State utility commission in Texas to regulate rates charge by the electric utilities.

Third—

Said Walker—

there is an archaic State law which gives to municipalities the right to regulate all public utility rates charged to consumers within their corporate limits. (But) no city can feasibly attempt to regulate rates charged by a privately owned electric utility in Texas, and none has tried it for a long time. When they did try it some years ago, they were unsuccessful in making a case that would stand up in court.

"FAT CATS" WOULD CUT OFF MILK FOR THE HUNGRY

Mr. President, there is something wrong with an industry which provides its leaders with substantial, secret windfalls over and above the increasing profits which result from lax regulation, insufficient competition, technology, and a monoply on a necessity for which demand is unparalleled.

There is something wrong with the largest industry in this country when its key officials—with salaries three times those of the Cabinet officers—plus access to restricted stock options—flock to the leadership of organizations which put the Red smear on humanitarian organizations and, in fact, virtually everyone but themselves.

Consider, for example, the relationship between the IOU's and the Southern States Industrial Council. Three high utility officials serve as vice presidents of the council. Four high utility officials serve as directors of the council. Four of the seven companies represented utilities which utilize the stock option gimmick. Utility executives give their names, time, and money to this organization which helps lead the hate campaign against UNICEF, accusing the country's Presidents, churches, Sunday school children, and entertainers of cooperating with "a powerful propaganda agency for the worldwide Communist conspiracy."

Millions of children the world over have received milk and other supplemental food from UNICEF. In its first 15 years more than 148 million children and young adults were vaccinated against tuberculosis in programs aided by UNICEF. More than 17 million mothers and children were cured of yaws, a disease of tropical sores. Almost 10 million victims of trachoma and acute conjunctivitis were saved from possible blindness. About 700,000 persons were treated for leprosy, 30 million protected from malaria.

UNICEF and its volunteer workers in this country and abroad have a proud record in relieving human misery. But the fat cats of the IOU's materially aid in the insidious campaign to cut off the milk, the vaccines, the nurses and doctors.

Perhaps some of the church leaders who wonder where the opposition to UNICEF comes from could use as their text the headlines and axioms which appear in some of the Texas power companies' institutional advertisements: "Human life—Gift of God or pawn of man?" "Are honor and integrity 'out of date'?" "Work for equal opportunity and justice for all men."

THE CLOUDS OF WAR

Mr. SMATHERS. Mr. President, in the Miami Herald of Sunday, May 31, appears an article by John S. Knight, publisher of one of our Nation's most outstanding newspapers.

Mr. Knight, in this provocative column, deals with the somber and perilous situation in southeast Asia. Published over the Memorial Day weekend—a time when we pay tribute to our war dead who gave their lives to preserve our Republic—Mr. Knight's remarks give added meaning and insight into the predicament we now find ourselves in 8,000 miles from our shores.

This article is deserving of the most thoughtful consideration of all Americans and I, therefore, ask that unanimous consent be given for its insertion in the CONGRESSIONAL RECORD.

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

AND NOW, A WAR FOR THE MUDDLEHEADS?—THE CLOUDS OF WAR

Even as we pay tribute to the memories of those who gave their lives on many battlefields to preserve this Republic, our Nation is once again perilously poised upon the brink of war.

In the past, our sons have fought to keep the Union intact, to save the world for democracy to repulse power-drunk Hitler.

The war in prospect will inspire few patriotic slogans and cause no bands to play. The conflict turns upon no precious principle nor code of ideals.

If it comes, our participation must be credited to muddleheaded diplomacy which has involved this country in the pursuit of unlimited and unattainable objectives.

"Within a matter of days," writes Edwin A. Lahey, chief of the Knight newspapers Washington Bureau, "President Johnson will be forced into a decision to send U.S. troops across South Vietnam into Laos, in a belated effort to preserve or restore a neutralist government set up by international agreement 2 years ago."

If Lahey is right, this could mean direct confrontation with Communist China and its countless millions. "Uncle Sam will be standing there," says Lahey, "with a chip on his shoulder."

In such an event, the question of whether our allies in the Southeast Asia Treaty Organization will be standing with us is left to your imagination.

HOW IT ALL BEGAN

Our involvement in southeast Asia began in 1946 when France reasserted her claim over her former colonies in Indochina.

The Vietminh, who had organized the peasants in fighting the Japanese, were at the same time seeking independence from the French.

Fruitless negotiations finally led to war and the United States sided with France, our long-time ally. Through 1953, our aid to France in Indochina averaged $500 million annually. In 1954, it was $885 million.

Despite this assistance from the United States, the French lost the war in 1954 to the Vietminh guerrillas who by that time were being supported by the Chinese Communists.

With the signing in the same year of a cease-fire accord at Geneva, the Communists took control of Northern Vietnam. The 39 provinces south of the 17th parallel comprise what is now South Vietnam.

Laos and Cambodia, once under French control, are independent states. In Laos, continuing pressures from the Communists led to its neutralization two years ago under a government headed by Prime Minister Souvanna Phouma.

It is this area's neutrality which is now being violated by the Communist forces.

It is in this politically unstable area where the United States is now considering unilateral military action in a major display of force to show the Communists we mean business.

If President Johnson makes the fateful decision to occupy Laos, we risk another Korean-type war with the Chinese Communists.

NO BACKING DOWN

According to Columnist William S. White, who once wrote: "I have intimately known Lyndon Johnson as I have never known any other public or private man," the President has committed the United States, with full awareness of all possible implications to do whatever may be necessary to help the southeast Asians resist Communist assault as long as they continue to ask our help.

Mr. White goes on to say that the President "did not undertake this pledge lightly. He will never withdraw it, election or no election, just as he will not withdraw the 15,000 American troops who now stand just back of the fighting line in South Vietnam. Of all this, those who have seen him of late have no doubt."

In stating that it is the Asian Communists who have repeatedly broken their promises for peace in both South Vietnam and Laos, Columnist White says they are totally wrong in believing that American administrations will never go all the way in an election year.

Mr. White explains that this assumption "wholly misreads the President's character, one facet of which is the conviction that the worst sin of any leader is to fail to lead in crisis."

He adds that the prospect of an American election this fall "will not in the smallest way deter this Government from doing whatever it may be necessary to do out there."

These are strong words. But William S. White, as one of Lyndon Johnson's closest friends, certainly must know what he is talking about.

The United States is headed for military intervention in Laos unless the Communists back down.

AND NO "FRIENDS"

The appalling fact of this crisis is that neither SEATO nor the United Nations is making any contributions to its resolution.

SEATO was formed in 1954 as a collective defense pact under the aegis of the late Secretary of State John Foster Dulles. Its members are the United States, Britain, France, Australia, New Zealand, the Philippines, Pakistan and Thailand. Yet the United States has carried the entire burden of helping South Vietnam hold off the Communists.

And when Ambassador Adlai E. Stevenson called upon the United Nations for a "border control force" to patrol the frontier between

South Vietnam and Cambodia, he was spurned by U.N. Secretary General U Thant.

In attempting to explain his position at a recent press conference, U Thant said the United Nations was like a growing child which could accept a 10-pound burden but not one of 200 pounds.

Mr. Stevenson replied that he confessed to some bewilderment. "A situation threatening peace and security is brought to the U.N. with an urgent plea for help," said Stevenson, "and then it is argued that the solution lies outside the United Nations."

So it appears that if President Johnson intends to do "whatever may be necessary to save southeast Asia," the United States will stand alone, unaided by friends or allies.

THE TRAGIC QUESTION

Our late President once told me that we were overcommitted in southeast Asia and he could envisage no easy solution.

This was John F. Kennedy's quiet way of saying—without blaming his predecessor—that he had inherited a frightfully difficult problem which was causing him deep distress.

The fact is, however, that the United States need not have been drawn into the southeast Asia power struggle. But when John Foster Dulles was the architect of our foreign policy, it was the popular though mistaken view that the United States was somewhat responsible for "defeating communism everywhere."

The late Mr. Dulles sought to shore up the free world with a series of collective defense pacts.

But our allies—particularly the French and the British—chickened out in South Vietnam and have actually aided the Communist cause in Cuba.

As we look with reverence upon the graves of our hero dead and contemplate their sacrifices, what an appalling thought it is that more of our youth may soon be joining them in eternal rest.

And—one may ask—why and for what?

JOHN S. KNIGHT.

THE 46TH ANNIVERSARY OF THE INDEPENDENCE OF ARMENIA

Mr. KENNEDY. Mr. President, May 28 marked the 46th anniversary of the independence of Armenia. It was with great hope and elation that, after five centuries of foreign rule, the independent Republic of Armenia was declared and an ancient Christian nation was reborn.

Although this long-awaited and richly deserved freedom was cut tragically short, the Armenian people courageously hail their 2 brief years of independence in this century and carry on in their hearts the will to be free again. It is in great tribute to these brave people and to their patriotic ancestors that we observe Armenian Independence Day here.

When the Armenian people won their independence, they wanted only to live in peace with their neighbors. They envisioned a nation of integrity, with respect for individual rights flourishing under democratic institutions. These expectations were as right in 1918 as they are today.

So, it is with great respect that we send our words of courage and hope to our Armenian friends. We assure our fellow Americans of Armenian descent, who are concerned about the fate of their ancestral home, that we shall never relax in our efforts to secure freedom for every man who strives toward this goal. As long as the desire for freedom and independence burns in the hearts of the Armenian people, it shall burn in the hearts of every American.

THE NEW HAVEN RAILROAD AND MERGER PLANS

Mr. RIBICOFF. Mr. President, the commuters using the New Haven Railroad received a rude rebuff yesterday from the New York Central and the Pennsylvania Railroads. These two giant companies, seeking ICC permission to merge into a still larger combine, gave the ICC three proposals for leaving the New Haven out of their proposed merger plans. Under each of the proposed merger plans, the New Haven is left out in the cold, and so are the New Haven's commuters.

If there is to be any merger at all, it is vital that the New Haven passenger service be included. The New York Central and the Pennsylvania show a callous disregard of the public interest by ignoring this basic fact. Naturally, the sole concern of these two major carriers is to seek inclusion only of profitable routes, regardless of the needs of passengers. Fortunately, the ICC applies a higher standard—that of making sure the public interest is served.

Any merger that failed to include the New Haven's passenger service would clearly not be in the public interest. I believe the ICC recognizes this; but should its decision on the merger application ignore this fact, I will initiate whatever legislative action may be necessary to block such a result.

The New York Central and the Pennsylvania must not be allowed to consolidate their position in the New York metropolitan area without making provision for the needs of one of the largest groups of rail users in that area. The alternatives which the major carriers suggested yesterday are thoroughly unrealistic. They seek the benefits of merger, without the responsibility of service to commuters. They must not be permitted "to have it both ways."

DAY-CARE SERVICES FOR CHILDREN OF WORKING MOTHERS

Mr. RIBICOFF. Mr. President, on May 19, I inserted in the CONGRESSIONAL RECORD a radio script about the urgent need for day-care services for the 5 million young children of working mothers—almost half a million of whom are left to drift on their own, each day. This was one of the programs, entitled "Dimension of a Woman's World," by the noted radio and television commentator, Betty Furness.

Miss Furness has now followed up this program with another on the services for these children—and what they should be. I ask unanimous consent that it be printed in the RECORD.

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

DIMENSION OF A WOMAN'S WORLD

Day care for young children can be one of the most important services a community can offer. It can hold families together when a mother is ill—or troubled, or most often, has to work. (And today, millions of mothers with young children, do have to work.) Good day-care services can provide help for children with problems, emotional or physical. It can bring out into the world, young children who because they are blind or handicapped might otherwise be absolutely housebound.

Many communities have been reluctant to supply day-care services on the grounds that they are somehow a sweet but unnecessary charity—kind of like an organized babysitting club. But this is a very unrealistic point of view.

We talked to people at the National Committee for the Day Care of Children and they point out that year after year we spend money trying to rehabilitate children, who through neglect have gotten into trouble.

In corny, old-fashioned language, they've simply had bad starts in life.

Why, these experts demand, do we have to wait for a family to collapse before we move in to help them? How can we allow almost half a million children to wander around in neglect—for whatever reason?

That day-care service is desperately needed all over the country, is indisputable; that it comes in many forms, however, is often not known.

Most people are familiar with centers for preschool children, and we'll get back to these in a minute. But there are other kinds of day-care services. For instance, housekeepers are provided when parents are sick and simply can't take care of their children. Or sometimes when a mother has died and a father is left on his own with little children to cope with.

In these cases, a really good, trained person, can often hold a family together until the children grow older or the parents are able to take over for themselves.

Sometimes a family can afford to help pay for these services—sometimes they can't. But even if an agency has to assume the full cost of a housekeeper's salary for several years, it is still far cheaper than breaking up the family and sending the children to institutions or foster homes.

Cheaper in terms of money, and certainly cheaper in terms of people's lives.

A similar service is provided by some agencies for children under three. These babies are simply too young to join a day-care group. They do not do well thrown in with a lot of other children, so instead they are often cared for in private homes on a daily basis. Their mothers bring them in the morning, pick them up at night, and are with them over the weekend.

The day-care centers take care of the 3- to 6-year-olds.

And researching this subject we discovered that many people resist the idea of providing these facilities because they are against women with young children going out to work. This is also unrealistic; because whether it is ideal or not, many of these people have no choice. They work because they have to. And this is where the communities' help is necessary.

How do you build a day-care center? Well, in most towns the first step is convincing people that there is a need. And the National Committee for the Day Care of Children has all kinds of material designed to help you do just that. They'll provide you with sheafs of facts and figures, and the reasons why.

They also sent us a book of standards drawn up by the Child Welfare League describing precisely what good day-care service should include. It goes into everything: Food, staff, even lists necessary toys and play equipment.

It is only some 8 pages long, but it is a remarkable handbook that copes with the mechanics and philosophy of this business.

"Day-care service," it says, "is designed to protect children by providing part-time care

and guidance, when their families are unable to meet their needs without some assistance from the community."

Then it goes on to say, "and to make it possible for children to have healthy and constructive experiences during the time they require such care."

It seems to me this is a very small investment, when you consider that in 15 or 20 years these children will be part of the new generation.

FOREIGN POLICY—TRADE WITH RUSSIA, CUBA, RUMANIA, AND HUNGARY

Mr. DOMINICK. Mr. President, I wish to discuss a subject which I believe to be of extreme importance both to the Senate, as a body, and to the entire country.

Last November, shortly after the tragic death of President Kennedy, we in the Senate had before us, for debate and vote, Senate bill 2310, initiated by the Senator from South Dakota [Mr. MUNDT] and which I had the privilege of cosponsoring. That bill was to prohibit any guarantee by the Export-Import Bank or any other agency of our Government of payment of obligations of Communist countries.

All Senators who were present on that occasion will recall the discussion on the floor and the agreement to have short hearings held before the Banking and Currency Committee, with a definite date set, by which the bill would be reported to the Senate. Not all Senators had a chance to attend the hearings; and because of the short time interval, practically no one had a chance to review the hearings record.

Shortly after the bill was reported to the Senate as the result of a divided vote in the committee, debate ensued; and with strong administration pressures, a motion to table Senator MUNDT's bill was agreed to by an extremely close vote.

Mr. President, the motion to table was agreed to more as a memorial to the objections of the late President Kennedy to Senator MUNDT's bill and as a reaffirmation of faith in President Johnson, rather than as a carefully considered and logical policy. The obvious dangers, I believe, were glossed over or were wholly ignored; but the results of those policies are now coming home to roost.

Let me give an example: Ever since our Government broke diplomatic relations with Cuba, our country has been engaged in a national effort to impose on Cuba an economic quarantine; and our Government has also been doing its best to persuade our allies and other countries to refrain from trade with Cuba, so that Cuba's Communist government might be more readily deposed by the Cuban people. The need for this has been stated on this floor again and again and again. I have made more than five speeches in which I outlined for the Senate the continuing dangers to this hemisphere originating from this Communist base; and only 10 days ago I pointed out, here on the floor of the Senate, that information publicly available states that the Cubans are in possession of underwater missiles with a 1,200-nautical-mile range—missiles designated as the Golan II. These missiles, if in existence, have a range sufficient to enable their use to decimate the entire eastern half of the United States; and they are not subject to inspection or discovery by aerial surveillance, for they operate from the floor of the ocean, and are movable by submarines or trawlers. We all know from news media of the operations of the Russian trawler fleet off Florida and the forays of the Russian submarines off of our coast. Keeping in mind our national policy of cutting off trade with Cuba—and we have added to that the thought that we should try to prevent Cuba from exporting subversion, which obviously we have not succeeded in doing—what happened when we rejected the bill introduced by the Senator from South Dakota [Mr. MUNDT] and agreed to sell wheat to Russia on a credit basis, supported by the credit of the Export-Import Bank, the capital of which is derived from the U.S. taxpayers?

The very first thing that happened was the diversion from Halifax of a ship loaded with Canadian wheat initially bound for the Soviet Union. Instead, it was sent to Cuba. This, in turn, was followed almost immediately by British agreements to sell buses to Cuba, thus increasing Cuban transportation capabilities; French agreements to sell trucks, bulldozers, and locomotives, thus increasing not only transportation facilities but general industrial strength; and Spain's agreement to sell fishing vessels to a host of other countries, including Portugal and Italy, negotiating to supply Communist Cuba with the necessary facets of a modern economy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article from the Christian Science Monitor dated January 30, 1964, detailing some of the negotiations then going on between other countries and Cuba. Keep in mind that this was only some 60 days after we had originally denied the validity of the bill introduced by the Senator from South Dakota [Mr. MUNDT] and had embarked on the policy of trading with Russia.

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

CUBA ELUDES BOYCOTT

(Trade between Cuba and the non-Communist world is continuing—and in some cases even increasing—despite U.S. efforts to prevent it. This is the principal finding of correspondents of the Christian Science Monitor in various countries asked to report on trade between Cuba and their areas. As the following dispatches indicate, most countries observe the American ban on strategic exports to Cuba, but few discourage nonstrategic trade.)

BRITAIN

(By John Beaufort)

Britain's position on Cuban trade is that the United Kingdom maintains the same peaceful diplomatic and commercial relations with the Castro regime as with previous Cuban Governments.

Britain has, however, voluntarily applied to Cuba the North Atlantic Treaty Organization Cocom list. (This list enumerates strategic goods and materials which NATO countries agree not to export to the Communist bloc.)

These restrictions apart, Whitehall sees no military, political, economic, or ideological reason for curbing normal trade with Cuba. London does not feel compelled to modify its commercial policies to meet Washington's apprehension that any trade strengthens Premier Fidel Castro's ability (a) to remain in power and (b) to export Castroism to Latin America.

The British rather take the line expressed by Prime Minister Sir Alec Douglas-Home in his recent U.S. television interview that people become "less Communist when they are more comfortable." The Labor opposition agrees with the Conservative government on this line.

FRANCE

(By Harry B. Ellis)

Three facts dominate the French Government's attitude toward trade with Cuba:

1. France never has sold to Premier Castro's Cuba on credit, only for cash.

2. The Cuban Government recently opened in Paris a permanent trade mission and wants to buy French trucks, bulldozers, and other heavy equipment. Reportedly the Cubans are seeking $10 million worth of French credits to finance such deals.

3. Businessmen in the hard-hit, heavy-equipment sector of the French economy would like to boost their exports—and so would the French Government.

From this melange emerges the following: France, busy cultivating trade opportunities throughout the Communist world, has no moral objection to nonstrategic trade with Cuba. Deals will be consummated if Paris becomes convinced Cuba is a sound credit risk.

This is apart from sales for cash, which will continue. In the first 6 months of 1963 France sold Cuba $2,340,000 worth of goods and bought $1,500,000 worth in return.

CANADA

(By Bruce Hutchison)

Apart from strategic goods Canada will sell anything to Cuba but it is not selling much. Last year's sales amounted to about $4 million, the smallest figure in modern times.

All exports to Cuba are controlled by strict regulations that apply only to it and other Communist countries.

The government's first "control list" includes all forms of military armaments and their components. None of these things may be shipped to Cuba.

A second list specifies goods produced in the United States and shipped to Canada. None of them may be exported to Cuba.

These regulations implement Canada's view that trade with Communist countries is generally desirable provided it does not contribute to their strategic strength.

NORTH AFRICA

(By John K. Cooley)

Ideology yields to necessity in North Africa where about 27 million people use sugar coming largely from Cuba as a basic food and where governments are striving to escape from economic dependence on the former colonial power, France.

Morocco, Algeria, and Tunisia are all buying more raw Cuban sugar and selling to Cuba about half its value in phosphates, cement, pipe, canned sardines, grains, and cork products.

Of the North African countries only Socialist Algeria, which has the closest and friendliest relations with Havana, evokes ideology in what President Ben Bella has called "an economic policy conforming to our Socialist choice."

Anti-Communist Morocco has agreed to purchase 1 millions tons of raw Cuban sugar by the end of 1965. The prices Cuba offered Morocco have been as much as 30 percent below those ruling on the world market.

During the recent brief diplomatic rupture with Cuba, Moroccan officials expressed apprehension because no other major world

sugar source is presently available to this country.

Cuba is second only to France as a customer for North African canned fish which is increasingly hard to sell in competitive European markets.

WEST GERMANY

(By Ernest S. Pisko)

Bonn's policy toward Fidel Castro's Cuba largely parallels that of the United States.

The West German Federal Republic has no diplomatic relations with Cuba; nor has it a trade treaty with it.

There is no ban on private trade with Communist countries—except for strategic goods—but according to available evidence, the total of West German exports to and imports from Cuba appears to be very small.

According to a voluntary agreement between the Bonn Government and the West German shipping lines, West German vessels will keep out of Cuban waters. The chartering of West German ships to sail under Cuban flags has been prohibited.

ITALY

(By Walter Lucas)

The Italian Government has adopted no special policy regarding Italians trading with Cuba. In practice, mutual trade between Italy and Cuba is carried on freely on ordinary commercial lines.

Permission for an export license from the government is only necessary on exports involving long-term credits in which normal banking finance is backed up by government insurance. In such cases an application for an export license would be approved on its merits.

The decision is generally made on commercial, not political grounds. Since, however, the financial position in Cuba does not favor long-term credit operation, few licenses are given.

In any case Italo-Cuban trade is small. In 1962 it amounted to only $1.7 million both ways. This increased to $36 million both ways in the first 9 months of 1963. Almost the whole of this great increase was due to large purchases of sugar after the failure of the Italian sugar beet crop.

A certain number of Italian ships on long-term charter contracts with the Soviet Union and Poland make regular trips to Cuba. Over these the Italian Government has no control.

BELGIUM

(By H. G. Franks)

The Belgian Government has officially announced it is opposed to any economic boycott of Cuba, will support full commercial freedom except for strategic goods, and still favors maximum possible trade relations with Cuba.

Belgium's annual imports from Cuba have fallen from 264 million Belgian francs ($5,280,000) before the U.S. action to only 23 million now, while exports have more than halved to under 200 million. But the Foreign Minister told the Belgian Parliament a short time ago that this decline was definitely not resulting from political pressure on firms by the government, as such pressure would be contrary to public freedom of action.

NETHERLANDS

(By H. G. Franks)

The United States has not approached Holland directly to join in the economic stranglehold on Cuba, except to give the general warning that ships engaging in Cuban trade risk being blacklisted.

Nevertheless, the comparatively small Dutch trade has been affected by the Cuban struggle. Imports, mainly tobacco, have dropped by two-thirds to 13 million guilders ($4,691,000), although exports, mainly margarine and fats, have remained the same at 29 million guilders. But the Dutch Government treats Cuban trade only as an academic problem not sufficiently important to justify any official pronouncement.

SPAIN

(By Richard Mowrer)

Spain's attitude toward trading with Cuba is that Premier Castro's regime is communistic and therefore reprehensible. But the real source of the Communist threat to the free world is Moscow, not Havana. Thus it is evading the issue to seek to impose an economic blockade on Cuba alone.

A stepping up of trade between Cuba and Spain is expected in the coming months. Negotiations toward an agreement on the exchange of Cuban sugar for Spanish fishing vessels is far advanced. Under the proposed arrangement, Spain would receive between 300,000 and 350,000 tons of Cuban sugar over the next 3 years and in exchange build $50 million worth of fishing vessels—perhaps as many as 100—for the Castro regime.

El Español, a weekly published by the Ministry of Information in Madrid, says, "To be effective a blockade must be complete, but the blockade of Cuba decreed by Washington is not complete because the Communist countries are left out of it, and it is they who help Castro the most."

It is also contended that the United States itself failed to set a blockade example by giving Premier Castro $65 million worth of medicines and food to ransom the Bay of Pigs prisoners and by hiring Cuban labor for the Guantanamo base, whose wages are converted into dollars for Cuba at the rate of $5 million annually. The feeling here is that neither Spanish trade nor the 40,000 Spanish nationals living in Cuba should be penalized for the Bay of Pigs fiasco and the failure of the Cuba policy of the United States.

Mr. DOMINICK. During the hearings before the Senate Committee on Banking and Currency there was a brief opportunity to hear from Prof. G. Warren Nutter, chairman of the James Wilson Department of Economics at the University of Virginia, and a recognized expert on the Soviet economy. In his statement Dr. Nutter made some very important points, which unfortunately were overlooked by many Senators in the emotional catharsis surrounding the bill when we took it up for debate. Because I believe it is so important, I should like to outline for the Senate as a whole and for the country some of the statements which Dr. Nutter made at the hearing. They appear on page 68 of the hearing record. He said:

As I understand it, the basic issue before this committee has to do with the advisability of making the credit insurance program of the Export-Import Bank available for underwriting private loans advanced to Communist countries to finance their purchases of products in this country. To place this issue in a concrete setting, it seems reasonable to begin by examining the matter of our recent wheat sales to Communist countries and how such an underwriting of credit risk would affect them. As I understand it, the bill under consideration arose out of circumstances surrounding these transactions. I think it will be clear that the main line of argument would apply to any commodity other than wheat that might play a similar role in the future.

Dr. Nutter then continued on page 69 of the hearing record:

The troubles being encountered by the Soviet leaders are of their own making, and they should find their own solutions. It is idle to believe that any assistance we offer will be rewarded with gratitude. Kindness on our part will be taken merely as a sign of weakness, the action of a degenerate adversary contributing to his own destruction.

The form our response should take is clear. If we decide that a one-shot sale of wheat to the Soviet Union would bring us any important lasting benefit—which, incidentally, is not evident to me—then we should drive the hardest bargain possible in making the sale, preferably exacting political concessions.

Dr. Nutter then said:

In dealing with such a system—

And he was talking about the Soviet system—

we only harm ourselves in not charging the highest price possible. If we decide to sell wheat to the Russians, let us sell it on our own terms, on an all-or-none basis. They are then free to take it or leave it, as other countries normally are in dealing with the Russians.

Dr. Nutter continued:

So much for the situation if it is simply a temporary emergency. Suppose, on the other hand, that Soviet imports of wheat are likely to be a regular event in the future.

* * * * *

We have no solid ground for believing that the nature and objectives of Soviet communism have changed in any significant degree in recent times. Only the problems facing that system have changed, and with them the tactics followed.

One might well wonder whether this central fact has not been forgotten by the administration.

Continuing on page 70, in the same context, Dr. Nutter said:

It is true that the public has been informed of two benefits to this country from this sale of grain.

And I think these are extremely important points, Mr. President:

First, our surplus stocks of grain, accumulated as a result of the policy of subsidizing agricultural production through price supports would be reduced. Second, the deficit in our current international balance of payments would be reduced.

These are the two points that we give as arguments in favor of the sale of the wheat; these are Dr. Nutter's comments on those points:

It is important to point out that these benefits would accrue to us whether our grain is sold by us directly to Communist countries or indirectly through other countries. That is to say, there is no substance to the argument that we should sell directly to the Communist countries because, if we don't they will simply buy the same commodities from some dealer, say, a German firm, who has bought them from us. If we sell the goods indirectly, so the argument goes, we merely let some other country, say, Germany, make a profit in acting as intermediary. Hence, the argument concludes, we should be willing to make some concessions to the Communist countries in order to make a direct sale.

The entire argument is, of course, fallacious.

Professor Nutter continued:

Only if the sales are made on credit does the American balance of payments have no improvement for as long as the credit is outstanding.

The moral is simple: If we decide to make wheat available directly or indirectly to Communist countries, we should sell it at the highest cash price we can get, regardless of who the immediate buyer is. Our best

chance of driving a hard bargain is to deal directly with the Communist countries on an all-or-none basis, provided we can control the volume of indirect sales. In any event, there is no sense whatsoever in setting favorable terms just in order to make a direct sale.

Granting special concessions to the Communist countries would indeed be sadly ironic.

I believe this is an extremely important point:

We have given foreign aid to various countries in order to inhibit the spread of communism. This foreign aid has helped to bring about a deficit in our current international balance of payments. We would then propose to correct that deficit by giving aid to Communist countries.

I believe that is as clear an exposition of the fallacy of that argument as we have had. Dr. Nutter continues:

We should also recognize that any financing of wheat sales by extension of credit in dollars, no matter who extends the credit, has no effect in easing our deficit in the current international balance of payments for as long as the credit is extended. This is another reason for doing nothing to encourage credit financing of sales to Communist countries.

He adds:

Of course, everything I have said this morning would apply in greater or lesser degree to trade in any other commodities with Communist countries.

It seems to me that that is such a plain statement of fact that it must have been overlooked by many Senators in the process of trying to determine what position they would take in relation to the bill (S. 2310) introduced by the distinguished Senator. If we are to give credit, and we do not wish to help our position in respect to our deficit in the international balance of trade, it seems to me that is perfectly obvious. But there are other things which I think are equally important.

In order to make sure that no one thinks that I have quoted the good professor out of context, I believe it would be helpful to have the statement in the RECORD. Therefore, I ask, unanimous consent to have printed at this point in the RECORD the statement made by the professor, which is contained on pages 67 to 72 of the hearings before the Committee on Banking and Currency.

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

STATEMENT OF G. WARREN NUTTER, CHAIRMAN, JAMES WILSON DEPARTMENT OF ECONOMICS, UNIVERSITY OF VIRGINIA

Dr. NUTTER. Thank you very much.

Mr. Chairman and members of the committee, it is an honor to appear before this committee to offer my opinions on the important matters now being deliberated. So that the committee will not be misled, let me make it clear that my claim to competence in discussing the issues before you is a limited one. I am not an expert on international trade and finance. And, although I have spent a number of years doing research on the Soviet economy, this work has been done in an academic environment, which means that I normally consider myself fortunate if I have managed to catch up with happenings of 5 years ago. I have tried in recent months to become better acquainted with the current economic situation in Communist countries, but I would not claim expert knowledge. What I have to say this morning derives, therefore, more from my broad views on the trend of events over the last decade than from detailed knowledge of present conditions.

As I understand it, the basic issue before this committee has to do with the advisability of making the credit insurance program of the Export-Import Bank available for underwriting private loans advanced to Communist countries to finance their purchases of products in this country. To place this issue in a concrete setting, it seems reasonable to begin by examining the matter of our recent wheat sales to Communist countries and how such an underwriting of credit risk would affect them. As I understand it, the bill under consideration arose out of circumstances surrounding these transactions. I think it will be clear that the main line of argument would apply to any commodity other than wheat that might play a similar role in the future.

The Soviet Union, as we all know, has historically been an exporter of wheat, not an importer. This has been the case despite the generally poor record of growth in agriculture, because Soviet authorities have preferred other products over food. Over the 4 years, 1958–61, Soviet exports of wheat amounted to more than a tenth of the harvested crop, but annual exports declined from about 7 million metric tons in 1958 and 6 million metric tons in 1959 to 4.8 million metric tons in 1961. Although I do not have the figures at hand, I should imagine that exports were even lower in 1962. Even exports of this level have hung precariously on successful production in substantial volume from the virgin lands in south-central Asia, plowed up and put to seed over the last decade.

This year there was a serious crop failure of a magnitude yet to be accurately determined, but apparently primarily in the virgin lands region. As a result, the Soviet Union has already agreed to purchase about 6.5 million metric tons from Canada and is negotiating with firms in this country for perhaps 4 million metric tons. European satellites are apparently negotiating for an additional 2.5 million metric tons. How much of this sum is destined for internal consumption in the Soviet Union and how much for fulfillment of export obligations, including those to its European satellites, is still in doubt. But the fact remains that the Soviet purchases alone amount to around a fifth of the Soviet crop of the last few years, and this suggests that the crop failure was quite substantial.

As we deliberate over how we should act in the situation that has developed, the first question we should face is whether Soviet imports of wheat are likely to be only temporary or whether they are likely to become a normal occurrence over the indefinite future.

If the situation is temporary—if the crop failure this year has been caused by extraordinary events not likely to recur—then we should view the wheat shortage as just another factor causing severe economic difficulties at the moment in the Soviet Union. These difficulties have resulted from the concurrence of several developments: a normal slowing down in the economic growth rate, the inefficiency of the organizational system in dealing with an increasingly complex economy, and the heavy burden of the military-space program.

If this is the situation, how should we respond to it? The troubles being encountered by the Soviet leaders are of their own making, and they should find their own solutions. It is idle to believe that any assistance we offer will be rewarded with gratitude. Kindness on our part will be taken merely as a sign of weakness, the action of a degenerate adversary contributing to his own destruction.

The form our response should take is clear. If we decide that a one-shot sale of wheat to the Soviet Union would bring us any important lasting benefit—which, incidentally, is not evident to me—then we should drive the hardest bargain possible in making the sale, preferably exacting political concessions. We should lay here the utter hyprocrisy in the indignant protests of Khrushchev against "discriminatory pricing." It is in the very nature of the Soviet system to exploit each trading partner as much as possible. Uniform, nondiscriminatory prices play no role in Soviet trade except for the relatively small purchases from the United States and a few other countries. The great bulk of trade is conducted on a bilateral, discriminatory basis. In dealing with such a system, we only harm ourselves in not charging the highest price possible. If we decide to sell wheat to the Russians, let us sell it on our own terms, on an all-or-none basis. They are then free to take it or leave it, as other countries normally are in dealing with the Russians.

So much for the situation if it is simply a temporary emergency. Suppose, on the other hand, that Soviet imports of wheat are likely to be a regular event in the future. This is by no means out of the question, for there is a real possibility that the virgin lands have been turned into an unproductive dust bowl for some time to come. How, then, should our attitude differ? In this case we might well be more lenient in the terms of sale that we exacted at the moment, only on the condition, however, that a definite commitment were made for continuing purchases over a reasonably long period of time. Before reaching a decision on what to do in this case, we should need to reexamine our entire trading policy toward the Soviet bloc, and let our decision on the sale of wheat derive from that general decision.

In neither case should we rush into agreements, and our actions should be guided solely by cold considerations of what is in our best interest. We have no solid ground for believing that the nature and objectives of Soviet communism have changed in any significant degree in recent times. Only the problems facing that system have changed, and with them the tactics followed.

One might well wonder whether this central fact has not been forgotten by the administration. The administration has rushed into an agreement on the sale of wheat. It has seemingly leaned over backward to make sure the terms were not too harsh. It has responded to every objection raised by the Soviet leaders against proposed terms by denying that we were imposing conditions in any way different from those imposed on others. It has essentially put on kid gloves to make sure that it treated Soviet negotiators with special tenderness, for fear that the sale otherwise might not go through. In brief, an outsider would be justified in concluding that, for some reason unknown to him, the primary beneficiary of this transaction is supposed to be the United States.

I speak, of course, as an outsider, unaware of the host of factors being weighed by the administration in negotiating this commercial transaction with Communist countries. Perhaps there are impelling reasons why the administration is anxious to conclude an agreement with the Soviet Union and its satellites on terms less favorable than could be achieved through tougher and more protracted bargaining. But those reasons remain unexplained and therefore beyond the realm of discussion.

It is true that the public has been informed of two benefits to this country from this sale of grain. First, our surplus stocks of grain, accumulated as a result of the policy of subsidizing agricultural production through price supports would be reduced. Second,

the deficit in our current international balance of payments would be reduced.

It is important to point out that these benefits would accrue to us whether our grain is sold by us directly to Communist countries or indirectly through other countries. That is to say, there is no substance to the argument that we should sell directly to the Communist countries, because, if we don't, they will simply buy the same commodities from some dealer, say, a German firm, who has bought them from us. If we sell the goods indirectly, so the argument goes, we merely let some other country, say, Germany, make a profit in acting as intermediary. Hence, the argument concludes, we should be willing to make some concessions to the Communist countries in order to make a direct sale.

The entire argument is, of course, fallacious. The only matters of importance are whether we sell the wheat in the first place, and how much we get for it in the second place. It does not matter who buys the wheat so far as the central issue here is concerned, as long as no additional goods are imported into this country or no credit is extended by our citizens in connection with the sale.

If we can sell to a German firm at an acceptable price, it would be folly to sell directly to the Communist country of ultimate destination at a reduced price just to make a direct sale. On this score, it also makes no difference whether the payment is in gold or convertible currency. The effect on sales of surplus stocks and on the balance of payments is identical in both cases. Only if the sales are made on credit does the American balance of payments have no improvement for as long as the credit is outstanding.

The moral is simple: If we decide to make wheat available directly or indirectly to Communist countries, we should sell it at the highest cash price we can get, regardless of who the immediate buyer is. Our best chance of driving a hard bargain is to deal directly with the Communist countries on an all-or-none basis, provided we can control the volume of indirect sales. In any event, there is no sense whatsoever in setting favorable terms just in order to make a direct sale.

Granting special concessions to the Communist countries would indeed be sadly ironic. We have given foreign aid to various countries in order to inhibit the spread of communism. This foreign aid has helped to bring about a deficit in our current international balance of payments. We would then propose to correct that deficit by giving aid to Communist countries.

This brings me to the question before the committee this morning. The primary effect of governmental underwriting, through the Export-Import Bank, of credit risks incurred by private lenders to Communist countries is to reduce the cost of credit to those countries. There is no reason for us to reduce the cost of credit to Communist countries unless we wish, as a general and longrun policy, to encourage expansion of our trade with them. If we are to embark on this course, we should do so only after careful consideration of its full consequences. As far as I can see, nobody in authority has argued that the present negotiations of wheat sales is the first step in a general program of trade expansion with Communist countries.

The question of underwriting aside, we should also recognize that any financing of wheat sales by extension of credit in dollars, no matter who extends the credit, has no effect in easing our deficit in the current international balance of payments for as long as the credit is extended. This is another reason for doing nothing to encourage credit financing of sales to Communist countries.

Of course, everything I have said this morning would apply in greater or lesser degree to trade in any other commodities with Communist countries.

The issue of governmental underwriting of credit risks involving Communist countries is likely to arise from time to time in the future as transactions involving other commodities come under consideration. In the absence of a broad decision by Congress to encourage expansion of trade with Communist countries, it would therefore seem prudent to enact into law the bill now before this committee.

I thank you for the courtesy of your attention.

The CHAIRMAN. Dr. Nutter, you have given us an interesting statement. I want to ask one question.

When I was a boy I used to hear about black bread in czarist Russia; that was rye bread, wasn't it?

Dr. NUTTER. Yes, sir.

The CHAIRMAN. And you can produce twice or three times as many bushels of rye out of the same ground as you can wheat, and rye is cheaper. They ate cheap bread and exported the wheat.

Let's check the figures. I understand we have in the Commodity Credit Corporation 1,200 million bushels of wheat. And the Russians say they would like to buy 140 million bushels. If so, they want to buy about 12 percent of our surplus. Are those figures in accordance with yours?

Dr. NUTTER. I believe so, expressed in terms of tons.

The CHAIRMAN. They were given to me as substantially correct. It is your contention then, that if they should be suffering from a shortage due to drought, on a one-shot sale we will get rid of only 12 percent of our surplus, which won't solve that problem, and we will have violated our previous trade policy, and as Cicero might say, cui bono. Is that your position?

Dr. NUTTER. That is essentially my position, any change we make in the conditions of sale at this point involves a decision on our longrun trade policy.

The CHAIRMAN. So your contention is, if it is going to be a one-shot sale, how about taking the troops out of Cuba as a condition, how about tearing down the wall in Berlin, how about easing up on competition in military respects? You think we are not negotiating hard enough if this is going to be a one-shot deal?

Dr. NUTTER. That is my opinion, sir.

The CHAIRMAN. Any questions?

(No response.)

The CHAIRMAN. Thank you very much.

Now, I am going to ask the distinguished Senator from New York if he won't present and perhaps endorse the next witness from his home State.

Senator JAVITS. If the witness will come forward, Mr. Chairman, I will be happy to present him, though not endorse his statement. I don't think my position coincides with the witness.

The CHAIRMAN. I was just throwing that out as a possibility. Dr. Gerald Steibel. He is foreign policy director of the American Research Institute. I know you want to commend the research.

Senator JAVITS. That is a very distinguished organization in New York headed by Leo Cherne and Carl Hubbard.

The CHAIRMAN. All right, you may proceed.

Senator JAVITS. I know them both very well, Mr. Chairman, and I am very glad to introduce the witness to the committee.

Mr. STEIBEL. This is a challenge, Senator, to see whether I can convert you.

Mr. DOMINICK. Mr. President, every time we have protested to our friends and allies about trading with Cuba, we have been answered with the irrefutable logic, "Why should we cut off trade with a satellite of Russia—Cuba—when you are trading directly with Russia?"

As a side issue, I suggest that to trade with Russia has enabled it to shift its concentration from its own internal economic problems and has freed it even more to arm and supply its own satellites.

In December 1963, I received a report from Cuba which reads, as follows—and I think this may be of interest to the entire Senate:

> Elias Rivero Bello, a communications chief for Cuba's state-controlled merchant traffic, Lineas Mambises, states that Red Chinese commercial trade with Cuba is on the rise with Russian shipping diverted to military cargoes. Although Red China has only two ships in direct trade with Cuba, its products are reaching Havana in ships of British registry manned by crews from Hong Kong. The two Red Chinese ships are *Shien Foon* and *Ho Fun*. The British-chartered ships most often plying the China-Cuba route are identified by Rivero Bello as the *Macao, East Breeze, West Breeze*, and the *Suva Breeze*. Rivero Bello was in charge of the teleprinters which handled clearance messages for all ship traffic to and from Cuba. He fled Cuba the end of November of this year (1963).

It seems obvious to me, from reading these reports, and from the overall results we have had up to date in connection with trade with Cuba immediately after our wheat sales to Russia, that we have created a far more dangerous condition than previously existed by virtue of the fallacy in our foreign policy with respect to trade with Communist Cuba.

In that same article is a brief statement which reads:

> There is the suspicion that the Russians are again introducing strategic weapons into Cuba.

Again I point out that he was the one who was in charge of taking all messages for shipping in and out of Cuba—

> The "special cargoes," states Rivero Bello, "are unloaded in the greatest secrecy, and not even the Cuban Communists are permitted near them. All are unloaded, transported, and stored by Soviet personnel."

This is one more indicator, it seems to me, of the point I just made, with respect to the fact that there are reliable reports that there are 1,200-mile missiles now in Cuba which could decimate the entire eastern coast of this country.

Going further, in the April 13, 1964, issue of U.S. News & World Report there appears the viewpoint of Prof. G. Warren Nutter, who is the James Wilson professor of economics at the University of Virginia, and a recognized authority in connection with the Soviet economy. He was discussing, publicly and in the magazine, the Soviet economy and the advisability of our trading with her, much less guaranteeing credit for such sales. There are a couple of items in the article which I wish to emphasize.

The question asked was: Should we help the Soviets try to adjust?

His answer to the question was:

> It is a difficult problem. It's not easy to know exactly what we ought to do. I think it's a little easier to know what we ought not to do.
>
> I don't think we should help them out of their current economic difficulties without, at the same time, getting some change in either the political climate or their internal sys-

tem. That much, I think, we ought to do. We have to take advantage of these periods of weakness if we're going to get any changes started.

Question. Under those terms, was the wheat deal a mistake?

Answer. The way in which it was done was a mistake. We should have bargained.

I think that their internal problems are really quite serious, very serious. Their problems in relations with the East European satellites are serious and becoming more and more aggravated all the time. In addition, they've got the problem of China and the whole splitting of the Communist bloc.

Once again he says, in answer to the same question:

Are you saying that as long as we bail them out nothing will happen?

The questioner is talking about bailing out the problems of the Soviet economy.

Answer. That's right. If we bail them out, they will use the time at their disposal to retrench, to build up their power and to somehow manage the difficulties that they're involved in. They'll find some way.

Question. If the Russians can drum up support from capitalism to make socialism work, do you think they're going to change socialism?

Answer. They won't. That's quite unlikely. That would be their own business and nobody else's if it weren't for the aggressiveness, belligerence, and expansionism that go along with Russian communism.

The next few points are very important in the general context:

I'm afraid that our foreign policy is sheer romanticism, without any real logic involved in it. Our Government shies away from anything which carries any immediate risk at all, no matter how small, and then rationalizes whatever course is left, even though the ultimate risk is much greater. In cold reality, this leads to nothing more than a policy of appeasement, and I mean this in the literal sense associated with Neville Chamberlain. We know from dreadful experience what appeasement leads to.

The course being followed now is to be nice and to be friendly, because it seems least risky at the immediate moment. This is rationalized on the ground that fat Communists are less dangerous than skinny ones.

This may be true, if one is looking at a very long sweep of history. Over a thousand years or so, perhaps people will become more liberal solely because they become more affluent.

But if one's talking about what happens in the immediate context of a system such as Russia's, then exactly the reverse occurs: As soon as they become fat—or, rather, fatter—they get more belligerent and aggressive.

What is the history of events in Russia? As soon as Khrushchev thought he was fat enough, he sent up a sputnik. He went all out on rocketry and introduced a massive armament program. That was his response—not relaxation.

When did the relaxation come? It came when they got thinner. My feeling is that, at the moment, our best allies are the thin fellows, not the fat ones. Those are the ones we have the most to gain from.

Question. Who are they?

Answer. They're all the people in these Iron Curtain countries who have gotten thinner in the last few years.

Who are they mad at? They're not mad at us. Who are they dissatisfied with? They're not dissatisfied with us. They're dissatisfied with their system, and they're mad at their governments.

It seems to me this is the kind of situation we want to try to utilize the best we can. I think we ought to put it up to them to work out their own way to get fatter while leaving the outside world alone.

There's a perfectly good solution to their problems, a perfectly simple solution—and that's to change the system.

It seems to me, as I have said, that this is a clear recognition of the problems that our policy is leading us into, not only the longrun troubles we are going to have with a Communist economy, but perhaps even some shorter term ones.

There have been reliable indications that a process has been developed by a Russian—I do not know how to pronounce the name of it, but it is spelled L-e-b-e-d-j-i-w—under which the Soviet Union can produce a ton of industrial ethyl alcohol from 8 tons of wheat. Under a 7-year plan, the Soviets plan to produce 800,000 tons of this alcohol from foodstuffs. This would require 6.4 million tons of cereal grains, which is more than accounted for in their deal with Canada alone, not counting the amount of wheat they entered into a contract to purchase from this country.

It certainly does not make any sense to me when this kind of a process is presently in existence in Russia for the United States to sell surplus wheat on credit—which is not going to help our international balance of payments—which will permit them to make ethyl alcohol, which in turn can be used for the production of armaments and explosives of all kinds. This is one of the immediate dangers, it seems to me, that can come from the program.

What are the things that have been happening in this trade field and the problems that have arisen from it? Let me talk about one that has recently come to light. The April 27, 1964, issue of the Washington Evening Star contained an article by Marguerite Higgins which reported an oil strike in Manchuria of a substantial nature.

This is a Red Chinese oil strike. Until this time, the Chinese had been almost completely and wholly dependent upon Russia for oil, for transportation, for heating, and for any other uses that they could find for it. I think this is important. The article reads as follows:

The U.S. intelligence community is convinced it has discovered an important reason why Peiping has picked the last year and a half to let loose with increasing ferocity against the Russians: A Red Chinese oil strike in Manchuria.

According to reports reaching here, the strike is of such size that it could make China self-sufficient in petroleum products.

Oil has constituted the chain of black gold that for more than a decade made Peiping slavishly dependent on its relations with Moscow. Until recently, Moscow has furnished virtually all of China's oil. The peak was reached in 1961 when Peiping bought $2.8 billion worth of oil and aviation fuel from Russia.

It continues, and because I think it is important, I ask unanimous consent that the entire article by Marguerite Higgins be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BREWSTER in the chair.) Is there objection?

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

[From the Washington Evening Star, Apr. 27, 1964]

INTERPRETIVE REPORT: PEIPING COCKY AT OIL STRIKE

(My Marguerite Higgins)

The U.S. intelligence community is convinced it has discovered an important reason why Peiping has picked the last year and a half to let loose with increasing ferocity against the Russians: A Red Chinese oil strike in Manchuria.

According to reports reaching here, the strike is of such size that it could make China self-sufficient in petroleum products.

Oil has constituted the chain of black gold that for more than a decade made Peiping slavishly dependent on its relations with Moscow. Until recently, Moscow has furnished virtually all of China's oil. The peak was reached in 1961 when Peiping bought $2.8 billion worth of oil and aviation fuel from Russia.

It is of significance that in the days when the Sino-Soviet split was still a matter of conjecture, the experts who argued against the likelihood of a complete rupture invariably cited Peiping's dependence on Moscow for oil as a reason why Mao Tse-tung would hesitate to make a total break.

Quite apart from giving Peiping greater potential independence and therefore greater license to thumb its nose at Moscow, the oil strike will have an enormous impact on Red China's economic destiny.

The exact date of the Manchurian discovery is not known. But the first reports of it began to filter to the West about 18 months ago.

The most solid information has come in the last few weeks from Japanese engineers and businessmen engaged by the Chinese to help in the drilling and in building oil refineries. It is the Japanese who are the source of the estimate that the oil resources discovered in Manchuria may be large enough to make China self-sufficient.

There is an irony in this because the Japanese, in all the years that they occupied Manchuria, never were able to discover oil, even though they did extensive exploring.

The Manchurian find helps explain the increase in petroleum experts from France, Britain and West Germany who have been traveling to Red China via Hong Kong in recent months.

There is a good case to be made that Red Chinese stridency against Moscow has increased in almost direct proportion to Peiping's confidence in the fact that its dependence on Moscow for oil would end. Oil refineries are not of course built in a day.

But it apparently has been pretty heady for the Chinese leaders to possess the knowledge that it is only a matter of time until the Chinese Army will no longer be vulnerable to the threat of being immobilized by a Kremlin decision to cut off oil exports.

It is not just the Western intelligence community that sees a close connection between the oil discovery and Peiping challenging stand against Moscow.

A spot check of Eastern European embassies showed that Communist diplomats were aware of the developments in Manchuria and its impact on the Sino-Soviet split.

Said one Eastern European: "In private talks in Peiping with our officials, the Chinese make no attempt to hide their exhilaration over their economic liberation from Moscow that will come as the result of the development of their own oil.

"All of us have noted that the Red Chinese waited until they were quite sure of their oil potential before they took the risk of a

complete break with the Russians by attacking them so violently. They have become increasingly cocky about their future.

"The Chinese seems to feel that no matter how many mistakes they make, destiny is on their side, and therefore the east wind will prevail over the west."

Mr. DOMINICK. Mr. President, it seems to me that there are two important points in this connection. The first is that if China actually has found the oil to the extent mentioned—and all the information leads us to believe that it has—it is then free, as far as oil is concerned, to continue its more aggressive campaigns throughout Asia in order to put the other Asian countries under communism. The second point, and it is equally important, is that if China is freed from purchasing oil from Russia, so, too, is Russia free from the obligation of sending oil to one of its chief Communist allies, thereby giving it far more ability to use its oil supplies to increase its own industrial capacity within its own country.

This leaves, then, only two major points. The first is that this is one of the remaining weaknesses in the Russian economy. The second is that the oil strike in China can be used by virtue of having the proper type of industrial equipment for refining.

The other day I was consulted by a very prominent person in one of the foreign embassies here in Washington. I was asked, with regard to the latter question I mentioned, to look at the Far East Trade and Development magazine for April 1964—at the same time the article on the oil strike was published. It reads as follows:

INDUSTRIAL EQUIPMENT FOR CHINA

Snam-Projetti, of Milan, a member of the ENI group, has won a Chinese contract for a complete petroleum refinery, worth £3m. Work is to be completed by 1966. This is one of several large orders placed with Italian firms recently. Last December the Chinese signed three contracts for chemical equipment worth about £10m., and Montecatini is shipping £7m. worth of machinery for two fertilizer factories with a combined output of 300,000 tons. The plants will probably be built near Luchow in Szechuan Province, where natural gas is plentiful.

Once again we are faced with a situation in which a free world, which is doing its best to take the leadership in a fight to give self-determination rights to all countries, by virtue of trade with the Communist countries is increasing their economy and bolstering the economies wherever they are the weakest. The U.S. public is being told that this is necessary because of a deficit in international payments, when we are doing it on credit. It does not make sense.

Just yesterday, I understand, the Foreign Relations Committee was informed about the agreement with Rumania, the agreement apparently having been signed, as far as trade is concerned, without benefit of consultation with the House of Representatives or the Senate, and without the advance knowledge of the House of Representatives or the Senate, or the advance opportunity of the House of Representatives or the Senate to do anything about it.

In this morning's Wall Street Journal, there is a very small comment on this subject which reads as follows:

Exports to Rumania of most goods will be allowed without individual licenses.

The United States clung to its refusal to sell strategic materials to any Communist bloc nation, but extended to Rumania trade terms that are among the most liberal of those offered any Soviet satellite. The two countries also agreed to raise the level of diplomatic representation from legations to embassies and exchange of ambassadors "at an early date."

It's understood the Johnson administration is prepared to make available to Rumania the facilities of the Government's Export-Import Bank to furnish credit guarantees of up to 5 years on some of the increased U.S. sales expected to result from the agreement.

So here we are, full circle, back again into the November situation. We say to our allies, "Please do not trade with Cuba." We say this because if we can give them an economic quarantine, we can so reduce their economic strength that the Cubans themselves will have an opportunity to upset their government. On the other hand, we proceed to do exactly the same thing, giving trade and credit to the head of the overall conspiracy, Russia, and then giving it to one of its most prominent satellites, Rumania, which is still governed by Mr. Kadar—Mr. Kadar having been one of the greatest Communist butchers that the Soviet satellites ever had.

There is an article dated today in the Wall Street Journal entitled: "United States, Rumania Sign Trade, Political Pact; Move May Loosen Satellite's Soviet Ties." It reads in part as follows:

U.S. officials declined to elaborate, but the Rumanians have been known to be in the market for whole petrochemical plants, as well as oil refinery machinery. Talks between a Rumanian trade delegation and U.S. industrialists have been going on during the government-to-government conferences, and some transactions already are said to have been closed.

Nothing official was said about U.S. Government credits to help finance such trade, but it is understood the Johnson administration is prepared to make available the facilities of the Government's Export-Import Bank to furnish credit guarantees of up to 5 years. President Johnson is required by law to make a determination that export-import credits to a Communist country are in the national interest; he hasn't yet done so, but the prospect is that he will act shortly.

I want to make it crystal clear for the RECORD that any guarantee by the Export-Import Bank is out of the taxpayers' funds for guaranteeing the credit of Communist countries. And if we are to have a certain policy with respect to one country, saying that we are going to cut off the economy of that country in order to overturn a Communist government, what is the purpose of not only trading with the head country and its other satellites in Western Europe, but also using our own taxpayers' credit in order to make sure that its sales go through, so that we can be absolutely positive that they are getting credit on the easiest possible terms?

It is a strange and peculiar type of foreign policy for this country to be pursuing. Moreover, all satellite countries will do exactly what Professor Nutter warned they would do, in his article in the U.S. News & World Report; namely, they will interpret this policy as nothing more than a sign of weakness in the free world and, over a period of time, nothing but appeasement of the Communist conspiracy, which is worldwide.

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. First of all, my distinguished colleague from Colorado has made a very important contribution to the subject, which we have been discussing for some 6 or 7 months, and which was lost sight of when it was originally discussed before the Senate.

Senators will recall that when the Russian wheat transaction was first proposed to the people of America, it was supposed to be a one-shot cash transaction. I am sure the Senator remembers that.

Mr. DOMINICK. I certainly do.

Mr. ALLOTT. Many of us, upon first blush, thought that upon those terms it might be a favorable deal. Then we found that we would start financing the deal on a long term—or what I would call long term, but which others thought was an ordinary term—of up to 4 or 5 years by way of credits.

The point the Senator has made, which is very important, is that we do not change the balance of trade when we finance such deals by providing credit. The balance of trade is changed only when the credit is finally paid off.

I should like to ask the Senator a question with reference particularly to his remarks about Rumania.

We are about to engage on such a deal with Rumania. According to the morning newspapers, we will make the deal on the "most favorable terms" to Rumania and any other country. This means, first of all, that we will not effect any change in the trade plan of our country. Does it not?

Mr. DOMINICK. That is correct.

Mr. ALLOTT. Second, does it not mean that when we offer them the "most favorable terms," we will ultimately build up dollar credits in Rumania; then, going by the very naive attitude of the State Department and in accordance with what Dr. Nutter calls the romantic concept of the State Department, we will be called upon, when it comes time for Rumania to repay those dollars, to grant them even more favorable trade terms? That means that we will place the workers and manufacturers—the producers—in this country in an even worse position with relation to the people of Rumania.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the article to which I have referred, published in the Wall Street Journal, be printed in the RECORD at this point.

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

[From the Wall Street Journal, June 2, 1964]

UNITED STATES, RUMANIA SIGN TRADE, POLITICAL PACT—MOVE MAY LOOSEN SATELLITES' SOVIET TIES

WASHINGTON.—The United States signed new economic and political agreements with

Communist Rumania that are expected to spur increased U.S. sales to that Soviet-bloc nation and perhaps encourage a general loosening of ties between Russia and her Eastern European satellites.

The two countries also agreed to raise the level of diplomatic representation from legations to embassies and exchange ambassadors "at an early date." An agreement was reached on an expansion of cultural, educational, and scientific links. But the big developments had to do with trade, said U.S. officials in announcing a pact reached after more than a week of high-level discussions here.

These are the key elements in the agreement:

The United States, while clinging to its refusal to sell strategic materials to any Soviet-bloc nation, has agreed to relax export licensing requirements so as to eliminate the need for individual licenses on "most commodities" shipped to Rumania.

Until this relaxation, generally each shipment to a Communist bloc country has to be licensed. With most other countries there exists the general authority to export broad categories of goods rather than seek licensing of each individual shipment.

The United States agreed specifically to grant licenses for what the joint communique called a number of particular industrial facilities in which the Rumanian delegation expressed special interest. U.S. officials declined to elaborate, but the Rumanians have been known to be in the market for whole petrochemical plants, as well as oil refinery machinery. Talks between a Rumanian trade delegation and U.S. industrialists have been going on during the government-to-government conferences, and some transactions already are said to have been closed.

Nothing official was said about U.S. Government credits to help finance such trade, but it is understood the Johnson administration is prepared to make available the facilities of the Government's Export-Import Bank to furnish credit guarantees of up to 5 years. President Johnson is required by law to make a determination that Export-Import credits to a Communist country are in the national interest; he hasn't yet done so, but the prospect is that he will act shortly.

Without such credits, officials said, the prospects for any sizable boost in U.S. sales to Rumania are slim. Because the whole purpose of the agreement announced yesterday is to spur such sales, there would have been little point to all the fanfare surrounding the agreements if the United States weren't prepared to allow the bank to guarantee normal private credit.

U.S. sales to Rumania have been averaging less than $2 million annually, and this country's purchases from the Eastern European nation have been even skimpier. Yesterday's agreement isn't expected to spur the U.S. imports, chiefly because the country has little that the United States wants to buy. Specifically, U.S. authorities firmly ruled out the possibility of Rumanian oil entering the U.S. market. Although Rumania is a major oil exporter to Western Europe, the thinking here is that it cannot ship oil economically to the United States.

But there are high hopes for a significant increase in U.S. sales to Rumania, whose foreign exchange earnings from oil make it perhaps the most promising customer in all the Eastern European Communist bloc. Asked what the United States hoped to gain from the agreement, a top official said: "Business." The United States, he argued, has been unnecessarily inhibited from selling to Rumania on terms comparable to those enjoyed by Western European competitors.

Politically, the United States has wider purposes. Rumania, experts have been noting, has been a prime example of greater independence among the satellites from Moscow's control. It has refused to allow its relatively rich economy to be tightly integrated within the Soviet bloc, defied Moscow's dictation on Communist Party doctrine, taken a neutral position in the Sino-Soviet dispute and turned increasingly toward Western Europe to trade.

The United States wants to encourage all these trends, and not just in Rumania. Yugoslavia and Poland have long been rated the most independent minded of the Eastern Europeans and the United States has tried with aid and trade to encourage this loosening in bloc relations. The hope now is that with Rumania looming as a more important trading partner with the United States, others, such as Hungary and Czechoslovakia, may be increasingly encouraged to turn westward.

U.S. diplomats, in fact, would like to add another enticement to Rumania by conferring upon her the most favored nation arrangement under which this country treats all its trading partners alike; trade concessions offered to any particular country are automatically extended to all others. Only Poland and Yugoslavia among Communist countries have been extended this arrangement and the issue remains a touchy one with Congress. So the administration is unlikely to press the matter on Capitol Hill this year, officials said yesterday, though it was discussed in the talks with the Rumanians.

But yesterday's agreement almost certainly will bring an effort in Congress next year to confer most favored nation status upon Rumania.

By way of promoting greater United States-Rumanian trade, the United States plans to open a trade promotion office in Bucharest, and the Rumanians have indicated an intent to expand their New York City trade office. Both countries will exchange tourist promotion offices, too.

Officials said the U.S. arrangements with Rumania are the most liberal for any Eastern European nation, except for Yugoslavia, which is treated practically on a par with Western trading partners. Poland has a licensing arrangement which does away with some individual licenses on U.S. exports but experts said it isn't as far reaching as the agreement with Rumania.

Mr. DOMINICK. In part, the article reads as follows:

U.S. diplomats, in fact, would like to add another enticement to Rumania by conferring on her the "most favored nation" arrangement under which this country treats all its trading partners alike.

That is exactly what the Senator was saying.

By doing this, we are granting a Communist-governed nation—and it is only about 3 percent Communist, with the rest of the people being "thin" Communists, the ones who would like to get out from under—the designation of a most favored nation.

The only thing I can see in all this is the idiocy of this kind of arrangement.

Mr. ALLOTT. If my colleague from Colorado will yield to me for one closing comment I should like to say that I am struck with the idiocy of the effect that popular slogans have on our State Department and on others. I cannot help recall two facts. First of all, it was after we started to make our wheat deal with Russia that Great Britain, Italy, France, and even Spain started to expand their trade with Cuba.

Second, this shows the extent to which slogans like "It is easier to deal with a fat Communist than a lean one" have influenced the thinking of our State Department.

It is about time for us to get down to a realistic way of thinking, and stop accepting the concept that we can capture and retain the leadership of the world with slogans which come out of Madison Avenue. That is what we have had for the past 4 years.

Mr. DOMINICK. Mr. President, I sincerely appreciate my colleague's addition to this colloquy. I know how strongly he has felt about this subject for a long time.

I also wish to express my appreciation to him for the leadership which he took in trying to interest Senators to talk about Cuba as long ago as last summer, when a group of us came to the floor with one idea after another on what we could do about Cuba. Certainly, trading with Russia was not one of the ways by which we thought we could liberate Cuba. Exactly the opposite was true. I express my appreciation to the Senator.

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

Mr. DOMINICK. I yield.

Mr. MUNDT. First of all, I wish to convey to the Senator from Colorado, who has given us this very significant address, my congratulations for the very careful research and the great amount of study and background material he has brought before us and before the American public by his address this afternoon. I believe he has put his finger on what was before Congress last fall, and will be again sometime next month, as one of the real, basic decisions to be made by America in connection with the cold war policy.

It seems to me that history pretty well records now that America reached a crossroads in its policy during the debates alluded to by the Senator. That was last October, November, and December. They started in the last few days of October, as I remember. At that time, America sharply changed a foreign policy which had served it pretty well for nearly 17 years. At that point American prestige and world leadership began to slide. It has steadily fallen ever since.

Once we ceased to be constructive, once we ceased to be consistent, and once we began to ask others to do what we refused to do ourselves, we appeared to the world as hypocritical, mercenary, and inconsistent.

Second, lacking direction and leadership from the United States, the free alliance has been steadily falling apart. We see examples of it in NATO, as well as in Franco-American relations. We see indications of it in the failure of our allies to follow any suggestions we make in connection with Cuba. I believe that Professor Nutter very prophetically and properly related foreign trade, which the Senator from Colorado has been discussing so effectively this afternoon, with the problem of foreign aid, which will be before us shortly after we dispose of the civil rights bill.

It is now before the House of Representatives. More and more Americans are indicating by what they write and what they say, including editors and commentators by their expressions, that

we are indeed engaged in a completely self-defeating program when, on the one hand, as Professor Nutter pointed out and as the Senator from Colorado [Mr. DOMINICK] has emphasized, we propose to trade increasingly with Communist countries and, on the other hand, propose to continue a multibillion-dollar aid program to non-Communist countries, justified exclusively on the concept that by so doing we help to protect them against aggression and potential aggression by communism.

Can the Senator from Colorado find any logic or any possibility of success in such an inconsistent, self-defeating trade-aid program as the one which this administration has placed before the country?

Mr. DOMINICK. I cannot think of any possibility of reconciling the two programs at all, provided that our foreign policy is to try to win. I am not a bit sure that our foreign policy at this point is designed for that purpose. If it is not designed for that purpose, if it is designed merely to frame a platform upon which we can hopefully exist for a little while longer, perhaps the administration is trying to keep everything quiet at the same time. But if we are trying to do something to support our former program of saying that people should have the right to determine their own form of government, then aiding both sides, including neutralists and the underdeveloped, with our foreign aid, to prevent the Communists from taking over, and then aiding Communists to strengthen their economy, it is the most hopeless futility I can think of.

Mr. MUNDT. There is no possibility of success in that kind of program, by seeking, on the one hand, to bail out the Communists from the economic problems which their nefarious system has imposed upon them, while using the money of American taxpayers, through the Export-Import Bank, to bail out Communists, and then coming back to the taxpayers and saying, "We want another $3 billion installment in 1964 in order to build up the non-Communist world because it is threatened with new aggressions from the Communists, whom we have recently built up with American dollars and American trade." That is, indeed, international idiocy. It does not make any sense to me.

While the Senator from South Dakota does not quite go along with the Senator from Oregon [Mr. MORSE] in his discussion of McNamara's war and in his analysis of the situation in Vietnam, I believe this administration could serve America better today if, instead of having our high-powered administrative brains meeting in Honolulu, scheming up more military adventures and more potential losses of lives in Vietnam, they were brought back to Washington and associated with all the other available brains in the administration to hold a free world trade-aid conference, in which we would try to manifest the same leadership, once again, in having the free world devise some kind of trade-aid approach to the Communist world. We will not be able to defeat communism in Asia, with or without American troops, while at the same time we are in the process of strengthening communism all over the world with American supplies and products and guarantees by American taxpayers of Soviet credit.

So I deplore the fact that we have this myopic approach of relying on American muscle, money, and military power without sitting down and asking ourselves, "How can such an inconsistent, self-defeating policy ever do anything more than serve the cause of communism?"

Mr. DOMINICK. I have before me one more example, which the Senator from Kansas [Mr. PEARSON] was kind enough to hand to me. It just appeared on the news ticker and is an example of the idiocy about which I was speaking. It is an Associated Press dispatch from London and reads as follows:

> LONDON.—British authorities were irked today by a U.S. decision to consider selling a nuclear powerplant to Communist Rumania.
>
> One informant asked how the United States could sell a reactor to the Rumanians and then complain about the sale of British buses to Cuba.
>
> The reactors produce plutonium, which gives nuclear bombs their blast. As war-potential equipment they are banned by allied powers for export to Iron Curtain countries.
>
> In announcing that "special consideration" would be given to the Rumanian request, the Johnson administration stressed that any deal would need a waiver from the allied committee in Paris controlling trade with the Communists—

It is interesting to observe that the administration did not even mention the fact that it might come to Congress to learn how Congress feels. I continue to read from the dispatch:

> It was stressed also that a condition of sale—which the Rumanians have accepted—would make it imperative for the nuclear powerplant to be made subject to international supervision. The International Atomic Energy Agency, based in Vienna, Austria, applies safeguards to insure that civilian reactors are not transformed to serve military purposes.
>
> Officials in some key British ministries appeared to think that the Americans were approaching East-West trading rules from a standpoint of expediency.
>
> The board of trade said a Rumanian delegation discussed the possible purchase of a nuclear powerplant from Britain during a visit to London which began last February.
>
> The spokesman said the question of a sale did not arise. "We regarded nuclear powerplant as strategic material and therefore embargoed for export to Communist countries," he said.
>
> "We now consider the talks as dormant. They could be revived if the Rumanians come back to us."
>
> It was evident that there was a sense of disappointment if not of grievance among some officials here because the Americans look to be in a better position than the British to pull off a deal.

Mr. MUNDT. Mr. President, will the Senator from Colorado further yield?

Mr. DOMINICK. I yield.

Mr. MUNDT. This illustrates exactly what we were saying last November, when we were opposing the administration's position to give the Export-Import Bank power to grant credit to Communist countries so that they might purchase supplies in America. The particular product then being discussed was wheat, although other products were crowding all around it and were coming into the picture very fast. The Senator from South Dakota then said that we talk about strategic supplies, and then asked, "What in wartime is more strategic than food? What provides better food than wheat? If wheat is declassified and is called nonsecurity material, then we shall have nothing left with which we can restrict trade on the basis of its being something of a strategic nature."

Now we see the same tortuous reasoning, by which it was said that while wheat is the world's best food, and food is necessary in order to wage war, and is therefore a basic strategic materiel, nuclear reaction, plutonium, and atomic energy are not strategic. That is a strange departure from the high-sounding phrases to which we listened, from the advocates of the test ban treaty, who at that time were considering the production of atomic energy and plutonium and the possibility of building up a war structure based on atomic energy so serious that they believed a test ban treaty was essential. Ultimately, the Senator from South Dakota, agreeing with that viewpoint, voted for its support.

I ask the Senator from Colorado a question I was asked on the campus of State College, South Dakota's great agricultural college at Brookings, 2 weeks ago today, while delivering a lecture there. The question was, "What is America's foreign policy now?"

I replied, "That is a difficult question to answer. It was possible during the Truman administration, during the Eisenhower administration, and during the first year of the Kennedy administration to define it basically as a policy which relied upon two great thrusts, one being a really determined, sincere, and consistent effort to restrict trade with Communist countries, in order to keep the Communists from becoming too powerful and too aggressive; and the other, a foreign-aid and military-aid program to the non-Communist countries, to shore up their defenses and their economies and to give them greater resistance in case of Communist attack." Those things were fairly clear, and we had followed them for 16 years. They had worked fairly well; and during those 16 years, we had not lost any decisive economic battles with the Communists.

I said to them, "Do you want to know what our foreign policy is now? If you do, I will state it for you."

I should like to have the Senator from Colorado state now whether he would make any addition to or change in the statement I made to them, because now we are facing the most recent and current problems, in terms of our investments in our foreign policy.

I think our foreign policy has so badly and so seriously deteriorated that today we are engaged in a race with the other three countries in the world which have exporting capacity, in an attempt to see which of us can sell to the Communists the greatest amounts of supplies which they most badly need, and to deliver them to the Communists' doors

at the cheapest possible oceanic freight rates, and to sell the materials to them at the lowest possible prices, so that we will get that business, instead of having the other nations get it, and also to extend to the Communists the easiest and longest possible credit terms. I think that is our foreign policy. If that is our foreign policy, certainly it is doomed to failure, because only Communist countries can profit by means of such a policy.

Mr. DOMINICK. I completely agree; and I could not state the matter more effectively, even if I tried 15 times to do so.

About 1 year ago, members of our State Department went to Western Europe, and tried to persuade the Western European countries not to grant long-term credit to the Russians, so as not to enable the Russians to obtain the needed materials with which to construct an oil pipeline through Western Europe; and we fought and fought against having those countries give Russia long-term credit in that connection, inasmuch as the extension of such long-term credit was the only basis on which Russia would deal for such pipe.

But here we go, reversing our policy and giving 5-year credit to Rumania—and 5-year credit is long-term credit in anyone's language—and doing the same thing for Hungary, but saying to all these countries, "You must stay out of Cuba."

It seems to me that we are seeing the very beginning of a Johnson policy to open the floodgates of trade with Communist countries, regardless of what the materials are, and regardless of whether there is to be long-term credit or short-term credit.

Mr. MUNDT. Let me add one word about the future possibilities in this connection. After all, the U.S. Senate still can, if it will, exercise a restraining hand, when it is confronted with such contradictory and self-defeating policies as those which now confront us. I believe that involved in the new consular agreements with Rumania there are changes which are so substantial that in all likelihood they will have to come before the U.S. Senate, for ratification as a treaty. So here is our chance to explore what is involved in this business.

Furthermore, I know that soon the Senate will be working its will on the legislative authorization bill for foreign aid. That bill has already been passed by the House of Representatives. So here, too, we have a chance, by means of amendments—under the happy way the Senate operates, by means of which no amendment need necessarily be germane—to do something constructive about this situation and to place a restraining hand on these "happiness boys" who think communism has now changed its purpose and its objective, and who believe we should now feed communism and should encourage it and should pat it on the back, instead of doing as we did for 16 years—curtail and check it.

Furthermore, Mr. President, before Congress adjourns, the Senate will have an opportunity to vote on appropriation bills dealing with foreign aid; and then Senators can raise the question of how inconsistent our foreign policy has become. If we really believe the cold war is over, and that now is the time to kiss and make up with the Communists and to give them the benefit of an aid program based on credit to them, then surely we cannot believe there is any reason for extending a single dollar of credit aid to the non-Communist world on the basis of the argument that that is the only way to keep them from going Communist. So we as the custodians of the public purse will face some rollcall votes on these issues in the next few weeks. To those who read the RECORD and to those who have concern, let me say I hope they will make their wishes and attitudes and desires crystal clear to all Members of the Senate before Senators face up to those very significant rollcall votes, as the amendments come before us.

Again, I salute the Senator from Colorado [Mr. DOMINICK] on his masterly presentation of a matter which is by far more significant and important than the question of what is happening in Laos or in Vietnam, because in this case we are dealing with the system which is being operated from Moscow and Peiping, with its tentacles spread all over the world; and if we are to deal with it effectively, we must deal with it at the center, rather than at the periphery. Otherwise, what we do will be love's labors lost.

Mr. DOMINICK. Mr. President, I thank the Senator from South Dakota, who from the very beginning, even as early as last fall, has tried to have us deal effectively with this problem.

Mr. ALLOTT. Mr. President, will my colleague yield briefly to me?

Mr. DOMINICK. I yield.

Mr. ALLOTT. My colleague has spoken of the proposed nuclear plant for Rumania which is being discussed.

There are perhaps three main sources of power, as my distinguished colleague knows; they are coal, other carboniferous materials, and oil. So can anyone suggest why we should be dealing with Rumania, which has one of the richest and largest and most extensive oil fields in the world, for the supplying of nuclear power? Some States in our own country have no method of providing fuel except by means of nuclear power; and that is understandable. But I am sure no reasonable man could understand why the Rumanians would want a nuclear plant, in view of their valuable oil resources, unless they could sell the oil somewhere else at a greater profit, and unless they are in hopes of duping the United States to build a nuclear plant for them, or unless the Rumanians hope to acquire from the nuclear plant strategic information or materials which would be of benefit to them—which again brings us through the cycle.

Today, Great Britain is greatly upset over this matter.

Just last week, I placed in the CONGRESSIONAL RECORD an article, from the London Daily Express, which shows how upset the British people were because we had developed the A-11, without giving them any of the information, whereas, on the other hand, we had taken from them all of the key details on the ultra-secret information they had developed from their new supersonic bomber and its electronic equipment.

Since 1960, we have managed to topple one government in Canada because we were trying to force nuclear warheads on the Canadians; and we have had our own difficulties with France, because we refused the same thing to De Gaulle.

How inconsistent we can be in connection with our foreign policy, I do not know. The word "naive" has been used, and the word "romanticism" has been used; but I say this is a childlike approach to the problems of the world and to foreign relations, because it does not deal with reality. Instead, it deals with matters entirely outside of reality.

Again I say to my distinguished colleague that I am very proud of the speech he has made this afternoon to the Senate.

It has been a real contribution, because unless we somehow are able to reverse the almost inevitable run to the sea that the State Department has followed for the past few years, we stand in grave danger in this world. The Senator has contributed greatly.

Mr. DOMINICK. I was about to say to my distinguished colleague that every now and then I hear representatives of the State Department say that our foreign policy must remain fluid. If it becomes any more fluid than it is now, we shall all be washed out to sea in the water they have created, without any real substance to anything they have been doing.

Again I appreciate my colleague's participation in this particular colloquy.

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 CIVIL RIGHTS ISSUE MUST BE RESOLVED AT THE COMMUNITY LEVEL

Mr. CASE. Mr. President, final resolution of the civil rights issue will come in the community. I wish to call attention to one example of such community action in my own State of New Jersey.

In Newark, a group of young people associated with the Congregation B'nai Jeshurun have begun this year a remedial tutorial program aimed at helping about 20 Negro boys and girls in elementary and high school subjects. The members of the temple youth group are themselves high school students. They give of their free time on Saturdays in order to share the classrooms of their temple with Negro children from the neighborhood. The project has met with a deservedly wide response, both in and out of the State; and other such programs are now under way. For example,

in New Jersey alone, congregations in Trenton, Teaneck, Bayonne, River Edge, East Orange, and Elberon have begun or plan similar tutorial programs.

I ask unanimous consent that two newspaper articles describing the Newark program be printed in the RECORD.

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

[From the New York Times, Apr. 26, 1964]

JERSEY NEGROES TUTORED BY JEWS—YOUTHS SEEK A MEANINGFUL APPLICATION OF JUDAISM

NEWARK, April 25.—A group of Jewish youths here have been tutoring some 20 Negro boys and girls in elementary and high school subjects as part of a program for the "meaningful application of the teachings of Judaism."

The Jewish youths are members of the Congregation B'nai Jeshurun. In explaining the project, Rabbi Barry H. Greene, associate spiritual leader of the congregation, quoted Maimonides, the 12th century Jewish philosopher and doctor, who wrote:

"The advancement of learning is the highest commandment."

"We are dedicated to the preservation and the meaningful application of the teachings of Judaism," Rabbi Greene said. "We are translating our convictions into deeds."

Every Saturday morning from 9:45 to 12, about 20 Negro boys and girls from the 4th to the 12th grades share the classrooms of the 116-year-old temple. On hand to greet them and work with them are members of the youth group, 15 to 18 years of age.

While other junior members of the congregation are attending religious classes and Saturday morning services, the Negro children are tutored in simple arithmetic, spelling, physics, Latin, English, geography, history, algebra, and reading.

The tutorial project was started 2 months ago at the suggestion of Stuart Rosengarten of South Orange, a junior at Columbia High School. A member of the Mitzvah Corps, a youth group sponsored by reform congregations, Stuart lived and worked last summer among the needy in Puerto Rico.

The program was publicized in the area's schools and the boys' club at Stella Windsor Wright Home, a city housing project. The response, Rabbi Greene revealed, was "spontaneous and heartwarming."

"I think my teacher expects more work from me now and she will get more work from me," an 11-year-old child wrote to the Rabbi. "There are such nice people here to help that I think I better come here every Saturday."

Rabbi Greene said the success of the program here had prompted the New Jersey region of the National Federation of Temple Youth to start similar projects in other areas of the State.

[From the New York Post, Apr. 27, 1964]

THE SCHOOL CRISIS: VOLUNTEERS AND BUDGETS

Two after-school, volunteer-staffed tutorial projects, one in Harlem, the other in Newark, are producing results. The Negro youngsters taking part—some to get help with their homework, others with their reading and arithmetic—start hesitantly, come back for more, and finally turn into enthusiasts for the program.

Over in Newark, a youth group connected with Congregation B'nai Jeshurun has had such success with its tutorial program that other temples in New Jersey have launched similar projects.

Here in town, 20 volunteer tutors from Sigma Alpha at City College, along with regular teachers, are staffing the after-school study center at Harlem's P.S. 161. The establishment of such centers was urged by Dr. Calvin Gross in his first recommendation for improving the schools in the slum areas.

According to Assistant Principal Berman, a supervisor of the P.S. 161 center, "The pupils have found that it's a fine place to do their homework and they are now very anxious to go there."

The City College volunteers deserve the city's thanks. But why should such good works be limited to students? This is an enormous task. Professionals of all ages are needed and might be willing to join the volunteer corps. Here is an area where the United Federation of Teachers could make a notable contribution. It has spoken out forcefully on the need to make the schools more responsive to Negro and Puerto Rican requirements. Should it not give thought to organizing a volunteer teacher group to strengthen the after-school centers?

VOTING PROGRAM

Mr. RUSSELL. Mr. President, pursuant to a conference held this afternoon, I have notified the leadership that, at their pleasure, we would be prepared to withhold further speeches on the so-called jury-trial amendments, and would be ready to vote on the pending amendment.

There has been some feeling on the part of Senators who have been associated with us in this fight that they were being "put on the spot" by not having any votes. We are not unwilling to have votes taken. We have a number of amendments which we believe the Senate will approve when they are understood.

I do not know what would be the fate of the pending amendment, but there are other amendments, particiularly those relating to the question of double jeopardy. There is the question of whether that may arise under the pending bill, defendants could be placed twice in jeopardy as a result of trials under criminal contempt charges and likewise being prosecuted under criminal statutes for the same offense or for the same set of facts.

We are not trying to take the majority leader by surprise. He made a statement I believe on Monday of this week that he did not know of any votes at that time. But subsequently during the day the Senator from Louisiana [Mr. LONG] obtained the yeas and nays on the pending amendment. I do not know what statement the Senator from Louisiana made with respect to the motion for the yeas and nays because I was not present in the Chamber all of that time.

The majority leader has been as fair to the opponents of the bill, in keeping us notified and informed as to his plans, as we had any right to expect. I wish publicly to thank him for his kindness. He has considered that to be a part of his duty in the very thankless task that he has in undertaking to preside over, and coordinate, the divergent schools of thought of those who sit on this side of the aisle. I am very grateful to him for having at all times kept us advised as to the plans that he had in connection with the bill. We are not undertaking now to take him by surprise. I have told him that if he felt that there was any surprise involved, we would be very happy indeed to continue the debate until tomorrow or some later time on the pending amendment.

Before I suggest the absence of a quorum——

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

Mr. RUSSELL. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. As always, I am indebted to the senior Senator from Georgia for the courtesy and the consideration which he shows toward the leadership. Insofar as it has been possible for him to do so, he has endeavored to give the leadership some forewarning, as in the present instance, as to what was being contemplated by those in opposition to the bill, generally speaking, but who are in favor of the amendment now pending.

It is true that yesterday the distinguished senior Senator from Arkansas [Mr. MCCLELLAN] raised the question as to whether or not there would be any votes this week. In response to his question, there was a brief colloquy, which reads in part as follows:

Mr. MCCLELLAN. Do I correctly understand, from the distinguished Senator's announcement, that there will be no votes, so far as he knows, during this week?

Mr. MANSFIELD. So far as I know, I know of no votes.

Mr. MCCLELLAN. None is contemplated?

Mr. MANSFIELD. Not so far as I know.

Mr. MCCLELLAN. Therefore, those of us who have made engagements to make commencement addresses and to fill other speaking engagements in our respective States will be reasonably safe in doing so, and would not risk missing the cloture vote if they were absent?

Mr. MANSFIELD. That would be my best judgment as of now. I know of no votes being contemplated as of the moment; nor do I know of any votes contemplated during the rest of this week.

Mr. MCCLELLAN. Other Senators have the same interest that I do in knowing, so far as we can, ahead of time. I realize this is a legislative body, and that something could develop to bring about an unexpected vote; but so far as the leaders know, no vote is planned or contemplated this week?

Mr. MANSFIELD. The Senator is correct.

So I am indebted, I say again, to the distinguished Senator from Georgia for informing the leadership of his plans relative to the pending amendment and other amendments. I point out to him that it was contemplated that beginning tomorrow morning the distinguished minority leader was to be the leadoff Senator in an exposition of the Dirksen substitute which was presented to the Senate last week. Because of illness that is not possible, but others who had been waiting for the distinguished minority leader to lead off are now prepared to make their speeches, and I believe it is about time that they be made.

Questions were raised on the floor of the Senate yesterday as to the amount of time there would be available for explaining the Dirksen substitute before an attempt at cloture was made. Some Senators thought that the time was not long enough; others thought it was too long. But I can assure the distinguished Senator from Georgia that beginning this afternoon there will be some speeches on the question of the pending jury trial amendment, and that beginning tomorrow a number of Senators, on both sides of the aisle, have indicated

their intention to speak on the Dirksen substitute. So I would hope that the Senator from Georgia, who has been so frank in his remarks, would understand, with his usual courtesy, the need and the desire for the Dirksen substitute to be explained insofar as possible during the time remaining, and that he will understand also that, so far as the leadership is concerned, the leadership will recognize his right at any time to call up any of the pending amendments for a vote, providing it can be done under the rule.

Mr. RUSSELL. Mr. President, I had no intention of calling up any amendment. The amendment of the Senator from Louisiana [Mr. LONG] is the pending business. The yeas and nays have been ordered. Unless some Senator desires to speak, of course, a vote would come in the ordinary course of events. There was no intention to call up any new amendment today.

Mr. MANSFIELD. I understand that.

Mr. RUSSELL. We had concluded that we would vote on the amendment today if it was consistent with the views of the majority leader.

Mr. President, in view of the——

Mr. SMATHERS. Mr. President, before the Senator leaves that subject, I should like to ask a question of him. In the light of the fact that the majority leader has announced that some speeches will be made to explain the Dirksen substitute or the second substitute, should that explanation go on into Saturday, when I understand a cloture motion will be filed, would it be possible for me to obtain some assurance that there would be an opportunity to have a vote on the jury trial amendment which is pending? I do not wish to be cut off in having a vote on the so-called trial by jury amendment by the filing of the cloture petition and then voting on the cloture petition on Monday or Tuesday.

Mr. RUSSELL. Mr. President, I am afraid that the chances of the Senator from Florida to secure recognition for that purpose are not very good. I notice that the substitute was offered by Messrs. DIRKSEN, MANSFIELD, HUMPHREY, and KUCHEL. Those Senators embrace all of the leadership. If all of them speak on the substitute—and under the rules of comity that ordinarily obtain here they would be recognized before other Senators, due to the positions that they hold—the Senator from Florida might not have an opportunity to address himself to the substitute prior to the time of the vote on the gag rule on Tuesday.

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

Mr. RUSSELL. I yield.

Mr. MANSFIELD. I believe the Senator from Georgia has explained the situation with lucidity. But I would point out that if worse comes to worse, it would be possible for the amendment to be offered even if cloture was invoked.

Mr. SMATHERS. It would be, but——

Mr. MANSFIELD. The Senator has had 5 weeks now to discuss the amendment.

Mr. SMATHERS. What I am trying to get at is the following question: Would it be possible for us to have some understanding that we could have a vote on this particular amendment prior to the filing of the cloture petition on Saturday? Could we have a vote on this particular amendment?

Mr. MANSFIELD. The Senator knows that he is speaking to the winds. There is no possibility of such an agreement. However, if another kind of unanimous-consent agreement were to be arrived at as to when we could vote on the measure now before the Senate, I am sure that it would be given most serious consideration.

Mr. SMATHERS. Mr. President, will the Senator yield so that I might make this one statement?

Mr. RUSSELL. I yield.

Mr. SMATHERS. We have spent a number of days talking about an amendment on trial by jury——

Mr. MANSFIELD. A number of weeks.

Mr. SMATHERS. I stand corrected. A number of weeks of time. It is a matter of great importance. We have now worked up to some sort of point where we are about to vote on a right of trial by jury amendment. The Senators who offered the amendment are ready to vote. This is the——

Mr. MANSFIELD. Sixty-eighth day.

Mr. SMATHERS. This is the 68th day. Today is Tuesday. The remaining days will be Wednesday, Thursday, Friday, and Saturday, before the cloture motion is offered.

Did I correctly understand that the proponents of the so-called Dirksen-Mansfield-Kuchel-Humphrey substitute are going to take all the remainder of the time between this moment and the moment when the cloture motion is filed, so that we will not have an opportunity to vote on the pending jury trial amendment?

Mr. MANSFIELD. It will take some time.

Mr. SPARKMAN. Mr. President, will the Senator from Georgia yield to me for a question?

Mr. RUSSELL. I yield to the Senator from Alabama.

Mr. SPARKMAN. If the jury trial amendment is the pending business, how will the Senator from Illinois be allowed to speak on the Dirksen substitute under the rule of germaneness? Would he not be required to speak on the jury trial amendment?

Mr. MANSFIELD. A Senator can speak on the jury trial amendment. Some of us have had speeches that we have been holding back. At the end of 3 hours a Senator could speak on another measure or amendment, or he could proceed to do so under unanimous consent. The proponents of the jury trial amendment have been most generous in granting unanimous consent to speak out of order, so to speak, when the rule of germaneness was supposed to be in effect.

Mr. SPARKMAN. It seems to me to be a little irregular to dispose of an amendment that is proposed to be offered with practically no debate on it.

Mr. RUSSELL. Of course, I never believed that the rule of germaneness was very effective. It is always pleasant to say, "I told you so." I think it has been borne out by the facts, since its adoption, that the rule is not very effective. It is in effect for only 3 hours. The Senator from Minnesota, for example, could speak for 3 hours on the jury trial amendment, and then for another 3 hours on the substitute bill after the germaneness period had ended.

I suggest that we have been put on notice—and I trust the Senator from Montana will take no offense at these remarks, since I know there are some Senators who abhor being classified as filibusterers—that there is likely to be a counterfilibuster. I will defend to the very last ounce of my strength the right of any Senator or Senators to launch a counterfilibuster on the floor, and I will vote against any attempt to impose cloture if any Senator sees fit to launch a counterfilibuster.

Inasmuch as that is a strong possibility, if not a probability, I think I had better, before I lose the floor to the leadership on the substitute, discuss one of the many, many infirmities and injustices of the proposed substitute.

AMENDMENT NO. 766

I therefore send to the desk an amendment that I ask to have read, printed, and lie on the table, and I ask unanimous consent that it be considered as having been read for all purposes in which the rules require reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be received, printed, and lie on the table.

Mr. RUSSELL. Mr. President, I would like to have the amendment read, if the clerk will be kind enough to do so. I think there is a precedent that a Senator can read an amendment on the floor and have it considered as read under the cloture motion, but I think it would be better to have it read by the clerk, since he has a better reading voice, if for no other reason.

The PRESIDING OFFICER. The amendment submitted by the Senator from Georgia will be read.

The legislative clerk read the amendment to amendment No. 656, as follows:

Mr. RUSSELL moves to amend amendment No. 656 in the nature of a substitute for H.R. 7152, intended to be proposed by Messrs. DIRKSEN, MANSFIELD, HUMPHREY, and KUCHEL, by striking out all of the language on line 9, page 17 in subparagraph (b) following the word "origin" and substituting a period for the comma after the word "origin", the language to be stricken reading as follows: "but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance.", and by striking out the language beginning on page 21, line 18, after the word "section" down through and including "standards" on line 1, page 22, the language to be stricken from the substitute bill reading as follows: "*Provided*, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

A SECTIONAL PROPOSAL

Mr. RUSSELL. Mr. President, I have on other occasions pointed out that this substitute is in many of its aspects more sectional in its application than the original bill as it passed the House of Representatives.

The purpose of my amendment is to eliminate the triple line of defenses that the substitute throws out against integration of any schools in the country outside of the Southern States by way of the Federal court.

It will be noted that on page 17 of the substitute there is contained the language that was written into the House bill which provides that desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance. That amendment was adopted on the floor of the House.

Those who are apprehensive about "bussing" students from one area of a city to another in order to correct racial imbalance evidently thought that they had adequate protection under this provision of the bill.

However, when the bill came to us from the troika committee—the Attorney General, the Senator from Illinois [Mr. DIRKSEN], and the Senator from Minnesota [Mr. HUMPHREY]—we found they were not satisfied with that language contained in the House bill, but that they had gone much further.

Senators will find that on page 21 of the substitute they supplemented the existing provision with language that even denies jurisdiction of the Federal courts to deal with de facto segregation. This new provision states, and I read from the bill:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

I am not sure just what that last phrase means, but it indicates that the Federal courts—as the U.S. courts are commonly called—are to be denied jurisdiction to even consider violations of the equal protection clause of the 14th amendment if it requires steps to correct the imbalance of the races in the schools.

Mr. President, the amendment I am proposing would eliminate this provision from the substitute.

OBJECTIVE OF AMENDMENT

This amendment has two primary objectives. The first is to eliminate the language that gives this title of the bill a purely sectional character, and to grant the Attorney General of the United States authority to integrate the races in the schools outside the South, as well as in the Southern States.

The offending language that I seek to strike from the bill is that language which is designed not only to deny the Attorney General the power to bring a complaint to eliminate de facto segregation created in large degree by the action of local governments, but also to withdraw from any of the courts of the United States jurisdiction over any complaint that might involve outright and rank segregation in defiance of the Supreme Court's construction of the equal protection clause of the 14th amendment.

The more we read and study this substitute, the more it becomes obvious that there should be more debate on the bill. It is all the more imperative that the Senate vote down this effort to gag the Senate so that we can continue to study the substitute and point out the infirmities in it, injustices in it, and the purely political provisions that are designed to protect all of the States, except the Southern States, from the application of the power of the Attorney General to integrate the schools.

Mr. President I point out also that the original bill as it came over from the House contained language which declared that it was a matter of public policy of the United States to achieve desegregation in public education. That appears on page 17 of the original bill, at lines 16, 17, and 18.

The original bill provides that the Attorney General may, under certain circumstances, "initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

NO EFFECT ON IMBALANCE

When the troika committee rewrote the bill, they eliminated the language that declared that it was the public policy of the United States to achieve desegregation in public education. They did that as well as to deny jurisdiction to the Federal courts to deal with cases to correct de facto segregation that as a practical matter sprang from the action of local government. They did this despite the fact that the House of Representatives had already written a provision into the bill providing that the correction of racial imbalance would not come within the scope of the bill. They threw up three lines of fortification to make sure that no school outside the South would be desegregated by the Attorney General under the vast powers that would be granted to him in the bill.

Is it not strange that the House bill declared it to be a matter of public policy for the Federal Government to achieve desegregation in public education, but when the troika commenced to get votes from the border States for the bill—which is really 11 bills in 1—this language is missing from the substitute?

Instead of saying that it is a matter of public policy, they now propose to say that the Attorney General may bring an action to bring about orderly achievement of desegregation in public education, but only if such actions are directed toward the Southern States. That strong language, declaring school desegregation to be a matter of public policy, went by the boards when it was decided that they would even deny the Federal courts jurisdiction over any proceeding, and would prohibit the issuing of any order that seeks to achieve racial balance by transporting the students from one school to another, or from one school district to another.

TEST OF SINCERITY

This amendment will test the sincerity of those who from day to day, month to month, and year to year have arisen on this floor to proclaim their support of racial equality, of social equality, of "togetherness," if you please, between the races in every activity of life. If this provision remains in the bill, one-half of the Negroes living in the United States will be denied the social equality and the association that the Supreme Court said in the Brown case were essential to their welfare, and that they could attain only by attending school with white children. One-half of the Negroes in the United States, living outside the South, will receive no protection from the vast grant of power to the Attorney General which the bill would give to permit him to bring suits to achieve what, in the House bill, was declared to be a public policy of desegregation in education.

It is no secret that the primary aim and desire of the Negro citizen in such great metropolitan centers as New York, Chicago, Cleveland, Philadelphia, and Los Angeles is to eliminate the de facto segregation that occurs by virtue of the residential patterns in those areas. This de facto segregation in many cases is the result of an act of local government in defining school districts. Therefore it is, in effect, action by the State to impose segregation in the public schools. Under the language of the substitute bill as written by the troika committee, the Attorney General is not only prevented from bringing suit, but the parents of the children themselves cannot be heard in court. They are denied that right because of this added language which says that:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another.

The fact that the demand of the Negro parents to end de facto segregation has not been met in these cities has prompted many of the largest demonstrations that we have seen in recent months.

I say that the Negroes outside the South are entitled to know whether their representatives in Congress are sincere in their protestations of interest and desire to see them achieve their goals, and whether they will vote to eliminate this provision, which will perpetuate segregation in the large cities of this land, or whether they are merely interested in securing the Negro vote by requiring in the Southern States a social order which they are not willing to apply to their own children.

I well remember some discussion on the floor after the Brown case decision, when some of us suggested that we deny jurisdiction to the Federal courts to invade States to prescribe the method of operation of their schools which were supported solely by State or local funds. We were soundly criticized at that time by some of those who are now supporting

this triple line of fortification to prevent integration in the areas where they live. Those of us who made the suggestion at that time were attacked for implied criticism of the courts and the Attorney General by the very people who today would deny jurisdiction to the Federal courts to eliminate segregation in their own cities.

FEDERAL CONTROL OPPOSED

I wish to make it perfectly clear that I am wholly and unalterably opposed to the use of Federal power to interfere in any degree with self-government in this country. If there is one control which addresses itself directly to the local communities, it is the control of their schools, which are financed by funds from the taxes which they raise themselves and which do not come from the Federal Government.

I feel that the decision in the Brown case is not only a judicial perversion of the Constitution of the United States, but that it is also very poor public policy. It is poor public policy to make 10 percent of the people of our country feel that they are incapable of enjoying citizenship, that their children cannot learn unless they are sitting in a schoolroom with a white child.

I have noticed from time to time, with considerable admiration, that there are some members of the Negro race who have not been afraid to be called Uncle Toms, and who have asserted that they regard it as a reflection on them to say that their children cannot learn in a school unless they are sitting with a white child, or that there is a stigma of inferiority attached to being in a schoolroom with members of their own race.

DIRECTED AT SOUTH

It is now proposed that Congress go all out in demanding the application of the harshest and most punitive provisions to people who happen to live in the Southern States.

When racial problems arise outside the South, when they affect people in other areas of the country, there is a very strong disposition on the part of the court and of Congress to sweep them under the rug and to forget about them.

Mr. President, for that reason the Attorney General and his supporting echelons in the Department of Justice feel much more at home in enforcing social equality and race mixing in the South than in any other communities.

For that reason we find that other communities, the large cities of the land—Boston, Philadelphia, New York, Chicago, and others—are put beyond the reach of this proposed law.

Desegregation is not to be public policy there because the Federal courts would be forbidden to issue even a Federal order which would require desegregation, no matter what the circumstances, if it is the result of the pattern of population.

Mr. President, the vote on this amendment, in my opinion, will be about as fair a test as we can have of whether the advocates of total and complete integration and race mixing are sincere in their position. Nothing, in my opinion, more clearly demonstrates the sectional nature of the bill than the means to which the sponsors are compelled to resort in order to get the votes to gag the Senate by these changes that were made in title IV to confine desegregation of public education very largely to the Southern States, where the residential pattern is different from that in the large cities. This also demonstrates the extent to which the South is used as a political football by both parties and how it is to be the whipping boy in the national conventions and on the floors of Congress.

The troika was not satisfied with the language: "but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

They went further by including this language:

Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

SIGNIFICANCE OF NEW LANGUAGE

I ask Senators to note the significance of that language. The courts could not go one step beyond the decisions involving the desegregation of southern schools "or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In other words, if the Constitution is being violated, and the Supreme Court has not overcome it in the segregation cases, the courts must hereafter stand eternally mute; they cannot enlarge the existing power of the court. That means the decisions that they have handed down up until this time.

So I say that nothing could more clearly illustrate the fact that the drafters of the substitute and many of the supporters of the bill are strongly in favor of desegregation everywhere except in the community in which they reside, everywhere except among the constituents to whom they must look for approval if they hope to return to the Senate. They do not intend to have their children subjected to the long arm of the Federal Government and the vast power of the Federal Government, supported by the Army and Navy and Air Force and Federal marshals. They do not intend to have the forces of the Federal Government come into their areas, to impose on themselves the compulsion that they seek to impose upon the white people of the Southern States.

As I see it, this is one of the most palpable efforts on the part of some Senators to protect their people from a condition which they intend to impose on others that has ever been witnessed in the Senate.

Mr. STENNIS. Mr. President, will the Senator yield before he leaves that point?

Mr. RUSSELL. I yield. I had almost concluded my remarks.

Mr. STENNIS. I thought the Senator had.

The Senator has referred to the new provision in the amendment in the nature of a substitute that proposes to limit, as I understand, the jurisdiction and power of the Federal courts. Does the Senator believe that that provision is based upon the Constitution, which gives Congress the power to limit the jurisdiction and powers of the Federal courts?

Mr. RUSSELL. What other purpose can it have?

Mr. STENNIS. The Senator has made a powerful statement. I think he is correct.

Mr. RUSSELL. As I said, when the Brown case decision was handed down, there was a discussion about undertaking to utilize the power of Congress to regulate the jurisdiction of the courts in that instance. Those who made the suggestion were berated; it was said that they did not trust the courts, because they were undertaking to limit the power of the Federal judiciary.

But now the very ones who made those statements are supporting a provision that would deny jurisdiction to the Federal courts to desegregate schools in their own areas, due to the residential patterns, ofttimes encouraged by local ordinances and ofttimes resulting from the definition of the lines of school districts, while applying such jurisdiction throughout the Southern States, where the population pattern is entirely different.

Mr. STENNIS. Does the Senator believe that the language in the proposed amendment would limit the courts and that they would no longer have any power to sign decrees that would change those districts?

Mr. RUSSELL. The language provides that nothing shall be done that would otherwise enlarge the existing power of the court in such areas. It is undoubtedly an attempt to do what the Senator suggests.

Under the Constitution, Congress has the power, but it is a sad commentary on the sense of fairness of our people that that power should be utilized so unfairly against one section of the country, largely for political purposes.

Mr. STENNIS. Is it not true that under this language, the Brown case, the desegregation cases, and the cases decided thereunder would be frozen as they stand now?

Mr. RUSSELL. That is undoubtedly the purpose of the language.

Mr. STENNIS. That is true.

Mr. RUSSELL. I do not believe there is any doubt about it.

Mr. JOHNSTON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. JOHNSTON. Is it not true that when colored people move into New York, Chicago, Detroit, Philadelphia, and Baltimore, they congregate in certain sections? They segregate themselves, do they not?

Mr. RUSSELL. That is largely true. I do not think the segregation is altogether voluntary in all instances. As a practical matter, such sections are the only residential areas available to them.

Mr. JOHNSTON. But that is the situation in which they find themselves, is it not?

Mr. RUSSELL. That is true. We find them located in such areas in all the great cities—Philadelphia, St. Louis, Boston, New York, Los Angeles.

Mr. JOHNSTON. In the South, all over the countryside, the white people and the colored people live among one another. Therefore, the amendment crucifies us, so to speak, with respect to integration, but leaves out entirely those places where the people have already segregated themselves.

Mr. RUSSELL. The Senator is correct. That is the very point I have been endeavoring to make. I completely agree with the Senator from South Carolina.

Mr. SPARKMAN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. SPARKMAN. The Senator has rendered a real service in emphasizing this situation. Does he recall the difficulties that occurred in Cleveland a month or so ago?

Mr. RUSSELL. I do.

Mr. SPARKMAN. Does the Senator recall that they arose because five new, modern schools were being built in an area which was heavily segregated, and the Negroes were protesting because they would be "frozen" in that condition?

Mr. RUSSELL. That is correct. They said they had been "frozen" in a ghetto, populationwise, and that the new schools would deny them the privilege of having their children attend school with white children. Due to the residential pattern the new schools would be available only to the Negroes.

Mr. SPARKMAN. Would not the language of the proposed amendment insure a perpetuation of that situation?

Mr. RUSSELL. That is true. That is the very point I am endeavoring to make. Does not the Senator from Alabama recall that this was one of the warmest issues in the great city of New York? Fifteen thousand mothers——

Mr. SPARKMAN. White mothers.

Mr. RUSSELL. Fifteen thousand white mothers walked in the snow to protest any action to correct the imbalance by the assignment of children to schools outside their residential areas.

The proposed amendment in the nature of a substitute would protect them in that. It would protect the situation in Cleveland, as it would in New York. It directs the whole power of the Federal Government at the South. The Senator from Alabama well knows that, particularly in the rural communities and the small towns, the two races——

Mr. SPARKMAN. Live in the same general neighborhood.

Mr. RUSSELL. In the same general neighborhood.

Mr. SPARKMAN. Does the Senator from Georgia recall the difficulties that Chicago has had during the last 2 or 3 years, arising from this very situation?

Mr. RUSSELL. Of course, they have had this trouble. The provision in this language forever bars the door to more than half the Negroes living in this country to any remedy whatever at the hands of the Federal courts from de facto segregation, segregation that, in many cases, is just as total and complete as it was when it was under the separate but equal doctrine of the laws of the Southern States.

Mr. SPARKMAN. Does the Senator recall the report of the Civil Rights Commission to the effect that Chicago was the most highly segregated city in the United States?

Mr. RUSSELL. Yes, I do. I have heard that from other sources, as well. I am not inclined always to accept everything the Civil Rights Commission says as fact.

Mr. SPARKMAN. Neither am I. But the people who are pushing this proposal credit the Civil Rights Commission with that statement.

Mr. RUSSELL. The language would make it impossible for the Attorney General—and he was a party to it—to bring a suit to seek to eliminate the de facto segregation that has been said by the Senator, and even by the Civil Rights Commission, to be in some cases as totally complete as it was in the South under the separate-but-equal doctrine.

Mr. SPARKMAN. Would not this provision, if enacted, insure a continuation of ghettos and highly segregated areas, such as Harlem, that have been mentioned?

Mr. RUSSELL. It would confine the activities of the Attorney General and all of his subordinates and minions to the Southern States.

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

Mr. RUSSELL. I yield.

Mr. TALMADGE. My colleague has rendered outstanding service in putting his finger on the language that would preserve segregation and segregated schools outside the South. Substantially the same language is also contained in virtually every other title of the bill.

Is it not true that the language in virtually every title, leaves to the option and discretion of the Attorney General the designation of the cities, counties, and States in which he will bring a suit?

Mr. RUSSELL. It undoubtedly would give him wider authority and greater power than any one man has ever exercised in this country, including the President of the United States in time of war; but the language as I read it does not give him any option.

Mr. TALMADGE. It excludes the option.

Mr. RUSSELL. It excludes the option. This is the only case in which the Attorney General is not trusted. Apparently he did not trust himself or had some other reason for supporting this language. This language certainly will result in perpetuating segregation in Boston, where there is de facto segregation. But the other provisions of the bill give the Attorney General unlimited, unbridled power to determine of his own volition what the law is before he starts to enforce it.

Mr. TALMADGE. Could not the Attorney General state that the law would be enforced in State X but would not be enforced in State Y?

Mr. RUSSELL. I do not think he would make such a statement, but he could follow that policy.

Mr. TALMADGE. By making a determination in exercising his own judgment, as the bill provides for?

Mr. RUSSELL. There is no question about it.

Mr. TALMADGE. He could decide that he would bring a suit in one city or fail to bring a suit in another city, could he not?

Mr. RUSSELL. Of course, the Senator is absolutely correct. Not only that, but the original draft contained a provision that the Attorney General of the United States could write a letter to the attorney general of any State and absolve that State from the voting provisions of the bill, even though the State had a literacy test. That provision has been changed in the amendment in the nature of a substitute by providing that the Attorney General must make a contract or agreement with the State.

Mr. TALMADGE. In other words, the Attorney General is authorized to exclude the consideration of de facto segregation in areas outside the South.

Mr. RUSSELL. No free government has ever voted any such power to any official anywhere, to my knowledge.

Mr. TALMADGE. The remainder of the bill gives the Attorney General power to proceed in such cases or places as he sees fit. I ask the Senator to look at the language on page 12, in title II, section 206(a):

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe—

In other words, the Attorney General would exercise the sole option—

that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title—

So the Attorney General would make the determination as to whether to proceed or to fail to proceed, solely according to his own discretion; is that correct?

Mr. RUSSELL. Yes; and the Attorney General would also determine, solely for himself, whether discrimination existed.

Mr. TALMADGE. But "discrimination" is not defined in the bill; is it?

Mr. RUSSELL. No; and no attempt is made in the bill to define it.

Mr. TALMADGE. I thank my colleague for his able statement.

Mr. RUSSELL. I thank my colleague.

Mr. SYMINGTON. Mr. President, will the Senator from Georgia yield briefly to me?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Georgia yield to the Senator from Missouri?

Mr. RUSSELL. I yield to the able Senator from Missouri.

Mr. SYMINGTON. I did not hear all the discussion. Will the Senator from Georgia state again why he believes that the bill now contains a provision that no Federal official or Federal court in a State shall have the right to take action in the case of racial imbalance in the schools? Will the Senator from Georgia state why the bill now is written in that way?

Mr. RUSSELL. I think that provision appears in the bill in order to get it down

to a matter of practical politics; in other words, I believe it is included in the bill in order to obtain sufficient votes to be able to impose cloture and thus to gag the Senate. That is the purpose of that provision; it is included in order to assure northern Senators that beyond peradventure, in their States de facto segregation cannot be touched by means of this bill. Those Senators were not satisfied with the provision which was included in the House-passed version of the bill; so the bill as it now stands goes further, and denies Federal officials and Federal courts jurisdiction of that question.

Perhaps the Senator from Minnesota [Mr. HUMPHREY] did not particularly relish the inclusion of that provision; but it was included in order to obtain sufficient votes to be able to gag the Senate.

Mr. SYMINGTON. Mr. President, will the Senator from Georgia yield further to me?

Mr. RUSSELL. I yield.

Mr. SYMINGTON. Some of us have felt that in parts of the country things were not proceeding in accordance with the Constitution. Regardless of whether we were correct or incorrect in holding that belief, at least that is the way we felt. So in the past we voted to increase the power of the proper officials and the Federal courts.

But—as I follow the Senator's statement—this amendment appears to reduce the power of the officials in question or the power of any Federal court. Therefore, this provision would be a reversal of the effort made in the past, would it not? Is that a correct analysis of the provision?

Mr. RUSSELL. Yes. It is a definite limitation, on the power of the Federal courts and even the power of the Attorney General to bring about desegregation in schools outside the South, whereas the remainder of the bill is for the purpose of increasing the power of the Federal courts and the power of the Attorney General over many facets of our daily lives and our free enterprise system.

Mr. SYMINGTON. I thank the Senator from Georgia.

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

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). The clerk will call the roll.

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

[No. 262 Leg.]

Aiken	Ellender	Metcalf
Allott	Gruening	Miller
Anderson	Hart	Monroney
Bartlett	Hartke	Morse
Bayh	Hickenlooper	Morton
Beall	Holland	Moss
Bible	Hruska	Mundt
Boggs	Humphrey	Muskie
Brewster	Inouye	Nelson
Burdick	Jackson	Neuberger
Carlson	Johnston	Pearson
Case	Jordan, N.C.	Proxmire
Church	Jordan, Idaho	Ribicoff
Clark	Keating	Russell
Cooper	Kennedy	Saltonstall
Cotton	Long, La.	Smathers
Curtis	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McGovern	Stennis
Douglas	McIntyre	Symington
Edmondson	McNamara	Talmadge
Walters	Yarborough	Young, Ohio
Williams, Del.	Young, N. Dak.	

The PRESIDING OFFICER. A quorum is present.

ITALIAN REPUBLIC'S BIRTHDAY

Mr. BEALL. Mr. President, today is the 18th anniversary of the founding of Italy's Republic.

On this occasion I wish to extend my congratulations to the people of Italy and to the Americans of Italian descent.

One of these, a constituent and a good friend, Hon. Samuel A. Culotta, is today at the White House for a meeting with the President of the United States. Mr. Culotta is there in his capacity as grand venerable of the Order of the Sons of Italy, Maryland chapter, and national deputy of the order. The Order of the Sons of Italy is a distinguished Italian American organization which has proved to be one of our great patriotic organizations.

Mr. President, all peoples and nations suffered during the last war, but the people of Italy were suffering under the harsh and dictatorial Fascist regime long before the outbreak of that war. For nearly two decades these fine, spirited, and deeply religious people were forced to live under regimentation.

The Fascist regime proved its inability to act in the best interest of the Italian nation. When the people realized that such was the case, the Fascist regime was overthrown, and gradually a democratic government was instituted. That was done in an orderly manner on June 2, 1946. In a freely and fairly conducted election, the Italian people chose to live under a republican form of government, and thus established the Republic of Italy 18 years ago.

The road of democracy in Italy has been difficult. Many obstacles had to be overcome. Many hardships have been suffered by Italians who have fought for liberty against oppression.

Italians remember this day, and outstanding is their gratitude to the statesmen who successfully established a new democratic government without bloodshed.

We Americans viewed this vote of confidence in democracy by the Italian people with understanding and admiration. Further, our foreign policy was then geared to mutual assistance with Italy, which action gave support to the new Republic's rise to maturity.

Under the leadship of the statesman Alcide de Gasperi, the infant Republic strengthened its position and became an ally of the United States in the fight against communism.

The friendship between the United States and Italy has been evidenced in many ways during the past 18 years. Italy has been an indispensable partner in the European recovery program and in the North Atlantic Alliance.

Italy's identification with the aims of Western democracies has been reaffirmed by its leaders throughout this period.

Only a short time after the birth of the new Republic, Italy supplied its full quota of 12 divisions for the North Atlantic Treaty Organization. Italy was among the first to honor its commitments.

Our partnership with Italy has shown itself to be firmly rooted and capable of dealing harmoniously with international issues as they arise.

For a long time Italy was denied United Nations membership by the Soviet veto. However, with constant support from the United States, Italy finally achieved U.N. membership.

Today, Italy is bringing her full measure of strength to the solution of the free world's problems. That she is ready to do so is a tribute to the vitality of her people and the vision of her Government.

On the occasion of the visit of former Prime Minister Fanfani with President Eisenhower in July of 1958, a White House press release said:

> The President and the Italian Prime Minister reaffirmed the dedication of their countries to the North Atlantic Alliance and to the United Nations, established to defend the peace and protect the rights of people to live in freedom under the government of their own choosing. They reiterated their firm convictions that the combined strength and consistent action of the free and independent countries of the North Atlantic Alliance are vital to the peace and security, and will remain a cornerstone of their foreign policies.

Prime Minister Fanfani acknowledged before this body the appreciation of Italy for the support and assistance of the United States. He further assured us of Italy's firm desire to reciprocate. He said that Italy intends to give within the limits of her power, to the end that she will do her full part in averting from other areas of the world that danger of Communist subversion which has been averted in Italy.

The Republic of Italy has been, for the past 18 years, a battleground against the spread of communism.

I should like to discuss briefly some of Italy's gifts to our United States. Any schoolboy will tell us, of course, that Christopher Columbus discovered America, and that the very name "America" is derived from that of an Italian mapmaker and navigator, Amerigo Vespucci. In addition, there have been such men as Cabot, who laid the foundation for English settlements in this country; Verrazzono, discoverer of New York Bay; and Malespina, who explored the West. Nor can we forget that Paoli Busti founded Buffalo; Father Cataldo, Spokane; Henry DiTonti, Detroit. There are many others.

We in the United States are fortunate that many Italians have migrated to our shores. I am proud to say that many have chosen to settle in Maryland. People of Italian ancestry have made a significant contribution to the development of our State.

History has repeatedly evidenced the strength of purpose, the quality, and the genius of the Italians. Their contribution to the culture, the arts, the sciences, the industry, and the agriculture of nearly every country in the world—the Old World and the New World as well—is immeasurable.

As we celebrate this anniversary, we recognize these accomplishments, and we

reaffirm the bonds of friendship, respect, loyalty, and purpose which Americans share with the men and women of Italy, and with their Republic which stands as a vital ally.

It is with pleasure that I publicly acknowledge the friendship, confidence, and mutual aims shared by the United States and Italy on the occasion of the 18th anniversary of the Republic of Italy. I am confident that this body joins with me in extending congratulations and best wishes to the Italian people and to their leaders.

At this time I would like to extend my congratulations and best wishes to Italy's Ambassador to the United States, His Excellency Sergio Fenoaltea.

It is consistent with the best interests of the United States and with our principles and philosophy of government to honor a Republic which since its birth 18 years ago, has been a stanch ally and friend.

HAITI: A CASE STUDY IN FREEDOM

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Haiti: A Case Study in Freedom," written by Robert D. Heinl, Jr., and published in the New Republic of May 16, 1964.

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

HAITI: A CASE STUDY IN FREEDOM

(By Robert Debs Heinl, Jr.)

("Travel and adventure" was the appeal on every recruiting poster when I entered the Marine Corps from Yale in 1937; and when I got orders in 1958 to head a U.S. military mission to Haiti, that was what the assignment promised. To participate in nation building, to serve in the eye of the Caribbean storm which was plainly blowing up, was a real challenge.

(I soon learned why the United States was sending a military mission to a country that needs a fighting army about as much as does Rhode Island. Haiti's armed forces are not only the fulcrum of the country's internal stability, but also an important agency for progress. Besides police work, they deal with communications, rural medical service, immigration, prisons, lighthouse service, the national airline, Coast Guard, commercial ship repair. My job was to help the Haitian military do these jobs better and at the same time get them back into trim as a force capable of holding off coups at home as well as adventures by Premier Fidel Castro.

(But President Duvalier wanted us only as a show of U.S. support for his regime. As soon as he found that I would not allow American military aid to be misused to enhance his personal power and that we were bent on rebuilding his army around a professionally trained corps of honest, patriotic young officers and NCO's, his interest cooled. After 4 years of ever-increasing obstruction and, at the last, of overt Duvalierist anti-Americanism, I felt like a doctor transfusing blood into one arm of a failing patient while another M.D.—Dr. Duvalier—had a suction pump on the other.

(By February 1963, it became clear that Duvalier was more than anxious to get rid of our mission, representing as it did the American presence (and, at that time, our well-founded disapproval of his regime). The Haitian Ambassador in Washington requested my recall. The only reason he could give our State Department was that I had been in Haiti more than 2 years (the normal tour of duty specified in the mission agreement). I left Haiti on March 1, 1963, with affection for a beautiful and tragic country for which I had done my best—and failed.

(I need hardly say (as I am required to by Navy regulations) that the opinions expressed in this article are my own and are not intended to represent those of the Navy Department, or the Service at large.

R.D.H., Jr.)

François Duvalier this month climaxes his 7th year of tyranny by assuming office as Haiti's President for life, with his ravaged country worse off than at any time since before U.S. intervention in 1915. The United States has sent him a fresh Ambassador (the fourth in 7 years), even though Duvalier has kicked out two of three predecessors. Last month, on receiving the Haitian Ambassador at the White House, President Johnson stated that the United States "looks forward to close cooperation and solidarity with the Government of Haiti"; and, to prove it, we have blessed a $2.6 million Inter-American Bank loan—a gift to Duvalier in all but name—which underwrites an evil regime that is in grave financial difficulties. With Duvalier unctuously inviting American tourism and retaining a high-powered Washington lobbyist for as yet undisclosed fees, our bruited new policy of living with dictatorial regimes in Latin America is being used to rationalize the "realism" of papering over, once again, our failure to cope with the Duvalier regime, let alone the fundamental difficulties of this overpopulated, superimpoverished country—with or without Duvalier.

We have given $100.8 million in aid to Haiti since 1945; Americans have advised, cajoled, pled, deplored, ineffectually threatened—and we are farther from attaining very modest objectives in and for Haiti than we were in 1958. Still worse, we have in François Duvalier a thoroughly undependable, implacably unfriendly, bitterly antiwhite neighbor who fosters internal communism as a means of blackmailing the United States.

The Windward Passage, which Haiti flanks, is the Gilbraltar Strait of the Caribbean. Almost two-thirds of the Caribbean's Atlantic traffic goes through it. In World War II, our Navy had to convoy more shipping through the passage—against limited German submarine operations—than through any sea area except the approaches to New York. Against today's Communist submarines, given Cuban bases, any position on the Windward Passage—such as Haiti—is a sensitive chokepoint.

Aside from its strategic geography, Haiti is an agricultural country with few resources but climate and scenery. Its 4 million people are crammed into half the space available to 2.5 million Dominicans next door. With the highest birth rate in the hemisphere, and one of the world's highest, Haiti's occupancy of arable land compares with India and China.

Haiti has the lowest individual gross national product—$67—in the Americas. It is the only country in the hemisphere whose gross national product has actually declined during the past decade. In 1788, as a French colony, Haiti's exports were $41 million; in 1961 they totaled $32 million. Coffee, sugar and sisal are the money crops, while rice, resulting from years of American effort in the Artibonite valley, feeds those who can afford it. Tourism, which could outpace all of Haiti's agricultural earnings is, despite Port-au-Prince's festering slums, and bizarre government mismanagement, normally a major dollar earner.

Haiti is black Africa with a French veneer. About a tenth of the population are mulattoes—mulatres, they are called—while the rest are black. When in power, the mulatres often exploited the blacks as irresponsibly as any colonial regime. The only general effort made to attack Haiti's illiteracy was that of the American occupation, which found the country 2 percent literate in 1915, and in 1934 left it 10 percent literate.

Ninety percent of the Haitians live in abject poverty, many in regions of endemic starvation. There is no conventional land-reform problem, that was taken care of in 1804. But having sliced up the French and their estates with the machete, the Haitians hopelessly oversubdivided into a crazy quilt of uneconomic peasant garden plots.

Slightly more than 10 percent of the people speak French, the official language; the rest speak only Creole, a pungent melange of west African dialects and 17th century French. Unfortunately, Creole is not a workable written tongue, so the country must be administered in a language spoken only by 1 person in 10.

Someone has said that Haiti is 90 percent Catholic and 100 percent voodoo. It would be more realistic to estimate that 10 to 15 percent attend church regularly, marry formally and have one wedded wife; the remainder practice voodoo and plaçage, a legally recognized union short of marriage.

ENDEMIC DICTATORSHIPS

Of more than 30 presidents since 1804 (Haiti is the second oldest "free" country in the hemisphere), only 3 have left office alive and/or voluntarily and/or constitutionally. Given its illiteracy and underdevelopment, Haiti cannot be anything but a dictatorship for years to come. Paradoxically, it came closest to representative government (including three orderly changes of regime) during 20 years of tranquillity and prosperity imposed by the bayonets of a U.S. Marine brigade.

Where we describe an administration as Democratic or Republican, Haitians classify regimes by color, as "noir" or "mulatre." Mulatre governments are extractive, diverting national revenues to the elite. Black governments, though amply extractive, too, as Duvalier has demonstrated, are usually retributive, and vent the blacks' resentment against mulatre exploitation. Racial division is Haiti's worst problem. But a Creole proverb defines Haiti's color barrier in a practical light—"a rich noir is a mulatre; a poor mulatre is a noir."

Besides the racial vindictiveness which poisons Haitian politics, other historical factors bear mention.

One is the image of Dessalines, the black primitive who imparted his fury to the 1804 revolt. It was Dessalines who created the national flag out of the French tricolor—by ripping out the white. As self-crowned emperor (like Duvalier today), he built the forts whose ruins still overlook the plains; these fortifications were not only to keep the whites from ever coming back, but to prevent Haitians in the interior from having intercourse with foreigners. The image of Dessalines, the crafty, cruel, treacherous, proud African isolationist who killed the whites, burnt their houses, and turned Haiti's face from the world, today still dominates the black—as distinct from mulatre—Haitian politicias, Duvalier included.

Although the military have been kingmakers throughout Latin America, they attained special dominance in Haiti because of lack of alternative leadership, fear of foreign recapture, and because of the original Code Rurale, which entrusted the governing of peasants in the back country to the military. Throughout Haiti's repeated transfers of power, the military have been both undertakers and accoucheurs of regimes. It must be said, however—at least since the American occupation and until Duvalier gutted the Army—that they have been among the more responsible and realistic of Haiti's leaders.

Another historically dominant element in Haitian politics is cacoism. The Cacos were rural black mercenaries at the service of any incumbent or aspiring politician. With caco

aid, a Haitian president could assure his tenure so long as he paid his army and some opponent didn't buy off the cacos. Two nationalistic caco revolts were quelled by U.S. Marines early in the American occupation, and the phenomenon was considered dead until recently. It has been resurrected in Duvalier's Ton-Ton Macoute movement.

It is incontestable that 20 years of American occupation brought Haiti into the modern world. The foundations of a previously nonexistent middle class were laid. Sanitation, national highways, telegraph, and telephones (Port-au-Prince in 1922 got Latin America's first automatic telephone system), scheduled steamer service, national forests, agricultural schooling and development, a nonpolitical, disciplined, professional national gendarmerie—these were the peaceful achievements of the Marines.

By tight, honest control of exiguous revenues, American financial advisers created a sound currency, an independent national bank (even a surplus), while other advisers shaped a career civil service. For the first and last time in Haitian history, three presidents (Borno, Vincent, and Lescot) attained office by constitutional means rather than a coup.

The dominant American impress on Haiti was of power. Haitians may not always have liked us (though many did), but their respect was unquestioned. Directly related was an unshakable conviction, which survives to this day, that the United States having done what it pleased in Haiti for two decades, was ultimately responsible for whatever happened. It is a cardinal article among Haitians that when a regime stands, it stands by virtue of American support—and falls for lack of it. It is idle to reiterate that we have pursued a policy of nonintervention for the past 30 years; nobody in Haiti will believe that.

Nor has the United States kept hands off. We have simply been ineffective. Despite an abundance of economic and technical assistance, and outright budgetary support, our accompanying advice has gone unheeded; the Haitians, while eagerly absorbing gifts of money and material, have profited hardly at all from outside counsel and example. The Artibonite Valley project—a TVA which could feed and electrify all Haiti—into which $22 million were sunk, is moribund and crumbling. The 4,000 miles of good motor roads in occupation times have become 2,000 miles of mule tracks dotted by rusting hulks of U.S. engineer equipment given to Haiti. The Marine-installed telephones no longer ring: Port-au-Prince is probably the only world capital without telephones that work.

No sane foreign investor will put money into a country already picked bare by Duvalier's henchmen, especially when, in the words of one foreign diplomat, "Duvalier is at war with the commercial and productive classes of the country." Tourism, which offered brilliant prospects, is out of the question as long as Duvalier militiamen arrest and maltreat foreigners at will, and chauffeur-guides, licensed by the regime, hold up tourist passengers at pistol point. There cannot be much hope for Haiti's economy until the atmosphere is made hospitable to foreign investment and tourism, and until agriculture is organized efficiently—which means land reform (in the reverse sense) and training.

Of some 700,000 school-age children, 100,000 at most are in any kind of school, and only about 1,200 teachers are available. Seventy Haitian teacher-trainers, schooled in the United States, have been refused employment by Duvalier—ostensibly because the Government cannot afford to pay them $45 a month, really because the regime fears penetration by American ideas. When last heard from, 38 of those teachers had been shipped off to fight illiteracy in the Congo.

The organization and philosophy of Haitian education is that of France at its 19th Century worst. Every Haitian schoolboy wants his degree in classics or philosophy and a white-collar job with a briefcase. The crying needs for vocational training, for farm and home schooling, for nurses and artisans, go unanswered. A group of 50 public health nurses, trained in the United States in 1961, is already lost, mostly to Africa.

That Duvalier has his own ideas on education was made clear in his 1962 selection of medical students for the university: Of 88 admitted, 88 were black, and at least 68 were children of leading Duvalierists. Meanwhile the offspring of educated mulatre families are denied exit visas to obtain abroad the higher education the Government denies them at home.

CHIEF OF THE REVOLUTION

Francois Duvalier, who has conferred upon himself the title "chief of the revolution," is an M.D. by calling, an ethnologist by bent. He speaks bad French and bad Creole, almost inaudibly and in delphic phrases. He was once employed in the U.S.-aid program and received public health training at the University of Michigan. He is an ardent practitioner of voodoo, which he and his followers describe as "folklore" (he is reported to credit voodoo spells for the downfall of Juan Bosch and the death of John F. Kennedy, both of whom opposed him). Judged on externals, this quiet-spoken, scholarly, paternal-appearing family doctor—married, like Dessalines, to a charming mulatre—seemed the very man in 1957 to help Haiti, not only from the U.S. viewpoint, but from that of Gen. Antonio Kebreau, the Army Chief of Staff who had bossed a previous sequence of provisional governments and felt it was time for a responsive "constitutional" president.

But one important fact about Duvalier was still unknown, as belatedly disclosed by one of many early adherents on whom Duvalier later mercilessly turned, and finally butchered. Duvalier, while a political fugitive in the days of President Magliore, kept one book with him, rereading, quoting: Michiaveli's "The Prince." Duvalier is cruel, devious, xenophobic, hypersuspicious, today a virtual recluse, utterly ruthless and self-consecrated to power. He rules by playing (and paying) off ambitious and greedy subordinates and factions; by calculating extirpation of alternative leadership; by fear, espionage, and every totalitarian brutality; by suppressing civil liberties (especially freedom of the press). His Ton-Ton Macoute movement (the phrase is Creole for "bogeyman") pervades Haiti; in it "Papa Doc" has created a crude and sinister apparatus. As long as he controls the TTM's, Duvalier controls Haiti.

A Ton-Ton Macoute is a Duvalier activist. In 99 cases out of 100 he is black. The civilian TTM can be recognized by his sharp clothes, dark glasses, pearl-gray homburg, and bulge of a pistol on his hip. (In 1962, lesser TTM's, unable to afford the genuine article, were toting toy plastic reproductions.) This man is an informer, neighborhood boss, extortioner, bully and political pillar of the regime. Most Government employees, up to ministerial level, are TTM's (postal service sagged in 1958 when, in the wholesale turnover of office to Duvalierists, the TTM mail clerks could not read).

Instead of pursuing the usual authoritarian tactic of strengthening his army to uphold the regime, Duvalier, like Castro, set out to wreck the regular army (whose loyalty he doubted) and created instead a blue-denimed civil militia, a second army of TTM's. While building this militia, Duvalier jettisoned (and probably murdered) General Kebreau, and has since run through four more Army chiefs of staff. Today, the Milice Civile is 12,000 to 15,000 strong. The Presidential Guard—soldier-TTM's—are barracked on the National Palace ground floor. In the palace basement, Duvalier has sequestered the entire national arsenal, including all heavy weapons belonging to the army. This National Palace, built in 1918, is Haiti's fourth. All its predecessors were destroyed by basement munitions explosions. Today neither army nor Milice holds anything larger than rifles, and only token ammunition for those.

While the Milice enables Duvalier to neutralize his military, it also serves—like Hitler's brownshirts—as a highly effective instrument for repressing and terrifying the peasantry; and it is consciously dramatized by the regime as a resurgence of cacoism.

Here Duvalier is playing with fire. By rehabilitating the oldtime caco (complete even to the long machete and traditional red scarf), the regime terrifies the propertied elite. But for how much longer? Here are at least 12,000 illiterate peasants, armed for the first time, their simple natures inflamed by repeated injunctions of racial hate, and their imaginations roused by the temptation of power. Because Papa Doc gives them money, rum, and authority, the TTM's are his. But what happens when he runs out of money or when—as in caco times—another employer wins them over? Should Duvalier die or be assassinated, will these miliciens remember Dessalines' war cry against the whites—"Cut off their heads; burn their houses"?

As one of two proclaimed dictators remaining in the OAS, Duvalier plays a lonely role in the hemisphere, while courting distant African States with whom he incessantly proclaims the brotherhood of "negritude." Duvalier spends money to open embassies in Mali, Ivory Coast, Dahomey and Ethiopia, and toadies to Charles de Gaulle (whose ancestors Dessalines butchered) in an attempt to wheedle economic aid the United States has been forced to withhold. His thin diplomatic corps (only 20-odd countries still maintain missions in Port-au-Prince) bears the scars of expulsions or hasty departures. Since Duvalier's accession, chiefs of mission from Great Britain, Chile, Venezuela, Santo Domingo, the Netherlands, and the United States have been shown the door, together with numerous foreign officials of lesser degree.

The archbishop of Haiti, two bishops, and nearly 40 priests, including all Jesuits in the country, have been expelled under police guard. Duvalier is under excommunication (which doesn't bother him notably). The Papal Nuncio was recalled to Rome in 1962. Early this month, the Episcopal Church had its turn. After 21 years' devoted service as Bishop of Haiti, the Right Reverend C. A. Voegeli, whose contributions equal those of any American during the period, was arrested and expelled at gun point on a half-hour's notice.

Despite better world coffee prices, Haiti's public debt has increased from $4.6 million to $44 million in the last decade, with nothing to show for it. Business is at a standstill.

The justified cutoff of U.S. aid in 1962 diminished the flow of cash in Haiti—especially through Government hands—to a trickle. Whether better coffee prices and the recent Port-au-Prince waterworks loan will rescue Duvalier remains to be seen; Washington seems to be doing its best to turn the tide in his favor. Although legerdemain kept the 1963 budget ($28.8 million) in apparent balance, Government salaries are in arrears; wage earners get part of their pay in funny-money "Certificates for National Liberation," bonds redeemable 5 years from now (where will Duvalier be in 5 years?). Business enterprises are coerced to subscribe heavily for these certificates, while Government employees on some paydays receive blocks of lottery tickets instead of money.

The Banque Nationale de la Republique—one of the most solid and carefully wrought achievements of American occupation—is squarely under Duvalier's guns, fighting a holding action, with International Monetary Fund support, to stay independent and, incidentally, to maintain the Haitian gourde (US $0.20) at its present level. Having fired as many old-line American-trained banque people as he could, Duvalier has attempted to pressure the survivors into opening the tills to the TTM's, and would, if he dared, end the banque's independence by absorbing it outright into the Haitian Government (which would also absorb the banque's reserves into Duvalier's pockets). Only the Damoclean threat of withdrawal of IMF support for the gourde prevents such a step.

To sum up, Duvalier runs as tight a dictatorship as Haitian inefficiency permits; the regime's philosophy reflects Duvalier's opportunistic megalomania and racism, and little else; it is buttressed by an apparatus which infiltrates and divides all levels of Haitian society, and probably precludes, at least for now, any unsupported internal action to get rid of Duvalier.

Duvalier's apologists frequently assert that he alone stands between Haiti and communism. Because Haiti is only 90 miles from Cuba and is appallingly poor, the assertion is worth examining.

Haiti is a one-party state. There have been no overt Communist manifestations (only anti-American ones) since Duvalier attained power. The Communist Party (outlawed) is small, but growing steadily and is certainly unhindered by Duvalier. One of three major labor unions is Communist-controlled; there is increasingly effective penetration of student groups, whose long but finally unsuccessful strike in 1961 posed Duvalier with one of his most serious challenges. Some Communist professors teach at the university; the principal editorial writer of Le Matin, a leading daily, is an avowed Communist. Paul Blanchet, the Minister of Information, along with his brother, Jules, also an inner circle Duvalier official, and Herve Boyer, Minister of Finance, form a Communist or crypto-Communist inside team devoted to keeping the Duvalier regime at odds with the United States.

AMERICAN AID

Czech and Polish "trade missions" were welcomed by Haiti in 1962 and 1963—when, coincidentally, Duvalier was having a bad time with the United States. His cynical willingness in 1961 (until we paid through the nose) to sell to Castro Haiti's crucial Punta del Este vote—the OAS vote to oust Cuba from the Organization of American States—suggests Duvalier's real attitude: that Communism is a counter against the United States, and his U.N. and OAS votes are for sale.

In a 1960 speech, Duvalier bitterly proclaimed: "For 33 months, My Government [capitalization his] and people have lived on promises, smiles, encouragement, recommendations, hesitancy, long delays, and lack of understanding." In a year when U.S. aid totaled about a third of Haiti's budget, he taxed the United States with offering "only what is necessary to maintain a marginal standard of living." Finally, demanding "a massive injection of money," he warned: "Cooperation is not a synonym for subordination." In other words, Duvalier wants money, lots of it, with no strings and no American advisers looking over his shoulder.

According to the Clay report, Haiti tied with Panama for third place among the 10 Central American and West Indian countries receiving U.S. assistance since 1945. American aid has underwritten more than one-fourth of Haiti's budgets during Duvalier's rule.

Why then is Papa Doc so dissatisfied? Because American assistance has been shaped to help Haiti rather than Francois Duvalier.

As soon as Duvalier recognized that the United States had no intention of subsidizing his unplanned development schemes—all undertaken outside the budget and all designed without regard for Haiti's needs—the honeymoon was over. This dates from March 1960, when, in defiance of aid agreements, Duvalier fired top Haitian employees of U.S.-funded projects in the Artibonite Valley and replaced them with TTM's. Before the summer was over, Duvalier had also requested the recall of Ambassador Gerald Drew, whose long Haitian experience and independent, forceful personality the regime considered a liability. Ironically, Ambassador Drew had literally saved Duvalier's life by airlifting a U.S. Navy cardiac team to Port-au-Prince after the dictator's near-fatal seizure in May 1959.

The reasons for American dissatisfaction with Duvalier are also simply stated: The regime is unconstitutional, uncooperative, unreliable, unresponsive, unfriendly, inhumane, insincere and ineffective. American citizens have been maltreated, illegally arrested, held incommunicado and deported without explanation. American business interests have been shaken down for heavy contributions by the malodorous national renovation movement (one businessman had the shock of receiving his canceled check for this "worthy" enterprise returned with the endorsement of a mistress of Luckner Cambronne, cabinet minister and director of the MRN). American diplomatic and consular officials have been harried and insulted in the conduct of business. It is doubtful if, anywhere outside the Communistic bloc, the United States has had so many official representatives expelled without cause. Since 1958, two career ambassadors, one counselor of embassy, one AID mission chief, two deputy AID mission chiefs, one military attaché, one cultural attaché, two naval mission chiefs, one Air Force mission chief.

Washington's response to all such provocations has been limited and desultory. We did, it is true, terminate aid; the Port-au-Prince airport—bribe for Duvalier's anti-Castro OAS vote—has foundered. The military assistance program (mostly training and nonfighting equipment) was stopped in 1962, when it became clear that Duvalier was bent on dismembering his American-trained armed forces. Each May 22—anniversary of Duvalier's unconstitutional 1961 reinauguration—the U.S. Ambassador pointedly absents himself for "consultation" in Washington. Where, in 1963, there was a 70-man AID mission and a military mission almost as strong, both are now gone—the one at our instance, the other at Duvalier's. Cruise ships usually bypass Port-au-Prince; tourist hotels are empty or closed.

A year ago this month, as Duvalier's constitutional term expired, a Marine expeditionary brigade lay off Port-au-Prince in anticipation of bloody disorders; an OAS commission, frustrated at every turn, was trying unsuccessfully to probe Duvalier's troubles with Santo Domingo and his murderous violations of human rights; American dependents were evacuated. But nothing happened. Duvalier who, a month before, had been penning up mulatre hostages for slaughter, keyed down his terror, the Marines eventually sailed north, and the dependents were allowed to trickle back. Ambassador Thurston's May "consultation" in Washington proved permanent. Duvalier refused to let him come back, even to pick up his household effects. Haiti thereby became the only country in the world to have expelled an American ambassador during the Kennedy administration. We then shuffled through an "extensive reappraisal" of the Haitian problem, and asked Papa Doc if he would accept a new ambassador. Duvalier graciously assented, then let the new man cool his heels 5 weeks after arrival before deigning to receive him—and waited until 4 months later before bothering to send an ambassador to Washington.

WHERE DO WE GO FROM HERE?

It is easy to say that Duvalier must go, but how? The financial squeeze imposed by the cutoff in U.S. aid (and his own economic follies) had all but cornered Duvalier, until the recent Port-au-Prince water system loan by the Inter-American Bank (which amounts to about 10 percent of Haiti's national budget). We cannot assume that when things get bad enough, Duvalier will give up and move to Paris or Algeria. He has publicly said that if anyone tries to topple him, "Blood will flow as never before. The land will burn from the north to the south, from the east to the west. There will be no sunrise and no sunset, just one big flame licking the sky. It will be the greatest slaughter in history. There will be a Himalaya of corpses."

Can the United States and the OAS stand aside and let this man run his course? At first glance, the alternatives to Duvalier appear discouraging. The elite minority entertains an illusory hope that somehow the clock can be turned back to the golden days of Lescot, the last mulatre president. If the exiles, led by Paul Magloire—one of the few truly popular presidents Haiti ever had—could give effective support to internal elements in overthrowing Duvalier and bring in a middle-class provisional government composed of responsible black and mulatre elements, it might be possible, with U.S. support, to turn Haiti back on the path of progress. But is that possible?

Of course the United States—like De Gaulle in Gabon—could nerve itself to an act of gunboat diplomacy (an act, not the mere threat of an act). One such resolute puff would blow down Duvalier's house. But is military intervention compatible with America's broader international commitments? And in this election year, is any such initiative imaginable against the hemisphere's only colored country?

The irony of our impasse with Duvalier is that, in eschewing old-fashioned gunboat diplomacy, we have foreclosed surgery which could relieve Haiti of sore burdens and permit us to resume aid where so desperately needed. Yet our craving to be liked, rather than respected, deters us. Even so, short of outright intervention, certain measures could be taken.

We must first dismiss the micawberish notion that somehow we can live with Duvalier. Nobody can. Ask the Haitians. Ask our past three ambassadors. We must also give up the illusion that we can take Duvalier to the mountaintop and show him the vision of what American aid might bring to Haiti, and of himself enshrined in history as a modern King Henry Christophe. The only view from Papa Doc's mountain is unending power fueled by cruelty, betrayal, and exploitation.

We should reestablish unrelenting economic pressure on Duvalier. No foreign aid, no jet airport, no highways, no waterworks for Port-au-Prince. Hard though it may seem, there must for the present be no American help in recovering from the damage of hurricane Flora. It makes no sense for the International Monetary Fund to continue supporting the gourde. Withdrawal of IMF support would be a thunderbolt which alone might strike Duvalier down. We should discourage travel to Haiti. Visits by American warships (a considerable dollar source) should be only those required for protection of U.S. interests. Major American investors (such as the Haitian-American Sugar Co.) who have reached quiet accommodations with Duvalier, should be persuaded to harden

their hearts. The international oil companies, for example, could paralyze Haiti, which has no refineries, in a fortnight.

Given the unsatisfactory history of past diplomatic relations with Duvalier, it seems incredible that we have sent in another ambassador. Why enable Duvalier to crow over still another capitulation? Sending an ambassador was playing Duvalier's game while serving no significant interest of the United States—unless, as President Johnson's pronouncement suggests, we really have made up our minds, once and for all, to live with a squalid dictatorship.

We should establish contact with, encourage, and support Duvalier's responsible opponents both inside and outside Haiti. We should do this firmly and without hesitancy. We should think ahead—aloud—about what the United States could do for Haiti were Duvalier replaced by a more responsible leader.

To date, no Haitian has emulated the East German or Hungarian patriots by attacking Duvalier's rickety tanks with stones or Molotov cocktails, and until Haitians themselves take the first steps, the hemisphere is powerless. But when enough Haitians have had enough of François Duvalier, then the world can help. The instant Haiti awakens, we must be on the qui vive to sustain and befriend a new government, by armed intervention if need be, and whether such action is universally applauded or not.

Is all this too much? Must the Haitian problem always be swept under the rug? Those who love Haiti, with all her faults and all her woes, can only hope.

BIRTHDAY ANNIVERSARY OF EDUARD BENES, GREAT LEADER OF FREE CZECHOSLOVAKIA

Mr. DOUGLAS. Mr. President, Eduard Benes, free Czechoslovakia's great leader, was born on May 28, 1884, in a village of Bohemia. He grew up during the waning years of the Hapsburg's dual monarchy, and his contribution to the cause of human liberty and national independence should be recalled by those of us who can bear witness to it. Therefore, I wish to recognize this 80th anniversary of his birth and to remark briefly on his life.

Despite a humble village origin, Benes managed to educate himself sufficiently to attend university in Prague. From there, he pursued studies with an eager intellect, moving to the Sorbonne and the Ecole des Sciences Politiques in Paris. His academic interest was based upon economics and sociology, both of which he ultimately taught in Prague. His major extracurricular interest was the young Czech nationalist movement. When World War I broke out, Benes, at age 30, was the close companion and assistant of the great Czechoslovak hero, Thomas Masaryk. Together they worked for, and ultimately won, Allied recognition for their movement. At the war's end, Benes attended the peace conference and was, in fact, a signer of the Versailles Treaty. In 1921, a government for the new Republic was formed and Benes became Foreign Minister. As such, he played a leading role in the complicated diplomacy of the postwar period. His conduct of foreign policy was realistic and competent.

No one was more qualified to succeed Masaryk to the presidency in 1935, and the people of Czechoslovakia elected Benes with tremendous enthusiasm. His new office was fraught with difficulty as he faced opposition from two fronts. The Communists used every means at hand to deflate his popularity and undermine his fine, progressive program. On the other hand, the Nazis expended their energy on stirring the Sudeten Germans as an excuse for annexation, and the resultant violation of the young Republic was a crime for which the world paid in blood.

After the Munich accord, Benes resigned and visited for a short time in the United States. During 1939 and 1940 he taught at the University of Chicago, as Masaryk had done before him. Students now at the university are reminded of Masaryk's years there by the statue of him which stands near the east end of the Midway.

During the war years, Benes spent a great deal of time in England where he was the leader of the Czech Government in exile.

There was not a victorious outcome for Eduard Benes. He lived to see the war won by the Allies and his beloved country overrun by the old enemy, communism. But it was a valiant and right-minded life. He worked tirelessly for his people, for their freedom and their welfare. And his courageous stand for Czechoslovakia's national integrity while under continuous fire from the right and the left will never be forgotten.

AGENCIES CAN SAVE MILLIONS OF DOLLARS BY IMPROVING POLICIES IN USE OF AUTOMATIC DATA PROCESSING EQUIPMENT

Mr. DOUGLAS. Mr. President, a very encouraging article by Mr. Robert Dietsch appeared recently in the Washington Daily News. He reports that the administration is pressing a campaign to secure better judgments in acquiring and using computers or automatic data processing equipment.

I am delighted to see this article. For months I have been urging Senate action on my bill, S. 1577, to authorize the Administrator of General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies. This bill was drafted by the General Accounting Office at my request following hearings by the Joint Economic Committee last year. The proposed methods for tightening up administrative policies in this matter which Mr. Dietsch discusses are similar to the provisions of S. 1577. I hope that the new interest of the administration in these economies will lead to renewed interest by the Congress in S. 1577 and in the House-passed legislation developed in the subcommittee chaired by Representative BROOKS.

Mr. Dietsch points out that the Federal Government is the single largest user of ADP equipment and will have spent about $820 million on computers by the end of this fiscal year. As a result of the information developed by the Joint Economic Committee, I think we can save many millions of dollars in this field and I hope the Congress as well as the administration will act to do so.

I ask unanimous consent that Mr. Dietsch's article be printed in the RECORD.

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

ADMINISTRATION CHASES SAVINGS—COMPUTERS MUST GIVE A BETTER ACCOUNT

(By Robert Dietsch)

A campaign—a belated one, according to some critics—is being pressed within the Johnson administration to make better judgments in acquiring and using computers. The effort could save taxpayers millions and help trim Federal employment.

But, say some computer experts in private industry and some congressional critics, full potential savings will not be realized until responsible executive branch workers learn to evaluate and keep up with the rapidly changing computers and other automatic data-processing (ADP) equipment.

LIKE TOPSY

Uncle Sam's use of computers has grown like Topsy in the last 14 years. Today, they're given a multitude of tasks—from planning war games and missile trajectories to helping the Internal Revenue Service keep account of income tax returns and the Census Bureau in its population counts.

Government use of ADP machines is still growing. For example, the Office of Emergency Planning recently asked a House subcommittee for $50,000 in computer funds to (as a skeptical Congressman put it) "figure out how many people are on the streets of Podunk as well as New York from 2 o'clock in the morning until 5."

The agency might not get this $50,000, but in the year ending June 30 the Government will have spent about $820 million on computers. The total will be a record, $115 million over the previous year.

LARGEST USER

Also, the Government is the single largest user of ADP equipment. It now has about 1,775 units and annually takes 10 to 15 percent of all machines turned out by U.S. producers.

Some criticism of the executive branch's computer policy must be evaluated in the light of the tremendous growth and diversification of ADP equipment.

Nonetheless, critics do seem to have a number of valid points:

Too much ADP equipment has been leased by the Government rather than bought outright.

In some cases, computers were leased instead of bought because annual outlays were smaller and fitted better into departmental budgets. A $50,000 lease item looked better to some congressional money watchers than $3 million for purchase.

But in the long run, a $3 million outlay could have saved many dollars.

There has been too little coordination of computer use within Government agencies and departments. Too often, one section of an agency has ordered a computer without realizing another section had a similar unit sitting idle.

The Government has been negligent in checking on computer use by U.S. contractors. A firm doing defense work, for example, might rightfully acquire ADP equipment with taxpayer funds under terms of his contract. But no one checked to insure equipment was used only on defense work and not to help the contractor with his private data processing problems.

ADDRESSES BY PRESIDENT LYNDON B. JOHNSON AT THE UNIVERSITY OF MICHIGAN AND VIRGINIA MILITARY INSTITUTE

Mr. HUMPHREY. Mr. President, President Lyndon B. Johnson recently delivered two outstanding addresses at two of this Nation's outstanding educational institutions, the University of Michigan and Virginia Military Institute.

At Ann Arbor the President set forth his concept of the great society for which we must labor in this country. He said:

> For half a century, we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization.

This is surely the challenge which confronts America.

At VMI the President attended the dedication of the George C. Marshall Research Library. The President's remarks concerning this great American, great soldier, great diplomat, and great human being deserve the attention of every Member of the Senate.

I ask unanimous consent that the President's remarks at the University of Michigan and VMI be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT AT THE DEDICATION OF THE GEORGE C. MARSHALL RESEARCH LIBRARY, LEXINGTON, VA.

General Shell, Mrs. Marshall, General Eisenhower, General Bradley, Governor Harrison, Mr. Lovett, Senator Byrd, members of the Cabinet, Members of the Congress, ladies, and gentlemen, the dedication of a library in General Marshall's memory is an event of sufficient importance to require our full attention today. But just for a moment, I would like to turn to consideration of a pressing, immediate local problem. I understand that a number of young men at VMI are, as the rulebook says, undergoing punishments for transgressions against VMI rules and regulations. Although my position in the VMI chain of command may not be too clearly defined, I am asking Governor Harrison, of Virginia, to direct the superintendent, General Shell, to grant them general amnesty to include penalty tours, confinement, and, as an additional present, forgive them for their demerits for the past couple of months.

I am very pleased that so many cadets are here today. I find it quite difficult to choose from them the man who will be the next Stonewall Jackson or George Marshall.

You probably have the same difficulty. But I remember that it was once reported of General Marshall when he first entered VMI that he landed in the awkward squad, and he stayed there on and on. He could not drill. He could not march. All he could do was swear, look uncomfortable, and be embarrassed whenever he was spoken to.

So cheer up, gentlemen, and be courteous to each of your classmates, no matter how unpromising he might look today. Remember, he may be your Chief of Staff one day.

If George Marshall could see us here today, this gathering would please him greatly, I think. Here, in tribute, are men whom his farseeing vision marked for far-reaching victories.

President Eisenhower, you were his most beloved and respected protege. It is a measure of his stature that he selected you for that decisive command which as a soldier he must have deeply coveted. In that judgment he and his superiors were vindicated and the world was richly rewarded.

General Bradley, you were his cutting edge, the field commander of more American fighting troops than any commander in any era. On your skill rested much of his hope for victory for our cause.

Here the captains and the companions of George Marshall are in rendezvous, and I am so proud and so honored to be at their side. No word of mine can add to the eloquence of your presence.

The name which can command your tribute gains no luster from what I might say. It is we and our country that are ennobled by this ceremony. For the greatness of people can be measured by the qualities of the men that they honor. Great as he was, George Marshall does not stand in towering isolation. He is part of a long line of legendary captains who were more than instruments to be hurled against the enemy. To these men victory in war was important. But the fruits of that victory were even more important. They did not shrink from the blood of battle. But they knew that blood would be spent in vain unless the survivors labored for a country where liberty was safe in a nation of peace.

Listen to the roll of some of those great names, warriors in war and apostles in peace, names which ring across the centuries of our history with that single theme: George Washington, Andrew Jackson, Robert E. Lee, Douglas MacArthur, George Marshall, Omar Bradley, Dwight David Eisenhower.

Many men have, as these men had, the qualities of greatness. But it is fortune's hazard whether character can join with circumstance to produce great deeds. For George Marshall the tragedy of war gave scope for his soldier's art. The trials of a restless peace gave shape to his stateman's skill. He was picked for supreme command, over many of his seniors, by a man of great vision, Franklin D. Roosevelt. When he had helped guide us to victory, he knew that peace, like victory, would go not just to the righteous but to the skillful, not just to the free but to the brave. He followed Harry Truman's wise reminder that "peace is not a reward that comes automatically to those who cherish it. It must be pursued, unceasingly and unswervingly by every means at our command."

To this end, under President Truman's direction, he proposed the Marshall plan. We know how much our freedom, and the freedom of all Western Europe, owes to that single stroke. But that vision did not stop where Soviet conquest began. To General Marshall, permanent peace depended upon rebuilding all European civilization within its historic boundaries. The Iron Curtain rang down upon that hope. But the correctness of his conviction has not changed. Today we work to carry on the vision of the Marshall plan. First, to strengthen the ability of every European people to select and shape its own society. Second, to bring every European nation closer to its neighbors in the relationships of peace. This will not be achieved by sudden settlement or by dramatic deed. But the nations of Eastern Europe are beginning to reassert their own identity. There is no longer a single Iron Curtain. There are many. Each differs in strength and thickness—in the light that can pass through it, and the hopes that can prosper behind it.

We do not know when all European nations will become part of a single civilization. But as President Eisenhower said in 1953: "This we do know: A world that begins to witness the rebirth of trust among nations can find its way to peace that is neither partial nor punitive."

We will continue to build bridges across the gulf which has divided us from Eastern Europe. They will be bridges of increased trade, of ideas, of visitors, and of humanitarian aid. We do this for four reasons: First, to open new relationships to countries seeking increased independence yet unable to risk isolation. Second, to open the minds of a new generation to the values and the visions of the Western civilization from which they come and to which they belong. Third, to give freer play to the powerful forces of legitimate national pride—the strongest barrier to the ambition of any country to dominate another. Fourth, to demonstrate that identity of interest and the prospects of progress for Eastern Europe lie in a wider relationship with the West.

We go forward within the framework of our unalterable commitment to the defense of Europe and to the reunification of Germany. But under the leadership of President Truman and President Eisenhower, and our late beloved President Kennedy, America and Western Europe have achieved the strength and self-confidence to follow a course based on hope rather than hostility, based on opportunity rather than fear. And it is also our belief that wise and skillful development of relationships with the nations of Eastern Europe can speed the day when Germany will be reunited. We are pledged to use every peaceful means to work with friends and allies so that all of Europe may be joined in a shared society of freedom. In this way I predict the years to come will see us draw closer to General Marshall's bold design than at any time since he stood at Harvard and began to reshape the world.

It is a great man who can guide the course of a great nation long after he has left the scene. The men around me today on this platform are such men. General Marshall was another. We honor him not only for what he did but for what he was. Had he lived unknown and unsung, his character would have illuminated the lives of all who knew him. He was among the noblest Americans of them all. Not only a great soldier, not only a great statesman, he was first and foremost a great man.

This institution is here to produce such men. And so it is quite appropriate that the George C. Marshall Research Library is located here, among these cadets. Before the battle of Chancellorsville, Stonewall Jackson said, "The men of Virginia Military Institute will be heard from today." Throughout our history, our long, glorious history, when the day was in doubt and freedom seemed to falter, the voice of VMI has always helped lead our Nation to victory.

The qualities forged here and by your graduates of a hundred battlegrounds, are the hard fiber of this Nation's national strength. You and I are in the same service, the service of a nation for which we are prepared to die but for which we wish to live.

I welcome you to that service. I will go back to my tasks with a heart knowing, as did my predecessors, that the men of VMI are at my side in the service of our country.

REMARKS OF THE PRESIDENT AT THE UNIVERSITY OF MICHIGAN, ANN ARBOR, MICH.

President Hatcher, Governor Romney, Senators McNamara and Hart, Congressman Meader, and Congressman Staebler, other members of the fine Michigan delegation, members of the graduating class, my fellow Americans, it is a great pleasure to be here today. This university has been coeducational since 1870, but I do not believe it was on the basis of your accomplishments that a Detroit high school girl said, "In choosing a college, you first have to decide whether you want a coeducational school or an educational school."

Well, we can find both here at Michigan, although perhaps at different hours.

I came out here today very anxious to meet the Michigan student whose father told a friend of mine that his son's education had been a real value. It stopped his mother from bragging about him.

I have come today from the turmoil of your Capitol to the tranquillity of your campus to speak about the future of our country. The purpose of protecting the life of our Nation and preserving the liberty of our citizens is to pursue the happiness of our people. Our success in that pursuit is the test of our success as a nation. For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization.

Your imagination, your initiative, and your indignation will determine whether we build a society where progress is the servant of our needs, or a society where old values and new visions are buried under unbridled growth. For in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the great society. The great society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning. The great society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce, but the desire for beauty and the hunger for community.

It is a place where man can renew contact with nature. It is a place which honors creation for its own sake and for what it adds to the understanding of the race. It is a place where men are more concerned with the quality of their goals than the quantity of their goods. But most of all, the great society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor.

So I want to talk to you today about three places where we begin to build the great society—in our cities, in our countryside, and in our classrooms. Many of you will live to see the day, perhaps 50 years from now, when there will be 400 million Americans; four-fifths of them in urban areas. In the remainder of this century urban population will double, city land will double, and we will have to build homes, highways, and facilities equal to all those built since this country was first settled. So in the next 40 years we must rebuild the entire urban United States.

Aristotle said, "Men come together in cities in order to live, but they remain together in order to live the good life."

It is harder and harder to live the good life in American cities today. The catalog of ills is long: There is the decay of the centers and the despoiling of the suburbs. There is not enough housing for our people or transportation for our traffic. Open land is vanishing and old landmarks are violated. Worst of all, expansion is eroding the precious and time-honored values of community with neighbors and communion with nature. The loss of these values breeds loneliness and boredom and indifference. Our society will never be great until our cities are great. Today the frontier of imagination and innovation is inside those cities, and not beyond their borders. New experiments are already going on. It will be the task of your generation to make the American city a place where future generations will come, not only to live but to live the good life.

I understand that if I stay here tonight I would see that Michigan students are really doing their best to live the good life.

This is the place where the Peace Corps was started. It is inspiring to see how all of you, while you are in this country, are trying so hard to live at the level of the people.

A second place where we begin to build the great society is in our countryside. We have always prided ourselves on being not only America the strong and America the free, but America the beautiful. Today that beauty is in danger. The water we drink, the food we eat, the very air that we breathe, are threatened with pollution. Our parks are overcrowded. Our seashores overburdened. Green fields and dense forests are disappearing.

A few years ago we were greatly concerned about the "ugly American." Today we must act to prevent an "ugly America."

For once the battle is lost, once our natural splendor is destroyed, it can never be recaptured. And once man can no longer walk with beauty or wonder at nature, his spirit will wither and his sustenance be wasted.

A third place to build the great society is in the classrooms of America. There your children's lives will be shaped. Our society will not be great until every young mind is set free to scan the farthest reaches of thought and imagination. We are still far from that goal. Today, 8 million adult Americans, more than the entire population of Michigan, have not finished 5 years of school. Nearly 20 million have not finished 8 years of school. Nearly 54 million, more than one-quarter of all Americans, have not even finished high school.

Each year more than 100,000 high school graduates, with proved ability, do not enter college because they cannot afford it. And if we cannot educate today's youth, what will we do in 1970 when elementary school enrollment will be 5 million greater than 1960? And high school enrollment will rise by 5 million. College enrollment will increase by more than 3 million. In many places classrooms are overcrowded and curriculums are outdated. Most of our qualified teachers are underpaid, and many of our paid teachers are unqualified. So we must give every child a place to sit and a teacher to learn from. Poverty must not be a bar to learning, and learning must offer an escape from poverty.

But more classrooms and more teachers are not enough. We must seek an educational system which grows in excellence as it grows in size. This means better training for our teachers. It means preparing youth to enjoy their hours of leisure as well as their hours of labor. It means exploring new techniques of teaching, to find new ways to stimulate the love of learning and the capacity for creation.

These are three of the central issues of the great society. While our Government has many programs directed at those issues, I do not pretend that we have the full answer to those problems. But I do promise this: We are going to assemble the best thought and the broadest knowledge from all over the world to find those answers for America. I intend to establish working groups to prepare a series of White House conferences and meetings on the cities, on natural beauty, on the quality of education, and on other emerging challenges. And from these meetings and from this inspiration and from these studies we will begin to set our course toward the great society.

The solution to these problems does not rest on a massive program in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the National Capitol and the leaders of local communities.

Woodrow Wilson once wrote: "Every man sent out from his university should be a man of his nation as well as a man of his time."

Within your lifetime powerful forces, already loosed, will take us toward a way of life beyond the realm of our experience, almost beyond the bounds of our imagination. For better or for worse, your generation has been appointed by history to deal with those problems and to lead America toward a new age. You have the chance never before afforded to any people in any age. You can help build a society where the demands of morality, and the needs of the spirit, can be realized in the life of the Nation.

So will you join in the battle to give every citizen the full equality which God enjoins and the law requires, whatever his belief, or race, or the color of his skin? Will you join in the battle to give every citizen an escape from the crushing weight of poverty? Will you join in the battle to make it possible for all nations to live in enduring peace as neighbors and not as mortal enemies? Will you join in the battle to build the great society, to prove that our material progress is only the foundation on which we will build a richer life of mind and spirit?

There are those timid souls who say this battle cannot be won, that we are condemned to a soulless wealth. I do not agree. We have the power to shape the civilization that we want. But we need your will, your labor, your hearts, if we are to build that kind of society.

Those who came to this land sought to build more than just a new country. They sought a free world.

So I have come here today to your campus to say that you can make their vision our reality. Let us from this moment begin our work so that in the future men will look back and say: It was then, after a long and weary way, that man turned the exploits of his genius to the full enrichment of his life.

Thank you. Goodby.

PETITION FROM THE UNIVERSITY OF VERMONT SUPPORTING CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, last week brought to my desk still another major expression of support for the civil rights bill. The Student Association of the University of Vermont took the initiative to circulate a petition on this subject among the members of the student body. The response was instant and overwhelming—nearly 1,000 persons signed their affirmation. For the benefit of my colleagues I would like to read the brief text of the petition.

For nearly two centuries, America has sought in vain to give real meaning to Jefferson's famous contention that all men are created equal and enjoy certain unalienable rights. Now in the halls of the U.S. Senate, an attempt is being made to give legal expression to this basic concept of the American creed. We, the undersigned students of the University of Vermont, respectfully urge the earliest possible passage of the lively and effective civil rights bill of 1964.

I ask unanimous consent that a covering letter which accompanied the petition be printed at this point in the RECORD.

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

UNIVERSITY OF VERMONT
STUDENT ASSOCIATION,
Burlington, Vt., May 20, 1964.

Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: The Student Association of the University of Vermont circulated the enclosed civil rights petition on the campus. We are pleased with the results and are sending them to you, floor manager of the current civil rights bill. The States represented are: New York, New Jersey, New Hampshire, Connecticut, Vermont, and Massachusetts.

We hope that this will help you to prove to the Senators of these States that the current showings of Governor Wallace and views such as his are not the dominant views of the country.

We trust that the petitions will help to put into action the expressed sentiment that:

For nearly 2 centuries, America has sought in vain to give real meaning to Jefferson's famous contention that all men are created equal and enjoy certain unalienable rights. Now in the halls of the U.S. Senate, an attempt is being made to give legal expression to this basic concept of the American creed. We, the undersigned students of the University of Vermont, respectfully urge the earliest possible passage of the lively and effective civil rights bill of 1964.

Sincerely yours,
LAWRENCE W. SCHONBRUN,
Chairman of Civil Rights Petition Committee.

RECESS TO 9 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, pursuant to the order already entered, I move that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate took a recess, in accordance with the previous order, until tomorrow, Wednesday, June 3, 1964, at 9 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 2, 1964

The House met at 12 o'clock noon.

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

Proverbs 29: 18: *Where there is no vision, the people cast off restraint.*

Almighty God, we thank Thee for these inspired and authentic words of the Scriptures, confirmed alike by our own personal experience and the testimony of history.

As we go forth in the hours of this new day, may we hear and feel Thee calling us to be partners with Thee in fulfilling Thy will and Thy righteous purposes.

Help us to realize how sacred and wonderful it is that we may yield ourselves in obedience to be taught and directed by a mind that is infinitely wiser than our own.

Grant that in the business of statecraft and public service, in which Thy servants are engaged, they may have understanding and discerning minds and calm and courageous hearts.

Give us a greater faith in the reality of moral and spiritual values and a capacity to respond to their appeal and compelling power, for when we are without that faith we have no standard and stability, but only confusion and chaos.

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. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1727. An act for the relief of Richard G. Green, Jr.;

H.R. 5305. An act for the relief of Dr. Ernest P. Imle;

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith;

H.R. 6876. An act for the relief of Capt. Wilfrid E. Gelinas, U.S. Air Force;

H.R. 7332. An act granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes;

H.R. 7757. An act for the relief of Jesse I. Ellington;

H.R. 8222. An act for the relief of Edward J. Maurus;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8828. An act for the relief of John T. Cox;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9475. An act for the relief of Miss Grace Smith, and others;

H.R. 10078. An act for the relief of Philip N. Shepherdson; and

H.R. 10774. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

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

S. 718. An act for the relief of W. H. Pickel;

S. 1004. An act to authorize appointment of the Director and Deputy Director of the Coast and Geodetic Survey from civilian life, and for other purposes;

S. 1875. An act for the relief of Thomas M. Talley; and

S. 2288. An act for the relief of John J. Feeney.

DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1964, AND FOR OTHER PURPOSES

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11201), an act making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, THOMAS, KIRWAN, WHITTEN, JENSEN, HORAN and FORD.

RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

JUNE 2, 1964.

The Honorable JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby respectfully submit my resignation from the Committee on Interstate and Foreign Commerce of the House of Representatives.

Sincerely,
W. R. HULL, Jr.,
Member of Congress.

The SPEAKER. Without objection, the resignation is agreed to.

There was no objection.

ELECTION TO COMMITTEE ON APPROPRIATIONS

Mr. MILLS. Mr. Speaker, I send to the Clerk's desk a priviliged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 741

Resolved, That W. R. HULL, JR., of Missouri, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JOHN GATZOPI OVERBECK AND MARY GATZOPOULOS OVERBECK

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 1382, an act for the relief of John Gatzopi Overbeck and Mary Gatzopoulos Overbeck, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, after "Act," insert: may be approved,

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE TRUTH ABOUT THE 1964 WHEAT SIGNUP

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

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

There was no objection.

Mr. LATTA. Mr. Speaker, the USDA put out a press release dated May 27 bragging about the wheat signup under the new wheat bill. They neglected to tell the full story of this signup as it relates to allotment wheat farms and wheat farmers.

The full truth is as follows:

First. Only 35.36 percent of all allotment wheat farms were signed.

Second. This means that 64.64 percent of the total wheat allotment farms will not participate in the 1964 program.

Third. There were 40 States where the number of farms that participated was less than 50 percent.

Fourth. There were only seven States where the number of farms that participated was more than 50 percent.

Fifth. There were 29 States where participating farmers had less than 50 percent of the wheat allotment in the State.

Sixth. There were only 18 States participating where farmers had more than 50 percent of the wheat allotment in the State.

Seventh. There were several States with a large number of wheat allotments where the participating farmers were much below even the 35-percent national average. These were Ohio, Illinois, Indiana, Missouri, and Michigan.

Eighth. It is also interesting to note that, of the six wheat States with farm wheat allotments in excess of 100,000, only one, Kansas, participated more than the 35-percent national average.

Would you brag about the results of this signup?

Would you brag about a wheat program which will cause 106,184 of Ohio's 136,171 wheat farmers to sell their wheat for $1.30 per bushel? I would not.

SUBCOMMITTEE ON CENSUS AND GOVERNMENT STATISTICS

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent that the Subcommittee on Census and Government Statistics be permitted to sit during general debate today.

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

There was no objection.

FREEDOM FOR THE PEOPLE OF THE BALTIC STATES

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

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, it has been said that what humanizes a people is its historical memory. As the cold war continues its course, we must not forget the human background of this conflict. We take for granted that the East-West struggle began because of Soviet imperialism, but we sometimes forget the individual instances of this imperialism. For example, this meant that the freedom-loving Baltic peoples of Estonia, Latvia and Lithuania were forcibly deprived of certain fundamental rights.

From time to time, we should remind ourselves, and the people of the world, what the cold war means in terms of individual nations and particular peoples. For the people of these three Baltic nations the cold war has meant the inability to determine their own political systems and to pursue their own economic, social and cultural development. That is why at this time, Mr. Speaker, I am introducing the following resolution, a resolution designed to focus world opinion on the condition of a historically brave people now denied the right to develop their own identity and make their own history. I hope this resolution is given the serious consideration it deserves. I ask that it be referred to the appropriate committee.

ADDITIONAL PERSONNEL, CAPITOL POLICE FORCE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 648 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Sergeant at Arms of the House of Representatives is authorized to employ as they may be needed not to exceed one additional lieutenant, one additional sergeant, and fifty-two additional privates on the Capitol Police force. There is authorized to be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the salary of such lieutenant at a rate of basic compensation of $2,340 per annum, the sergeant at a rate of basic compensation of $2,280 per annum; and each private at a rate of basic compensation of $2,160 per annum.

With the following committee amendments:

Line 5, following the period after the word "force" insert the following:

"Of the fifty-two additional privates, not to exceed ten are authorized to be employed upon the date of passage of this resolution; the remainder, not to exceed forty-two privates, are authorized to be employed as may be justified in connection with the policing of the buildings and grounds of the House of Representatives, with prior approval of the Committee on House Administration."

Add "SEC. 2." as a new paragraph and insert the language commencing with the word "There" in line 5, through line 11, ending with the word "annum".

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

Mr. FRIEDEL. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman from Maryland knows that I discussed with the majority leader and the Speaker the resolution as originally drawn, which would have provided for all of these additional members of the force.

The amendment that has been drawn meets my objection in that regard. In other words, as I understand it, these additional people who are to be employed will be necessary in connection with the operation of the Rayburn Building and, of course, can be put on there as they are needed.

Mr. Speaker, one other thing that I have discussed and about which I feel very strongly, and I will say that many Members on our side of the aisle have spoken to me about it, as the gentleman from Maryland knows, is that of the some 80 or 90 members of the force, I think 80 members of the force now in existence, some 5 of them under an arrangement arrived at some years ago with Speaker Rayburn, can be designated by the minority. I would express the hope that with the adoption of this resolution today we can work out an arrangement with respect to these additional members. I have discussed the matter with the Speaker, who has been unable to contact some of the people on his side up to this time. But in view of the fact that there seems to be an urgency about the enactment of this measure, I am not going to object, but I just want to express the hope that we can work out some similar division in respect to these additional employees.

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

Mr. FRIEDEL. I yield to the gentleman.

Mr. BURLESON. Mr. Speaker, in view of what the minority leader has said, I hope that the recruitment of these new police employees for the Capitol area may be the beginning, or at the least the nucleus of a professional police force, and that they will not be under patronage at all. I think the time has come that, unless we do have professional people to protect lives and property around this Capitol, one of these days we are going to encounter a very serious situation. In fact there has already occurred incidents of crime requiring the highest proficiency of law enforcement. This is no reflection on present Capitol Police, many and most of whom are not professional, but it is a reflection on the system for which we are responsible. This is the time for change to a professional police force with proper pay incentive and promotion.

Mr. HALLECK. Mr. Speaker, will the gentleman from Maryland yield to me further to respond?

Mr. FRIEDEL. I yield to the gentleman.

Mr. HALLECK. As I remember, I have had something to do with the appointment of at least one member, and I think perhaps two members of the force under the five allocated to the minority. I will say to the gentleman from Texas, I agree with him. From time to time we have heard expressions of views here similar to those that the gentleman has expressed. Of course, the other side of the coin is that some people feel these jobs here are helpful to youngsters who are going to school. I can find myself in sympathy with that notion too, but I would just like to say to the gentleman that the men I have been instrumental in appointing are mature men with police experience. They are on the job and can do the sort of work that the gentleman from Texas is talking about.

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

Mr. FRIEDEL. I yield to the gentleman.

Mr. SCHENCK. Mr. Speaker, I want to share the views expressed by my distinguished chairman, the gentleman

from Texas [Mr. BURLESON] and the minority leader with respect to the various matters that they have pointed out.

Mr. Speaker, I would like to point out also that under this resolution which does provide for the appointment of not to exceed 42 men, 10 are to be appointed at this time with the balance being appointed subject to and with the approval of the Committee on House Administration at such time as they may be needed to complete the police force for the Rayburn Building. In other words, the resolution covers the total number required for the convenience of the appropriations subcommittee on legislative appropriations, but does limit the present appointment to not to exceed 10 and additional ones can be appointed only with the approval and consent of the Committee on House Administration.

Mr. FRIEDEL. The gentleman is correct.

Mr. SCHENCK. I thank the gentleman.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FUNDS FOR THE COMMITTEE ON THE JUDICIARY UNDER PUBLIC LAW 86–272

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 653) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the additional expenses of conducting the studies authorized by Public Law 272 of the Eighty-sixth Congress, as amended, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $150,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee signed by the chairman of such committee and approved by the Committee on House Administration.

With the following committee amendment:

Following line 13, insert the following:

"SEC. 2. The chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House."

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

Mr. FRIEDEL. I am glad to yield to the gentleman from Ohio.

Mr. SCHENCK. Mr. Speaker, I understand that this entire amount is to be used by the special subcommittee for the matter of the study of income tax questions as they relate to interstate commerce and the income taxes of the various individual States.

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

Mr. FRIEDEL. I yield to the gentleman from New York.

Mr. BECKER. Mr. Speaker, I wish to ask the gentleman from Maryland a question. Is this $150,000 to be used entirely by the Willis subcommittee to provide material or information to the taxpayers and business people of this Nation, to give them all the information acquired by a staff study?

Mr. FRIEDEL. This $150,000 is for the Special Subcommittee on Taxation in Interstate Commerce, which subcommittee is headed by the gentleman from Louisiana [Mr. WILLIS].

Mr. BECKER. I feel quite certain that the gentleman from Louisiana [Mr. WILLIS] will use the money wisely and well, as needed. I thank the gentleman.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FUNDS FOR THE FURTHER EXPENSES OF THE STUDIES, INVESTIGATIONS, AND INQUIRIES AUTHORIZED BY HOUSE RESOLUTION 143 OF THE 88TH CONGRESS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration I call up the resolution (H. Res. 658) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of the studies, investigations, and inquiries authorized by H. Res. 143 of the Eighty-eighth Congress, incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $175,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail), and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

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

Mr. FRIEDEL. I yield to the gentleman from Ohio.

Mr. SCHENCK. Will the gentleman from Maryland tell the House the total amount of appropriations for the Committee on Science and Astronautics, for both last year and this year?

Mr. FRIEDEL. One hundred and fifty thousand dollars was authorized in the 1st session of the 88th Congress. This would be $175,000 more. The total amount would be $325,000. In the 87th Congress they got $300,000.

Mr. SCHENCK. If the gentleman will yield further, may I inquire as to whether there is any balance in the appropriations made for the 1st session of the 88th Congress?

Mr. FRIEDEL. As of May 26 there was a small amount of $8,000 still available. That did not take care of the expenses for the month of June, so the funds have probably all been used already.

Mr. SCHENCK. If the gentleman will yield further, I wish to point out that many Members of the House feel it would be a matter of good judgment to delay somewhat the so-called moonshot, and, therefore, that this money should be spent with a great deal of care and judicious use.

I am sure the chairman of the committee, the gentleman from California [Mr. MILLER], will observe this desired prudence.

Mr. FRIEDEL. I am sure the Committee on Science and Astronautics will exercise good judgment in their use of the funds. The $175,000 is not too much money when you consider that they have a budget of over $5 billion to supervise. This is the amount NASA was granted.

Mr. SCHENCK. I thank the gentleman.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE ADDITIONAL FUNDS FOR EXPENSES OF STUDIES, AND SO FORTH, AUTHORIZED BY HOUSE RESOLUTION 153

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 735 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the studies, investigations, and inquiries authorized by H. Res. 153, Eighty-eighth Congress, incurred by the Committee on Banking and Currency, acting as a whole or by subcommittee, not to exceed $125,000 in addition to the unexpended balance of any sums heretofore made available for conducting such studies, investigations, and inquiries, including expenditures for employment, travel, and subsistence of accountants, experts, investigators, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee or subcommittee, signed by the chairman of such committee or subcommittee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or in-

vestigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Banking and Currency shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF HEARINGS OF JOINT COMMITTEE ON ATOMIC ENERGY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 73 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Atomic Energy two thousand additional copies each of part 2 and part 3 of its hearings on the Atomic Energy Commission authorizing legislation, fiscal year 1965.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DISPENSING WITH THE CALL OF THE PRIVATE CALENDAR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

KEITH HILLS

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—H.R. 10407—for the relief of Keith Hills.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Keith Hills may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING WATER RESOURCES RESEARCH CENTERS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 711 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 (S. 2) to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interior and Insular Affairs now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 711 provides for consideration of S. 2, a bill to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research. The resolution provides an open rule with 2 hours of general debate, making it in order to consider the committee substitute.

The purpose of S. 2 is to strengthen the contribution that universities can make to water resources research and to graduate education in water resources. The expansion of water resources research that would be provided by the enactment of this legislation would be helpful in coping with the mounting water-use problems posed by the projected growth of our population and economy. The program would assist both in providing answers to our water problems at the local and State level and in meeting the critical need for additional hydroscientists. The Secretary of the Interior would be charged with the responsibility for proper administration of the program and for assuring that effective research work is conducted.

The legislation authorizes a water resources research grant program that provides for establishing research centers or institutes in a land-grant college or another institution in each State and in Puerto Rico. Sufficient funds are authorized to be appropriated so that each research center would receive a Federal grant of $75,000 in the first year of the program, $87,500 in the second and third years, and $100,000 thereafter for the life of the program. Two or more States could cooperate in the establishment of a single interstate or regional research center, in which event the sums assignable to all of the cooperating States would be available to that research center.

Additional funds would be available to the research centers on a dollar-for-dollar matching basis. These funds would be allocated by the Secretary of the Interior on the basis of specific research proposals by the research centers. The overall limitation on these matching funds would be $1 million in the first year of the program, increasing to $5 million in the fifth year and thereafter for the life of the program.

The life of the program is limited to 10 years in order to give the Congress an opportunity to review the program and determine the need for extension, modification, and so forth.

Mr. Speaker, I urge the adoption of House Resolution 711.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California, my colleague on the Rules Committee [Mr. SISK] explained this rule. He has very well explained the purpose of this bill.

Mr. Speaker, as I understand this measure it will probably entail a total cost over the next 10-year period of something like $50 million to $55 million.

Mr. ASPINALL. Mr. Speaker, will my colleague yield to me?

Mr. BROWN of Ohio. Yes.

Mr. ASPINALL. I would like to have the RECORD thoroughly accurate in this particular matter. There could be a total cost over the 10-year period of $88,450,000; that is the authorization. That depends entirely upon the appropriations process.

Mr. BROWN of Ohio. Yes; if all the appropriations are made.

However, I understood that under one section of the bill the appropriations would be limited to $5 million a year; is that right?

Mr. ASPINALL. If the gentleman will yield further, that is right but there are two different programs. One program would have a total authorization of $48,450,000 and the other would have a total authorization of $40 million.

Mr. BROWN of Ohio. I understand. I was under the impression, however, that the total expenditure was limited to $50 million. Most of the States and most of the universities scheduled to receive benefits under this program of course are very much interested in it.

It is, the same old story—anyone who can get Federal funds is anxious to receive them.

There is no opposition about which I know—no organized opposition—to this particular bill. There is a great deal of support for it from the universities and

the different organizations which are interested in the water problem in all of our various States.

Mr. Speaker, I presume this measure, like other measures of this type, will be enacted, be approved by the Congress, and, become law, and will again, of course, increase the general expenditures of the Federal Government.

I am hoping that some day—while I feel that this is a good cause and that this is a good activity here proposed—we may be able to have legislation before this House that will actually reduce public spending a little bit instead of increasing it. This bill represents a very slight increase in Federal spending, but it does embark the Federal Government upon a new program of Federal grants or Federal aid to the States and to State universities and land-grant colleges.

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

Mr. BROWN of Ohio. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would like to say to my colleague, the gentleman from Ohio [Mr. BROWN], that while in the first instance the first section of this bill does authorize the expenditure of additional Federal moneys, if the gentleman will look at the second section of this bill, I believe that there he will find a method wherein money will be saved. For the first time we are going to try and correlate and determine what agencies of the Federal Government are doing research in water and try to make sure that any duplication that exists at the present time is eliminated.

I am sure that this will result in saving the Government money.

Mr. BROWN of Ohio. I agree with the gentleman but, of course, I recognize the fact, as I am sure the gentleman from Pennsylvania does, that we are already spending a great deal more than this amount—in fact, millions and millions and millions of dollars on water research—not only by the Federal Government but by some of our States and other political subdivisions, as well as through some of our universities.

This bill of course—this amount, speaking of water—is simply a drop in the bucket in comparison to some of the expenditures we have made.

Mr. Speaker, some day, perhaps, we will solve our water problems, and they are serious ones. One water problem on which the Government has been working for a long while is to take salt out of sea water. Whenever there is developed some practical, economical method worked out whereby the salinity of sea water can be eliminated and fresh water made from it at a cost which can be afforded, and can be met by the consuming public, it will remake the face of the world, of course; and will solve many of the problems that perhaps these very same institutions may be working on under this proposed program or programs.

Mr. Speaker, I have no particular objection to this legislation but I do think we should realize that again it is another step in having the Federal Government move a little but further toward making grants—let us put it that way—or furnishing funds, to the various States and to local institutions for this purpose.

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

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. SPRINGER. I have asked the gentleman from Ohio to yield to me for the purpose of asking the chairman of the Committee on Interior and Insular Affairs a question. Mr. Chairman, is there an overall correlated program of water research by the Federal Government at the present time?

Mr. ASPINALL. If my colleague will yield further, the answer is "No." This legislation sets up such a program. It is the thinking of the members of the committee that we more than likely can save the expense of the program by seeing to it that this coordinated program is adhered to.

Mr. BROWN of Ohio. May I answer the gentleman's question a little further?

I happen to be the ranking member of a House select committee which is making a study of Federal research activities. There is no correlated or coordinated program of any kind on the part of the Federal Government dealing with all sorts of research. Nobody seemingly knows what anyone else is doing. There is no practical method whereby someone passes judgment, before they start a research project, as to whether or not it makes sense to attempt to do it, or find out whether it will be worth while. Our committee is finding a great deal of money is being spent on research, some of it of great value, some of questionable value; but there is no great central authority over research, despite the fact we have the National Science Foundation under the gentleman's committee. None actually supervises, none knows for certain just what other agencies of the Government are doing. I find that is not only true, as far as water research is concerned, but as to many other research activities as well.

Mr. SPRINGER. May I ask the chairman of the committee this further question: As I understand from reading the report and bill, this research will only be done at already authorized land-grant colleges?

Mr. ASPINALL. The legislation pinpoints the first authority to land-grant colleges. Where there is more than one, two or more, then the Governor will have the authority to choose the particular land-grant college. If the State legislature and the Government decide to have it go to some other institution, rather than the land-grant college, then they can do so by statutory enactment on the part of the legislature.

Mr. SPRINGER. In order for the State to take it from a land-grant college, there would have to be the authority by enactment of the State legislature?

Mr. ASPINALL. That is true.

Mr. SPRINGER. If the land-grant college does not want to do the research, then the Governor may assign to any other college that wishes it?

Mr. ASPINALL. Any other land-grant college. If there is only one land-grant college then the legislature and Governor must act in order to take it to another institution.

Mr. SPRINGER. One further question:

Is the work assigned by a Federal agency to the land-grant college or does the land-grant college submit a plan to the Federal agent, and have it approved first?

Mr. ASPINALL. The land-grant college submits a plan to the Secretary of the Interior. The Secretary of the Interior then coordinates and correlates this with other activities in the same field throughout the United States to see that duplication is kept at a minimum.

Mr. BROWN of Ohio. It is the responsibility of the Secretary of the Interior to correlate, not the universities themselves.

Mr. SPRINGER. One further question:

Will the research being done by the land-grant college in that particular State have to do with the water problem in that particular area, that State and surrounding area?

Mr. ASPINALL. That is what we are hoping for.

Mr. BROWN of Ohio. Presumably so. There is no guarantee that will be so.

Mr. SPRINGER. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I know of no opposition to the rule or to the bill itself, and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. ROGERS of Colorado. 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 S. 2—to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

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

Mr. ROGERS of Texas. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, the purpose of the legislation we bring to the floor today is to strengthen the contribution that universities can make to water resources research and to graduate education in water research. The legislation will establish a new non-Federal water resources research program which

is designed particularly to cope with the mounting water problems at State level.

The dominant conservation issue for the next several decades will undoubtedly be the matter of providing an adequate water supply to meet the needs of our exploding population and expanding industry and agriculture. In a very few years we will have to supply water to meet the needs of 300 million people. If the Nation is to meet this challenge in the water field, water research must necessarily play an important role. I believe that no one questions the need for expanding water resources research activities. The question involved here is the extent of Federal financial assistance in order to encourage and assure the research which is necessary. In considering financial assistance from the Federal Government, however, we must be sure that the expenditures go toward worthwhile research and contribute to or overall national water research effort, and at the same time keep duplicatory programs and activities at a minimum. We have tried to make certain in this legislation that the limited expenditures authorized are fully justified. I believe we have provided the guidelines and the controls that are needed to assure extensive benefits and returns to the Nation for the dollars spent in this relatively small and much needed program.

The legislation that came over from the other body provided for a larger program than that approved by our committee and included in the legislation before us today. Dollarwise, we reduced the program 50 percent and limited the life of the program to 10 years in order that Congress might have another look at it at the end of that period to determine whether it should be continued and, if so, whether modifications or changes are needed. Since we are embarking on a new program, the committee felt that a modest approach should be taken initially, with an opportunity for review to see how it is working out.

The Secretary of the Interior would be charged with the responsibility for proper administration of the program and for assuring that effective research work is conducted. We believe that the Secretary of the Interior can meet this responsibility without any appreciable increase in supervisory personnel or without establishing any new office or agency.

Under the language we approved, sufficient funds would be authorized to provide for establishing a water resources research center in a land-grant college or some other institution in each State and in Puerto Rico. Additional funds would be available to the research centers on a dollar-for-dollar matching basis and on the basis of specific research proposals, approved by the Secretary. The overall cost, for both the State grants and the matching funds, would run from about $4.8 million in the first year to about $10 million in the fifth year and thereafter for the 10-year life of the program. The gentleman from Texas [Mr. ROGERS], the able chairman of the subcommittee which handled this legislation, will present a more detailed analysis of the legislation.

The committee spent 6 days in public hearings on this legislation, receiving testimony from the Federal departments involved in water resources research and development, and from numerous representatives of States, colleges, and universities, and organizations interested in water development. The committee is convinced that State or regional research centers connected with colleges or universities will contribute greatly to our national water research effort. Much of the research in the water field must be undertaken in the geographical areas concerned. Regional variations in water resources problems can be better attacked by State research centers rather than by a single consolidated research facility. The problems that exist among the States vary greatly. The differences involve not only great variations in the nature of the resource itself and the degree to which the resource has been developed, but also in the detail of the economic and social structure. Differences in climate, elevation, and soil have generated considerable differences in problems of agricultural use of water. The differences in economic detail as among the States may even be greater than the resource differences. The particular lines which future economic development may take are greatly influenced by the nature of natural resources other than water, by transportation, the degree of urbanization, educational activities, recreational needs, and so forth, and these differences lead to different policies and objectives.

Linking research and education in the water field will also provide a continued flow of competent trained scientific manpower in water resources research. At the present time there is a shortage of personnel qualified to undertake much of the needed research related to water. Additional hydrologists, hydroengineers, hydroscientists, and so forth, must be trained if we are to have an adequate national water research effort. The presence of a water research center within a college or university will provide the catalyst for increasing the number of scientists, engineers and other specialists that are needed.

The most important part of this legislation may turn out to be, not the new research program at State level, but the provisions in title II which call for establishing a center for cataloging scientific research in all fields of water resources, and give congressional direction to the President to clarify Federal agency responsibilities for water resources research and provide adequate and effective interagency coordination of all water research activities. This latter provision was not in the legislation that came over from the other body. Under this language it will be essential for the President to determine what measures must be taken in order to eliminate the duplication and waste that has occurred in the past in the overall Federal water research effort. I believe that Mr. SAYLOR is going to discuss this aspect of the legislation in more detail but suffice it to say that there are numerous Federal departments and agencies carrying on water resources research activities under their programs and authority without their programs being related to one another or without paying much attention to what the others are doing in this field. It is my hope that this direction to the President for providing effective interagency coordination will save the Federal Government more than sufficient funds to carry on the new research program we are establishing.

There is one provision in this bill which I am sure will be brought up in our consideration today. It is the language providing for not more than one research center in each State, with this center to be located at the land-grant college unless the State legislature designates some other institution. If there are two land-grant colleges in the State, which is the case in several States, the Governor would have authority to make the designation. I would like to point out that the designation of the college or institution in each State is left to the State if the State wants to assume this responsibility. The committee strongly believes that there should be no more than one research center in each State. Further dissipation of the funds, we believe, would result in very little worthwhile research being accomplished. This is the reason we deleted the provision included in the legislation that came over from the other body which provided no limitation on the number of colleges or institutions which could share in the grant. I might point out that there is nothing to prevent arrangements within a State whereby some of the research work can be done by institutions other than the one receiving the grant.

It should be made absolutely clear that this program is intended to contribute materially to our national effort in this field. Worthwhile research is expected on problems that exist and need to be resolved—problems of a local or regional nature. This is not to be a boondoggle or a program just to spread financial aid among universities and colleges throughout the Nation for them to build up their staffs.

Mr. Chairman, I believe the legislation which the Committee on Interior and Insular Affairs brings to the House today is needed and will contribute to this Nation's effort to provide adequate water supplies for our growing economy.

A question has been raised as to why we chose the land-grant colleges. I wish to advise my colleagues that the land-grant-college system came into existence in 1862, during the administration of President Lincoln, an administration filled with worthwhile projects for the people of the United States. There have been, throughout the decades of our national life, many suggestions that we have a University of the United States. The nearest we come to a University of the United States is the Federal Government's sponsorship of land-grant colleges. This, in effect, is the reason why we have chosen the land-grant colleges. Those colleges have a record of having served in such programs, which especially benefit the agricultural and social interests of the areas in which they are located.

I believe this is good legislation. I hope it will receive the unanimous support of the Committee.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the Committee, one of the most important elements, if not the most important element, with respect to sustaining life on this earth is water. Unfortunately, we in this country have used it with careless abandon. We have no planning. We have wasted; we have plundered; we have robbed our waters. We have allowed our waters in many places to become polluted.

This bill is an attempt by the House Committee on Interior and Insular Affairs to bring some order out of the chaos which exists with regard to the water problems of this country.

I commend the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], and the chairman of the subcommittee, the gentleman from Texas [Mr. ROGERS], for having seen to it that this legislation was heard before our committee and reported to the House.

The chairman of the full committee has discussed the phases of this bill which have to do with the study of water and water problems by the various land-grant colleges in this country. I am very much in favor of that study being conducted, because the problems of water are different in the various States in the Union. It is only as we have educated research by the various States on the problems which directly affect those States that we shall ever be able to solve the water problems of this country.

Mr. Chairman, I shall focus my remarks on the relationship between this legislation and our overall Federal Government effort in water resources research. It is my belief that the most important part of this legislation is the provisions which relate to interagency coordination of our research activities and are designed to eliminate duplication and waste. In all the days of testimony before our committee, the most often mentioned aspect of water research and most of the questions were related to the present lack of coordination among the numerous Federal departments and agencies already conducting water resources research and the resulting duplication and waste.

There are at the present time more than 2 dozen bureaus or equivalent units in eight major departments and independent agencies engaged in water resources research with overlapping responsibilities. It is not only the Committee on Interior and Insular Affairs that has been concerned with this situation. The distinguished chairman of the Interior Appropriations Subcommittee, the gentleman from Ohio [Mr. KIRWAN], and his ranking minority counterpart, the gentleman from Iowa [Mr. JENSEN], has been trying to do something about this for years, and, more recently, a subcommittee of the Committee on Government Operations, headed by BOB JONES of Alabama, has exposed this Federal agency duplication and overlapping. Each of the numerous agencies has seen in water an opportunity to expand its operations and develop in importance, and this impetus for self-development has promoted interagency competition and jealousies. The executive branch has failed to provide a coordinated program with the efforts of each agency delineated on the basis of competency and experience, and, until the executive does this, we will continue to have duplication and waste of manpower and money. It has been my observation that those who continue to harangue the Congress and the public about a national water crisis are the most vocal in promoting individual agency growth rather than interagency coordination.

The Congress, of course, must shoulder a part of the blame for this situation. The authorizations of Congress to the several departments are so broad that each could take over the entire responsibility for water if it could obtain the money to do so. An example of what I mean is the assertion of the Public Health Service that water pollution control by that agency means that it is concerned with the total problem of water quality management. For instance, it is studying the salinity problem in the Colorado River Basin which specifically has been assigned by the Congress to the Department of the Interior. It is of utmost importance that agency responsibilities in this field be clarified.

In our committee's consideration of this problem of duplication and overlapping, we concluded that there were two requirements which could be written into S. 2 that would be helpful. First, the committee adopted language calling for the establishment of a cataloging center for cataloging current and projected scientific research in all fields of water resources. The direction to the President in the legislation for establishing this center does not specify which agency or office should be given the responsibility. However, the committee understands that the responsibility probably would be given to the Office of Science and Technology and that the actual cataloging would be done by the Science Information Exchange which is already established for the collection of other scientific information. The committee believes this provision is important because the publication of research and the collection of scientific information in one location is a major means by which duplication can be prevented.

The second and still more important requirement for preventing duplication is interagency coordination. The committee adopted language which directs the President to clarify Federal agency responsibilities for Federal water resources research and to provide adequate interagency coordination of all water resources activities, including research which would be authorized by the legislation we are considering today. This direction by law should strengthen the hand of the President in resolving this problem. It should provide the authority needed to clarify and delineate agency responsibilities and to limit their operations, thereby providing full and effective coordination of all water resources research activities in the Federal establishment.

Mr. Chairman, I believe that the additional research which this legislation authorizes is needed and that the language which I have discussed providing for interagency coordination will result in saving both manpower and money. In all probability it will mean that the water research of the Federal Government would eliminate duplication, would eliminate waste and provide the greatest good for the entire country. I urge that this bill be adopted.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it would be well to have a short discussion of the separate titles in this bill and the separate sections of it. The bill, of course, has two titles, and there are several sections under each. Under title I, the research institutes, section 100(a), which is the first section of the bill, provides for a 10-year water research grant program by the Federal Government. These appropriations are to be made by the Secretary of the Interior and the payments by the Secretary of the Interior to the land-grant college or other college or university designated by the State legislature are, of course, to be determined by the applications filed with the Secretary of the Interior.

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

Mr. ROGERS of Texas. I yield to the gentleman.

Mr. WAGGONNER. Mr. Chairman, do I understand the gentleman correctly that this money is to be appropriated to the Secretary of the Interior; the Secretary of the Interior will allot to the respective States their proportionate allotments as set forth in the law and that this money, except by act of the State legislature must go to the already designated land-grant colleges?

Mr. ROGERS of Texas. With this exception: The application must be filed with the Secretary of the Interior and unless the application filed by the land-grant college or any other college, even that designated by the legislature, meets the requirements to carry out the purposes of this bill, then the Secretary of the Interior would not be, in my opinion, obligated to make the grant to that college simply because it was a land-grant college.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman. Further, I want to commend the gentleman and the Committee on Interior and Insular Affairs, for bringing to the House this forward-thinking piece of legislation for action today. It is long past due. The time is close at hand when, unless we do take some affirmative steps to provide for water resources development we are going to face a crisis in water which far exceeds the crisis which we anticipate in such problems as food. Again, Mr. Chairman, I commend the gentleman and his committee on this forward-thinking legislation.

Mr. ROGERS or Texas. Mr. Chairman, I thank the gentleman from Louisiana for his words on this subject and also for the splendid contribution he has made to the solution of the water problems since he came to Congress.

Proceeding with the sectional discussion, I would point out, in the first year of this program, as the able chairman of the committee, the gentleman from Colorado [Mr. ASPINALL] stated, the grant would be $75,000 to each State; in the second and third years $87,500 and $100,000 for each year thereafter during the life of the program. What the House committee did was to cut this program just about in half as it was presented in the original bill, S. 2, which was sent over from the other body. We did this for several reasons, but the primary reason was that we wanted to get a proper research program into focus, one that would be effective, one that would work. And we felt that we as the Congress ought to maintain control of this and see how it worked over a 10-year period. If it were not working right, we could make certain changes in it. If it were then working properly, we could extend the program.

Mr. Chairman, this goes to all of the States of the United States, the 50 States, and Puerto Rico.

Mr. Chairman, as the chairman of the Committee on Interior and Insular Affairs pointed out earlier, the money would go to the land-grant college in the State, if there is only one land-grant college. If there are two, then the Governor makes the designation. But in any event the legislatures of the several States will have the full power to control where this money goes, because we grant them in this proposed act the power to designate a college other than the land-grant college to receive these funds and to do this research work.

Mr. Chairman, it was thought that this was a move to preserve and protect the dignity and the power of the States or the rights of the State legislatures. Certainly, if they wanted to make a change, they should have the right to do so. Any of these institutions, however designated, must meet the capability requirements set up by the Secretary of the Department of the Interior to carry out an effective program.

Now, Mr. Chairman, a designated college or a university could make arrangements with other colleges or universities to participate in research work. However, I believe it would be well to point out that one reason we wanted this centered at one college was so that this overall program would not be fractionated or fragmented so that it would not be effective and we would have several colleges receiving a few thousand dollars each and nothing effective could be done.

Mr. Chairman, the question that has been asked of me most often is this: As to whether or not this research program would make it possible for some activities to be carried on by institutions other than universities or colleges; for instance, a nonprofit organization which is engaged in water research work. My answer to that is this: I think that would depend upon the application made to the Secretary of the Department of the Interior, specifying the type research that they wanted to perform. Certainly, it ought to be within the power of the university or the land-grant college to farm out some work in connection with their overall projects to a nonprofit corporation or a profitmaking corporation, as far as that is concerned, if this information is needed in the research problem with which they are working and could be obtained at a much cheaper cost, or even at a cheaper cost than if they had to set up new facilities at the university with which to perform this research. Certainly, I hope that will be the policy which will be followed.

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

Mr. ROGERS of Texas. I yield to my distinguished colleague, the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. I am not opposed to this bill, but am seeking a little information. It seems a little unusual to allocate the some amount of funds to every single State in the Union for purposes of research.

Now, is it the opinion of the committee that such widely diffused and dispersed research in every State would come nearer accomplishing the desired purposes than to concentrate this effort in, perhaps, fewer than the 50 States?

Mr. ROGERS of Texas. That problem was discussed at length, permit me to say to my distinguished colleague, and touched upon from many angles.

There is a provision in this act that would prevent Federal control of education. It was put in the bill because there was in the mind of the members of the committee the thought that there might be an attempt to federalize this situation; whereas, what we wanted to accomplish was to make it possible for the Federal Government to participate in an overall program, yet to preserve State rights, if you want to refer to it as that. We realized there were many different problems in different States having to do with water. One of the primary things we were seeking to accomplish was to utilize these educational institutions in order to make it possible for young people to become interested in this particular problem and this particular research, because the hearings that we had indicated that there is a marked shortage in our people who are willing to go into this program and to become teachers. It was felt this could be done at a much cheaper cost in the overall by letting these different educational institutions pursue this research and accomplish a twofold program.

Mr. JONAS. Will funds be available to "X" State, for example, if it does not have a program in this field, or will the funds be supplementary funds used to help an orderly program that the States already have?

Mr. ROGERS of Texas. Well, the requirements set up by the Secretary of the Interior for effective research must be present in their application. It was anticipated there might be States that had perhaps a small operation in this research field that would want to join with another State or two or three other States, and put up one institution for regional development. Provision is made in this bill to take care of that situation so that these States can join together. But they not only must make a sound case when they present it to the Secretary of the Interior for the original grant, but they must report to him each year and the Secretary must report to the Congress of the United States on the development.

Mr. JONAS. The reason I ask that question is because I rather question how much research you can do for $75,000. If this allocation is going to a State that is not interested in putting up some money also and does not have a center engaged in this work, how much effective work can be done with $75,000?

Mr. ROGERS of Texas. The gentleman's point is very well taken. That is the reason we wanted the State to justify the research program it was going into. We realized the limited amount of money available here would make it necessary that they have some hardware, as the chairman of the full committee pointed out, and a program in operation in which they could move into other research fields by the coordinated use of other activities that they had.

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

Mr. ROGERS of Texas. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I, too, want to commend the chairman of my full committee and the distinguished gentleman from Texas, chairman of the subcommittee, for bringing this legislation to the Congress. It has long been needed.

May I ask this question: We have now various and sundry research programs in various departments of the Government, such as Agriculture, Commerce, Defense, Health, Education, and Welfare, Interior, TVA, and others. We now are spending approximately $75 million per year on these programs.

Will this legislation not have a tendency to pull together these various programs so there will be some central place where anyone interested in water resources would be able to go to find what other departments of Government are doing? In this way we all would know exactly what is being done. This would draw these programs together, providing a place where anyone interested in water development could obtain information.

Mr. ROGERS of Texas. I thank the gentleman from Florida for bringing out this very important point. I might say it is one that the distinguished Member from Pennsylvania [Mr. SAYLOR] the ranking member of the Interior Committee, brought out so fine before the Rules Committee.

There is in this bill a specific provision for the cataloging of these activities in water research. There is also the additional proviso for the President to clarify the coordination that ought to be brought about as between the different departments in water research. I think it would be a good thing for this country if laws dealing with research problems in other scientific fields could follow the predicate that has been laid down in this legislation to do just what the gentleman from Florida has pointed out. By this means we could find out what is going on in other departments, we may know what our needs are, and make much greater headway at much less cost, I think, than we have in the past.

Let me go on. We have acutally covered the most important sections. The second section of the act specifies the requirement that the research centers conduct competent research in proper relationship to training scientists, which was the point brought out by the gentleman from North Carolina.

In section 101(a) there is an additional proviso for additional funds for specific research proposals. These are available to State research centers, in the overall amount of $1 million in the first year, increasing to $5 million in the fifth year and thereafter during the 10-year period. These funds for these additional specific research proposals are available to the States only on a dollar-for-dollar matching basis. I think it would be well for everyone to be aware of that.

The next section of the bill, 101(b), provides for applications for grants under the first section of the bill.

Section 102 outlines the details for annual payments to the State institutions and requires an accounting by the State institution. It also requires an annual report on the research work accomplished. I think this is very important, and certainly a matter that should be included in the bill.

Section 103 authorizes the use of funds for printing and publishing the results of research and for administrative planning and direction, including cooperative research work. There was some objection to that in the committee, but after it was all studied out in this type of program, I think it is very important and very necessary.

Under section 104, the Secretary of the Interior is charged with the administrative responsibility for the program. Under this provision he is required to make an annual report to the Congress, which is, of course, most important and I am sure it will come to our committee.

Section 105 prohibits construction of this act as impairing or modifying the legal relation between colleges and the government of the State in which they are located. It also prohibits Federal control or direction of education, which is also important.

Under title II of the bill, section 200 provides for consultation between the Secretary of the Interior and other Federal agencies with research work problems, primarily to avoid duplication. This is the predicate being laid for what we were discussing a minute ago when the gentleman from Florida asked his question.

Section 201 provides that this act does not give the Secretary of the Interior authority in research programs over other Federal agencies, that this act does not impair existing programs, but it does provide that there should be proper coordination between these different agencies, as referred to in section 204, which we will come to in a minute.

Section 202 provides contract arrangements can be made without regard to section 3684 of the revised statutes when the Secretary concludes that advance payments are necessary.

Section 203 provides for all information gained under this act to be made generally available to the public as against patent rights.

Section 204 directs the President to establish a center for cataloging scientific research information in all fields of water research—which is the very point that the gentleman from Florida brought out.

Section 205 directs the President to spell out agency responsibilities for Federal water resources research and to require effective interagency coordination.

That is a summation of the different sections of the bill. I think it is an excellent bill. I think it is starting in the right direction. I think if other segments of research would adopt this type of program we could make much additional headway.

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

Mr. ROGERS of Texas. I yield to the distinguished chairman of the full Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. I think this would be an appropriate place to state to our colleagues that there will be an amendment offered to section 203 having to do with the patent provisions.

Mr. ROGERS of Texas. Yes, that amendment as I understand will be offered by the gentleman from Connecticut [Mr. DADDARIO].

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

Mr. ROGERS of Texas. I am glad to yield to the gentleman.

Mr. McCLORY. I think the gentleman has made a most significant statement particularly with reference to the emphasis on water research in the States and in State universities or State land-grant colleges. I want to ask this question, however. It occurs to me that some regional centers have already been established for research, that is, Federal regional research centers, at least, they are in the planning stage. I wonder if the gentleman envisions any duplication between a Federal regional research center on the subject of water research on the one hand, and on the other hand a State research center or an interstate center since the bill also authorizes such State or interstate research centers?

Mr. ROGERS of Texas. I think the gentleman has raised an excellent point and one that was discussed by the committee as to the possible conflict or duplications on research activities on both the State and local level. Of course, we cannot and would not undertake to interfere with the State research program. But it was anticipated that the Secretary of Interior in going into these applications for these grants to be used in a university or land-grant college could ask for information as to what practices and procedures were being pursued by the State on this particular problem and he could also then weigh that information against the information he had from these other agencies in the Federal Government to determine the justification for the particular research program that was being proposed. If there was a duplication or overlapping, we had hoped that the Secretary of Interior, and I am sure he would do so, make the suggestion to the applicant that certain changes be made so that there would be an effective research program in the field needed to be researched.

Mr. McCLORY. In other words, it is the intent of the Congress by the passage of this bill that there will be one research center in a particular region or area and that there will not be any duplication of regional research centers.

Mr. ROGERS of Texas. That is exactly right.

Let me add this thought. What we are hoping to do, as I said before, is to make it possible for some sort of incentive to be created so that young people will get into this work. We feel that by pursuing this method, although it does cost money and there is no question about that, and although it appears to be a lot of money, when you divide it between 50 States and Puerto Rico, then there is not much money for each one but we felt that if we could get this working and moving forward, we would get the effective research that we need and that the overall cost of the research programs could be cut down. We hope to get a lot of information and we hope that a lot of information will come from the select committee, which is headed by the gentleman from Alabama [Mr. ELLIOTT], involving these research development programs in all fields. But one of the primary things we want to do is to try to prevent duplication.

Mr. McCLORY. I feel that the bill is particularly significant and that the gentleman's statement is significant in that the water research is being centered on university or college campuses because in this way we are going to have the best opportunity to get new recruits, new talent and new skills for careers in these very important fields of hydrology and related science disciplines.

To encourage this concentration of research on the college campuses seems to me, at least, much more significant and much more important than having detached regional research centers not connected with college campuses.

I commend the committee for giving consideration to the university aspect, to the educational aspect, of water research and the further work which needs to be done in this field.

Mr. ROGERS of Texas. I thank the gentleman.

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

Mr. ROGERS of Texas. I yield to the gentleman from Missouri.

Mr. HALL. I rise for some additional information. Some of it relates to the questioning of my colleague from Illinois, who made inquiry, in his statement, of the subcommittee chairman, as well as the chairman of the full committee and the ranking minority member.

I should like to know the opinion of the subcommittee, after its deliberations and hearings and the research it has done on the problem of water and hydrology, for I am intensely interested in that subject, since I come from the great State of Missouri, surrounded, as it is, by other States interested in the same problems of the great riverways, such as the Mis-

souri, the Illinois, and the Ohio, which all enter into the State of Missouri or into contiguous areas.

What are to be the relationships with the recently established Department of Health, Education, and Welfare regional research laboratories on hydrology? I have specifically in mind the one established last year, I believe at the University of Michigan at Lansing.

There are to be seven of those throughout the United Stteas. They are either in the process of being established or are indeed now functioning.

Of course, I would wish to be sure that this work is in addition to but not a duplication of the work in those particular areas.

Can the gentleman give me some reassurance about that? After that I have another question.

Mr. ROGERS of Texas. Yes. As was brought out in the hearings, we hope that there will be no difficulty in getting complete coordination among the institutions to which the gentleman refers, and the facilities being established, and the procedures and facilities to be set up under this act. If there is any difficulty in this regard, we expect and we will continue to expect that the Secretary of the Interior will report the difficulties to the Congress in annual reports.

I believe it was the unanimous feeling of the subcommittee and of the full committee that if any difficulty is experienced in getting complete coordination in this area, Congress will move in to take affirmative action to correct it.

Mr. HALL. The gentleman from Texas does not feel that there may be a jurisdictional question as to research on hydrology between the Department of Health, Education, and Welfare, which has set up these seven large regional research laboratories on water, and the Department of the Interior or indeed the other concurring departments of the Cabinet, which have all agreed, as do I, that this is a good bill calling for a just use of Federal funds on a matching basis to stimulate State research on this most important problem of water conservation?

Mr. ROGERS of Texas. I wish to be completely honest with the gentleman from Missouri. I do not want the gentleman to believe for 1 minute that I have gotten myself to believe that there will not be jurisdictional fights. I believe we must be realistic in facing the problem. The committee realizes that there are going to be some conflicts. There are going to be some jurisdictional conflicts; but we hope that the passage of this legislation will spell out to the departments involved that we want those conflicts reduced to a minimum and that if the conflicts are not reduced then we will expect to do something further about it.

That was the reason for title II in the bill, which says that the executive office should spell out the coordination which is expected in getting this job done. The Congress will have a report on this each year, as to how it is being done. There will be a cataloging facility so that the Congress can check at times, and, if Congress is not satisfied with what the Secretary has given to it, Congress can take action.

That is the reason why I think if other areas of research would use this same program, this country could be saved some real money.

Mr. HALL. I certainly hope what you say is true on both sides of the coin. I would hope that we can and we will maintain a sharp legislative oversight in this area to prevent duplication on the one hand. Yet, I would hope if there are to be regional research laboratories on this very vital problem, I think it is important that we make this legislative record, just as the gentleman who is in the well of the House now has, for the implementing regulations that would put this into effect. I hope that in those States which do now perchance have one of the seven regional centers or others that might be allocated or located in the future this will not preclude necessarily their participation at the State level because of variations in the water problem at the different State levels.

If I may continue now, I would like to ask a second question. Is it your thought, thinking of the health value of water in particular, which would be my forte, that this would apply not only to water tables and water levels and sources of water supply but maybe to research into the toxic problems that we are having with some of our water as well? I am particularly aware of the third annual great fish kill that has occurred on the Missouri River, which is a great source of industrial water and personal water use by individuals as well as for irrigation purposes and all of the other uses of water, which occurred probably as a result of pesticides used in areas far up the river. Of course, you know this happened way down in the big Mississippi River itself last year. I would hope that this research goes further than just establishing sources of water or replenishing and recycling water as a God-given resource for the use of the people and that we try to avoid the desecration and the pollution of this resource. Would the gentleman comment on that?

Mr. ROGERS of Texas. Yes. I think I would refer the gentleman to page 5 of the House report in which the statement is set forth there which came out of the Senate Select Committee on National Water Resources. I think that the particular items mentioned there on that page would include just about everything that you would think of with regard to water research and development, and certainly those having to do with health, as the gentleman points out.

Mr. HALL. I will say to the gentleman that I have read that, and that is one of the reasons why I asked the question. It deals with desalinization, which I think will eventually become an atomic energy problem insofar as the state of the art as it is now developing is concerned. However, I see nothing in there with regard to the toxins or the waste products of industry or pesticides and sprays in particular which must be used to produce foodstuffs and fibers and pest control. At the same time we must reserve usable potable waters for ourselves.

Mr. ROGERS of Texas. I refer the gentleman to subsection (e) on page 5 under "Justification and Need" where it says:

> (e) Reduction of dilution requirements for pollution abatement by development of improved methods for treatment or control of waste materials that are disposed of in water.

Mr. HALL. I thank the gentleman, and I think we should add there "insecticides."

Mr. ROGERS of Texas. It is my understanding that the Senate had in mind the same things that the gentleman is talking about. Certainly I would hope that the departments downtown would consider this. That is what our committee thinks.

Mr. HALL. I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. ROGERS of Texas. I yield to the chairman of the committee.

Mr. ASPINALL. I would like to clear up the record on this. This part of the report from the Senate select committee was not put in here as a matter of limitation of activities but rather in explanation, and all the matters having to do with water and keeping it in a potable condition will be considered.

Mr. ROGERS of Texas. I thank the gentleman, and I think it is well to point out it was the feeling of the subcommittee and the committee under the gentleman from Colorado that the points made by the gentleman from Missouri about research with respect to pollution and the use of insecticides and pesticides was certainly within the thought of the committee in offering this legislation for passage to the House.

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

Mr. ROGERS of Texas. I yield to the gentleman.

Mr. McCLORY. I want to add merely this. The Jones committee, to which the gentleman in the well made reference earlier, held hearings last week in Kansas City, Mo., with regard to the Missouri River Basin. I have the privilege of serving as a member of that subcommittee which is conducting a nationwide investigation of our water resources and of water pollution. I might say that in the course of the hearings there was a very strong case made for the establishment at the University of Kansas, or one of the universities in the Missouri River Basin, for the type of research center which would be possible under this legislation. I do not feel, especially with regard to the Missouri River Basin, that there would be any duplication so far as the projected regional research center of the Public Health Service at Ann Arbor is concerned. I do not know whether it is in operation or has even yet been constructed. At any rate, I do not envision any duplication there. This legislation would enable the establishment on a college campus of the type of water research center which I think Congress has in mind and which is envisioned by this bill and by the report of the committee.

Mr. ROGERS of Texas. I thank the gentleman.

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

Mr. ROGERS of Texas. I yield to the gentleman from North Carolina.

Mr. JONAS. I notice that the program described in section 101(a) is a 10-year program.

Mr. ROGERS of Texas. Yes, sir.

Mr. JONAS. But I do not note any limitation on the authorization provided in section 100(a). Is it the idea of the committee that that would be a permanent authorization?

Mr. ROGERS of Texas. Does the gentleman mean 200(a)?

Mr. JONAS. 100(a).

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

Mr. ROGERS of Texas. I am pleased to yield to the distinguished chairman of the committee.

Mr. ASPINALL. Page 12 authorizes appropriations only for the beginning with a lesser amount and going up to the amount permitted in the 4th, 5th, 6th, 7th, 8th, 9th, and 10th year.

Mr. JONAS. That is on page 14?

Mr. ASPINALL. That is on page 12 of the bill.

Mr. JONAS. On what line is that?

Mr. ASPINALL. That is on line 11. In line 13 there is an authorization of appropriation to the Secretary of the Interior for the fiscal year 1965 and so on.

Mr. JONAS. Is this the same limitation that is contained in section 101(a)?

Mr. ASPINALL. The 10-year period, yes.

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

Mr. ROGERS of Texas. I am pleased to yield to the distinguished gentleman from Florida.

Mr. MATTHEWS. Mr. Chairman, I rise in support of this important legislation which, if enacted into law, would establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research.

I want to thank the Committee on Interior and Insular Affairs for giving me a hearing on this legislation. I introduced in the House a companion bill to S. 2, but as I pointed out in my appearance before the committee, I was not insisting on the approval of S. 2 to the dotting of an "i" and the crossing of a "t." This great Committee on Interior and Insular Affairs of the House has worked its will, and you will note has reported S. 2 with amendments, and I concur in the action that they have taken.

Mr. Chairman, I represent an area in Florida in which is located the University of Florida, at Gainesville. The president of that great institution, Dr. J. Wayne Reitz, appeared before the Senate committee in favor of this type of legislation. He has talked with me in detail about the importance of this type of legislation for Florida. It is my understanding that the National Association of Land-Grant Colleges has approved this type of legislation, and I appreciate the information that they have given me concerning the importance of our water resources.

Some years ago as a member of the House Committee on Agriculture, I went to the far western part of this Nation into the home country of the chairman of this great Committee on Interior and Insular Affairs. For the first time, I realized how important the conservation of snow was. I found out there the problem was getting the water and holding it, whereas our problem in Florida is not so much to get the water, but to hold it once we get it, and to make arrangements for it to find its last resting place without irreparable damage to the topography of Florida.

In Florida, our problems are different from the problems in Colorado, Texas, or California, or any of the other great States in the Union. We have at Silver Springs, Fla., in the congressional district of my able colleague, the gentleman from Florida [Mr. HERLONG], magnificent springs that have a daily outflow which would just about take care of the water needs of the city of New York. And, over in the Suwannee River area in Florida, half of which is in my district and the other half in the district of my able colleague, the gentleman from Florida [Mr. FUQUA] we have an almost unbelievable water resource. This beautiful stream rises in the Okefenokee Swamp in Georgia, and meanders its way in a veritable fairyland of fauna down into the Gulf of Mexico. It is fed by myriad streams—beautiful, soothing, clear streams.

The interesting fact is that water in both Silver Springs, Fla., and the water in the Suwannee River, find their last resting place in the Gulf of Mexico and the Atlantic Ocean. So perhaps that water is wasted, and someday we might find a way to use this magnificent resource.

We have problems with the replenishment of the aquifers in Florida. Quite frequently, without much rainfall in Florida, our underground streams are replenished because of the peculiar system of replenishing these aquifers. I understand the replenishment comes from as far away as North Carolina.

Now, the first title of the bill, title I, authorizes State water resources research institutes at a college or university in the particular State, which college or university shall, unless otherwise provided by act of the legislature of the State concerned, be a land-grant college or university. I think this approach is a good approach. The University of Florida, my alma mater, and a great institution as I have said, located in my congressional district, is a land-grant college. For 10 summers of my life, I worked with the Extension Service at the University of Florida, so I am familiar with the research work that has been done by that university and other land-grant universities and colleges throughout the country in the area of water research. Title I makes possible the work of this research through a water resources research center at a land-grant college. Now, of course, it is not the purpose of this legislation to dictate to the State agency all of the particulars of the establishment of the research institute or center, but I think it is the purpose of this legislation to suggest that these centers should be established at places that have developed areas of competence. I feel that many of our people connected with the experiment stations of agriculture and engineering at the University of Florida have developed competence in the field of water research. I think if this legislation is passed, as I believe it will be, that the program should seek the institution and not the institution the program. I feel that we should give priority to areas where competence in water research—if not already a proven fact has demonstrated the possibility of gaining that competence in the very near future.

The program in title I is patterned after the Hatch Act of 1887. It is not a new type of approach for Federal aid to education. It is based on an approach that has proved to be successful. As a member of the House Committee on Agriculture, I have been impressed with the far-reaching beneficial results of the Hatch Act of 1887. Largely, I think, because of that legislation we have in America today a great agricultural abundance. One farmer in America can produce enough for 27 other people. Productivity on American farms of certain commodities could be increased 25 percent in 2 years if we wanted to make a tremendous effort toward that end. This is a result, let me repeat again, largely, I think, of the Hatch Act of 1887.

The bill provides for the printing and publishing results thereof; and for administrative planning and direction. In section 104, the Secretary of the Interior is charged with the responsibility for the proper administration of this act, and the Secretary is directed to make an annual report to Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this act.

Title II of the bill provides for the cooperation and coordination of all agencies of the Federal Government concerned with water problems. Particular stress is given to the importance of supplementing, and not duplicating, established water research programs. I think this is a very important aspect of the legislation. It is my understanding this year there are presently 5 departments and 3 separate agencies, with a total of some 23 different agencies, conducting water resources research in connection with their authorized missions. Approximately $76 million has been appropriated this year for water research activities, and the amounts requested for water research are increasing every year. We must, then, avoid duplication and we must be sure that the water research provided for in this legislation is not a duplication of the important work that is already being done.

Another very important aspect of this legislation, Mr. Chairman, is outlined in section 204 of title II, as follows:

> There shall be established in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of water resources.

The cataloging center is absolutely essential. I believe that at the present

time there is no adequate provision for compiling the vast amount of water research that is being done. Certainly it is basic, if we avoid a duplication, that we have this cataloging center.

Mr. Chairman, I realize that this legislation will cost money. In this particular bill, sufficient funds are authorized to be appropriated so that each research center would receive a Federal grant of $75,000 in the first year of the program, $87,500 in the second and third years, and $100,000 thereafter for the life of the program. Additional funds would be available to the research centers on a dollar-for-dollar matching basis. These funds would be allocated by the Secretary of the Interior on the basis of specific research proposals by the research centers. The overall limitation on these matching funds would be $1 million in the first year of the program, increasing to $5 million in the fifth year, and thereafter for the life of the program. The legislation limits the life of the program to 10 years, which I think is very desirable, in order to give the Congress an opportunity to review the program and determine the need for extension, modifications, and so forth. I believe we are justified in spending this money because of the necessity of conserving our water resources.

Let me emphasize, for example, the need for research on the use of Florida's water resources: Florida is richly endowed with water resources—resources that have enabled a rapidly growing population to expand its residential, commercial, industrial, and recreational facilities and at the same time raise its per capita income to an all-time high. With only a modest investment in research on water and facilities for making them more useful, these same resources are more than ample to sustain the State's current rate of economic growth for decades to come. On the other hand, if the investment is not made now, water shortages will begin to restrict economic activities at any early date, and the cost of developing new sources of water will rise very rapidly.

Before the State's water resources can be effectively managed, the whole problem of retaining as much rainfall as possible in the soil, in the aquifers, and in the lakes and then making it available at the time and place that people can use it must be thoroughly examined. Studies of how to recharge the Floridian acquifer as rapidly as water is being withdrawn from it are urgently needed. Some of this kind of research is now being done in Green Swamp area, but it must be expanded and extended to all other parts of the State as soon as possible. Likewise, there is an urgent need for research on how to store the optimum amount of water in the State's vast natural surface water storage system—its lakes and streams—and to determine what additional water storage and transportation facilities are needed. Some facilities designed to achieve this end are now being constructed by the central and southern Florida flood control district but much more must be done if the population of the State continues to grow. To date only a very small portion of the research that must be done before the surface and underground water supply of the State can be fully utilized has even been outlined, let alone started, primarily because research funds have not been available.

Along with research on how to make water available at the time and place people can use it, research must be initiated on how to control the destructive floods that so frequently accompany hurricanes during the rainy seasons. Floodwaters can be and in fact have been effectively removed by ditches and canals, but the longrun effects of doing this are often most disastrous. The same facilities that remove floodwaters rapidly also reduce the water table and intensify the effects of droughts just as rapidly. In other words, overdrainage can have a most detrimental effect on citrus, vegetable, and cattle production in many areas in which the amount of water returned to the atmosphere in the form of evaporation and transpiration exceeds the amount received in the form of rain for from 3 to 9 months per year. By developing a means of controlling floods that is complementary rather than conflicting with a sound water management program, the economic potential of the State can be greatly enhanced.

More research is also needed on how to best utilize the large volumes of water that flow through rivers that originate in other States, pass through Florida, and discharge into the ocean and gulf. The Southeastern River Basin Committee is hard at work on this problem, but the implications of its findings and recommendations have not yet been carefully examined and evaluated, largely because of the lack of research funds.

An investment in research in Florida's water resources at the present time is essentially an investment in the State's future economic development. The most desirable environment in which to make such an investment is in Florida's land-grant university, where all phases of engineering, agriculture, forestry, law, medicine, and business, as well as the basic sciences, are being studied at the graduate level, and hence, where the scholars best qualified to do the job are located.

So, Mr. Chairman, let me say again that I am in favor of this legislation. I want to thank the House Committee on Interior and Insular Affairs for submitting this important legislation to us, and I hope the House will overwhelmingly approve this legislation.

Mr. ROGERS of Texas. Mr. Chairman, I thank the gentleman from Florida and would like to say that his contribution in this field has been measurable and his testimony before the subcommittee was most helpful.

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

Mr. ROGERS of Texas. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I note on page 17 of the bill that it is provided that the Secretary of the Interior is charged with the responsibility for administration of the act and that after full consultation with other interested Federal agencies is empowered to prescribe such rules and regulations as may be necessary to carry out its provisions. I would like to ask the gentleman what kind of rules and regulations we are talking about here? Can he tell us whether the Secretary could put conditions upon the administration of the State water laws or State programs of various other kinds, before granting the assistance which is provided for under this bill, to the State universities involved?

Mr. ROGERS of Texas. The question as to the extent of the power that the Secretary of the Department of the Interior would have was discussed in the subcommittee. It was the feeling of the subcommittee—and I certainly want it to be known that it was my feeling as chairman of that subcommittee—that the authorization to the Secretary of the Department of the Interior is for the purpose of enabling him to properly administer this law.

Provision is made for applications to be filed so that the Secretary of the Department of the Interior may look at them to determine whether or not effective research is anticipated by the particular organization.

It is not anticipated that the Secretary of the Department of the Interior could change the laws or resort to any subterfuge or circumvention of general reasonable policy in denying a State funds under this act.

I hope that if any university or any land-grant college or any school which is subsequently included in the program if this act is passed becomes even suspicious that this were going on, it would immediately report it to the Congress. This proposed act provides for the Secretary of the Department of the Interior to make an annual report to the Congress so that we may know from year to year what is going on, not only with respect to the expenditure of the funds but as to the research that has been accomplished.

Mr. TAFT. If the gentleman will yield further, would it be fair to say then that the rules and regulations that are referred to in this particular section that I have mentioned, section 104, relate not only to procedures, but they also go beyond procedures and relate to a control given to the Secretary of the Department of the Interior to control the field of research activity that would be carried on under the act.

Mr. ROGERS of Texas. I believe that he possibly could to some extent have indirect control over the type research that is carried out. But the Secretary of the Department of the Interior is under the obligation—because we have put in the cataloging provision and the coordination provision—to justify the manner in which he has administered this program to the Congress of the United States each year. The Congress itself can, of course, step in and put a stop to any abuses that might be indulged in by the Secretary of the Department of the Interior in carrying out the provisions of this act. I can appreciate the fact—and I am sure that the gentleman from Ohio can—that there is a possibility of abuse in any legislation. However, I believe we have here, through the

requirement of the reports to be filed by the Secretary of the Department of the Interior, made it possible for the Congress to step in at any time during the year or immediately after the end of the year and make whatever changes are necessary.

Mr. TAFT. If the gentleman will yield further, that of course would be true of the administration of any Federal program under any grant or loan such as this. Congress always retains the power under the Constitution to step in. So we are talking about nothing more than the constitutional power of the Congress to control the laws of the United States.

Mr. ROGERS of Texas. Permit me to say this to the gentleman: I have some examples wherein I believe some of the Departments have gone far beyond the constitutional inhibition about which the gentleman from Ohio is talking. I have constantly fought against the invasion of the legislative prerogatives by Departments downtown. That is one of the things we were trying to point up in the hearings on this bill, that we did not want that to be done.

Mr. TAFT. If the gentleman will yield further, it is my own personal feeling that the proper place to put the limitation in it and to say what we mean as to what is to be done, is when the law is first passed and not after there have been some abuses.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ROGERS of Texas. I thank the gentleman from Ohio for his contribution.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I ask unanimous consent to proceed out of order.

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

There was no objection.

Mr. LAIRD. Mr. Chairman, bipartisanship in foreign policy is a fine thing, but if we are going to have any kind of true bipartisanship we must have common understanding and respect between the majority and minority parties in this country.

Today the President at his news conference, I believe, misled the American people. At that particular news conference the President was asked about a statement I made in answer to a question on a radio program which was broadcast on Sunday last. The answer to a quesion which was asked at that time was based on information supplied to me by the Secretary of State. Secretary of State Rusk informed me in connection with my work as chairman of the Republican platform committee for 1964 that the U.S. policy was to take whatever steps may be necessary to protect southeast Asia from a Communist takeover.

I was further informed that all contingency plans are being made to carry out this policy decision of the administration. The contingency planning includes the preparation of plans to go north into North Vietnam to hit at the heart of the problem as far as South Vietnam and Laos are concerned.

In my radio interview, in answer to a particular question, I made it perfectly clear that the decision had been made to prepare these plans but that no decision had been made to implement these plans in any way. The United Press and the Associated Press quoted this interview absolutely correctly. The Associated Press even carried the word "prepare" in italic.

The President was asked about the preparation of such plans as referred to by me in his press conference today. I was supporting the Johnson administration in my comments on Sunday. I did not use any of the classified testimony before our Defense Appropriations Committee in this connection at any time. The Secretary of Defense appeared before our committee and any member of our committee will give you, I am sure, complete substantiation of the basic nonclassified information which I used. We are making plans and preparing plans for this particular contingency. We should be and I commend the State Department and Department of Defense for this planning. But when the President was asked about this at his news conference, he said, and I quote the United Press story:

> Johnson at first dismissed this by saying LAIRD—who is chairman of the Republican platform committee this year—is not yet speaking for the administration.

But when a newsman pressed the question whether there were in preparation contingency plans for taking the war to North Vietnam, President Johnson said, "I know of no plans being made to that effect." That simply is not the case. We have contingency plans in this particular area, and we should not advise the potential enemy in advance that we have no such plans. This is very bad national strategy as far as the United States of America is concerned.

If I were at liberty to release the testimony by the Secretary of Defense before the Defense Appropriations Committee in the past 2 weeks, it would show this is certainly not his position. He supports the position and firm statements of Secretary Rusk. I regret that the President of the United States used his news conference in this way, because the American people deserve to be informed and have the right to know. Our potential enemy should not underestimate the will and determination of our country.

Mr. SAYLOR. Mr. Chairman, I yield 8 minutes to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, I support the bill which the Committee on Interior and Insular Affairs has before us, but I do believe that section 203 is subject to amendment.

I will offer an amendment to section 203 of the bill.

This section is a highly restrictive one. It deals in peremptory fashion with a very complex subject—patent ownership. It was not in the bill as requested by the administration. It is objected to by the Bureau of the Budget. It found its way into the bill by last-minute amendment on the Senate floor, with no significant discussion. I feel it should be amended.

Section 203 is the latest in a long series of efforts to force Federal administrators to impose patent restrictions on private organizations and individuals doing research and development for the Government—restrictions largely repugnant to those doing the work, on whom the Government must depend for progress. In essence it provides that all property rights developed through research sponsored under the bill shall fall in the public domain—regardless of the extent of the contribution made by the party doing the research.

Mr. Chairman, this section involves a controversy of long standing over Federal ownership of patents. For the most part the Senate, in recent years, has tended to favor Government title to patents arising in the course of research done with Federal funds. The House has taken the more liberal stand that title should be the result of a fair appraisal of all the equities involved—going, at times, to the Government and, at other times, remaining in the contractor subject in all cases to a license by the Government to use the invention developed royalty-free.

It has been the history of the House generally to reject language such as contained in section 203, the most recent example being the Clean Air Act, H.R. 6518, on which final action was taken December 10, 1963. At that time I commended the managers on the part of the House for their efforts and particularly for seeing that restrictive language, with respect to patents and other proprietary rights, was eliminated from the bill.

The issue is not a simple one. Years of study have gone into its attempted solution, and even yet there is no generally accepted one. To treat the matter as contemplated in section 203 is grossly unfair to both the Government and the private contractor or individual.

I would remind my colleagues that the patent right is a constitutional one. It was developed in the Constitution, not as a special franchise to the entrepreneur, but as a device to insure the promotion of the arts and sciences. It recognized human nature and the value of personal ownership—not alone to the individual, but to the public as well.

I would further point out that in recent years many of the nations of the world which have followed the route of socialization of industry and agriculture have discovered—belatedly—what our Founding Fathers knew all the time: that the man with a personal stake in his work does a better job for his contractor. Thus, one by one, these countries, including England, France, Germany, Italy, et cetera, and even the Soviet Union, have lately been casting about for means of giving greater rewards and incentive to individual inventors. Ironically, some of them now give their contractors a better break patentwise than does the United States. They have learned that to compete in today's consumer market, this kind of incentive is essential. Those of us who watch the balance-of-payments situation are only

too painfully aware of how effective their competition has become.

Mr. Chairman, the Government versus private ownership of patents problem is not static. Much progress has been made in the past decade and real milestones passed.

The hearings which our own Subcommittee on Patents and Scienctific Inventions conducted over a 4-year period did much, I believe, to dispel many of the misconceptions surrounding this matter. The excellent studies conducted by the Patents Subcommittee of the Senate Judiciary Committee were also invaluable as a source of factual material. The extended debate in the House on the Government ownership problem relative to amendments of the Space Act, in 1960, crystallized the issues. Since then, new flexibility instituted by NASA and the AEC relative to their patent policies, together with a reassessment of defense policies, has brought about a trend away from extremes. The 2-year extensive study by executive agency heads, which culminated in a moderate position by the Federal Council for Science and Technology—and eventually the statement of patent policy enunciated by President Kennedy last October—now seems to have created a stabilized, commonsense rationale for the administration of Federal policy until such time as a better one may be developed.

The basic theme of the administration policy is contained in this comment from the memorandum promulgating the new policy, October 10, 1963:

> This statement of policy seeks to protect the public interest by encouraging the Government to acquire the principal rights to inventions in situations where the nature of the work to be undertaken or the Government's past investment in the field of work favors full public access to resulting inventions. On the other hand, the policy recognizes that the public interest might also be served by according exclusive commercial rights to the contractor in situations where the contractor has an estimated nongovernmental commercial position and where there is greater likelihood that the invention would be worked and put into civilian use than would be the case if the invention were made more freely available.

The statement then undertakes to spell out guidelines designed to assist Federal administrators in making their determination of where proprietary rights should properly vest.

Thus the present policy, which is controlling except where specific statutes provide otherwise, assures protection of the public from the antitrust point of view, while seeking to guarantee contractors that their efforts will be rewarded in proper ratio to their contribution to the research undertaken.

Mr. Chairman, when legislation contains a provision such as section 203 of this act, then the head of the Government agency involved cannot comply with the President's carefully formulated policy.

It is in this regard that I call your attention to the letter of February 20, 1964, to the chairman of the Interior Committee from the Assistant Director for Legislative Reference, Bureau of the Budget, Mr. Phillip S. Hughes, recommending the deletion of section 203. After reference to the Presidential statement on Government patent policy, Mr. Hughes states:

> As reported by your committee, the pertinent provisions of section 203 of S. 2 would not permit this flexibility but would instead have the effect of denying patent rights to those conducting research in all cases. In our judgment, the provisions of section 203 relating to patents would inhibit the desirable flexibility of the administration's policy with respect to patent rights and we, therefore, recommend the deletion of those provisions from S. 2.

Mr. Chairman, I do not wish to belabor the point.

I would only call your attention to the fact that the bill calls upon the great land-grant universities or such other colleges as the individual States may designate to perform the required research into solving our water problems. Yet many of these colleges and universities—according to a National Academy of Sciences study conducted by Dr. Archie M. Palmer in 1962—follow established patent policies which would have to be violated if section 203 remains in this bill. Surely, this is not the way to get the job done.

I think it is entirely possible that one day in the future we will end up legislating overall Government patent policy. But to do this by statute will require much more study by the appropriate congressional committees in collaboration with executive agencies, the patent bar and private contractors—and after we have had more experience with the existing policy statement. In the meantime we should not, in a piecemeal manner, undermine and corrupt that carefully designed policy as section 203 would do. We should give it a chance to work.

Please note that the administration policy sets up a procedure for its own review and revision as experience dictates the need. A patent advisory council is set up under the Federal Council for Science and Technology to develop further guidelines for the implementation of the policy. The panel was set up early this year by the Johnson administration and is now actively functioning. It is chaired by Dr. William Eaton, Deputy Assistant Secretary of Commerce, and has representatives from 21 agencies. Under the panel, subcommittees have been formed and are in active operation for planning university grants and contracts, reports, foreign patent management, domestic patent management, and data collection and analysis. More than 40 senior policy-level administrators are involved with the actions of the panel and the subcommittees.

Mr. ROGERS of Texas. Mr. Chairman, I yield to the gentleman from Hawaii [Mr. GILL].

Mr. GILL. Mr. Chairman, I rise in support of this measure. The House Committee on Interior and Insular Affairs has given long and careful consideration to the objectives of this bill, and modified it to provide maximum effectiveness to the immediate program.

The appropriation of $75,000 to each of the State institutions involved during fiscal 1965, $87,500 for the next 2 years, and $100,000 for each year thereafter up to the 10th year will allow the land-grant colleges or other designated institutions in the various States to establish teaching and research facilities. These facilities and the personnel attached to them can serve as the nucleus for training young scientists and techncians in the field of water resources.

In addition, the Secretary of Interior can make further money available, on a one to one matching basis, for specific water research projects at these institutions.

This can well be termed a "seed" program in an area which daily grows more vital to our people. Our rapidly rising population, falling water tables, increased pollution of existing supplies, and tremendous new uses for water all combine to make knowledge of this life source more critical each day. Strangely, we have long taken water for granted; our scientific effort and our fund of knowledge in this commonplace subject has been minimal, compared to advances in more spectacular areas.

It serves us little to spend billions to put a man on the barren reaches of the moon or to clutter space with satellites and rockets, if our farms and cities wither for the lack of adequate water. With this initial program we should be able to attract some of our abler young people into a field of endeavor and study which will always be basic to life itself.

In Hawaii we have been blessed with relatively abundant water for our large urban centers, and we have long been concerned with developing water for agriculture and our barren areas. But as our population grows in Honolulu our need to understand the precise function of our aquifiers, to control polution, and to allow multiple use and breathing space for our people in some watershed areas becomes ever more intense. This bill should allow the University of Hawaii to make a start at a long-range water research section, help coordinate current research, and supply new technicians this problem will require in the years ahead.

Mr. ROGERS of Texas. Mr. Chairman, I yield to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Chairman, as a member of the subcommittee which held hearings on S. 2 and reported it, I want to commend Chairman ROGERS and chairman of the full committee WAYNE ASPINALL for the excellent legislation we are considering today. The Water Resources Research Centers Act of 1964 has been in the making for some time and its passage this year is imperative. The bill will provide the necessary funds and coordinating facilities for research which to this point has been minimal and quite unrelated. The research contemplated in S. 2 will find immediate application in the critical water resource problems facing the Nation today.

In my own State of Idaho there is a great deal of interest in water resources but the lack of funds for geological, physical, legal, and hydrological studies have kept activity at quite a low level. S. 2 would provide the tools for achieving goals in water research which we

have desired for some time. For example, there is a great need for an inventory of our underground water resources because this source may be depleted without our actual knowledge if there is no accounting for the supply. Our university has devoted much time, money and energy to this and other water questions but the lack of adequate funds has limited the scope of this work. The need is critical and the legislation proposed in S. 2 reasonably and thoroughly meets this need.

Changes adopted by the House Interior Committee are, I believe, great improvements over the original language of S. 2. Allocation of the funds to State universities gives the direction toward local water problems. Language adopted by the committee which directs the President to establish a cataloging center lays the groundwork for proper coordination of the information and the research gained at the local levels. The 10-year limitation will make it incumbent on us to evaluate the returns on our funds within a relatively short period of time. It is quite likely that at the end of this period that new directions in water resource research activities will become necessary. I believe we are starting right with enactment of the House Interior Committee version of S. 2 and I believe the legislation provides that we will end right. I urge all Members to favorably consider this fine bill.

Mr. ROGERS of Texas. Mr. Chairman, I yield to the gentleman from Georgia [Mr. WELTNER].

Mr. WELTNER. Mr. Chairman, I am proud to support S. 2, a bill to establish water resources research centers. My region of the country, the great Southeast, has long been aware of the need for conservation and development of water resources. This is a necessity if we are to meet the growing needs of a dynamic economy and an expanding population.

Georgia has led the way in the Southeast in approaching the problems toward which this legislation is directed.

In July 1963, the board of regents of the University System of Georgia established the Water Resources Center at the Georgia Institute of Technology, in my congressional district. The purpose of this center is to stimulate a broadly based, comprehensive program in water resources education and research.

The director of that center is Prof. Carl E. Kindsvater, a nationally recognized leader in his field.

The center at Georgia Tech, with its outstanding research facilities and staff, places it in position to take immediate advantage of this legislation. While the amount of Federal funds available to each State under the act will be modest, I believe its ultimate effect will be the establishment of a national network of water research centers. Their potential will be, I am confident, equal to national needs. I urge the passage of this bill.

Mr. ROGERS of Texas. Mr. Chairman, I yield the remainder of my time to my colleague from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I support this measure and wish to commend the committee and its able chairman for their effective work in bringing out this bill.

There is no more important problem facing this Nation—and the world—than the guarantee of enough water for the future. As a nation we probably can handle in future years matters affecting space, room, shelter, and oxygen, but problems in the field of water and water supply looms as the greatest threat to our survival than any other resource. We must prepare now for this supply of water. There is no better place than to start intensive research and study at our State universities and colleges, coordinated with our Federal Government.

However, each State ought to be given the greatest leeway in carrying out this research. Each State ought to know best where this research is to be accomplished, based on the present water study programs, the potential of research in each institution, and the water plans already formulated within a State. I am concerned that the language in the present bill is too restrictive in that grants might automatically go to a land-grant college rather than the appropriate university or college in the State which might be better or as equally equipped to handle the research.

I am sure all of us agree that the research grants should not be divided between more than one or two schools and that the research should go to the school best equipped to carry out the aims of the Congress. I am fearful that unless we change some of the language in this measure, some of the grants might go to schools which have a small or inadequate program underway—with little potential for development—rather than to a school which has already specialized in this field. I am hopeful that the committee will make the language general in nature—giving each State the free authority to designate—instead of the grants going to land-grant schools alone.

Now I realize the present language says that the grant would go to land-grant schools—unless otherwise directed by the legislature of a respective State—but that means that the only way any other school might get one of these grants is perhaps to have a knock-down, drag-out fight with the legislature.

I would think that the bill would be much more effective if the Governor, advised by the proper water resources authority of the State, or the State water resources authority itself, could determine what institution would receive the research funds. This would have the twofold purpose of, first, more quickly expediting the matter, rather than waiting for the State legislature to convene—and perhaps becoming bogged down in an intramural battle of college alumnae politics—and, second, of allowing the agency of the State which is most nearly associated with the water problems of the State to determine which institution is best prepared to carry on the best program. This is certainly an area in which the State can best determine the needs and problems which it faces.

Rather than leave the impression that the grant must go to a land-grant school—unless otherwise designated by the legislature—I hope the committee, either in the House or at a later point—simply will say that the grants go to a respective college or university within the State as "designated by the appropriate State agency having jurisdiction over water resource matters within that State." It may well be that many of these grants will go to land-grant colleges, and that is fine if that school is best equipped to handle the research. But other schools ought not to be preempted or cut off from the possibility of conducting the research. I do not think the Congress wants to set up a research project where it is least effective. It ought to be done where it can be the most effective.

There are a number of water resources centers established and working throughout the country at this very moment. One of these is at the University of Texas, under the very able direction of Dr. Ernest Gloya and many of the departments at the university—ranging from the department of engineering to the school of law. Heretofore, all of these departments carried on separate teaching and research operations. It was deemed a necessity that there must be a central mode of operation and coordination to insure that efforts of our various experts are channeled toward common solution of water research problems.

The University of Texas' Center for Research in Water Resources has been a going concern for nearly 2 years. It has incorporated the best of all departments at the university and has at its command some of the leading experts in the various areas of water problems. Its scope ranges from hydraulics and fluid mechanics in the department of engineering to water law at the school of law. Under the superstructure of the research center all of these various department's research would be coordinated to map out a completed picture of the water situation in the State of Texas. As far as the necessary facilities are concerned, the area surrounding Austin is ideal because it is the location of the University of Texas, and a series of lakes and dams on the Colorado River, and watersheds. These teams of researchers can, with easy accessibility, draw the necessary information to formulate a complete picture of our water problems. And this is not an educational institution scheme alone. Private business concerns are participating now—in time and money—and are being encouraged to participate in order that the whole economy and well-being of the State can be fully met. In fact, I have received letters from several civic minded groups, praising the work and foresightedness of Dr. Gloyna and the University of Texas in meeting the challenge of this vital problem.

Therefore, I think it is essential that this university and the others throughout the country be given a partnership in the development of this Federal program. Title I of the House version of the bill would tend to discriminate—even though perhaps unintentionally—against many well established universities which are leaders in water resources research. I think it would be a waste of manpow-

er resources not to stimulate the use of existing facilities. Therefore, I favor this measure but hope its language be broadened.

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

Mr. PICKLE. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding. I congratulate him for his fine presentation. As one of the cosponsors of this legislation, I join him in urging its adoption as a most needed part of the President's long-range approach to the water problems of the United States. The water research centers authorized by this bill will contribute substantially to the solution of those problems throughout the Nation.

Mr. PICKLE. I thank the gentleman from Oklahoma.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I strongly urge the passage of this most worthwhile piece of legislation.

Mr. Chairman, the legislation before the House this afternoon is absolutely essential if this Nation is to have a coordinated national program of water research.

In the Commonwealth of Massachusetts, we have an outstanding land-grant college at Amherst, Mass.—the developing, progressive University of Massachusetts.

This outstanding school is well equipped physically and intellectually to continue a program of water research. This institution has managed to chart an enviable record in related research areas and the passage of this legislation will further insure their continued expansion in an area of vital concern to the citizens of this Nation.

This program—and I want to take this opportunity to congratulate the gentleman from Texas [Mr. ROGERS]—will go a long way toward strengthening the contribution that universities can make to water resources and related forms of research.

With the projected growth of our population, there is an increasing need for studies of this kind, and the University of Massachusetts will need the funds to cope with mounting water-use programs caused not only by the population boom but also by an increasing industrial society.

The program would assist both the water programs at the local and State level and in meeting the critical needs of furnishing additional hydroscientists.

The water research needs of this Nation to have a center located in each State were brought out very forcefully by the Senate Select Committee on Water Resources in the report of January 1961.

Here were some of the areas—reducing evaporation from the surface of reservoirs, elimination of water-loving vegetation along the edges of watercourses and reservoirs, reducing seepage losses in irrigation canals and other water distribution systems and other wasteful practices—as well as other projects too numerous to mention at this time.

Mr. Chairman, I agree with the committee when it states that a great contribution can be made at the State level because of the differences each State faces. This is an essential point.

The funds involved—$75,000 for the first year, $87,500 in the second and third years, and $100,000 each year thereafter until Congress reviews the program—would establish the finest network of centers across the land and meet face on the problems that will continue to arise.

I know that the University of Massachusetts—already on the verge of major breakthroughs in the area of research—will greatly benefit from the program.

All of Massachusetts would gain from this program, Mr. Chairman. It is also obvious that the entire Nation would receive untold advantages from the program during the next 10 years.

I urge the immediate enactment of this bill to establish these centers. As the first House sponsor during the 1st session of the 88th Congress to set up a northeastern water resources compact and similar legislation, I feel that the present bill is a must and one that should be enacted.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. CLEVELAND. Mr. Chairman, I rise in support of this legislation establishing water resources research centers at land-grant colleges and State universities to promote thereby a more adequate national program of water research.

The University of New Hampshire, in my State, has already undertaken plans to utilize the grants provided by this legislation. The need is great in New Hampshire for localized research to cope with mounting water use problems caused by the increase in our population and the growth of our economy.

New Hampshire's economy typifies the need for localized research. We have of course an increasing industrial and population need for water. We also enjoy matchless recreational facilities that support an important segment of our economy on a year-round basis which depend on water. In addition, agriculture and forestry are large and important segments of New Hampshire's economy and they also depend on water. The University of New Hampshire will be cognizant of the conflicting demands and needs of the different segments of our diverse economy. Its water research efforts will thus be better motivated and more meaningful.

In establishing a water resource research center, the University of New Hampshire will be entitled to a Federal grant of $75,000 during the first year of the program, $87,500 during the second and third years, and $100,000 for each of the remaining years of the program. Additional funds wil be available to New Hampshire subject to approval by the Secretary of the Interior on a dollar-for-dollar matching basis for specific research proposals made by the State research center. The equal treatment afforded the several States is commendable. The matching funds can be used to reward the most promising research and serve as additional incentive.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas [Mr. ELLSWORTH] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. ELLSWORTH. Mr. Chairman, the water resources research bill, S. 2, is excellent legislation. I am glad to be able to support it, and to commend and thank the great House Committee on Interior and Insular Affairs for their fine work in bringing the bill before us today.

At the same time, I regret two aspects of the present version of the bill and hope it can be modified, prior to enactment, to give more recognition to the responsibilities of the sovereign States of our Federal Republic.

I refer specifically, first, to the restrictions placed upon the ability of the States to designate non-land-grant schools as their water resources research centers or to divide this responsibility between more than one institution when such a designation or division may, in fact, be most appropriate. Secondly, I refer to the unfortunate deletion of title II of the original bill. This was the title which authorized research grants or contracts with individuals and institutions not associated with a land-grant college.

For example, we in Kansas have in full operation one of the best water resource statutes and programs in the Nation. In Kansas, the entire State-Federal cooperative ground-water investigative program is located on the campus of the University of Kansas, a non-land-grant school. Moreover, the only graduate educational program in Kansas in water engineering and water resources science is located at the university and so is all water-related research in environmental health engineering. Beyond that, the State geological survey and the State biological survey are located at the University of Kansas, and both have Federal counterpart agencies with significant water-related responsibilities which are located in the Department of the Interior.

Recently, in order to coordinate these and the many other water-related University of Kansas functions, the Kansas State Board of Regents approved the establishment of a water resources institute.

The point is, Mr. Chairman, under the present version of S. 2 neither the State of Kansas nor the U.S. Department of the Interior would have the freedom to use these resources effectively because the University of Kansas is not a land-grant school.

Under the constitution and laws of the State of Kansas, the Governor and the board of regents have developed a magnificent water resources program in our

State. We have taken great strides toward meeting our State responsibilities and we feel we have the right to ask the Federal Government to give us the freedom to continue our program in our own way, without congressional limitations and without having to go back again to our legislature.

It is my hope that S. 2 can be modified to correct these unnecessary limitations on States rights before it is signed into law.

Mr. TEAGUE of Texas. Mr. Chairman, I introduced one of the some five bills on this subject which have been pending in the House and the Senate. I do not believe that I need expound to the House the importance of this legislation. It will meet two national needs: the acceleration of research in water problems and the acceleration of the training of hydroscientists, who are desperately needed to deal with the regional and national water problems that are growing so swiftly.

It seems to me, and to almost every other reasonably well-informed person with whom I have spoken, that we cannot any longer depend upon independent, sporadic, and uncoordinated research programs if we are going to lick this problem. And lick it we must, or we shall be in dire trouble as a nation and a civilization.

The bill before us today is modeled on the Hatch Act which created the system of State agriculture experiment stations. We all know of the fine work and contributions to our way of living made by these dedicated people. The bill seeks to enlist the competence of our university faculties in needed water research work and at the same time to strengthen their work of developing and training additional new scientists and engineers. Careful attention has been given in the bill to avoiding Federal agency intrusion in or domination of the academic institutions.

As the demand for more and more water increases throughout our Nation, so do the problems of water management and pollution increase and become more complex. It is evident that education and research programs must evolve to that the scientific capability and research programs will exist to solve the future water management problems. It is the hope of the sponsors of this legislation including myself, that this bill will answer these problems by creating the research centers which will be so badly needed in the future, and which are needed now.

Mrs. DWYER. Mr. Chairman, the pending bill, to establish water resources research centers and otherwise to stimulate more adequate water research is a modest effort to meet an increasingly urgent national problem. The committee has written a reasonable and responsible bill. The moderate costs involved should be viewed as the beginning of a vitally important insurance program which we hope will provide effective protection against future water shortages and thus pay dividends in terms of assured supplies of the most precious raw material on earth. I hope the House will approve this legislation.

Mr. SCHWENGEL. Mr. Chairman, I rise today to call attention to what I consider a couple of problems involved in this legislation.

We are authorizing what I suppose is considered a relatively small sum of money.

But, one thing we should seriously consider when we discuss expending additional sums of Federal moneys for water resources research through the facilities of educational institutions is the overall picture of water research already being conducted by Federal and State agencies as authorized by existing legislation. Another thing we should take a close look at today is the highly important need for proper coordination of activities.

The proposed water resources research expenditures for fiscal year 1965 as released by the Office of Science and Technology of the Executive Offices of the White House are some $72½ million. Although this sum is unfortunately small in comparison to what we should be spending for water resources research if we are to meet the water problems facing this Nation, there is already duplication of research activities by the large number of Federal agencies already involved in water resources research. There are no less than 25 agencies engaged in water research, the list of which I will place in the RECORD. Their contributions range from the vastness of those made by the overall programs of the Departments of the Interior and Agriculture to those made by the research teams of the Bureau of Indian Affairs. Already deeply involved in water research are the Departments of Agriculture; Interior; Defense; Health, Education, and Welfare; the Atomic Energy Commission; the National Science Foundation; the Tennessee Valley Authority and some 25 subdivisions of those departments and agencies.

Although a close look at the possible duplication between existing and future activities of these Federal agencies may someday have to be taken by Congress, we should, as much as practically possible, insure ourselves today of not creating even more duplication of research by the passage of this act. A very large amount of money is already spent by the Federal Government through grants for research authorized by existing legislation in fields related to water resources. Almost all State universities handle water resources research work for the respective State.

The scope of current research in water resources includes nine basic types of research concerning: the nature of water, the water cycle, water and land management, water development and control, qualitative aspects, reuse and separation, economic and institutional aspects, engineering systems, and manpower and research facilities. There are some 55 detailed aspects of those 9 areas being dealt with by the Federal agencies today. State universities under funds received under State authorizations are also conducting research in these areas.

Some interesting figures concerning expenditures on water research are as follows:

Types of research	Estimates	
	1964	1965
Nature of water	$1,770,000	$2,055,000
Water cycle	13,979,000	15,144,000
Water and land management	9,600,000	10,320,000
Development and control	7,261,000	7,553,000
Qualitative aspects	10,731,000	13,329,000
Reuse and separation	9,031,000	10,048,000
Economic and institutional aspects	2,769,000	2,819,000
Engineering systems	4,980,000	5,573,000
Manpower and research facilities	9,352,000	3,423,000

Mr. Chairman, those figures amount to $71,473,000 in 1964 and $72,464,000 in 1965.

Since by 1969 at the maturity of this act we would today be authorizing some 8 percent of the total revenue to be expended on water resources research at that time, we should be extremely careful not to create or allow for the creation of any duplication of activities. The outstanding contributions of State agencies should not be impeded by any section of this act which would limit the determination of the fund's direction to the political whims of State legislatures as does section 100 by the determination of State legislative action.

Most States, especially Western ones, already have competent and qualified water research teams at their State universities. In some States private schools are conducting water research activities.

This act is important but money must not be spent by the Department of the Interior merely for the sake of expending it. Careful consideration must be given to prevent duplication of activities and to insure the proper coordination of research.

DEPARTMENTS AND AGENCIES CONDUCTING FEDERAL WATER RESOURCES RESEARCH

Department of Agriculture: Agricultural Research Service, Cooperative State Research Service, Economic Research Service, Forest Service, and Soil Conservation Service.

Department of Commerce: Bureau of Public Roads, Business and Defense Services Administration, Coast and Geodetic Survey, Maritime Administration, and Weather Bureau.

Department of Defense: Corps of Engineers.

Department of Health, Education, and Welfare: Public Health Service.

Department of the Interior: Bonneville Power Administration, Bureau of Commercial Fisheries, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Mines, Bureau of Reclamation, Bureau of Sports Fisheries and Wildlife, Geological Survey, Office of Saline Water, and Park Service.

Atomic Energy Commission.

National Science Foundation.

Tennessee Valley Authority.

One other provision of this bill concerns me. The bill almost by default gives the money to the States to the land-grant colleges. I have no quarrel

with land-grant schools. Many of them do excellent research in the area of water resources. However, there are many State schools which are not land-grant colleges that also do fine water resources research. These schools will not receive funds unless there is affirmative action on the part of the State legislatures. Any Member of this House who has served in a State legislature knows the problems involved in getting such action.

Let me name a few problems I envisage.

Having served in a State legislature for 10 years I know how fierce competition between State schools for funds can so easily become a political football. State legislatures have enough problems dividing up State funds without the responsibility of designating the recipient of Federal funds. Another problem concerned with the State legislature designation is that many State legislatures still meet biennially. What procedures are to be followed? Is the Department of Interior going to wait until State legislatures have met and had a chance to act or until they have completed action before giving out designations for grants?

If Interior waits, the research will be held up, if they go ahead before a State legislature has had time to act, it would be unfair to the other State schools within that State.

I would rather see the designation made by a State agency, preferably that one which has jurisdiction over water resources within a State.

This would mean State people, qualified and competent in the field of water resources would make the decision of who should do the research. Perhaps they would find that one school could best do one phase of the research and another school do another phase. I would like to see that leeway in the bill.

By placing the designation responsibility with a State agency, relatively free from political influence, one which could meet within a relatively short period of time to make a decision thereby not impeding the progress of the program, I believe we would have a superior bill.

I would hope that when this bill goes to conference, as I assume it will, the House conferees will keep these suggestions in mind.

Thank you, Mr. Chairman.

Mr. COOLEY. Mr. Chairman, the bill before us (S. 2) concerns itself with one of the most important resource problems which will face this Nation in the years ahead—the assurance of ample and usable water supplies to meet the manifold needs of people, of industry, and of agriculture.

Authorities on this subject tell us that we are now using substantially all of our readily available water supply and that by 1980 our need for water will be double what it is today.

We who are closely associated with agriculture and directly responsible for legislation relating to programs of the Department of Agriculture have long been aware of the mounting importance of adequate water supplies to our agriculture and our economy generally.

Years ago we changed the objectives of the Soil Conservation Service from the mere prevention of erosion and the stabilization of cropland to the much broader objective of soil and water conservation. And in recent years the conservation and wise use of water has assumed a constantly more important role in our objectives.

Water conservation and the making of water facility loans have become an important part of the program of the Farmers Home Administration. Loans are available both to individual farmers to develop water supply and utilization systems for their farms and to local groups and communities for the development of community water supply and distribution facilities in rural areas.

As far back as 1951, the Committee on Agriculture became sufficiently concerned with the twin problems of water conservation and flood prevention that I sent a subcommittee headed by the gentleman from Texas, Congressman POAGE out into the Midwest to hold a series of hearings on water management.

Out of these hearings and the bill drafted by the subcommittee grew the Watershed Protection and Flood Prevention Act of 1954. This is today the basic law providing for joint community-State-Federal action for the conservation and beneficial management of our precious water supply in the area where it falls.

So I am now, and have for a long time been, deeply interested and concerned with our basic resource of water. There are still many things we need to know about this subject and in spite of all the research which is today being carried on by the Department of Agriculture and other Federal, State, and private agencies, I believe that a cooperative Federal-State research program, such as will be provided by this bill, is needed and will serve a most useful purpose.

The water research program proposed in this bill bears a close resemblance to the agricultural research program which has been carried on for many years through the State agricultural experiment stations. Like the water resources research institutes which will be established by this bill, the agricultural experiment stations are operated in conjunction with the land-grant colleges and universities. Like the experiment stations the water research institutes will combine research, teaching, and learning. Like the experiment stations, the water research program in each State will concentrate on those problems which are of greatest importance to that State or area.

In North Carolina I hope that it will begin its studies with the problems of water pollution. Our water supplies must not only be ample, they must be free of contamination and pollution, and fit for any use that people want to make of them.

The research conducted by our State agricultural experiment stations has been a major factor in the fantastic development of American agriculture which has taken place in the past 30 years and in the tremendous increase in the productivity and efficiency of American farms.

If the research program we are establishing under this bill accomplishes half as much as has been accomplished by our Federal-State research program in agriculture we can all take satisfaction in the knowledge that we have helped to establish a very worthwhile program and one that will more than repay the expenditures made on it.

Mr. FRASER. Mr. Chairman, the University of Minnesota has a substantial education and research program in water use, as I reported to the Interior and Insular Affairs Committee when it was considering S. 2 last summer. I feel certain that the University of Minnesota could take full advantage of the provisions of S. 2 to advance the training of scientists and to conduct research.

In Minnesota water is plentiful, clean, cool. We proudly call our State the Land of 10,000 Lakes. But just as every other part of the country is finding problems with water supply, so too Minnesota must plan now to protect its water resources.

New methods must be found and new investment planned for purifying, conserving, reusing, storing, and expanding our water supply. Research cannot be handled by our State alone. We need a national system of water research centers to concentrate effort on this problem.

Minnesota's changing water needs are similar to the rest of the Nation. Use of water in the Minneapolis-St. Paul area leaped from 42 million gallons a day in 1936 to 88 million gallons a day in 1961. New industries demand more water.

Largest industrial ground water users in Minneapolis today are: First, milling; second, petroleum refining; third, malt beverages; fourth, electrical machinery; and, fifth, fabricated metal products.

Gas manufacturing, railroads, and dairy products industries were the heavy users of water 30 years ago.

Air conditioning is consuming ever greater quantities of water. Expanding population in the metropolitan area puts a strain on existing water sources.

In the next 40 years the water use in the Minneapolis-St. Paul metropolitan area will have to double to supply the needs of our growing economy.

A study by the State of Minnesota Department of Conservation spells out typical problems which need solving if we are to meet the demand for water:

> Proposals have been made for returning used air-conditioning water to the aquifer from which it is pumped or to another aquifer. The possibility of contamination, the gradual increase in temperature of the body of ground water, and certain operational difficulties encountered in recharge wells make this of doubtful value on a large scale.
>
> Probably the greatest opportunities for effecting economies in the use of water are in industrial plants, some of which require large quantities of water for cooling, processing, boiler feed water, air conditioning, and sanitation. Each industry or plan presents an individual problem because of wide variations in such water requirements as temperature, purity, and other qualities. In some cases water which has been used once

for cooling or condensing could be reused in the same plant for processing or washing; or warm water may be cooled by evaporation in cooling towers and used repeatedly for cooling. Recycling—the use of the same water repeatedly for one purpose—or its use successively for various purposes has been remarkably successful in reducing the water requirements in some industries.

A proposal is now being studied for conducting water after it has been used for air conditioning in downtown Minneapolis through storm sewers to a point from which it can be pumped directly into Minneapolis lakes to aid in maintaining lake levels or to ponding areas from which seepage will aid in recharging ground water.

S. 2 is intended to encourage expanded research in use of this vital natural resource. Coordination with existing Federal programs, use of college laboratory and teaching facilities, establishment of research centers at land-grant colleges—all these hold great promise for a water-hungry nation and new horizons of hope for regions and industries even now being limited for lack of adequate water supplies.

S. 2 can be one of the most important accomplishments of this Congress in preserving and developing our Nation's resources.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of 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, That (a) this Act may be cited as the "Water Resources Research Act of 1964."

(b) In order to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population, it is the purpose of the Congress, by this Act, to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and of resources which affect water.

TITLE I—STATE WATER RESOURCES RESEARCH INSTITUTES

SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1965 and for each of the nine fiscal years subsequent thereto sums adequate to provide $75,000 to each of the several States in the first year, $87,500 in each of the second and third years, and $100,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified water resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall, unless otherwise provided by act of the legislature of the State concerned, be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanics arts": *Provided,* That (1) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (2) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (3) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources and to provide for the training of scientists through such research, investigations, and experiments. Such research, investigations, experiments, and training may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; conservation and best use of available supplies of water; methods of increasing such supplies; and economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems, having due regard to the varying conditions and needs of the respective States, to water research projects being conducted by agencies of the Federal and State Governments, the agricultural experiment stations, and others, and to avoidance of any undue displacement of scientists and engineers elsewhere engaged in water resources research.

SEC. 101. (a) There is further authorized to be appropriated to the Secretary of the Interior for the fiscal year 1965 and for the nine fiscal years thereafter sums not in excess of the following: 1965, $1,000,000; 1966, $2,000,000; 1967, $3,000,000; 1968, $4,000,000; and 1969 and each of the five succeeding years, $5,000,000. Such moneys when appropriated, shall be available to match, on a dollar-for-dollar basis, funds made available to institutes by States or other non-Federal sources to meet the necessary expenses of specific water resources research projects which could not otherwise be undertaken, including the expenses of planning and coordinating regional water resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the water economy of the Nation, the region, and the State concerned, its relation to other known research projects theretofore pursued or currently being pursued, and the extent to which it will provide opportunity for the training of water resources scientists. No grant shall be made under said subsection (a) except for a project approved by the Secretary, and all grants shall be made upon the basis of the merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of water resources scientists.

SEC. 102. Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes in equal quarterly payments beginning on the 1st day of July of each fiscal year upon vouchers approved by the Secretary. Each institute shall have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs financed under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the water problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State, whether it is entitled to receive its share of the annual appropriations for water resources research under section 100 of this Act, and the amount which it is entitled to receive.

The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 200. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with water problems, of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established water research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of water and related resources research. He shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition

to any direct publication of information by the institutes themselves.

SEC. 201. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over water resources research conducted by any other agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its areas of responsibility and concern with water resources.

SEC. 202. Contracts or other arrangements for water resources work authorized under this Act with an institute may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work.

SEC. 203. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exceptions and limitations as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this subsection shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 204. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of water resources. Each Federal agency doing water resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of water resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 205. The President shall, by such means as he deems appropriate, clarify agency responsibilities for Federal water resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in water resources research, (b) identification and elimination of duplication and overlaps between two or more agency programs, (c) identification of technical needs in various water resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning the technical manpower base of the program, (f) recommendations concerning management policies to improve the quality of the Government-wide research effort, and (g) actions to facilitate interagency communication at management levels.

SEC. 206. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

Amend the title so as to read: "An Act to establish water resources research centers at land-grant colleges and State universities, to promote a more adequate national program of water research, and for other purposes."

Mr. ROGERS of Texas (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD in full and it shall be open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. ASPINALL

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

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 15, line 18, after section 102, strike out the first sentence of section 102 and insert "Sums available to the States under the terms of sections 100 and 101 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him."

Mr. ASPINALL. Mr. Chairman, this amendment was recommended by the Bureau of the Budget in its letter of March 5, 1964, subsequent to the committee's approval of the bill. We reported S. 2 to the House on February 10, 1964. The Bureau of the Budget states that this amendment is in line with its current effort to obtain greater flexibility in the timing of Federal payments under Government programs in order to insure that such payments are not made prematurely and before actually needed.

Mr. Chairman, I think the amendment is a good one and I would ask for its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DADDARIO

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

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: Strike out section 203 (beginning with page 19, line 14, and ending with page 20, line 3), and insert in lieu thereof the following:

"SEC. 203. In carrying out the provisions of this Act, the Secretary of the Interior shall adhere to the Statement of Government Patent Policy which was promulgated by the President in his Memorandum of October 10, 1963 (3 CFR, 1963 Supp., p. 238).".

The CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. DADDARIO. Of course, I yield to the chairman of the committee, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. DADDARIO, as I understand it, this is the latest policy on the question of patents that has been promulgated by the executive department. Is that not right?

Mr. DADDARIO. That is correct. Yes.

Mr. ASPINALL. I wish that the gentleman then would answer the following questions so that we can have the record straight, and may I assure the gentleman that I intend to accept the amendment and I hope that it will be accepted by the members of the committee.

In your judgment, will the President's statement of Government patent policy assure that any information developed under the Water Resources Act will be made freely and fully available to the general public?

Mr. DADDARIO. Mr. ASPINALL, you understand, of course, that under our patent system all such information is made freely and fully available. I think the important point here is that the President's memorandum does in fact spell out guidelines through which the agency head can act so that he might determine what will be in the best interests of the Government in each instance. For example, in the President's memorandum it says, and I quote:

> Another common ground of understanding is that the Government has a responsibility to foster the fullest exploitation of the inventions for the public benefit.

It then lists guidelines under which the agency head may take title and then it goes further, recognizing that there are certain exceptions where title should not be taken, allowing wider latitude so that technological progress can be advanced. It gives the agency head flexibility in the type of contract he can arrange for in the first instance and one which will be to the mutual benefit and advantage of the Government and the organizations or individuals with which it deals.

Mr. ASPINALL. Also, is it true that this is because of section 1(a) of that statement which covers cases in which, and I quote, "a principal purpose of the contract is to create, develop, or improve products, processes, or methods which are intended for commercial use by the general public or which will be required for such use by governmental regulations"?

It would naturally follow, then, your first answer to my first question is correct.

Mr. DADDARIO. I think it could follow, and the fact is that there is a history that has been established over the course of time. The Federal Aviation Agency, for example, does ask for certain research to be done for the purpose of providing better safety measures at airports, and then it creates a market for these particular goods. Under such circumstances the Government does take title. That is one of the circumstances under which it should.

Mr. ASPINALL. May I also suggest that section 1(b) of the statement, which covers cases in which "a principal purpose of the contract is for exploration into fields which directly concern the public health or public welfare" would also take care of the original answer to my first question? Is that correct?

Mr. DADDARIO. The gentleman referred to section 1(b); I think he means section 1(a)(2) of the memorandum. This, again, is one of the instances under which the agency head would normally take title and to which, later on in the President's memorandum, there are exceptions.

Mr. ASPINALL. Mr. Chairman, may I ask one more question?

Can the gentleman think of any exceptions to what he has just said under this bill; that is, cases in which public money might be spent under this bill without the public's having full and free access to the information and results which flow from the expenditure?

Mr. DADDARIO. It is difficult to determine just what is meant by the public's having full and free access. I think I can explain it in this way: The Government in every instance would get a free license under which it would not pay any royalties. The public would get information in the manner in which I have already outlined. But where it would be necessary to carry out the policy as stipulated in the memorandum—in order to further advance the development of a dynamic and efficient economy and to expand knowledge derived under such research—exception would be made, but in such event the public would be protected through the Government retaining a royalty-free license.

Mr. ASPINALL. The gentleman from Connecticut has made a great study, and has spent a great deal of time on this particular matter. He has said that the present policy as set by the President is a good policy to follow until there is a change made, perhaps, by the Congress.

Mr. DADDARIO. I think the President's policy is a step in the right direction. I am pleased by the fact that there will be constant review made of it. It is my hope that sometime in the future this will lead to full committee action by those committees which have jurisdiction so that we may have a Government-wide patent policy for all agencies.

Mr. ASPINALL. And at that time, would my friend from Connecticut be willing to see to it that whatever change was made, it was made applicable to this particular legislation?

Mr. DADDARIO. I certainly would follow it very closely.

Mr. ASPINALL. I thank the gentleman very much.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. DADDARIO] has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. DADDARIO] may proceed for 3 additional minutes.

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

There was no objection.

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

Mr. DADDARIO. I yield.

Mr. HOLIFIELD. Mr. Chairman, I have not studied the gentleman's amendment. I have just seen it. But I would like to say this, that I am not satisfied with the President's memorandum of October 10, 1963. I think it is a memorandum which for some unknown reason he agreed to put out, and, of course, we are going to have to abide by it as long as that memorandum is the rule of the day. But there have been millions of dollars of the Government's money spent in defense contracts and NASA contracts and other kinds of Government-funded contracts where the contractor has been allowed to obtain patents for his own benefit, out of money expended by the taxpayers. In the Joint Committee on the Atomic Energy Act there was an attempt made to bring some corrective measures into view in the handling of Government contracts. Under those provisions, in the Atomic Energy Act, the Government has claimed some 1,100 patents and made them available to all of industry. These are patents for which the Government has funded money.

The gentleman says that the Government is protected in being allowed to have the benefit of these patents which are given to industry under these contracts.

Well, I say that the Government gets very little good out of this particular protection, because the Government is not in the business of production.

While the Government has the right to utilize those patents royalty free, at the same time the Government is not in the position of production, as a rule. It is a very seldom that the Government avails itself of that type of protection.

Where the real protection should be would be to give to every segment of industry the right to use any kind of a device or any kind of a patent procedure which is paid for by Federal funds—and this particular right is not protected under the President's memorandum. Therefore, I just wanted the RECORD to show that some of us at least have grave doubts as to the protection which the taxpayer receives under the Government's memorandum.

Mr. DADDARIO. I might say to the gentleman from California that this is part of the argument, and we have discussed this question in the past. It is an argument, however, which does have various shades and meanings which we should understand. The Government is not in the business of production, and neither should it be.

Mr. HOLIFIELD. That is right.

Mr. DADDARIO. Under our form of government it has always been the case to look toward the free enterprise system so that we could develop a consumer product which would be to the benefit of all the people and which would be competitive in the market places of the world.

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

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. DADDARIO] may proceed for 2 additional minutes.

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

There was no objection.

Mr. DADDARIO. I believe we have done an outstanding job in doing this. There is no question that it has brought us to the forefront of world leadership in scientific research and development and in production. There does seem to me—and it is not with the intent of getting into an argument with the gentleman—that there is within the precepts of the President's memorandum the opportunity to develop over a period of time a patent policy which will in all cases protect the Government and the individuals with whom it deals.

I believe it does direct, in the interest of the public health and welfare, that the Government should take a strong position, for example. It is my belief that it is a strong policy and a good one, if we adhere to it and if we follow the suggestion made in the memorandum that, and I quote, "there shall be prepared at least annually reports concerning the effectiveness of this policy, including recommendations for revision and modification, if necessary, in light of practices and determinations of the agencies in the disposition of patent rights under their contracts," if this is done, and I expect it will be, there will be no danger at all.

Mr. HOLIFIELD. If the gentleman will yield further, I will say this: I know this is a very complicated subject and that we cannot discuss it in the limited time which we have at this particular time, but I just wanted the record to show that I have grave apprehensions about this, and many others have such apprehensions. If it is implemented properly and if the studies are made for some purpose and intent; that is, for the protection of the taxpayer, then I say it is possible that they can be protected. But if it goes along, as I surmise it will, the taxpayers of the United States will continue to be defrauded out of patent information and devices for which they have paid with tax money, and it will go into the coffers of the individual contractor who has no right to it, because he is paid for the job that he performs.

If we really followed the principle of American patent rights, that the person who pays for the research and development is entitled to the fruits thereof, then the Government will get the fruits thereof and make it available on a widespread basis to all industry and not to the particular patented contractor who happens to have that particular research and development contract.

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

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

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

There was no objection.

Mr. DADDARIO. I would like to say in answer to that statement that I have faith in our executive agency heads. I believe they will be doing their job properly. It is their responsibility and it is our responsibility to see to it that they do it. The fact is that this gives an agency head the ability to operate with the flexibility necessary to adjust proprietary interests in an equitable way and in consideration of what is in the best interest of the public.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KEITH

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

The Clerk read as follows:

Amendment offered by Mr. KEITH: On page 12, line 16, insert after the word "provided", the words "on a dollar-for-dollar matching basis."

Mr. KEITH. Mr. Chairman, I note as I read the bill that there is no matching basis in the initial phase of this program. It has been my experience, at the State level, that any Federal program offering financial assistance and not requiring matching funds would be most wholeheartedly supported by any State regardless of the extent and nature of the need.

I believe very strongly that we would have more development of water resources if it could be on a matching basis in its entirety. We would have more dollars in the program, we would have better cooperation at the local level, and we would have a better foundation upon which to build the participating program that follows the initial phases.

I hope my amendment will be agreed to.

Mr. ROGERS of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts.

Mr. Chairman, it would be bad to insert that at this time because it would be an additional imposition on the States. This program is intended more or less as a supplemental program in water research, and in scientific research development. The States already have the facilities available in many of these areas. The amount of money involved in this going to each State is not going to be sufficient to set up a separate and distinct program. It will be supplemental, and these funds will be used to get into research operations that they have not been able to get into. The States in effect are putting up more than half of the money that will produce beneficial results in the overall program.

The other portion of this act which provides for specific research projects does require matching funds from the States.

Mr. Chairman, I would urge that the amendment be defeated.

Mr. KEITH. Mr. Chairman, I do not feel it is any imposition on the States to ask them to accept $10 million, and I am surprised that my colleague would say that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. KEITH) there were—ayes 6, noes 18.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TAFT

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

The Clerk read as follows:

Amendment offered by Mr. TAFT: Page 17, line 4, after the word "such" insert the word "procedural."

Page 17, line 5, before the period insert ", but no such rule or regulation or other action of the Secretary of Interior hereunder shall control or direct the conduct or the subject of the research, investigation, and experiments in relation to water resources authorized under this Act."

Mr. TAFT. Mr. Chairman, the purpose of the amendment was made clear to those who were on the floor a few minutes ago when I asked the question in regard to the rulemaking power itself. It seems to me that if this is to be a State-oriented program, and that is apparently the intent by referring to a State university or land-grant college, under the circumstances the university or college itself should make the choice of the area of research. The rules and regulations which the Secretary of the Interior might prescribe shall only relate to the procedures to be followed rather than be substantive and put conditions on the direction of research or the type of research the university or college chooses to engage in.

I would ask your support of the amendment.

Mr. ROGERS of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think this type of amendment should be adopted in any legislation passed by the Congress, for the reason there has long been a contest with regard to the extent of the authority of the departments downtown to enact rules and regulations that get over into the legislative field. The Constitution of this Nation provides that the legislative powers are vested in the Congress of the United States. When you add an isolated amendment like this to a bill of this kind, you simply open the door for the departments and agencies downtown to say every time this is not spelled out in a bill and every i dotted and t crossed that the authority was implied to do anything they wanted to, to invade the legislative field.

I yield to no one in my desire to prevent encroachment upon the legislative processes. If you will look back over the record you will find we have had this same battle with regard to the independent agencies downtown. If you adopt an amendment of this kind you are opening the door to the very thing you are trying to avoid. If you want to say that you are going to give so much money to each State and that the Secretary of the Interior has no say as to what it is used for, there is no need to have reports made to the Congress each year, there is no need to have the States report to the Secretary of the Interior as to what the States did with the money.

This situation we have outlined in this bill and have gone over in subcommittee is to protect the money invested in this program to see that an effective program is worked out. I hope the amendment is not adopted.

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

Mr. ROGERS of Texas. I yield to the gentleman from Ohio.

Mr. TAFT. I would just like to comment to the gentleman that I think his argument refers to situations that do not exist in the rulemaking power, but I do not agree with his judgment that this is not desirable. It seems under the rulemaking power the courts have sustained extremely broad powers for the agencies to go ahead and make general rules and regulations such as this. It is wholly meaningless to say at the present time if you put this in you are going to open those gates. Those gates are already open and the floods are coming through.

Mr. ROGERS of Texas. I think if the gentleman will review the record that was made in the committee on H.R. 8316 in the Committee on Interstate and Foreign Commerce he will find much law spelled out on the subject I discussed, and I think he will find this assumption of authority by the departments downtown has been on their own authority and not on what the courts have held. There have been a lot of things in these decisions by the courts that have been taken out of context. Unless we preserve this rule intact and not be trying to tack these little exceptions on to it to try to spell it out, I think the legislative body itself is bound to be much safer. I would hope the amendment would not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2) to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research, pursuant to House Resolution 711, he reported the bill back to the House with an amendment adopted in Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

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

The bill was passed.

The title was amended so as to read: "An Act to establish water resources research centers at land-grant colleges and State universities, to promote a more adequate national program of water research, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

THE 10TH ANNIVERSARY OF THE FLOOD PREVENTION PROGRAM ON JUNE 2, 1964

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

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

There was no objection.

Mr. POAGE. Mr. Speaker, it was my privilege to introduce the first bill in the House providing for a national small watershed flood-prevention program. That was in 1952, and the legislation resulting from this effort was enacted as Public Law 566 in 1954 with the fine cooperation of Hon. Clifford Hope, then chairman of the House Committee on Agriculture.

This, then, is the 10th year of this great program. It is more than living up to the expectations of those among us who pioneered this program to protect the small watersheds of this Nation and to prevent the occurrence of floods and thereby make it possible to fully develop all their resources for the betterment of all the people.

We have amended the Flood Prevention Act several times to make it serve better the needs of the local people.

As you know, some of these projects are approved by the Agriculture Committees of the House and the Senate, some are approved by the Public Works Committees of the House and the Senate, and some are approved by the Secretary of Agriculture.

As an early and constant supporter and close observer of this program, as well as chairman of the Subcommittee on Conservation and Credit of the House Committee on Agriculture, I was greatly interested to note a most striking compendium of benefits from these watershed projects, which was compiled by Don Williams, Administrator of the Soil Conservation Service and was furnished to our committee. This compendium indicates clearly that the watershed projects bring benefits over and beyond those required to justify their authorization. I have felt that each Member of the House should have a copy of this compendium. I have, therefore, asked Mr. Williams to send a copy to each of you. You should be receiving it in a few days. It will give summary information on selected projects all over the United States, but if any of you desire more detailed information on any specific project, our committee will be happy to secure it for you if you will call the Agriculture Committee at extension 2171.

Hon. JOHN C. KLUCZYNSKI, chairman of the Subcommittee on Watershed Development of the Public Works Committee joins me in the belief that every Member of the House should have the opportunity to see this significant compendium, and his committee will be happy to cooperate if you prefer to ask them to secure information for you.

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include resolutions and extraneous matter.

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

There was no objection.

Mr. BECKER. Mr. Speaker, I am very happy to announce, and I shall insert in the RECORD today copy of resolution that the Long Island Protestant Episcopal Diocese, the area in which I live and represent a part of, on May 19, 1964, adopted at their annual convention of the diocese, supporting prayers and Bible reading in the public schools, particularly supporting the Becker amendment.

I would like also to call attention to the fact that I have a letter from the Reverend Greg Dixon of the Indianapolis Baptist Temple, Indianapolis, Ind., writing on behalf of himself and 35 Baptist ministers supporting prayers and Bible reading in the public schools. These I shall insert in the RECORD. Later on, I am going to insert in the RECORD the names and addresses and churches of some 400 clergymen of every denomination and every rank throughout the United States supporting prayers and Bible reading in the public schools.

This matter is not quieting down, as some people would try to lead us to believe. Nor has the "tide turned" to opposition, as some would have us believe.

The matter I have referred to above follows:

INDIANAPOLIS BAPTIST TEMPLE,
Indianapolis, Ind., May 28, 1964.

Congressman FRANK BECKER,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing you on behalf of myself and 35 other Baptist pastors. We commend you for your stand on the school prayer issue and are praying most sincerely that "the Becker amendment" will pass.

We would like to invite you to Indianapolis for a rally in support of the amendment. If your schedule will permit can you give us preferable dates and time?

Sincerely,

GREG DIXON.

RESOLUTION IN FAVOR OF THE BECKER AMENDMENT TO PERMIT BIBLE READING AND PRAYERS IN PUBLIC SCHOOLS

The following resolution was properly moved, seconded and passed at the 97th annual convention of the diocese of Long Island, held on May 19, 1964.

Whereas from the days of its founding to the present our country has always been officially a theistic nation in the Judeo-Christian tradition, as witnessed in countless ways: the many prayers of thanksgiving offered to Almighty God by the first explorers who landed on American shores; the references to God in the swearing of the Mayflower compact, and in countless other documents dating from earliest colonial days; the appeal to "the laws of nature and of nature's God" in the Declaration of Independence as the basis and axiomatic assumptions underlying the Republic and its principles of public morality; the theistic beliefs of George Washington, Abraham Lincoln, and other national heroes; and

Whereas the existence of a Supreme Being is acknowledged officially by countless customs and practices throughout the Nation: the inauguration of every President and government official by invocation of Almighty God; the demand of our courts that citizens swear by Him; the proclamation "In God We Trust" upon our coinage; the use of chaplains in our Congress and other legislatures, as well as in our military establishments; the phrase "One Nation Under God" in our Pledge of Allegiance; and even the crier's declaration as the Supreme Court begins each day "God save the United States and this honorable Court"; and

Whereas a concentrated effort is being made by professed atheists and other secularists to desecrate and destroy America's spiritual heritage beginning with the public school system: Be it

Resolved, That the members of the 97th convention of the Protestant Episcopal Church in the diocese of Long Island declare their support of the amendment to the Constitution proposed by the Honorable FRANK J. BECKER with the intention of permitting Bible reading and prayers in the public schools; and be it further

Resolved, That a copy of this resolution be sent to the Honorable FRANK J. BECKER, the Honorable EMANUEL CELLER, and such other Government officials as the secretary of this convention may deem appropriate.

ALLEGED 15 PERCENT REPUBLICAN CROSSOVER IN THE WISCONSIN AND MARYLAND DEMOCRAT PRESIDENTIAL PRIMARIES

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

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

There was no objection.

Mr. HALL. Mr. Speaker, on May 14 I inserted in the CONGRESSIONAL RECORD an exchange of correspondence between myself and Mr. Fred Friendly, president of CBS News. The correspondence related to my criticism of the statement made by Mr. Lou Harris over CBS News and reported by much of the Nation's press about an alleged 15-percent Republican crossover in the Wisconsin and Maryland Democrat presidential primaries.

I pointed out Mr. Harris' previous affection for Democrat causes as evidenced by his employ by President Kennedy in the 1960 campaign, and his subsequent employment by the Democrat National Committee. I charged that this background, more than any objective reporting standards, influenced Mr. Harris' attempt to blame the heavy vote for Governor Wallace on Republican crossovers. I have heard nothing further from Mr. Friendly who apparently believed that discretion is the better part of valor. In the absence of any further comment from CBS News, I submitted copies of our previous correspondence to one of the Nation's most respected pollsters, Mr. Elmo Roper of New York, and invited his comments as to the validity of my charges. I believe Mr. Roper's answer speaks for itself, and in order to make the record complete I call the Nation's attention to my letter to Mr. Roper and his reply, which clearly confirms that the Harris' conclusion was a mere hypothesis with no basis in evidence.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 22, 1964.

Mr. ELMO ROPER,
Marketing consultant,
New York City, N.Y.

DEAR MR. ROPER: On May 20 I inserted in the CONGRESSIONAL RECORD two articles deal-

ing with pollster Lou Harris, use of which was your letter to the editor of the Christian Science Monitor. This insert was part of a continuing dialog I have had with the Columbia Broadcasting System in which I have questioned their use of Lou Harris as an objective pollster. In my exchange with Mr. Fred Friendly, president of CBS News, I have pointed out the inconsistency of Mr. Harris' deductions with regard to the Indiana primary election. I have further suggested that the bias reflected in Mr. Harris' poll was not so much a lack of knowledge as an obvious effort to favor the political party with which he has long been affiliated. Obviously, I do not believe the American people can rely on the objectivity of the polls conducted by Lou Harris and disseminated by the Nation's press and CBS News.

The letter you wrote to the Christian Science Monitor indicates that you do question Mr. Harris' ethics if not his ability. Having high regard for your skills in the art of polling I hope you will take the time to read the enclosed exchange of correspondence beginning with my initial statement on the floor of the House on May 6, progressing to the exchange of correspondence with CBS News as indicated in the CONGRESSIONAL RECORD of May 14 and culminating in my most recent insert in the CONGRESSIONAL RECORD of May 20.

I would greatly appreciate any comment you might wish to make regarding the validity of my charges and any other information which you believe might help the public form a true evaluation of Lou Harris.

Though I'm a member of a particular political party, I think a study of the enclosed material will show that I do not seek political gain but rather assurances of fair reporting standards in the coming political campaign.

Sincerely,

DURWARD G. HALL,
Member of Congress.

ELMO ROPER & ASSOCIATES,
New York, N.Y., May 28, 1964.

Hon. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR MR. HALL: I have read with interest your remarks in Congress about newscasters in general and Louis Harris in particular.

It is interesting that you should question the validity of the "crossover vote" hypothesis which has been so uncritically accepted by so much of the press.

That the Wallace vote in Wisconsin and Indiana was swelled by Republicans crossing over is an entirely permissible hypothesis. But your hypothesis—that the primary which is the most actively and publicly contested and attracts the most interest is bound to attract the most voters—is equally permissible (and to me, personally, the more plausible). On the basis of any evidence I know of, there is nothing to indicate that the large pro-Wallace vote in Wisconsin or Indiana was occasioned by the crossing over of Republicans for the purpose of embarrassing the Democratic Party.

I think you have done a distinct service to polling—and to the country—to point this out.

Your letter asked for my opinion of Louis Harris; I have no respect for him whatsoever.

Sincerely yours,

ELMO ROPER.

CURTAILMENT OF POSTAL SERVICE IN MANHATTAN

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

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, I wonder if we have to put up with the increasingly bad postal service that our people are receiving?

Recently, service has been sharply and substantially curtailed. This is bad enough. But curtailment of services obviously hasn't resulted in any better or faster use of the facilities which remain. Each day I receive letters from constituents complaining about the increasing time it takes for letters to be delivered.

In Manhattan the following services have been curtailed as a result of recent post office adjustments:

WINDOW SERVICES

All "afterhours" window service (service after 6 p.m.) has been discontinued.

All "all night" window service has been discontinued.

All Sunday window service has been discontinued.

The issuance of money orders and the acceptance of postal savings deposits on Saturdays has been discontinued, except that rural carriers and some small post offices located in rural communities will continue to issue money orders and provide other normal service on Saturdays.

The acceptance of advance deposits, setting of meters, payment of box rents, and other miscellaneous less essential window services have been discontinued on Saturdays.

One consolidated service window for the sale of stamps, acceptance of parcel post, registered, and c.o.d. mailing is being provided in each post office and in each of its stations and branches. This service window will also serve as a "call window" for those patrons who wish to call for a parcel on which they have been notified of attempted delivery.

When the physical arrangement of the local post office does not lend itself to the provision of the services in item 6 above at one window, the postmaster may request an exception from the regional director.

PARCEL POST DELIVERIES

Deliveries on routes operated solely for the deliveries of parcel post have been reduced from six-deliveries-a-week to five.

The day of nondelivery will be on either Tuesday, Wednesday, Thursday, Friday or Saturday depending on local conditions. Postmasters have been instructed to select the lightest volume day as the day of nondelivery for each individual route. Generally the lighest volume day is Tuesday.

These parcel post routes deliver only those parcels of merchandise which are too large for foot carriers to deliver. Generally, a majority of them operate in the business district.

All postmasters have been specifically cautioned that all parcel post available on days when deliveries are made must be delivered without exception.

As Manhattan is the business and professional center of the world, this hurts not just Manhattan but the entire country.

I hope that Members of Congress will agree that it is time to take a look at where we stand on this question.

SURPRISE WITNESS FOR BRACEROS

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

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

There was no objection.

Mr. TALCOTT. Mr. Speaker, we are learning from actual experience and demonstration what others and I tried to tell Members of Congress about the impact and consequences of terminating the bracero program.

William G. "Bud" Kenyon is a tough, dedicated union labor organizer and official. Although rough in contract negotiations, he has an enviable record of fairness and integrity. He knows the agricultural labor problem as well as any labor representative in the United States.

Although we do not agree on many matters, his views should be known to all Members of Congress who are interested in the food we eat. The following article is by Don Razee from the California Farmer of May 16, 1964.

SURPRISE WITNESS FOR BRACEROS

(By Don Razee)

On May 4, 1961, the Teamsters Union shook up agriculture by signing a contract with a lettuce grower in the Salinas area. That contract ran for 3 years and is now under discussion for renewal.

We went to Salinas to check with those involved, and came away with some quotes that may surprise you. We'll toss a few statements at you before we tell you who made them. You might find it interesting to try to guess the source.

"Thomas L. Pitts, secretary-treasurer of the California Labor Federation, AFL–CIO, in addressing the Governor's conference on farm labor March 13, demonstrated what appears to be a lack of understanding of the facts when he said, in essence, that all farm labor problems can be solved by doubling wages and tossing in a few fringe benefits. Pitts indicated there is a surplus of labor in California ready to do stoop labor for 8 or 10 hours a day. Even if wages were increased to $5 per hour it would not bring sufficient workers to the fields to fill the requirements.

"Pitts, as well as most State and Federal officials right up to the Secretary of Labor, gets the bulk of his farm labor information from two sources—AWOC (Agricultural Workers Organizing Committee, AFL–CIO) and the Packing House Workers No. 78.

"AWOC has demonstrated what appears to be more interest in collecting union dues than in advancing the cause of the workers they propose to organize.

"The Packing House Union tries to sell government officials and others on the illusion that once the bracero is gone, lettuce packing and other such operations will return to the packing shed and thus to the fold of the union. This is not realistic. It is cheaper and more efficient to pack in the field and no one is about to go back to the packing shed.

"What would happen to any labor union which signs a contract with, perhaps, a strawberry grower? The union agrees to pick for a set figure, say 50 cents per crate. Along comes an action committee from a group such as CORE and says strawberry picking is worth $1 per crate and a 'pick-in' starts, with the ensuing demonstrations. Under these circumstances how could any labor union control its members? How could a responsible union fulfill its obligation to the grower who signed his contract in good faith, with the understanding and guarantee there would be no labor troubles?

"The thought of the tremendous amount of unemployment the loss of the bracero will bring scares me to death.

"There remain only a few months to mount an offensive to reinstate the bracero program before chaos erupts. The apathy that exists among the growers and their organizations, the Teamsters who stand to lose their produce-hauling jobs and those employed in canning, freezing, and dehydration is appalling and frightening.

"The unions of this country are guilty of a devastating disservice to the teenage youth of this Nation. Nations view child labor with alarm, forgetting that the teenage years are the formative ones. The minds of teenagers are expanding but unions demand they build their bodies with an hour of physical education in school. Youth should be given an opportunity to work in the fields as is done in all other countries of the world, and as it was done here until unions made child labor a dirty word.

"It is time to direct the tremendous energies of our youth away from street gangs and into fields where they can help contribute to the support of the family. A working head of a family taking home $150 per week with several teenagers has a tough time figuring out how to keep them in school for 12 or more years. There are countless jobs waiting for these teenagers that will supplement the family income with $30 to $50 or more a week. It's time we let them help."

By now you've no doubt figured out who made these and many other interesting statements. It was William G. "Bud" Kenyon, secretary-treasurer, General Teamsters, Warehousemen and Helpers Union, Local No. 890. Kenyon is the union official who negotiated the only two grower contracts in existence with Bud Antle and Jim Mapes, Salinas Valley lettuce growers.

We asked Kenyon about his union's inability to supply all the workers needed on the two ranches having contracts. Together Antle and Mapes used 2,729 braceros during 1963.

"We can't supply the stoop labor requirements of these two growers, let alone any more," Kenyon answered. "We send domestics out and they won't say. That's why I told you earlier that Pitts doesn't appear to have the facts at hand. Domestics are not hungry enough to do stoop labor. Our records show that the average length of stay by domestics when referred to stoop labor jobs is 3 days."

Kenyon says the Teamsters could organize a lot more fieldworkers than they now have, but he says the first thing he must protect is his union's reputation for living up to a contract once signed. As indicated earlier, Kenyon worries about trying to control any potential work force made up of a mixture of Mexican-Americans, colored and whites. He says he worries when there are about 150 out in the waiting room. "What would I do if I had several thousand on my hands?"

This union official says his experience in trying to provide domestics for lettuce cutting has been a sad one. The other jobs are easy to fill, but stoop labor will not be tolerated by adult domestics.

"We have only one place to look for domestic workers and that is the same place any grower looks—the department of employment," Kenyon points out. "If we need 100 lettuce cutters we contact the farm labor placement office and here's what happens.

"We get 100 domestics, who, for the most part, come from the jails of metropolitan areas where they were told to get out of town. We assemble them at union headquarters and get them signed up in the union for $5 per month. They are picked up and delivered to the ranch at 2 or 3 in the afternoon where they are assigned to a bunkhouse, issued sterilized blankets, and are given supper.

"After eating, about 15 percent will get a wine crave and hike into town, never to return. After breakfast, another 20 percent will decide it is cold and take off. The remaining 'workers' get on the bus and head for the field. After one look at the situation a few more take off for town. About 25 will actually start work and by 9 or 10 a.m. there will be about 15 in the field. Their stay will average 3 days."

To try to improve this record, the Teamsters' office screens potential workers. They ask for the $5 union dues in advance when it appears obvious the person only wants a bottle of wine. This will run off a good number before they get to the ranch.

But the union makes it clear to those signing contracts that they do not—in fact, cannot—guarantee a stoop labor work force. The union does agree they will help recruit workers as best they can. The fact that 2,729 braceros were used by the 2 contract holders would indicate the amount of success they had.

Kenyon says California needs braceros for at least 5 years while we develop machinery to take some of the stoop out of the labor and while we reeducate youth and adults to the idea of working on the farm. This will include adjusting wages and working conditions on the part of the growers.

We asked Kenyon if his views were shared by Mr. Hoffa and we were told that Hoffa had been a little too busy with other matters over the past several months to be concerned with the bracero program. But we were assured it was the official Teamster position to favor an extension of the bracero program. At the Western Conference of Teamsters, officials went on record favoring a 4- or 5-year extension of the bracero program.

The reason is simple. In California alone over 100,000 Teamsters depend on agricultural crops for their existence. Teamsters have 80,000 under contract in canning, freezing, and dehydration plants. In addition, there are the union truckdrivers, who don't work if the growers can't harvest their crops.

"We have been told the bracero keeps domestics from working," Kenyon says. "The truth of the matter is that their departure will throw workers out of jobs by the thousands. The unemployment that will follow the loss of the bracero is almost impossible to comprehend. So, is it not about time agriculture woke up to this fact and got to work for a bracero extension?

"I feel agriculture has done a very poor job in informing the general public about the value of the bracero program. In fact, agriculture does a poor public relations job."

If a contract with the Teamsters does not provide a stoop labor work force, of what value is it to a grower? According to the union, it prevents any other union (AWOC or the International Longshoremen's Union, which by the way, Kenyon feels will soon make a strong move to organize workers in the valley) from causing trouble. A contract also assures a grower he will get his crops processed through a union plant and hauled in union trucks.

Kenyon points out that getting growers to sign contracts would not be difficult, if union processors and drivers refused to handle produce that was not union picked. The reasons the Teamsters have not made a big push in this direction have already been outlined.

Why should the workers be willing to pay $5 per month to belong to a union? They are guaranteed time and a half for work over 8 hours per day and on Sundays. They are guaranteed 3 hours' pay if they are called and start to work, and 2 hours' pay if they are called but for some reason can't start to work. But the most popular feature so far as the worker is concerned is that they are covered with unemployment insurance. Another thing workers appreciate is having someone go to bat for them in case of a misunderstanding. They also like the fact that the piece rate is backed by an hourly guarantee. That is, they are guaranteed $1.12 per hour, but under the piece rate they can make much more than this minimum hourly guarantee.

As for the contract under negotiation, Kenyon says he is not sure just what union demands will be made for their workers. We realize we can't expect people who sign with us to provide things others are not doing in California and, more important, in other parts of the Nation.

"We would like more money, and feel growers in California could afford to pay more if other areas of the country paid a higher wage, but it is not in the cards to expect our growers to pay higher wages and at the same time compete for a market which is far away."

But, a wage increase will be asked for, perhaps enough to guarantee 10 or 15 cents more per hour. A few other minor changes will be asked for by the union, but by far the most important thing is a health insurance program that will cost the employer about $5 per month for a single worker. At this writing the demand situation is fluid, according to Kenyon. "We find growers are far less concerned about a little added cost than they are about the increased bookkeeping involved. Growers don't like to keep books."

Kenyon also expressed concern because nothing has come from the Governor's farm labor conference. He feels it is incumbent upon the State and Federal Governments to analyze the manpower situation in all of the agricultural labor markets involved and to take steps well in advance to meet any manpower crisis. In this connection he recommends an Agricultural Manpower Commission, consisting of representatives of government, growers, canners, labor, and the public to develop a sound program of recruitment.

To drive home his point again, Kenyon goes back to the unemployment that is sure to follow if growers cannot harvest their crops due to loss of the bracero. He points out that at the peak of the season 80,000 Teamster members are employed in food processing. Another 25,000 are employed in ice, dehydration and vacuum cooling plants, fertilizer plants, and in hauling agricultural and related products.

In addition, teamsters represent workers in can plants, paper and polyethylene plants, all directly affected by the activity in the agricultural industry. Teamsters are also involved in the wood box and crating industry. Thus, it is of the utmost importance to the Teamsters that an ample and stable work force be found to mature and harvest the crop in order that processing and other functions can be carried out. It would be better if this work force could be domestic, but this is not the case, so at least for a few years we must depend on the workers from foreign countries.

Typically, when canning gets underway, employment rises in steelmills, tin can and jar manufacturing plants, as well as other industries that supply canners. In a normal year, canners and preservers consume 600,000 tons of steel for tinplate, 5 billion tin cans and 1.2 billion jars, 1 million miles of labels and 200 million fiberboard boxes. To transport a typical yearly pack requires the equivalent of 100,000 freight cars. In just one crop, lettuce, there were 66,345,780 cartons packed and shipped from California in 1963.

"It is time those who yell about getting rid of the bracero realized that this tremendous unionized industry will fold if the growers do not harvest their corps," Kenyon observes.

Kenyon feels growers must make some changes, and fast, to help avert a disaster. Fair wages and decent working conditions must be established to attract competent workers. Our State is far behind in anything approaching adequate housing. So-

cial security, unemployment insurance, and health insurance available to the rest of the working population must be provided, not just in California but nationally.

Machinery must be developed which recognizes the rights of both management and labor in developing a sound labor relations program. Ways must be found to avoid turmoil in an industry so basic to the entire economy of the State. This means growers must recognize the right of agricultural employees to organize. It also means labor must act responsibly.

And to close this interesting interview, Kenyon said, "Farm labor will be organized regardless of what anybody does about it."

A TRIBUTE TO THE WILTWYCK SCHOOL FOR BOYS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, for more than 25 years the Wiltwyck School for Boys has been saving some of the most deprived and disturbed children of New York City. At a time when Wiltwyck is preparing to move to a new and improved site, it is appropriate to call this body's attention to the remarkable work being done by this institution.

Recently I had the opportunity to participate in ground breaking ceremonies at Wiltwyck's new site at Yorktown Heights, 40 miles from New York City. As building and development at the new site moves ahead national attention should be focused on the history and program of Wiltwyck.

Wiltwyck was instituted in 1936 as an experimental summer camp for delinquent and homeless Negro boys. In 1942, the school was reorganized under the leadership of concerned citizens, a number of judges and Mrs. Eleanor Roosevelt, who retained a lifelong interest in Wiltwyck. In fact, at the time of her death, Mrs. Roosevelt was campaign chairman of the building and development fund for a new Wiltwyck. Today Wiltwyck School is an interracial, nonsectarian, residential treatment center for about 100 deeply emotionally disturbed boys aged 8 to 12. All boys are referred by the courts, Youth House, the Department of Welfare of New York City, or psychiatric divisions of city hospitals.

In a city such as New York, plagued by profound social problems and lacking adequate facilities for juveniles, Wiltwyck School for Boys fills an important gap in the city's capacity to respond to disturbed children. In salvaging shattered young lives, Wiltwyck has pioneered in developing new techniques. The current Wiltwyck program has three stages. At the school's main facility at Esopus, a rehabilitation plan is developed for each child. The program is geared and the staff is trained to give the boys assurance of concern and understanding of their problems.

Boys usually remain at Wiltwyck for anywhere from 1 to 3 years. While there, they attend school, work with their hands in shop and gardens, paint, draw, listen to music, engage in sports, care for animals. Purpose of this program can be summed up simply: To help a child find out about himself and to help staff find out about the child in order to know how to help him.

When their adjustment at Esopus warrants it, the boys go to Wiltwyck's Floyd Patterson House, named after one of the school's most eminent alumni. Described as a "halfway" house in Manhattan, the residence accommodates 25 boys, ages 11 to 16. Here they are helped through the next step back home. They live in Floyd Patterson House for 6 months while they face the city as it actually is: home, school, community. For a final 6 months to a year, they go into their own homes or foster homes—for those who have no homes. Wiltwyck keeps active contact, supporting them in the last phase of their return, seeing them into a better life.

During this three-stage rehabilitation process, Wiltwyck's staff tries to establish a routine of life for these boys. It tries to establish order where there was chaos, continuity where there was fragmentation, achievement where there was failure.

In its approach to restoring disturbed young people to productive lives, Wiltwyck has placed special focus on the family. As a result, in 1962, the National Institute of Mental Health awarded Wiltwyck School a $160,000 grant to further its research into the causes of family disintegration and juvenile delinquency. This project grew out of Wiltwyck's recognition of the need for better understanding of the forces within families that contribute to the difficulties of children. Wiltwyck's focus on the family has caused James R. Dumpson, New York City's commissioner of welfare, to remark:

> Nowhere else, to my knowledge, does a treatment facility designed to meet the needs of children, work with such a fundamental investment in the family.

Working with families is considered preventive as well as reconstructive. This approach is proving that the so-called hard-to-reach or hard-core, multiproblem families can be reached. Mr. Dumpson says this approach is valuable because:

> It deals with root causes and when it succeeds it has not only treated but it has laid a firm foundation of prevention. There is no doubt in my mind that the agency may be on the threshold of a revolutionary change not only in establishing a new principle but in pointing the way in which it can be implemented in any agency that is determined to return a child, healthier and more adequate, to his parents.

Mr. Speaker, Wiltwyck School merits the support and encouragement of every individual who believes that socially and emotionally healthy children and families are the basis of our social system. Author James Baldwin has put it eloquently:

> The handful of extraordinary people who form the direction and staff of Wiltwyck have done something more remarkable, at least in my eyes, than they know. (They, in any case, are far too busy to have any time left over for self-congratulation.) They have taught some of those lost and frightened children really to laugh, to tell the truth, really to begin to assess themselves and the world. I think that this may be the most real of all achievements, and it is certainly among the most grueling of all endeavors.
>
> Now, in spite of whatever differences one may imagine to exist between oneself and these children, between these children and children who seem luckier, in fact, these are all our children and we are responsible for them all. Furthermore, we will all profit by, or pay for, whatever they become. I have no hesitation, therefore, in saying that it is not enough to salute the Wiltwyck School for Boys, but that one ought to be prepared to do all in one's power—and perhaps a little more—to aid them in what has so far been a lonely and heroic struggle.

DEDICATION OF AMERICAN EMBASSY, DUBLIN, IRELAND

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. ADAIR. Mr. Speaker, I have just returned from a brief visit to Dublin, Ireland, where I had gone as one of a small delegation to attend the dedication of the newly completed American Embassy. This occasion will remain a pleasant memory for me and a memorable one, I am sure, in the minds of the Irish people, for the impressive building that we have constructed in the heart of Dublin clearly indicates the high regard the American people have for Ireland. It is a lasting symbol of the strength and permanence of our ties with that ancient land.

Congressman WAYNE L. HAYS, chairman of the Subcommittee on State Department Organization and Foreign Operations of the Committee on Foreign Affairs, was the principal speaker at the dedication. In his opening remarks to the President of Ireland and to the large assembly at the dedication ceremony, Congressman HAYS, with whom I traveled to Dublin for the occasion, praised Ireland for its accomplishments and its splendid record of human endeavor.

I would like to have inserted in its entirety in the RECORD the brief speech delivered by Congressman HAYS. At the same time, I would like to express my own appreciation to those who gave unstintingly of their skill, energy and technical ability in order to raise this structure from the ground in record time. I refer to G. & T. Crampton, Ltd., of Dublin, who were the prime contractors for the building, and to the engineers, the artisans and the experienced and capable workmen of Ireland who made possible the erection of this building that today houses the American Embassy in Dublin.

My thanks and appreciation are likewise extended to Ambassador Matthew H. McCloskey and to those other Americans and Irish members of the Embassy staff who were generous with their time and energy to make the dedication ceremony a resounding success. Similar mention should be made of the small

number of others of the Washington delegation who accompanied Congressman HAYS and me to Ireland and with whom we shared a sense of pride and accomplishment at the official opening of the American Chancery. These include Deputy Under Secretary of State for Administration William J. Crockett; Deputy Assistant Secretary of State for Foreign Buildings James R. Johnstone; former Governor of Pennsylvania David L. Lawrence; Mrs. Scott McLeod and Mrs. Alice Boyd Stockdale, whose late husbands preceded Ambassador McCloskey as American representatives in Ireland; and Mr. Paul R. Serey, executive officer, Foreign Buildings Operations, Department of State.

REMARKS OF THE HONORABLE WAYNE L. HAYS AT THE DEDICATION OF THE AMERICAN EMBASSY, DUBLIN

It is my pleasure to be here today to dedicate America's new home in Ireland. The committee of which I am chairman was concerned that we might construct a building that went straight up, of stainless steel and flush glass, appropriate to New York City, perhaps, but not Dublin. No, the inspiration for this building comes from Ireland, herself.

The American architect, John MacLeod Johansen, who designed this Embassy, did as the Irish poets have done.

Recall the lines of Yeats: "Irish poets learn your trade/Sing whatever is well made." This building uniquely recalls the noble Celtic-Christian towers of ancient Ireland built by the Irish people to be places of strength for the preservation of the valued articles of Christian worship.

This reminds me of something that I hear over and over from Speaker MCCORMACK, and that is that there should never be any differences between the Scotch, the Irish, and the Welsh, because we are all Celts. I have heard him say this many times to former Speaker Sam Rayburn, who was of Scottish stock and was Speaker longer than anyone, all the while Speaker MCCORMACK was his right-hand man and floor leader.

Our Embassy building has been inspired by the Irish past, but it reflects also the ever youthful spirit of Irish mind and heart.

Graceful tradition and youthful vitality come together in this circular design which seems to harmonize the past and present.

Ireland has preserved the past, but is not bound to it. This is a vigorous country. In the years since independence, Ireland has undergone a new and peaceful revolution, an economic and industrial revolution. Economically, we hope and believe that Ireland is in the opening years of a new era that will bring her undreamed of opportunities. Exports to the United States have been multiplying and will continue to increase under your economic expansion program. Irish agriculture is being continually modernized, secondary industries based upon food processing are growing rapidly, and the Irish landscape and Ireland's ancient shrines and castles are the center of a fast growing tourist industry.

The increasing standard of living, the speeding up of your pace development, and the greater freedom of trade that will follow the fulfillment of your economic program will, in turn, offer increased opportunities for American trade with Ireland.

Ireland's greatest export product, as we in America well know, is her people. We owe much to the Irish. Need I recall the pages of American history on which Irish names hold a proud place. They are part of the fabric of American history. Indeed, Irish volunteers played so predominant a role in the American Revolutionary Army that Lord Mountjoy commented in the British Parliament, "We have lost America through the Irish." This fighting spirit helped America with its independence, but to secure that independence other qualities of character were needed—independence of mind, love of freedom and a democratic spirit. These too belong to the Irish.

No less renowned are Ireland's cultural achievements. This isle of saints and scholars had in the sixth century created a system of education that was superior to anything Europe knew or was to know for many generations. Ireland alone today among Western nations preserves the recorded tradition of native history, the continuity of mind and speech and song, that connect half of Europe with her ancestral past. Ireland knows her own past from the very dawn of civilization through the glory of a medieval age down to the present day.

Her unexcelled tradition of scholarship is significantly evident in her ties with the United States. In June of last year, for example, there was incorporated under the laws of the State of New York, the American-Irish Foundation, which has as its principal objective the promotion of cultural and educational relations between the two countries. One of its aims will be to sponsor the interchange of students, teachers, lecturers, professors, musicians, and writers. Although independently organized, the Foundation has the strong support of both the Irish and American Governments. The late President Kennedy and President de Valera agreed to become its patrons. President Johnson has taken a personal interest in this project, agreeing, too, to be its patron, and is deeply appreciative of the role which the Foundation can play in strengthening the cultural and educational ties between our two countries. Indeed only last week at the White House I mentioned to President Johnson that I would be in Ireland today for this dedication and he asked that I convey to you his deep and abiding friendship for Ireland and the Irish and to tell you he hopes one day to follow in the footsteps of his illustrious predecessor and to visit Ireland himself.

The Irish Scholarship Board, the official Irish-American organization which sponsors a binational program for exchanging students and lecturers has been granting scholarships for this purpose since 1954. This year, about 25 Irish and American scholars will take part in the program.

There are also about 700 Irish students presently studying in the United States on scholarships, and an increasing number of grants and scholarships is being given to Irish students and institutions through the Ford Foundation, the Kellogg Foundation, and the Friendly Sons of St. Patrick. Ireland's own universities have also been a world center for training tomorrow's leaders. Some 1,500 students from Africa and Asia have studied here, and an increasing number of them will, in future years, pore over the books and materials in Ireland's libraries and universities and study the dynamic growth of Ireland, herself.

Ireland is bringing education to others too. In Nigeria alone, Irish missionaries are responsible for thousands of elementary schools, 60 secondary school and 80 teacher training colleges. Plans are being made to extend such educational institutions into other developing areas as well.

The qualities of Irish mind and character that have preserved this scholarship and advanced the frontiers of knowledge have also made Ireland an influential member of the United Nations and a maker and shaper of world peace.

It is with great pride then that I dedicate this, America's home in Ireland—recognized as not only one of the outstanding buildings in Dublin, but in all of Europe.

This joy I feel being here today is, however, mixed with sorrow in the thought that less than a year ago, while the construction of this building was busily going on, President Kennedy, on his memorable stay in Ireland, came to visit this site. You knew him first hand then, his wit, his humor, his courage and strong purpose. You knew these to be genuine.

He was one of you, and he brought honor on the race from which he sprang. Your pride in him equaled our own. No less was his pride in Ireland. Recall some of the words he spoke to the Dail last June:

"Ireland has already set an example and a standard for other small nations to follow," he said. "This has never been a rich or powerful country, and, yet, since the earliest times, its influence on the world has been rich and powerful. No larger nation did more to keep Christianity and Western cultures alive in their darkest centuries. No larger nation did more to spark the cause of independence in America; indeed, around the world. And no larger nation has ever provided the world with more literary and artistic genius."

He told you, "The major forum for your nation's greater role in world affairs is that of protector of the weak and voice of the small, the United Nations. From Cork to the Congo, from Galway to the Gaza Strip, from this legislative assembly to the United Nations, Ireland is sending its most talented men to do the world's most important work—the work of peace."

John Kennedy was one of those talented men—a son of Ireland. He helped to make the world a better place for men of all races to live out their lives. To us it remains to complete his tragically unfinished ambitions for humanity. It is the struggle for which he fought and finally gave his life. Let us then, here today, dedicate ourselves to continue the tasks he set for himself and for all mankind. As the round towers of old, let this Embassy be a place of strength for the valued articles of faith between us, a faith in a better world, achieved through peace and freedom.

As I said earlier America owes much to the Irish. Perhaps our greatest inheritance from Ireland could be summed up in one sentence from George Bernard Shaw when he said, "Other peoples see things and say: 'Why?'—but I dream things that never were and I say: 'Why not?' "

BREENE M. KERR

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

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

There was no objection.

Mr. GROSS. Mr. Speaker, it is interesting to note that Mr. Breene M. Kerr, 35, son of the late Senator Robert Kerr, has been named as Deputy Assistant Administrator of NASA for technology utilization. Mr. Kerr is the former manager of land development for Kerr-McGee Industries, Inc., and he was graduated from Massachusetts Institute of Technology in 1951 with a bachelors degree in geology. In his new post he will be directly below Dr. George Simpson, Assistant Administrator of NASA for Technology Utilization. He is two steps under NASA Administrator Webb, a former official of Kerr-McGee Industries and a former administrative assistant to Senator Kerr. Mr. Kerr will receive $19,000 a year in his new job.

This is an interesting assignment for this young man, but it will require some serious thinking on his part if he is to avoid actions that may tend to confuse

the Kerr financial interests with the interests of the Government. We can hope that he will be careful to avoid any actions that might present problems of conflicts of interest, for it is easy to see how such problems might arise. This is particularly true in the light of the Bobby Baker investigation that indicates that the financial future of Bobby Baker and some of his associates are so closely tied to the future of certain firms in the aerospace and defense industries.

Here are some of the facts that should be kept in mind by the public and the Congress:

First. The Kerr financial institution, Fidelity National Bank & Trust Co., of Oklahoma City, has a large financial stake in the financial future of Robert G. (Bobby) Baker and his friends—Fred B. Black, Jr., lobbyist and convicted tax evader, and two gambling figures, Edward Levinson and Benjamin Sigelbaum. Remember that Black has testified that it was through the Kerr-controlled Fidelity National that he, Baker, Levinson and Sigelbaum borrowed $100,000 to launch the Serv-U Vending Corp.

It was also the Fidelity National Bank that loaned $175,000 to Baker and Black for purchase of the stock in the Farmers & Merchants State Bank in Tulsa, Okla. The loans were made on the personal recommendations of the late Senator Robert Kerr.

Second. The financial future of Bobby Baker is tied to Serv-U Vending Corp. Records indicate that Baker and Black owned 57 percent of the stock of this multimillion-dollar corporation. It is a firm that boomed suddenly on the basis of decisions by aerospace industry officials that switched business from older established firms to the new Baker-Black brainchild.

Third. The future of Serv-U is tied to its highly lucrative contracts with various aerospace and defense industries, including North American Aviation and Northrop Aviation. The North American food vending contract alone grosses more than $2,500,000, according to the testimony.

If these aerospace firms would abandon Serv-U as quickly as they decided to use its services, it could result in a near collapse of the value of Serv-U.

Fourth. The future of North American Aviation and other aerospace industries is tied to the decisions of the multibillion-dollar National Aeronautical and Space Agency—NASA.

The whole arrangement makes an interesting little round robin of dependency with the potential for many favors and many conflicts of interest. We can hope that there would be every effort made to avoid all of the possible pitfalls.

North American has reported that it has ended its contract with Fred Black. It was a contract that was paying him $160,000 a year for some of his special "consultant" operations in Washington. Apparently Fred Black was too hot for North American.

It is appropriate to ask why North American continues to do business with Bobby Baker's Serv-U? It would be interesting to speculate as to whether Baker, who has taken the fifth amendment, would remain so silent if Government decisions or aerospace industry decisions jeopardized his little gold mine—Serv-U.

BREENE M. KERR

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I do not know what has prompted my good friend, the gentleman from Iowa, to make these charges with reference to one of the sons of the late Senator Robert S. Kerr. Breene Kerr is a graduate of the Massachusetts Institute of Technology. I think he graduated very near the head of his class. For several years he has occupied a responsible position in a major oil company in the State of Oklahoma. He certainly has no need financially for a Government job.

He is one of the most gifted young men in Oklahoma. He is modest. He is intelligent. He has had broad experience both in scientific work and in administration.

I personally believe it was a credit to the space agency that the Administrator of NASA was able to procure the services of this fine and outstanding Oklahoman. Oklahoma probably has fewer men in high executive offices than most States.

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

Mr. ALBERT. Certainly. I yield to the gentleman from Iowa.

Mr. GROSS. I have made no charges against Mr. Breene Kerr. The gentleman is wrong in saying I did.

Mr. ALBERT. The gentleman has talked about his background.

Mr. GROSS. What is wrong with talking about his background?

Mr. ALBERT. The implication of the gentleman's remarks, as I understood them—and I came in in the middle of the gentleman's 1-minute speech—was that there was something wrong about the appointment of Breene Kerr to the job in NASA. If I misunderstood the gentleman I certainly will retract my statement.

I will say to the gentleman that there is no young man within my knowledge, in Oklahoma or in the United States, who is better equipped to take a job of this kind than Breene Kerr.

PRESIDENT JOHNSON HAS NOT MISINFORMED THE AMERICAN PEOPLE

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, it was alleged on the floor just a short time ago that the United States had war plans for the invasion of North Vietnam. It was further indicated that these plans had been made known to the Defense Subcommittee of the Committee on Appropriations. This must be clarified.

It should be understood by the Members of this House that it is the duty and responsibility of our military people to have contingency plans prepared to cope with any foreseeable emergency. The committees of the House, and the Members generally, I believe, are aware that this is a military necessity.

This is not to say that any particular plan is up to the minute with respect to any particular point on the globe, but basic plans are, and will continue to be made, for any and all trouble spots as they show signs of emergence.

To state that the United States plans to move the war in Vietnam to the north implies that such contingency plans as may exist are, in fact, being implemented. The President has plainly indicated that this is not the fact.

To say that the President has deliberately misled the American people is, I believe, inexcusable and improper. It certainly does not show the national unity that is needed in coping with the trying problems of southeast Asia.

FARM INCOME NOW LOWEST IN 7 YEARS

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA] 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. LATTA. Mr. Speaker, according to a UPI release appearing in the Bowling Green (Ohio) Daily Sentinel-Tribune of May 29, 1964, farm income hit a 7-year low on May 15, 1964. I suggest that Members of the House and Senate and administration officials read this article. It follows:

FARM INCOME NOW LOWEST IN 7 YEARS

WASHINGTON.—Prices farmers received for crops and livestock fell two-fifths of 1 percent during the month ending May 15, the Agriculture Department reported Thursday.

This decline left farm prices 2 percent below a year ago, and the lowest at mid-May since 1957.

Cattle prices, which have become a major economic headache, declined again during the month and were at the lowest level since October 1957.

The Department's monthly farm price report also showed that the cost of production and living supplies purchased by farmers fell one-third of 1 percent from April's record high, primarily because of lower prices for feeder livestock and livestock feed. Farm costs were one-third of 1 percent above the level a year ago.

A comparison of farm commodity prices and farmers' costs that showed prices in the month ending May 15 averaged 75 percent of parity. This was unchanged from the mid-April figure, the lowest in many years, and compared with 77 percent in mid-May a year ago.

Parity is the price needed to put the value of products sold by farmers on a theoretically fair level in comparison with the cost of things they buy. The parity figures do not,

however, measure such farm income supplements as direct Federal payments to farmers or the cashable marketing certificates which some wheat producers will get later this year.

The Department said lower prices for cattle, wholesale milk, and eggs were mainly responsible for the decrease in the index of prices received by farmers during the month. These declines were partially offset by higher prices for potatoes, apples, and hogs.

ADMINISTRATION POLICY IN SOUTHEAST ASIA

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

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

There was no objection.

Mr. LAIRD. Mr. Speaker, I was absent for a few minutes from the floor attending a meeting of the House Republican policy committee. I have been advised by my friend and colleague from Florida [Mr. SIKES] that he made certain remarks on the floor in connection with certain testimony before the House Subcommittee on Defense Appropriations. First I would like to state—and I made this very clear in my remarks earlier—that the contingency plans to which I referred were based on information given to me by the State Department, and the State Department set forth that its policy was that it would take whatever steps may be necessary to protect southeast Asia from the Communist takeover. The policy position of the State Department went beyond this and stated that contingency plans were being prepared. This was an unclassified document, completely unclassified, and to say that I misused any information which was given to the Subcommittee on Defense Appropriations is not in accordance with the facts, because this was unclassified material supplied by the Department of State and was not information supplied to the Defense Committee by Secretary McNamara or any other individual. Now, the gentleman from Florida referred to certain invasion war plans. I have never referred to any invasion war plans for North Vietnam. My statement as carried by the Associated Press in answer to a question is absolutely correct when I said, and I used the word, that plans were being prepared for all contingencies in this particular area. I think it is only fair to state that a play on words has been used here in answer to a question directed to the President of the United States. I would hope that we would not give the world, our allies, our friends, and, yes, our potential enemies, any idea that the national strategy of this country is not to have contingency plans so that we can defeat communism in the various areas of the world. My particular statement of Sunday was in support of the administration's preparations. It was not in opposition to those preparations. I am glad to support the administration in this regard.

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

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

Mr. SIKES. I am very glad indeed to hear my distinguished colleague, for whom I have the highest regard and with whom I have worked very closely for many years on defense matters, say that this is in essence a play on words. I am sure that that is about the size of it. I think it most unfortunate that certain inferences appear to have been read into his statements. I quote from a statement that just came over the ticker:

WASHINGTON.—Representative MELVIN R. LAIRD, Republican, of Wisconsin, today charged that President Johnson "deliberately misled the American people in stating that there were no plans to take the war in Vietnam to the Communist north."

That is the sort of thing that does create the sense of schism in our country and indicates a lack of unity in what we are trying to do to solve that unhappy situation in Vietnam. I do not think that my good friend would want the record to stand that the President of the United States has deliberately misled the American people, and of course he has not.

Mr. LAIRD. Mr. Speaker, I would like to comment on that remark. I think the gentleman from Florida [Mr. SIKES] was on the floor of the House when I made it absolutely clear that there had been no decision reached by the administration, at any level, to implement any contingency plans as far as North Vietnam was concerned. I made this very clear in every statement that I have made. This is in essence the material relayed to me. I think Members on both sides of the aisle have to show some confidence in these position statements disseminated by the State Department of our country. President Johnson, I repeat, made the statement, as quoted in a UPI story that "I know of no plans being made to that effect."

The SPEAKER. The time of the gentleman from Wisconsin [Mr. LAIRD] has expired.

U.S. PLANS IN VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Florida [Mr. SIKES], is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, there still seems to be a point of difference between my understanding of what has been said and what has been quoted by the press from my good friend, the gentleman from Wisconsin [Mr. LAIRD]. It is not clear, from what the distinguished gentleman has said, just what he meant. He indicated there had been a play on words, and I believe he said an unfortunate play on words. But the gentleman has not stated that he did or did not say that President Johnson deliberately misled the American people in stating that there are no plans to take the war into North Vietnam.

Mr. LAIRD. Mr. Speaker, will the gentleman yield to me?

Mr. SIKES. I am delighted to yield to the gentleman from Wisconsin.

Mr. LAIRD. Mr. Speaker, I would like to clear this up once and for all. I repeat that it is not a correct statement for the President of the United States to say, in response to my statement which was quoted to him, what he did say in his press conference, that, "I know of no plans being made to that effect."

Mr. SIKES. That is a far cry from saying that the President deliberately misled the American people. This is the statement we are discussing.

Mr. LAIRD. I believe there are plans being developed in this area. I think the gentleman from Florida knows full well that there are. The point is that there has been no decision as to whether to implement those plans or not. But the gentleman knows full well that plans have been made.

Mr. SIKES. I said in my own statement, which the gentleman has in his hand—I made it available to him—exactly what the situation is on war planes. My point is: Does the gentleman really feel that the President deliberately misled the American people? I do not think he does.

Mr. LAIRD. Certainly any casual reading of the President's statement would lead one to believe that he thought I was wrong in the statement that I made on Sunday. I am glad the gentleman from Florida in his own statement agrees precisely with what I said on Sunday in a radio interview.

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

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

Mr. ROGERS of Florida. Mr. Speaker, I want to say that I was on the floor when the gentleman from Wisconsin made his remarks. I was also shocked to hear them made in the context in which they were made. As I understand it, he made a statement over the weekend, which I read in the press, that he was a member of the Subcommittee on Appropriations that handles defense matters; and he stated in some radio interview, for what purpose I do not know, that we had plans to go into North Vietnam.

First of all, I do not know about the propriety of telling where we have plans; but I will not get into that. But I do think it is somewhat of an expansion of the gentleman's prerogative to say that the President has misled the American people. I think that he was trying to assure the American people—it may be out of context somewhat the way it was interpreted by the press—that we, at this moment, do not have any positive plans to take the war into North Vietnam. That is what I understood was said.

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

Mr. SIKES. I yield to the gentleman from Texas, and then I shall yield further to the gentleman from Wisconsin [Mr. LAIRD].

Mr. MAHON. I would like to say that I think it most unfortunate that this discussion has taken the turn that it has. I am afraid that some of the statements made here today will tend to mislead the American people.

As I understand it, the President said that we have no plans for the invasion

of North Vietnam. Well, taken in proper context, I would agree that this is undoubtedly correct. I certainly do not think that the President has misled the American public. Everyone who has any knowledge at all of our Military Establishment knows that our military people have not dozens of plans, not hundreds of plans, but really thousands of plans that relate to possible contingencies in all areas of the world. These are contingencies and papers that relate to many very different matters. Our military people would be very derelict if they had not made all possible types of studies and tentative conclusions in regard to trouble spots throughout the world and spots that are not now trouble spots. But the American people are not, I think, fully conversant with details of this sort. To say that we have plans to invade a country, whether it be North Vietnam or any other country, could very well be misleading, and in this context I believe it has been misleading. It is not correct to say that we are planning to invade North Vietnam.

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

Mr. SIKES. I yield to the gentleman from Wisconsin.

Mr. LAIRD. First I want to make it extremely clear that I have no quarrel with the press in any way as far as my being misquoted, because the Associated Press and the United Press went out of their way to even carry the words "prepared" and "preparation for contingencies" in italics. So, I do not think there can be any quarrel with me as far as the planning is concerned. I believed the Secretary of State when he stated that preparations would be made for these particular contingencies. In my interview I made it extremely clear that no decision had been made as to whether these plans and preparations would be implemented. But it does not seem to me that when my statement is quoted in a news conference and the answer is, "I know of no plans being made to that effect," that that is being completely forthright in giving the American people full information.

It would seem to me that "no comment" would have been much wiser.

THE NATIONAL RIFLE ASSOCIATION AND THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Mr. SIKES. Now, Mr. Speaker, as a member of the Appropriations Committee of the House, called upon annually to review and pass upon the appropriation for the Board for the Promotion for Rifle Practice, I have been disturbed by statements which would indicate that the National Rifle Association, a great patriotic organization, and the National Board for the Promotion of Rifle Practice, an agency of the U.S. Government, have been used by certain organizations of questionable intent and motives for the procurement of weapons and ammunition. This is not in any sense correct. There is nothing to indicate a connection. These agencies have carried on for years a very fine program which makes available to responsible groups and organizations throughout the country—which must be bonded—weapons and ammunition for carrying on rifle practice. This is something which we in the United States have always considered extremely important for the proper training of our youth and the carrying on of our military defenses.

Mr. Speaker, I, too, have read news stories of various sorts of small arms ordnance allegedly purchased as scrap, later reconditioned and circulated in illicit arms channels. We have Federal laws rigorously controlling traffic in automatic weapons. If such items are being improperly scrapped and made available to unscrupulous dealers in munitions of war, the matter should certainly be investigated and appropriate action taken by competent authorities.

I am aware also of the sale of certain surplus small arms and ammunition to civilians by the Department of the Army, under the provisions of the National Defense Act, as amended, as a means of encouraging marksmanship among those persons who would be called upon for military service in the event of war. This is a desirable thing and important to our future security.

However, to imply or suggest that the highly worthwhile program of the National Board for the Promotion of Rifle Practice has been subverted to the ends of extremist organizations is both unfair and improper, since no evidence has been produced to indicate that this is the case. It is equally unfair to suggest that a patriotic, public service organization, such as the National Rifle Association of America, of which I am proud to be a member, has in some manner been hoodwinked into alining itself with various vague extremist organizations, again with complete lack of evidence that this is true.

The National Rifle Association consists of 650,000 individual members and 11,000 affiliated shooting organizations of which approximately half are junior rifle clubs. Under Federal law, when these clubs have been accepted for affiliation by the National Rifle Association, through a screening process which is quite thorough, they are entitled to receive certain assistance from the Government in support of their rifle marksmanship programs. All rifles issued on loan through the national board program are on memorandum receipt, and, before they can be delivered, the club must be fully bonded to the extent of the value of the rifles. They remain at all times the property of the U.S. Government and must be returned or accounted for. Free ammunition is issued for the purpose of permitting the club to fire marksmanship qualification courses prescribed by the Army. This qualification course must be fired and the results reported to the national board in order for the club to maintain its eligibility to receive free issues.

The program of the National Board for the Promotion of Rifle Practice, by helping to keep alive the most important basic skill of the soldier, the ability to use his own personal weapon, is performing a good and an important service to the country. I support it fully.

I understand the organization which calls itself the Minutemen is under Justice Department surveillance. The Paul Revere Associated Yeomen, Inc., has been the subject of independent investigation, and I understand the evidence indicates that it consists of the expressions of one individual possessed of sufficient private means to permit him to print and distribute his own particular philosophy.

There simply is no connection between these organizations and the patriotic, highly respected National Rifle Association and the National Board for the Promotion of Rifle Practice and it is most unfortunate that any association is indicated, even by inference.

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

Mr. SIKES. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I am delighted that the gentleman from Florida has made crystal clear the position of the National Rifle Association in this situation and the charge that has been made against them.

Over the years I have seen the operations of the National Rifle Association. They do a magnificent job. They do a great job with the youth of the country in the handling and use of firearms. Their contribution to the national defense has been outstanding. The encouragement they have given to the people of this Nation has been a real contribution.

I congratulate the gentleman from Florida for bringing this to the attention of the Members of Congress.

Mr. SIKES. I appreciate the statement of the gentleman from Ohio. He knows full well of the important work done by these two great organizations, and I am very appreciative of his comments.

NEEDED: A STANDBY U.N. FORCE

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

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

There was no objection.

Mr. FASCELL. Mr. Speaker, Richard N. Gardner's view of a standby United Nations force is that of the realist, not of a pie-in-the-sky idealist. In the following article which appeared several weeks ago in the New York Times magazine he admits that the standby force he envisions would for the moment be very modest. His plan would provide for the earmarking of national units for U.N. use, a flexible callup system, and advance training for U.N. service. This is not so very far from the present system of requesting members to furnish troops for specific peacekeeping operations, but it is just far enough to be a step in the right direction. He maintains that the creation of a standing U.N. force is neither practical nor necessary at this time.

Mr. Gardner brings to bear on his subject the legal insight of a lawyer and former professor of law at Harvard and

Columbia. The case for strengthening the United Nations peacekeeping capacity, he writes, rests on the fact that in our unstable nuclear age nations will never be willing to lay down their weapons until international law machinery to protect their interests has been created. The standby U.N. force Mr. Gardner suggests would represent one more essential addition to the international law enforcement machinery which is a prerequisite to the kind of world envisioned by the framers of the United Nations Charter.

The subject of Mr. Gardner's article is a topic very familiar to him. Since he became Deputy Assistant Secretary of State for International Organization Affairs in April 1961, Mr. Gardner has been one of the State Department's most lucid and forceful spokesmen on the subject of strengthening peacekeeping operations. His analyses of the problems of financing and conducting peacekeeping operations are both convincing and thought-provoking.

Mr. Gardner has an impressive academic and Government background. He holds an A.B. from Harvard, an LL.B. from Yale and a Ph. D. from Oxford, where he was a Rhodes scholar. This year he was one of the 10 winners of the annual Arthur S. Flemming Awards for outstanding Government career service. The awards are given to young men under 40 years of age in recognition of exceptionally meritorious work.

The article follows:

NEEDED: A STANDBY U.N. FORCE

(By Richard N. Gardner)

(NOTE.—In Cyprus, the U.N. has been called upon for the fourth time on a large scale to keep peace by military means. Here is the case for institutionalizing that capacity.)

In the pale light of dawn in Nicosia one day last month a ceremony took place which had few precedents but which seems destined to be often repeated. British and Canadian troops—shortly to be joined by Finnish, Swedish, and Irish soldiers—donned blue berets, blue scarves, and blue United Nations emblems, and acknowledged the command of an Indian lieutenant general. UNFICYP—the United Nations Forces in Cyprus—was formally inaugurated.

It was the 11th time the United Nations had been called on to establish military forces or military observers in a world trouble spot—and the 4th time on a substantial scale. On this occasion the U.N. force was sent in to help prevent a war between Greece and Turkey which could tear apart the eastern flank of NATO and gravely endanger world peace. It was a dramatic illustration of the capacity of the United Nations to perform the primary role laid down in its charter—"to maintain international peace and security."

Yet those concerned with U.N. peacekeeping could not view the Cyprus operation with unmixed satisfaction. The Security Council had decided to establish the Cyprus force on March 4. But it took 2 weeks to get the first Canadian troops to the island and more than 3 weeks to inaugurate the United Nations force—a delay which could have been fatal had British troops not already been on the spot. What is more, only a hastily improvised scheme of voluntary contributions prevented the operation from dying at the outset from financial anemia.

U.S. Ambassador to the U.N. Adlai Stevenson put the matter bluntly in a speech at Princeton. "Cyprus," he said, "has vividly exposed the frailties of the existing machinery." His prescription: not a world standing army of overwhelming strength but a standby United Nations peace force composed of national military units.

What would be the purpose of such a standby force? How would it operate? What would be its strengths—and limitations?

The case for strengthening the U.N.'s peacekeeping capacity grows inexorably out of the facts of life in the nuclear age. It has long-term and short-term aspects which should be clearly distinguished.

The long-term aspect was summed up by President Kennedy when he presented the U.S. plan for general and complete disarmament to the U.N. General Assembly in September 1961: "To destroy arms * * * is not enough. We must create even as we destroy—creating worldwide law and law enforcement even as we outlaw worldwide war and weapons."

Many times since then U.S. representatives have hammered at the point that nations will never be willing to eliminate or even radically reduce their arms until they have some substitute means of protecting their territorial integrity and vital interests. The U.S. draft outline of a disarmament treaty envisages the buildup, by the end of the disarmament process, of a U.N. peace force with "sufficient armed forces and armaments so that no state could challenge it."

But in the short term the nature of U.N. peacekeeping operations will obviously be more modest than that envisaged for the full-blown force in the final stages of disarmament. The peacekeeping machinery for the present period will not substitute for national armaments and will not be capable of dealing with aggression by any of the great powers. Threats to the peace of this magnitude will have to be deterred or resisted by the power of the United States and its treaty allies. But in other situations the U.N. peacekeeping machinery will help the great powers—and others as well—to contain their conflicts and stabilize their relationships.

Our experience in the Middle East, the Congo, and now Cyprus has demonstrated that in disputes between small states, or in areas where the withdrawal of a colonial regime has left a power vacuum, the establishment of a U.N. peacekeeping "presence" can help to insulate a potentially dangerous situation from great power confrontation and the cold war. Indeed, the interposition of U.N. forces may be the only alternative to large-scale violence that is acceptable to the parties and to the community of nations as a whole.

In the 19 years of its existence the United Nations has made important progress in developing this peacekeeping capacity—but in ways not fully anticipated at the San Francisco conference. The framers of the charter placed primary emphasis on article 43 under which all members were supposed to make agreements with the Security Council to make available to the council on its call specified types of forces and facilities. But article 43 became a dead letter when it proved impossible to reach agreement with the Soviet Union on how to apply it. Instead, the U.N. has called on members to supply forces as needed, with much of the responsibility for directing them resting on the Secretary General.

The framers of the charter also placed primary reliance for the initiation of peacekeeping operations on the Security Council. Contrary to a widely held view, the Council has by no means proved wholly impotent for this purpose. It launched the U.N. peace forces in both Cyprus and the Congo with the concurrence of the Soviet Union and the other permanent members.

The dissolution of the wartime alliance in the early postwar years, however, did point up the need for a way to facilitate U.N. peacekeeping action when the Security Council was paralyzed by a great-power veto. The Uniting for Peace Resolution, passed in 1950, therefore provided for the calling of an emergency special session of the General Assembly at 24-hour notice upon the vote of any seven members of the Security Council or at the request of a majority of the members of the General Assembly, in the event that the Council was unable to act owing to a lack of unanimity of the permanent members.

Under this resolution the General Assembly can make recommendations to members for collective measures, including, if necessary, the use of armed forces. This was the instrument for the establishment of the United Nations Emergency Force in the Middle East in the midst of the Suez crisis of 1956.

In addition to the Middle East, Congo, and Cyprus operations, the United Nations conducted a military action in Korea in which the United States, aided by other members, assumed the principal responsibility for resisting Communist aggression. And there have been lesser operations in which U.N. observers or truce supervisors have attempted to bring peace to troubled areas.

All in all, some 54 countries have voluntarily supplied personnel for these operations at the request of the Secretary General pursuant to resolutions of the Security Council or General Assembly. At the height of the Congo operation there were 20,000 U.N. troops from 21 different members.

Despite this impressive record, there is a growing concensus that new measures are now required to give the U.N. a peacekeeping capacity equal to current needs. Some have proposed the creation of a standing United Nations force. Such a force may eventually be required. But its creation at this time is neither practical nor necessary.

The members of the United Nations are not now prepared to give the United Nations a blank check to use their armed forces in unspecified future operations. Nor are they prepared to give the U.N. the funds to maintain such forces in continued readiness pending their use. Moreover—and this is frequently overlooked—a standing United Nations force would have to be extremely large and expensive to provide the flexibility needed to meet the different kinds of peacekeeping emergencies which might arise.

Past experience illustrates these differences. In Korea a nation had to be defended against outside Communist aggression. In the Congo a police force was needed to preserve the unity of a country and protect it against the dangers of foreign intervention. In the Middle East and Kashmir the need was for soldiers and observers to patrol borders and armistice lines. In Cyprus a force was required to prevent a civil war between two hostile communities. These different kinds of operations on different continents required soldiers with different weaponry, different political sponsorship, different racial composition, different language training, and other different specifications tailored to the necessities of each case.

For all these reasons, there is a growing consensus that the next step for the United Nations should not be a standing army but a flexible callup system. For such a system to work successfully requires action in four main areas:

ADVANCE PREPARATION OF MILITARY FORCES

U.N. members, as Secretary General U Thant suggested last year in a speech to Harvard alumni, should earmark military units which they might be prepared to make available on request by the United Nations. Earmarking would be voluntary and, unlike a standing army, the earmarked units would be financed and controlled by their own governments and made available to the U.N.

Denmark, Norway, Sweden, Finland, Canada, and the Netherlands have already offered to earmark units for U.N. use under such arrangements.

The earmarked units should be given the advance training necessary to prepare them for United Nations service. This would include not only training in languages but also political indoctrination in the special problems which military units have to face in the service of the U.N. Those who put on the blue helmets of the United Nations are soldiers without enemies frequently under a mandate which calls more for the skills of the policeman or diplomat than for the skills of the traditional military officer.

The United Nations itself requires a permanent military staff to organize the earmarking and training of national military units, to distill the lessons of peacekeeping experience, to provide military advice to the Secretary General and to prepare contingency plans and standard procedures for a variety of future military operations. Maj. Gen. Indar Jit Rikhye of India, military adviser to the Secretary General, heads a small military staff unit which can be developed to perform these important functions.

FINANCE

In some peacekeeping operations—as in West New Guinea and Yemen—the parties to the dispute will share the costs themselves. In others—as in Cyprus—the costs will be met by countries supplying troops and by voluntary contributions. But for other operations—particularly large ones like the Congo, which cost at its peak over $100 million a year—there may be no alternative to compulsory assessments by the General Assembly.

The question of financing future peacekeeping operations will soon be up for discussion at the U.N. before a working group of 21 countries. In the weeks ahead the group will try to agree on a special scale of assessments under which the developed countries would undertake to pay a somewhat greater share than they pay toward the regular budget, with proportionate reductions for the less developed countries. Obviously agreement on a special scale would require agreement also on an acceptable decision-making process for peacekeeping operations. Application of such a scale to a particular operation would require, in the case of the United States, specific action by the Congress.

The principal obstacle to financing future peacekeeping operations is not the working out of a special scale of assessments but the refusal of the Communist bloc and France to pay peacekeeping assessments duly levied by the General Assembly. The peacekeeping capacity of the U.N. cannot be developed successfully if members can disregard with impunity their peacekeeping assessments and exercise a financial veto in the face of peacekeeping decisions by the political organs. Hopefully, defaulting members can still be induced to pay up. If they do not, the law of the charter must be applied—it deprives defaulters of their vote in the General Assembly—not only to preserve the peacekeeping capacity of the organization but also to maintain its constitutional integrity.

DECISIONMAKING PROCEDURES

Secretary of State Dean Rusk said in his Hammarskjold lecture at Columbia University early this year that there are two extreme views of how decisions on peacekeeping should be taken in the United Nations.

At one extreme is the Soviet view that nothing should be done without the consent at every step of all the permanent members of the Security Council. At the other extreme is the view of some countries that nothing should matter except the votes that can be mustered in the General Assembly—and that what a majority wants done must be done, regardless of which states make up the majority.

Almost everyone agrees that acceptance of the first view would condemn the United Nations to frustration and paralysis. There is also a growing consensus that the second view also violates commonsense in a United Nations which has grown from 51 to 113 members and which may grow to 125 or 130 in the next decade before it levels off. The United States and other U.N. members have begun discussions to find some middle ground which maintains the U.N. peacekeeping capacity while assuring that decisions on peacekeeping operations are supported by a sufficient number of the large and middle powers who bear the principal burden of implementing them.

PACIFIC SETTLEMENT OF DISPUTES

Improved arrangements for the peaceful settlement of disputes and for the implementation of peaceful change are indispensable if peacekeeping by the United Nations is to be fully effective. The burden on the U.N. fire department will be intolerable unless the organization develops a system of fire prevention to stop some of the conflagrations from breaking out at all. And United Nations peace forces will never be able to extricate themselves from areas beset by political controversy unless some acceptable form of political settlement is eventually worked out.

In the United Nations today there is growing agreement on this point. It was no accident that the same Security Council resolution which established the United Nations Cyprus force also called for the appointment of a mediator to try to work out a political settlement.

The problem of peaceful settlement and peaceful change is not wholly one of procedure. It is basically a question of the will of U.N. members to live up to their Charter obligations to refrain from the threat or use of force and to settle their disputes by peaceful means. But that will can be strengthened by improving the resources of the U.N. for aiding peaceful settlement.

This can be done in a number of ways: increasing use by the Secretary General of senior aides or distinguished persons outside the U.N. in trouble-shooting missions; more frequent deployment of U.N. observers to find facts and monitor troubled situations; greater resort to the International Court of Justice in advisory as well as adversary proceedings; enlarged and better organized U.N. programs to deal with the economic and social causes of instability and conflict; and establishment of the United Nations Institute voted at the last General Assembly to train nationals of member states for U.N. service and to conduct research for the improvement of U.N. peacekeeping and nation-building operations.

This program for the development of an effective United Nations peacekeeping system is hardly utopian. It is no more than is necessary—perhaps not as much as will prove necessary—to reduce the risk of international violence in the nuclear age to tolerable proportions. Yet its implementation is by no means free from difficulty.

The central problem is the response of the Soviet Union. The record here is far from encouraging. In recent years, the Soviet Union has rejected in both principle and practice the independent character of the international Secretariat which is essential to effective peacekeeping; it has attacked as illegal the U.N. peacekeeping actions in the Congo and the Middle East; and it has refused so far to pay its assessed share of these operations.

Moreover, in the Geneva disarmament negotiations, Soviet spokesmen have attacked the emphasis placed by Western delegations on the inseparable relationship between peacekeeping and disarmament. In their disarmament plan the Soviets paid lip-service to peacekeeping but proposed a U.N. peace force operating under the Security Council (where they have a veto) and controlled by a military troika (where they would have another veto).

This record of Soviet opposition is discouraging—but is no excuse for hopelessness or despair. We must not get ourselves in the habit of thinking that nothing can be done to strengthen the U.N. as a peacekeeping agency without the cooperation of the Soviet Union. The whole history of the United Nations—in Korea, the Congo, the Middle East, and elsewhere—proves that the contrary is the case.

Moreover, even the position of the Soviet Union may not be frozen for all time. The past year has seen some hopeful developments in Soviet foreign policy. For various reasons the Soviet Union has come to acknowledge, and in certain cases to act upon, the fact that despite national and ideological conflicts nations may share common interests in survival and welfare. Soviet foreign policy ultimately reflects Soviet national interest—and the real long-term interest of the Soviet Union as well as of other countries would be served by a stronger United Nations which can help the great powers disengage from dangerous confrontations and prevent brushfire conflicts between small states from triggering a nuclear war.

President Johnson put the matter simply last month in his statement to American labor leaders: "The world has changed and so has the methods of dealing with disruptions of the peace * * * general war is impossible and some alternatives are essential."

One of these alternatives is the speedy development of an effective United Nations peacekeeping system. The building of such a system is a high priority task for the United States and other United Nations members in the months ahead.

JAMES C. INGRAM, JR., HONOR CADET AT AIR FORCE ACADEMY

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] 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 Florida?

There was no objection.

Mr. WILLIS. Mr. Speaker, I share with my colleagues in Congress the great satisfaction it gives us to make it possible for our young men to enter the service academies. And I know it brings to all of us a particular feeling of gratification and pride when these young men establish outstanding records as they often do.

At this time I am greatly pleased to pay tribute to one of my appointees, James C. Ingram, Jr., honor member of the graduating class at the Air Force Academy where tomorrow, June 3, he will receive the coveted George C. Marshall Award as the outstanding cadet in military excellence. This will be presented during an award ceremony prior to the graduation exercises.

Cadet Ingram, son of Mr. and Mrs. James C. Ingram, Sr., of Lafayette, La., served as wing commander during the fall term of the 1963–64 school year and is graduating as a lieutenant colonel and group commander in the Cadet Corps.

I am indeed happy to pay this recognition to Cadet Ingram and to extend my congratulations to this fine young man

who I am confident will always merit the high honor he is receiving and will live up to the finest traditions of the Air Force and our military services in general.

U.S. NAVAL ACADEMY: MIDSHIPMAN EDWARD A. CHLADEK'S PAPER ON ALBERT A. MICHELSON

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

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

There was no objection.

Mr. FLOOD. Mr. Speaker, as a member of the Defense Subcommittee, House Committee on Appropriations, and of the Board of Visitors of the U.S. Naval Academy over a period of years, I have been privileged to observe the tremendous impact of modern science on the Navy, especially in the adjustment of curriculums and in the form of additional educational facilities at the Academy.

Among the evidences of scholastic improvements in the naval institution has been an increasing number of worthwhile research papers by midshipmen. Moreover, plans for adequate instructional facilities include a modern science building to be known as Michelson Hall in honor of Albert A. Michelson, the celebrated physicist in the field of light, who started upon his career as a midshipman in the class of 1873.

While the main features of Michelson's scientific career are extensively covered in lay and scientific literature, comparatively little has been available in convenient form of his early life, his years at the Naval Academy and his time as a young officer.

Recognizing this blank as offering an unusual opportunity in the history of science, Midshipman Edward A. Chladek of the class of 1964 determined to meet the challenge. Gleaning facts from many sources, he succeeded admirably in telling the story of the young Michelson.

In order to make Midshipman Chladek's paper more widely known and to stimulate other midshipmen to make comparable studies of other great figures of American history, I include the full text of Midshipman Chladek's paper, bibliographical essay, footnotes, and appendixes as part of my remarks.

U.S. NAVAL ACADEMY—"FROM MIDSHIPMAN TO PHYSICIST," A RESEARCH PAPER SUBMITTED TO THE HEAD OF THE DEPARTMENT OF ENGLISH, HISTORY, AND GOVERNMENT

(By Edward A. Chladek, midshipman, first class, section C14, Annapolis, Md., February 1964)

FROM MIDSHIPMAN TO PHYSICIST

Within a few years, a large, modern academic building will be dedicated on the grounds of the U.S. Naval Academy, not to a man who distinguished himself as a naval officer, but to a man who served his country as a scientist. Albert Abraham Michelson, class of 1873, world renowned physicist and first American to receive the Nobel Prize in physics, will be honored.

The purpose of this paper is to explore the personal life of this famous graduate while he was stationed at the Naval Academy, both as a midshipman and as an instructor. It is also the intent of this research to present more information than has been previously issued and to verify that which has already been published in order to give a more accurate picture of Michelson, the man.

Albert A. Michelson was born on December 19, 1852, amid the uprisings and political turmoil of mid-19th century Europe. His parents were Rosalie Pryzlubska, a young Polish girl and the daughter of a "well-known physician," and Samuel Michelson, a dry goods merchant.[1] They lived in Strelno, a small town on the Polish-German border which was actually in German territory and under German control at the time, although most of its inhabitants were Polish.[2] In later years, Michelson stated that he was born in Poland but officially listed his place of birth as Strelno, Germany.[3]

In an effort to escape the religious and political persecution which was prevalent and with the hope for greater opportunities for his family, Samuel elected to join the flood of persons who were seeking their fortunes in the newly discovered gold and silver deposits of California. When Albert was only 2 years old, the family made the long passage to California by way of Panama, stopping first in New York. Eventually they settled in Murphy's Camp, Calaveras County, where Samuel established a small dry goods store among the growing mining camps.[4] Albert spent his boyhood in this thriving, rough and tumble town which, curiously enough, was described in the novels of Mark Twain and Bret Harte.

The Michelsons were not wealthy, but they were intelligent, ambitious, and had an air of respectability about them. They encouraged their children to acquire a good education and to cultivate their natural talents. Albert enjoyed playing the violin, and, under the direction of a miner who was an excellent violinist, mastered the instrument and continued playing throughout his life.[5] Miriam, the oldest daughter, later became a successful novelist, her sister, Pauline became a schoolteacher, and a brother, Charles, became an influential newspaperman.[6]

Although both parents were Jewish, the religion was not practiced, and the children grew up without any definite religious convictions or prejudices.[7] Years later, an intimate associate said, "Neither in aspect nor characteristic did Michelson ever reveal any racial penchants or prejudices."[8]

After attending elementary school, Michelson was sent to high school in San Francisco, where he lived in the home of the principal, Theodore Bradley. These first years away from the family were probably lonely ones, for Albert said that he developed "few companionships."[9] Bradley was exceedingly strict and drilled him thoroughly, especially in mathematics. Later Michelson commented, "He was too strict for his own popularity and success. For instance, out of a class of about 90, he allowed only 4 to graduate."[10] Albert was also given the job of maintaining the physical instruments, for which he was paid $3 a month.[11] Before graduating in 1869, he indicated his interest in optics by writing a paper on the subject.[12] As soon as he had completed high school, his father requested him to return to Virginia City, Nev., where the Michelsons were now living, to take the entrance examination for Annapolis. Albert was not very enthused and wrote back arguing that he would rather stay in San Francisco. His father replied by telegraph, "Come home at once."[13] Albert returned without further protest.

At that time, the Naval Academy had undergone drastic changes and acquired the reputation of being one of the top engineering schools in the country.[14] Appointments were advertised publicly, offering successful candidates $500 per year as well as expenses paid to Annapolis. Upon graduation, their pay would increase to $800 a year, and they would be eligible for the grade of lieutenant as soon as a vacancy existed.[15]

The dry goods store was not doing very well, and since this was a convenient way to obtain a sound education at practically no expense, the idea must have found favor with young Michelson.[16] He took the examination with nine others in the Virginia City courthouse on January 10, 1869. Although he did well on the test, the appointment was given to James W. Blakely, whose father had lost an arm in the Civil War.[17] Congressman Thomas Fitch, recognizing Albert's capabilities and knowing that his father was very influential politically, wrote a letter to President Grant and suggested that Michelson take this letter to Washington in an attempt to procure one of the 10 appointments at large.[18] This was a difficult decision for a boy of 16 to make. He knew that his chances were slim, and that if he did not receive the appointment and pass the entrance examination he would not be reimbursed for his travel expenses.[19] But, with his father's encouragement, he decided to make the difficult and uncomfortable journey.

After arriving in Washington, he gained an interview with Grant, presented letters of recommendation from his principal and

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[1] Robert A. Millikan, "Biographical Memoir of Albert Abraham Michelson," National Academy of Sciences, Biographical Memoirs (Fourth Memoir, 1938); vol. XIX, p. 128. Hereafter cited as "Memoir."

[2] Bernard J. Jaffe, Michelson and the Speed of Light (New York: Doubleday & Co., 1960), p. 35.

[3] U.S. Naval Academy Roll Book, 1869 (microfilm). Hereafter cited as "Roll Book."

[4] See Millikan, Memoir, p. 128, and Jaffe, p. 37.

[5] Quoted in Millikan, Memoir, p. 128. See Jaffe, p. 38.

[6] John H. Wilson, Jr., Albert A. Michelson, America's First Nobel Prize Physicist (New York: Messner, Inc., 1958), p. 150. Also Jaffe, p. 40.

[7] Quoted in Millikan, Memoir, pp. 128–129.

[8] Ibid., p. 129.

[9] Quoted in Millikan, Memoir, p. 129. See Jaffe, p. 38.

[10] Interview with Albert A. Michelson in Neil M. Clark, "Michelson Holds the Stop-Watch on a Ray of Light," American magazine (January 1926), p. 25. Hereafter cited as "Clark, 'Int.'."

[11] Millikan, Memoir, p. 129.

[12] Dorothy Michelson Stevens, letter dated Jan. 30, 1964. See appendix B. Hereafter cited as "Stevens, 'letter'."

[13] Clark, "Int."

[14] See A. B. Anderson (ed.) et al., "The Departments," U.S. Naval Institute Proceedings (October 1935), pp. 1415–1439.

[15] Park Benjamin, The U.S. Naval Academy (New York: G. P. Putnam's Sons, 1900), p. 28.

[16] Candidates were required, however, to purchase uniforms and personal effects as well as make a one hundred dollar deposit for textbooks, etc. They became obligated, upon acceptance as a midshipman, to serve 8 years in the Navy, including time spent at the Academy. See Regulations Governing the Admission of Candidates to the U.S. Naval Academy in U.S. Naval Academy Register, 1869–70 (Washington: Government Printing Office, 1871), p. 32. Hereafter cited as "Regulations."

[17] Jaffe, p. 141. Blakely successfully passed the Academy entrance examinations but was dropped in Nov. 1871.

[18] Jaffe, p. 41, p. 43, and Millikan, Memoir, p. 129.

[19] Regulations, p. 33.

Mr. Blakely, the Civil War veteran, and vowed to be a credit to the President. Grant explained that all 10 of his appointments had been promised, but told Albert to see the Secretary of the Navy. The Secretary advised him to go to Annapolis, for 1 of the 10 appointees had not yet taken the examination, and there was a possibility that he might fail. Albert went to Annapolis and found that the candidate did fail but had been given a reappointment. He waited for 3 days, only to find that the candidate successfully passed his second examination. Very much discouraged, he planned to start back to Washington and had actually placed his trunk on the train, when a messenger arrived announcing that President Grant had reconsidered the case and made an exception by creating an additional appointment. Apparently this was brought about by the letter from his Congressman, which stated, "His appointment at your hand would do more to fasten these people (Israelites) to the Republican cause, than anything else that could be done."[20] Michelson later commented that his success could be attributed to an "illegal act."[21]

The entrance examination, consisting of separate examinations in arithmetic, geography, reading, writing and spelling, was both written and oral.[22] Albert must have been thankful for the years of rigorous drilling he had endured while living with Mr. Bradley in San Francisco, for he found himself much better prepared than most of the other candidates, some of whom had had only 3 or 4 years of formal schooling.[23] The examiners found him duly qualified and noted on the record of the oral examination, "A Pole—well up in arithmetic."[24] After passing the physical examination he was formally admitted as midshipman No. 45 on June 28, 1869, at the age of 16 years, 6 months.[25]

Almost immediately he was placed on board the sloop *Dale* for a practice cruise.[26] When he returned to Annapolis in September, he was subjected to the burden of a heavy academic load and the wrath of the newly promoted third classmen, who were then, as now, called youngsters. Plebe indoctrination was extremely harsh at that time, and Michelson's slight accent and handsome appearance must have attracted considerable attention.[27] However, there is no evidence that he was mistreated or hazed any more than his classmates. The concern at the time did not involve nationality or religion, but was centered around a possible Negro admission to the Academy.[28]

Albert found his high school preparation very helpful, especially in mathematics. He said, "it undoubtedly made the course, which was pretty stiff, rather easy for me."[29] He did remarkably well, achieving a 4.44 on the second term algebra final examination (midshipmen were graded on a 4.0 scale) and standing second in mathematics out of a class of 87.[30] In drawing, he stood 1st, and in history, 43d. His overall standing for the year was seventh, with a total of 130 demerits—about average for a plebe—again indicating that he was not treated more severely than his classmates.[31]

On June 16, 1870, Michelson departed from Annapolis aboard the sloop *Savannah* on a 3-month practice cruise to Plymouth, England, and Funchal, Madiera.[32] Charles Dickens had died suddenly on June 9, and when the cadets received this news upon their arrival at Plymouth, some of them may have joined the hundreds of persons visiting the garlanded tomb in Westminister Abbey.[33] It was probably here that Michelson met the girl who was later to become his first wife.

The next year gave Albert, or "Mike," as he was known by his classmates, a chance to relax and become acquainted with the liberal changes that had taken place at the Academy. These revisions, which had been initiated by Adm. David Dixon Porter, Superintendent from 1865 to 1869, more closely adapted the methods of teaching and courses of study to the needs of the Navy. Two courses of study were adopted, one for line officers, like Michelson, and one for engineers. The honor system had been instituted and social life had developed. Now the Academy was sometimes referred to as "Porters' Dancing Academy."[34] Sports were encouraged, and Porter himself is said to have jumped into the boxing ring with the midshipmen.[35] Noteworthy of his administration, which ended a few months before Michelsons' admission, is the comment, "never had the students been more diligent or imbued with a higher sense of personal honor and duty, and never before had the Academy graduated larger or more intelligent classes."[36]

Michelson, now living in the recently completed new cadet quarters, took up fencing and improved his standing in the class from 20th to 2d by the end of the year.[37] He continued to practice the violin and often passed his time sketching and painting water colors.[38] He also took lessons in boxing.[39] The emphasis on academics that year had begun to shift toward the professional subjects, but youngster Michelson continued his good record, standing 8th in seamanship and 10th in gunnery. His outstanding grades in the technical subjects raised him to a sixth overall standing, even though the rigor of the courses had reduced the class to 45 by the end of the year.[40]

On June 17, 1871, Cadet Michelson, now a second-classman, embarked on the sloop *Saratoga* for an Atlantic cruise. He docked at Nantucket Sound, New London and other New England towns and also visited Halifax, Nova Scotia.[41] Returning to Annapolis in September, he began a year marked by some major changes in his progress at the Academy. He maintained his overall class standing, but apparently began to violate the regulations frequently, incurring 192 demerits and standing third from the bottom in conduct. He improved his standing in gunnery, but slipped from 8th to 26th in seamanship, the largest drop of his midshipman career.[42]

A possible explanation for this is found in a Navy Department directive of 1870, which changed the status of the cadets from "midshipmen" to "cadet midshipmen."[43] The Navy was entering a period of decay, and it was necessary to reduce the number of full midshipmen and increase the time of service required for promotion. In addition, officers who had served 3 years at sea were beginning to return to Annapolis for promotion examinations. Advancements were no longer determined by order of merit at the Naval Academy, but by the results of these new tests.[44] Now, instead of becoming eligible for the grade of lieutenant upon achieving a midshipman's warrant, graduates were required to pass through the ranks of ensign, master and then lieutenant.[45] Perhaps Michelson, faced with these changes in policy, began to lose interest in the Navy as a career—a probable cause for his poorer grades in seamanship.

Michelson's last year at the Academy was his worst, at least academically. He dropped three places to a ninth overall standing. A glance at his record will reveal that, with the exception of navigation and surveying, he dropped in his professional courses, which were rather heavily weighted, while specializing in the scientific subjects. He stood 1st in optics and accoustics, 2d in heat and climatology, but was 17th in gunnery and 25th in seamanship.[46]

He achieved the rank of cadet petty officer or "double diamond" and was first captain of 1 of the 24 gun crews, which then made up the battalion of midshipmen.[47] This was not a particularly high rank, since at least 14 of his classmates ranked higher, but cadet officers were chosen according to their "fitness for the position," and Michelson's grades in seamanship and gunnery were only average.[48] Although he thrived on discipline, he was never pompous and probably was not interested in this type of achievement. However, as a first guns' captain he had a considerable amount of responsibility, for he was in command of his 16-man crew during gunnery and infantry drills. He sat at the head of his table in the messhall, and was "responsible for the preservation of order and discipline" within his command.[49]

One evening, while carrying out his duties as a petty officer, an interesting incident occurred. The story is told by Midshipman Bradley Fiske, who later became Rear Admiral Fiske, Assistant Chief of Naval Operations in World War I, and is the only recorded incident of Michelson's midshipman career. That night, due to the absence of the first company petty officer at meal formation, Michelson assumed command and gave the order "right dress." While the men were easing into line, he called out, "Dress back, Mr. Fiske." Fiske, who was second in his class, and, although only a second classman, had the same rank as Michelson. He apparently resented being reprimanded by someone whom he considered his equal and challenged Michelson to a fight. The ensuing

[20] Jaffe, p. 34.

[21] Compare Jaffe, pp. 41–43; Millikan, Memoir, pp. 129–130; Wilson, pp. 26–34; Clark, "Int.," p. 25; and Harvey B. Lemon, "Albert Abraham Michelson: The man and the man of science" (a paper read before the Chicago Literary Club, Nov. 30, 1931; on file in the U.S. Naval Academy Museum), pp. 5–6. Slightly different versions of his appointment appear in each source. This version is taken largely from the Clark interview, since most of this account was quoted from Michelson himself and was published in 1926 while Michelson was still alive.

[22] James R. Soley Historical Sketch of the United States Naval Academy (Washington: Government Printing Office 1876) pp. 151–154.

[23] Ibid., pp. 155–161. Also see "remarks" section in records of "Oral Preliminary Examinations" (U.S. Naval Academy Library).

[24] "Oral Preliminary Examinations, 1869" (U.S. Naval Academy Library), p. 41.

[25] Roll Book, 1869.

[26] United States Naval Academy Register (Washington: Government Printing Office), 1869–70, p. 37. Hereafter cited as "Register."

[27] Benjamin, p. 288.

[28] Ibid., pp. 291–293.

[29] Clark, "Int.," p. 25.

[30] See "Monthly Summary, 1870" (Mathematics Department, U.S.N.A.). Hereafter cited as "Summary."

[31] Register, 1870–71, p. 16.

[32] Ibid., 1870–71, p. 34.

[33] J. B. Priestley, Charles Dickens, a pictorial biography (New York: Viking Press, 1961), p. 126.

[34] John C. Cirne, United States Naval Academy, The First Hundred Years (New York: McGraw Hill Book Co., 1945), p. 42.

[35] Benjamin, p. 267.

[36] Ibid., p. 28.

[37] Register, 1871–1872, p. 13.

[38] Stevens, "letter," p. 1.

[39] Bradley A. Fiske, From Midshipman to Rear Admiral (New York: Century Co., 1919), p. 15.

[40] Register, 1871–1872, p. 13. See appendix A.

[41] Ibid., 1871–1872, p. 36.

[42] Idem, 1871–1872, p. 12.

[43] Benjamin, p. 284.

[44] Ibid., pp. 285–286.

[45] Idem, p. 285.

[46] Register, 1872–1873, p. 9.

[47] Fiske, p. 15. Also see Benjamin, p. 265.

[48] Soley, p. 142.

[49] Ibid., p. 143.

bout lasted only a few minutes, for the referees ended the fight when Fiske could no longer see out of either eye. Fiske later claimed that Michelson had received more instruction in boxing, but admitted that he had been given such a beating he spent 8 days on the sick list for "contusions." [50]

In addition to his boxing, fencing, and musical abilities, young Michelson was a talented artist.[51] In a rare photograph, he is shown as a first classman doing a self-portrait in the new cadet quarters.[52] Not only does it display his artistic abilities as well as his handsome, dashing appearance, but illustrates his knowledge of optics and a flair for originality. Notice in the prefatory picture that the mirror was arranged so that his image was presented to the camera rather than to himself, as it normally would have been while doing a self-portrait. Also, the room had been sufficiently draped to prevent reflections from the objects behind him, presenting a light background in the mirror. It is not difficult to understand why this man stood first in drawing and optics.

However, the Superintendent, Commodore Worden, evidently did not approve of Michelson's outside interests and, being from the "old school," was very much concerned about his regression in gunnery and seamanship. He called Michelson to his office and, after a severe scolding, warned, "If you'd give less attention to those scientific things and more to your naval gunnery, there might come a time when you would know enough to be of some use to your country." [53] Fortunately, Michelson did not take Commodore Worden too seriously.

His senior year passed quickly, and on May 31, 1873, he took his place with the rest of the battalion to receive his diploma. His record had not been exceptional; he stood ninth overall, had a more than average number of demerits and had not achieved a very high cadet rank. He was not even among the "star" members of the class who were placed in front of the battalion at graduation.[54] His first wife later said, "His record at the Academy was not brilliant." [55]

After graduation he was given a 3-month leave and then assigned to the *Monongahela* and *Roanoke*. In July 1874, he was promoted to ensign and transferred to the North Atlantic squadron, where he served on the *Colorado* and the *Worcester*. In October 1874, he returned to the Naval Academy to take his promotion examinations. He apparently did well in the scientific areas, for in December 1875, he was ordered back to Annapolis as an instructor of physics and chemistry.[56]

His immediate superior was Comdr. W. T. Sampson, who later, as an admiral, gained fame at the Battle of Santiago. Sampson knew that Michelson had done well in his studies while he was a midshipman and was primarily responsible for calling him back to Annapolis.[57] He was not an easy man to work for, but often provided enough inspiration to move his subordinates to great accomplishment.[58]

The Superintendent must have liked the young ensign, for one evening he invited him to his home to meet his niece, Margaret Heminway. She was the daughter of a prominent New York stockbroker and had just returned from a fashionable finishing school in Paris.[59] Margaret believed Michelson to be the midshipman she had met at Dickens' tomb in Westminster Abbey in 1870 while he was on a practice cruise. Seeing him again, she stated that she at once recognized the "brilliant eyes" which had so profoundly impressed her 6 years before.[60] She fell in love with the handsome Michelson—he had jet black hair, deep-set eyes, a trim 5 feet 8 physique and a neat, dignified appearance.[61] They were married in New Rochelle, N.Y., on April 18, 1877.[62]

That summer Michelson served as a watch officer aboard the practice ship *Constellation* for a 3-month midshipman cruise. The only other ensign on board was T. B. Howard, a classmate who had edged him out of first place in mathematics during their first year at the Academy.[63] Howard was now assigned to the Naval Academy as a mathematics instructor. Michelson also became acquainted with Lieutenant Nazro and Master Clason, both instructors in the foreign language department and fellow watch officers on the *Constellation*. In September 1877, he returned to his duties at the Naval Academy.[64]

Life had been easy for him as an instructor, for the class recitation method was being used, which required the instructor to act more as a grader than a teacher.[65] Michelson said, "It was an easy post. Any officer in the Navy could have filled it." [66] He also stated, "We followed a textbook very closely, and I managed to keep my ignorance hidden by reading up in the textbook about 10 pages in advance of the class." [67]

However, in November of that year the method was modified, with recitations being augmented by lectures and demonstrations. At Sampson's direction, Michelson began to prepare a few lectures, one of which dealt with the measuring of the velocity of light. As he was studying the methods of Foucault, Fizeau, and Cornu, a new method "suggested itself" to the young ensign.[68] He placed his light source in the principal focus of the lens, such that parallel rays of light were produced which were reflected by a plane mirror back to the source. This would enable him to obtain an image "no matter what the distance may be." [69] By increasing the distance, deflection would increase, giving increased accuracy.

With the crude pieces of apparatus that could be found in the physical laboratory, Michelson set up his equipment, using a distance of several hundred feet.[70] He expected only to obtain rough values somewhat close to those that had already been published. He later said, "I merely meant to demonstrate the method. Very much to my surprise, I discovered that with our homemade apparatus we were measuring the velocity of light with considerably greater accuracy than anybody had measured it before." [71]

Michelson became entranced with the project, for he knew that this was only a start. With better equipment and a larger distance, he could obtain highly accurate values. He purchased a rotating mirror for $10 of his own money and began to obtain larger and larger deflections.[72] A description of his method was published in May 1878, but included no data.[73] Then newspapers started to print information on his experiments, and his fame as a physicist began to spread. One account even found its way back to Virginia City.[74]

His father-in-law, A. G. Heminway, became interested in the experiments and provided Michelson with $2,000 to purchase better equipment.[75] Now he was able to increase the light path to 500 feet and obtain a value of 186,508 miles per second. He presented his data to a meeting of the American Association for the Advancement of Science that summer, explaining that it was made "under difficulties and with apparatus adapted from material found in the laboratory of the naval school." [76]

The now much talked about ensign continued to improve his apparatus, expanding his light path to 1,985 feet and trying to eliminate inaccuracies in every possible way.[77] He even checked on possible observer bias by calling on his friends Lieutenant Nazro and Master Clason to take some of the readings.[78] He obtained the help of Professor Mayer of the Stevens Institute in clocking the exact speed of his rotating mirror.[79]

Michelson built a 45- by 14-foot frame building to house his rotating mirror, which rested on a brick pier. The stationary mirror was placed in a heavy brass frame which "was mounted on a brick pier, the whole surrounded by a wooden case, to protect it from the sun." The "line of light" was located on "a clear, nearly level stretch along the North seawall of the Naval Academy." [80] It was 11 feet above the ground and passed between the old boat shed and the physics building.[81] The line is now covered by buildings, but is approximately marked on the western end by the old Oregon gun and on the eastern end by the southwest corner of the Natatorium.[82] One of the original rota-

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[50] Fiske, pp. 15–16.

[51] Stevens, "letter," p. 1.

[52] See picture inside title page. This is a copy of a picture recently sent to Capt. P. V. Weems, U.S. Navy, retired, by a member of the Michelson family. It has not, as yet, been published.

[53] The New York Times, May 10, 1931, p. 1, and W. H. Crew "The Researches of Professor Albert A. Michelson," U.S. Naval Institute Proceedings (January, 1930), p. 38.

[54] Benjamin, p. 295.

[55] Quoted in Millikan, Memoir, p. 130.

[56] J. R. Smithson, "Michelson at Annapolis," American Journal of Physics (Oct., 1950), p. 426, and Millikan, Memoir, p. 130.

[57] Clark, "Int.," p. 25.

[58] Fiske, p. 199.

[59] Stevens, "letter," p. 2.

[60] Compare Millikan, Memoir, p. 130, and Stevens, "letter," p. 2.

[61] See Millikan Memoir, p. 124; Stevens, "letter," p. 1; and R. A. Millikan, "Albert A. Michelson," Scientific Monthly (Jan., 1939), p. 19. Hereafter cited as "Millikan, 'article.' "

[62] Millikan, Memoir, p. 131.

[63] "Summary," 1870.

[64] Register, 1877–1878, p. 31.

[65] Midshipmen were graded almost every day based on their replies to oral questions and the work done at the blackboard. For an example see any "Weekly Summary" for that period.

[66] Times, p. 1.

[67] Clark, "Int." p. 25.

[68] A. A. Michelson, "On a Method of Measuring the Velocity of Light," American Journal of Science (1878), p. 394. Hereafter cited as "On a method."

[69] A. A. Michelson, "Experimental Determination of the Velocity of Light," a private reproduction of the original manuscript in Smithsonian Institution, p. 3. Hereafter cited as "manuscript."

[70] A. A. Michelson, "Experimental Determination of the Velocity of Light," Proceedings of the American Association for the Advancement of Science (Aug., 1878), p. 77. Hereafter cited as "article."

[71] Clark, "Int.," p. 152.

[72] Ibid., p. 25, and Michelson, "On a method," p. 76.

[73] Michelson, "On a method," p. 77.

[74] See quote in Millikan, Memoir, p. 133.

[75] Michelson, "On a method," p. 77.

[76] Ibid., p. 77.

[77] Army-Navy Register, May 3, 1879, p. 625. Also New York Daily Tribune, May 14, 1879.

[78] Michelson, manuscript, p. 104.

[79] Ibid., p. 39.

[80] Idem, p. 5.

[81] Idem, p. 5.

[82] The light path was approximated by superimposition of an old map of the Academy grounds and a recent map in 1942 by Captain Baldridge, of the museum; Mr. Bolander, librarian; Mr. Poole, from public works; and Prof. E. W. Thompson as a line between Isherwood Hall and the natatorium. See E. W. Thompson letter dated Feb. 10, 1942 (vertical file, U.S.N.A. Library), "U.S.N.A. Map No. 701," and maps of the Naval Academy in U.S. Naval Institute Proceedings (Oct. 1935), p. 1442 and (May 1932), pp. 676–677. The path was later revised by Professor Thompson to just in front

tional mirrors is on display in the Michelson Museum in China Lake, Calif.[83]

On February 5, 1879, Michelson was promoted to master and in June and July of that year made the last of his measurements at the Naval Academy.[84] Readings were taken at sunrise and sunset, the mirror being readjusted before each run. The painstaking procedure was vividly described by Michelson in a clearly written 20 pages of explanation. The original handwritten manuscript of these experiments has been recently discovered and is now in the Smithsonian Institution.[85] On glancing through the manuscript, one cannot help but feel the tireless persistence, the unrelenting perseverance of a man who had thrown himself completely into the experiment.

In the fall of 1879, Master Michelson was transferred to the Nautical Almanac Office in Washington, D.C., in order to collaborate with Simon Newcomb in a Government-sponsored determination of the velocity of light.[86] In 1880, he took a leave of absence from the Navy and went to Europe for 2 years of graduate study in France and Germany.[87] The big question at the time concerned the existence of an "ether drift." Michelson thought he could measure it by using an interference method, and having already ascertained a professorship at the newly formed Case Institute, resigned his commission on September 30, 1881.[88] His transfer to Case Institute was reluctantly announced in the Army-Navy Register, in an article probably authored by Commander Sampson. It quoted, "Mr. Michelson is well known here personally, and made some stir several years ago by inventing a new system by which the velocity of light was determined."[89]

The rest of Michelson's story has been recorded in numerous sources and will not be repeated here. However, it would be well to consider the many comments that were made about his character and personality after he left the Academy.[90]

Admiral Fiske, in 1919, said, "Michelson was a real genius. He was said to study less time than any other man in the class. His name will be remembered long after the names of many men who are eminent now have passed into oblivion." Fiske thought of him as a man of "brilliancy and originality" rather than "in the intellectual class."[91]

Moulton, a former student of Michelson's, said that he was "unhurried and unfretful," and "he never feared that science, the university, or mankind was at a critical turning point. Michelson was moved only by the esthetic enjoyment his work gave him."[92] Lovering, another student, made special note of Michelson's "unflagging perseverance."[93] Still another student told of his "magnificent exhibition of singleness of purpose."[94]

Millikan, an intimate associate of Michelson at the University of Chicago and a Nobel Prize winner, said:

"His most outstanding characteristic was his extraordinary honesty, his abhorrence alike of careless, inexact, ambiguous statements. The writer played tennis with him for 25 years and watched him call balls. In doing so he was always just and correct, but never generous either to himself or his opponent. During his earlier years Michelson acquired the reputation of being somewhat unapproachable, difficult, dictatorial, even inconsiderate. He was an intense individualist, he knew what he wanted to do, he had confidence in his ability to do it, and he refused to let anything divert him from it, no matter what other interest had to be sacrificed or who stood in the way."[95]

Michelson was divorced from his first wife in 1897 after 20 years of marriage. Exact reasons for the divorce are unknown, but there is a strong possibility that she aggravated him by reminding him of her father's earlier financial backing, and that he became so involved in his scientific work that he neglected her.[96] He was remarried in 1900 to Edna Stanton of Lake Forest, Ill., who was 18 years his junior. They had three daughters, and their marriage was "an altogether happy one."[97]

Michelson became one of the most honored scientists in the United States. In addition to being the first American to receive the Nobel Prize, he received 11 honorary degrees as well as the Rumford Medal, the Copley Medal, the Franklin Medal, and others.[98] Einstein referred to him as "the master who had awakened in him the concept of the theory of relativity."[99] The Optical Society of America held a special meeting in his honor at which his old colleague from Annapolis, Dr. C. E. Munroe, told a few stories of his midshipman days.[100]

In 1924, Professor Michelson returned to his alma mater to address the first class. Admiral Wilson, the Superintendent, introduced him and added, "Who knows, but that if Albert Michelson had stayed in the Navy, he might have become an admiral." Michelson began by saying, "Who knows, but that in my own field of endeavor, I am an admiral."[101]

The facts presented give only a faint image of this remarkable man. The real Michelson lies buried beneath withering memories and his own desire to be known only by his work. It is possible, however, to obtain a general feeling for his character and to detect in Michelson, the accomplished physicist, a manifestation of some of the trends developed during his years at Annapolis.

He entered the Academy better prepared than most, both academically and psychologically. His family background was creditable; he had undergone rigorous schooling and had gained self-confidence and maturity.

As a midshipman, he was introduced to a life of discipline and order while receiving a well-rounded, high quality education. He grew accustomed to high standards of personal integrity, though not in a religious environment, and learned to get along with others in close confinement. He developed his skills as an artist and a musician, and learned to fence, box, and play tennis. He continued to specialize, ignoring the subjects that bored him and putting more effort into those he liked. This was especially true his last year. He did not seem to care about standing high in the class or receiving honors.

As an officer, Michelson began to show those traits which made him great. He refused to let himself become diverted from his goal with a stubborness which sometimes even entered in his personal life. He was devoted to the Navy, but was plagued by strong scientific aspirations. He demonstrated an unusual degree of tenacity, a firmness of purpose, a calling to perfection that made his scant training in the subject immaterial. But most important, he proved conclusively that, whether the problem be in optics or naval gunnery, a solution can best be attained by a complete, unrestrained, and unrelenting devotion to the problem.

BIBLIOGRAPHIC ESSAY

This subject was initially brought to my attention by conversation circulating through the Brigade about the new science building and the search that was underway for Michelson's original instruments. After reading Professor Smithson's article, "Michelson at Annapolis," American Journal of Physics (October 1950), pages 425–427, it was realized that the amount of information known is alarmingly minute. Professor Smithson has consolidated and verified much of the information to date and has corrected the erroneous story of Newcomb's association with the Academy. Another article, written by Dr. William H. Crew, "The Researches of Professor Albert A. Michelson," U.S. Naval Institute Proceedings (January 1930), pages 38–41, gives a good résumé of his work after he left the Academy, but contains only a few paragraphs about his life at Annapolis. Prof. E. W. Thompson, "The Velocity of Light," U.S. Naval Institute Proceedings (January 1930), pages 42–48, explains the determinations made previous to Michelson's and contains a scientific explanation of Michelson's innovation. This article concludes with an excellent bibliography.

The main source for data on Michelson's pre-Annapolis days came from lengthy articles by Robert A. Millikan, a good friend of Michelson at the University of Chicago and a former student. "Biographical Memoir of Albert Abraham Michelson," National Academy of Sciences. Biographical Memoirs (Fourth Memoir, 1938), volume XIX, pages 121–146, was the most complete and reliable source found. Information obtained other than first hand is noted as such, and there is no attempt to give Michelson unwarranted praise. "Albert A. Michelson," Scientific Monthly (January 1939), written a few years later, presents Millikan's personal evaluation of his character and personality.

Detailed information pertaining to Michelson's appointment, as well as facts about his midshipman days was found in N. M. Clark's, "Michelson Holds the Stop-Watch on a Ray of Light," American magazine (January 1926, pp. 24–25, p. 154). This was an interview with Michelson in 1926, the only personal account by Michelson himself that was found. Although Clark makes many statements which give away his lack of background in the subject and a desire to produce a "scoop"

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of McDonough Hall. See appendix C. After discussing the accuracy of these determinations with Prof. Thompson, who is now retired and living in Annapolis, he offered to verify the work done 20 years ago in order that an accurate path be published. His results are included in appendix D. This determination takes into account information from the Michelson manuscript, but unfortunately, must remain a "most probable" path. It is unlikely that additional information which will fix the path precisely will ever be found.

[83] William B. Plum, "The Michelson Museum," American Journal of Physics (April 1954), p. 180.

[84] U.S. Navy records, copy contained in Professor Bolander letter dated Nov. 10, 1947 (vertical file, U.S.N.A. Library). Hereafter cited as "Navy records."

[85] This manuscript was found in the Nautical Almanac Office, Washington, D.C., by Capt. P. V. Weems, U.S.N. (ret.).

[86] Smithson, p. 427.

[87] Navy records and Millikan, Memoir, p. 135.

[88] Stevens, "letter," p. 4. See R. S. Shankland, "Albert A. Michelson at Case," American Journal of Physics (November 1949), p. 488, and Henry G. Gale, "Michelson," Astrophysical Journal (July 1931), p. 3. Also see Navy records.

[89] Quoted in Army-Navy Register, May 27, 1882, p. 989. (Microfilm.)

[90] Millikan, Memoir, Jaffe and others.

[91] Fiske, p. 535.

[92] Forest R. Moulton, "Albert Abraham Michelson," Smithsonian Institute Annual Report, 1931 (1932), p. 580.

[93] J. Lovering, "Michelson's recent researches on light," Smithsonian Institute Annual Report, 1889 (1890), p. 499.

[94] Harvey B. Lemon, "Albert A. Michelson," The American Physics Teacher (February 1936), p. 2.

[95] Millikan, article, p. 18.

[96] Stevens, "letter," pp. 3–4.

[97] Millikan, article, p. 20.

[98] Smithson, p. 425.

[99] Times, p. 1.

[100] H. G. Bontell, "The Michelson Meeting of the Optical Society of America," Scientific Monthly (December 1928), p. 569.

[101] Quoted in E. W. Thompson letter dated March 23, 1961. See copy in app. E.

story, the quotations appear quite accurate and were used freely in this paper.

Two biographies have recently been published, but only that written by Bernard Jaffe, "Michelson and the Speed of Light" (New York: Doubleday & Co., 1960), was considered worthy of citation. Jaffe has done a considerable amount of research, especially on Michelson while he was living in Virginia City and on the story of his appointment. His information on Michelson as a midshipman, however, is practically nil. A good deal of stress is placed on the scientific aspect of his life.

The other biography, John H. Wilson, "Albert A. Michelson, America's First Nobel Prize Physicist" (New York: Messner, Inc., 1958), is a series of fabrications and half-truths and cannot rightly be classified as a biography. Its bibliography does not even come close to substantiating the facts presented, and such a large number of falsehoods have been noted that it would be impractical to list them all here. His stress on anti-Semitism is not well founded, the names of the midshipmen who helped Michelson set up his original experiment are fictitious, and his implication that Fiske was not very bright is incorrect. These are just a few of the reasons why librarians would be justified in reclassifying this book as fiction.

Information on Michelson's midshipman career is quite rare, and there is ample room for additional research in this area. "The U.S. Naval Academy Register, 1869–77" (Washington: Government Printing Office, 1877), provided data on Michelson's grades, cruises, and faculty membership. The record of his entrance examination, "Oral Preliminary Examination, 1869," and his weekly grades in mathematics, "Monthly Summary of Math Grades," were found among old records in the mathematics department. The only formal record kept by the Superintendent's office is the "U.S. Naval Academy Roll Book, 1869" (microfilm), which contains a single line entry of his admission. A detailed account of Michelson's appointment was found in the files of the Naval Academy Museum in Harvey B. Lemon, "Albert Abraham Michelson: The man and the man of science" (a paper read before the Chicago Literary Club, November 30, 1931). The story of his fight with Fiske was found in Bradley A. Fiske, "From Midshipman to Rear Admiral" (New York: Century Co., 1919). Michelson apparently never spoke about this incident, for it was not mentioned by either Millikan or Clark, and all other accounts use Fiske as a source.

A good insight into Michelson's life at the Academy was gained from a study of the Naval Academy in that period. Sources used were:

Park Benjamin, "The United States Naval Academy" (New York: G. P. Putnam's Sons, 1900).

John C. Cirne, "United States Naval Academy, the First Hundred Years" (New York: McGraw-Hill Book Co., 1945).

James R. Soley, "Historical Sketch of the United States Naval Academy" (Washington: Government Printing Office, 1876).

Information on Michelson's years as an instructor of physics and chemistry was found with less difficulty. The data of his duty stations and of his promotions were taken from a copy of U.S. Navy records, contained in Prof. Louis Bolander's letter dated November 10, 1947 (vertical file, USNA library). Additional information was obtained from Michelson's daughter, Dorothy Michelson Stevens, letter dated January 30, 1964 (app. B). Details of his experiments were obtained from Michelson himself in the following papers:

A. A. Michelson, "On a Method of Measuring the Velocity of Light," American Journal of Science (1878), pp. 394–395.

A. A. Michelson, "Experimental Determination of the Velocity of Light" (1879 work), a private reproduction of the original manuscript in the Smithsonian Institution.

A. A. Michelson, "Experimental Determination of the Velocity of Light" (1878 work), Proceedings of the American Association for the Advancement of Science (August 1878), pp. 71–77.

Michelson's transfer to Case was described in R. S. Shankland, "Albert A. Michelson at Case," American Journal of Physics (November 1949), pp. 487–489, and noted in Army-Navy Register, May 27 1882, p. 989. The location of the light path was found in E. W. Thompson, letter dated February 10, 1942 (USNA library, vertical file), and the later revisions in E. W. Thompson, letter dated February 7, 1964 (appendix D). Maps of the Naval Academy and information about the location of buildings, seawall, etc., were found in "USNA Map No. 701" (USNA library); P. H. Magruder, "The Naval Academy in Bygone Days and Today," U.S. Naval Institution Proceedings (May 1932), pp. 673–684; and in Charles Lee Lewis, "Description of the United States Naval Academy," U.S. Naval Institute Proceedings (October 1935), p. 1442. A list of equipment used by Michelson and on display in the Michelson Museum was found in William B. Plum, "The Michelson Museum," American Journal of Physics (April 1954), pp. 177–181.

The following list of articles was used primarily as sources of comments on Michelson's personality and character:

F. E. Beach, "Albert A. Michelson," American Journal of Science (August 1931), p. 97.

H. G. Bontell, "The Michelson Meeting of the Optical Society of America," Scientific Monthly (December, 1928), pp. 567–574.

Henry G. Gale, "Michelson," Astrophysical Journal (July 1931), pp. 1–9.

Harvey B. Lemon, "Albert A. Michelson," The American Physics Teacher (February 1936), pp. 1–11.

J. Lovering, "Michelson's Recent Researches on Light," Smithsonian Institution Annual Report, 1889 (1889), pp. 449–468.

Forest R. Moulton, "Albert Abraham Michelson," Smithsonian Institution Annual Report, 1931 (1932), pp. 579–582.

APPENDIX A

Subject	Standing at end of year			
	4th class	3d class	2d class	1st class
1. Optics and acoustics				1
2. Drawing	1	4	1	
3. Heat and climatology				2
4. Dynamics			2	
5. Statics			3	
6. Naval tactics			4	
7. Steam engineering				4
8. Mathematics	2	4		
9. Chemistry		3		
10. Fencing	20	2	3	4
11. French	3	6	4	
12. Spanish		15		5
13. Grammar	6			
14. Navigation and surveying				5
15. Astronomy			8	
16. Electricity			8	
17. Infantry tactics			10	
18. Gunnery		10	9	17
19. Rhetoric		15		
20. Shipbuilding			17	
21. Geography	20			
22. Seamanship		8	26	25
23. Practical experiences in seamanship			20	25
24. International law				21
25. History and composition		34		
26. History	43			
Number of demerits	130	210	192	129
Standing in conduct	39	33	28	21
Number of midshipmen in class	87	45	29	29
Overall class standing	7	6	6	9

APPENDIX E

MARCH 23, 1961.

Mrs. WILLIAM DIXON STEVENS,
New York, N.Y.

MY DEAR MRS. STEVENS: The file on your father, A. A. Michelson, at the Naval Academy is far from complete, but I did develop the following:

Comdr. Wilbur R. Van Auken, head of the department of ordnance and gunnery wrote in February 1924 asking your father to speak to the midshipmen of the first class (1924). This letter may have been for the Superintendent's signature. The lecture was given in Sampson Hall, the physics-electrical engineering lecture hall, some time in March 1924. The Superintendent was Rear Adm. Henry B. Wilson (don't quote me but he was somewhat pompous). Also present was the head of department of electrical engineering and physics, Capt. George F. (Greasy) Neal (who was my boss). I also remember several ladies (one of whom was probably you at 17) who had evidently come from a dinner party. Admiral Wilson, in introducing your father, ended by saying: "Who knows but that, if Albert Michelson had stayed in the Navy, he might have been an admiral." Your father, after the applause when he arose, started by saying: "Who knows, but that in my own field of endeavor, I am an admiral." I was in the front row, and remember that I laughed, but was probably the only one in the whole place who did laugh. I'm sure that the Navy has developed a better sense of humor in the last 37 years. There is also a record of your father's expense account, and a letter from him thanking the Superintendent for sending a check for $200. There is another version of the above on page 48 of the Naval Institute Proceedings, January 1930, at the end of my article on the velocity of light.

It was certainly a pleasure showing you around the Naval Academy. May I wish for you a most interesting biography of your father, who truly was a remarkable man, even though he didn't get to be an admiral.

Sincerely,

EARL W. THOMSON.

EIGHTEENTH ANNIVERSARY OF THE ITALIAN REPUBLIC

Mr. FUQUA. 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 Florida?

There was no objection.

Mr. RODINO. Mr. Speaker, surely one of the greatest sources of the strength of this country is to be found in the diversity of the groups which make up the American Nation. America is a nation of immigrants, immigrants from many lands who have come to these shores seeking freedom, opportunity, and a new life. Each group has brought to this country its traditions, its culture, its own particular genius, and these in turn have become part of the American heritage. Diversity marks the various contributions to this heritage; unity has been the outgrowth of a shared experience, of shared values. The American Nation today stands as eloquent proof that there is no inherent contradiction between unity and diversity. A new arrival in this country need not wipe out memories of his country or origin when he assumes the privileges and obligations of American citizenship. For he knows on the basis of the experience of millions who have preceded him that an attach-

ment to and interest in his country of origin are not incompatible with a fierce loyalty to the country to whose destiny his is now indissolubly joined. Indeed, a consciousness of national origins on the part of American citizens furthers the friendly relations and confirms the mutual interests existing between the United States and countries or peoples spread throughout the world.

Today, therefore, I feel no hesitation in referring with pride to my heritage as an Italian-American, and to my activities on behalf of friendly ties between the United States and Italy. I am sure that I speak for all Americans when I express my great admiration for the accomplishments of the Italian people since World War II, when I express my appreciation for their steadfast loyalty to the cause of Western nations, and when I salute them on this, the 18th anniversary of the Italian Republic, June 2, 1964. June 2, 1946, is the day on which the Italians held their first elections following World War II; it is the day on which they chose to become a republic; it is the day on which they took their first formal step following an unhappy interlude toward becoming the strong, progressive, and democratic nation we know today.

I am proud to be able to mention at least two occasions on which I have taken part in the postwar history of the Republic of Italy. Only 3 short years ago in 1961, I had the honor of being a member of the President's delegation to the celebration of the 100th anniversary of Italian unification. It is in 1861 that the history of modern Italy began. Following long years of struggle and the unrelenting efforts of Cavour, Mazzini, and Garibaldi, the Italian people found unity under the House of Savoy. Stability, economic development, and democracy were slower in coming, however. The Fascist dictatorship of Mussolini interrupted progress toward these goals and opened an era of shame and suffering for the Italian people. The overthrow of Mussolini and liberation by the Allies brought an end to this era in 1943. Italians could look to the future with hope; they could once more set their sights on goals that they had long cherished. There were clouds on the horizon, however. The Communists hoped to profit by the widespread misery and economic dislocation proceeding from the war in order to establish a Communist dictatorship in the heart of Western Europe.

The Communists did not succeed in this endeavor; they cannot succeed today. It gives me great satisfaction to be able to say that when the Communist danger was at its height, during the elections of 1948, I was able to play a small, yet I believe significant role in stemming the Communist tide. During that year I traveled about this country urging fellow Italian-Americans to write letters to their friends and relatives in Italy pointing to the menace that hung over their land and to a future that would be determined by their vote. Thousands of letters were sent; the Communists were defeated in the elections; Italians could turn their attention to rebuilding their country and to consolidating their democracy.

Today Italy is transformed, and the progress achieved by this country is widely referred to as the Italian miracle. But Italians dislike this phrase and it is easy to understand why. They, better than anyone else, are in a position to know that their achievements are not the result of miracles but rather the product of hard work, determination, and sacrifice. They also know that they cannot rest today, that much remains to be done. Just as they were not content merely to reestablish prewar levels of industrial production and the prewar standard of living today, their recent accomplishments goad them on to further progress.

Italy is a country where unemployment has been traditionally high. Today, unemployment levels are far below those prevailing in the United States. It has always been thought that Italy would have the greatest difficulty in developing a modern, competitive industrial establishment because she lacked essential basic resources. But with the maximum exploitation of hydroelectric power, the discovery of large natural gas deposits and sustained efforts to import raw materials at the cheapest rates possible, Italy has succeeded in building a modern industry which matches any in Western Europe. Italian knits and textiles are famed all over the world; Italian cars and refrigerators flood the markets of Western Europe. The Italian rate of growth has been second only to that of West Germany in postwar Europe; until only very recently, Italy was able to boast of a surplus in foreign exchange and a favorable balance of trade.

It is in northern Italy that the signs of progress are most striking. But the south—the Mezzogiorno—has not been neglected. The Italian Government is making determined efforts to spur the development of this region. Both Italian and foreign industry have been encouraged through various devices to establish new plants in the south. Roads and technical schools have been built; the system of land tenure has been reformed; agricultural methods are being improved. Many of these projects have been financed by a special fund set aside for the development of the south. For Italians are determined to make the south share the prosperity of the north and thus to bring about the true unification of Italy. At the same time, they believe that they can show the underdeveloped nations of the world that reform and economic progress can be initiated by democratic regimes and carried out by democratic methods.

For Italians, material progress without a flowering of the arts would be inconceivable. Distinction in design has been a hallmark of Italian products. Italian fashion designers now rival their long-established Parisian competitors. The creations of Italian architects have graced urban expansion. Italian films are renowned throughout the world.

In foreign affairs, the Italian Republic has also pursued a successful course. The Italians have been among the foremost proponents of European unity. Alcide de Gasperi, along with Robert Schumann and Konrad Adenauer, is regarded as one of the founding fathers of the Europe of the six. Even before Italy joined the European Coal and Steel Community in 1950, she had participated in the work of the Organization for European Economic Cooperation, and in 1949 had become a member of NATO. Today, Italy is also a member of Euratom and the European Economic Community. Her members of Parliament sit beside those from other Western nations in the Council of Europe, and in the meetings of the Western European Union and NATO parliamentarians. Despite the economic pressures of these past years, Italians have made a substantial contribution to the defense forces of NATO. Seven divisions and several brigades are assigned to NATO, and Italian air squadrons participate in the 5th Allied Tactical Air Force. In contrast to the attitude adopted by General de Gaulle, the Italians have shown themselves to be firm partisans of an integration of forces within the Atlantic Community and of political integration for the Europe of the six. In short, Italy in the postwar years, has proved to be a steadfast ally and a stanch friend of this country and of others who have joined their efforts to preserve a civilization with many roots in Italian history.

It is with pleasure and pride that on this, the 18th anniversary of the Italian Republic, I remind my fellow Americans of the contributions made by Italy and Italians to our common heritage and salute the vigor and accomplishments of Italy today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYL (at the request of Mr. HALLECK), for June 2, 3, and 4, on account of official business as representative of House Committee on Interior and Insular Affairs, Subcommittee on Territories and Insular Affairs, at the United Nations session of the Trusteeship Council.

Mr. KING of New York (at the request of Mr. HALLECK), for today and tomorrow, on account of official business.

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. SIKES, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. FEIGHAN, for 15 minutes, today; and to revise and extend his remarks.

Mr. FRELINGHUYSEN, for 1 hour, on Wednesday, June 3, 1964.

Mr. TAFT, for 1 hour, on Wednesday, June 3, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LINDSAY and to include extraneous matter.

(The following Members (at the request of Mr. BEERMANN) and to include extraneous matter:)

Mr. YOUNGER.

Mr. BATES.

(The following Members (at the request of Mr. FUQUA) and to include extraneous matter:)

Mr. COOLEY.

Mr. EVINS.

Mr. ROGERS of Florida.

Mr. BOLAND.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1004. An act to authorize appointment of the Director and Deputy Director of the Coast and Geodetic Survey from civilian life, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1875. An act for the relief of Thomas M. Talley; to the Committee on the Judiciary.

S. 2288. An act for the relief of John J. Feeney; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1727. An act for the relief of Richard G. Green, Jr.;

H.R. 5305. An act for the relief of Dr. Ernest P. Imle;

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith;

H.R. 6876. An act for the relief of Capt. Wilfrid E. Gelinas, U.S. Air Force;

H.R. 7757. An act for the relief of Jesse I. Ellington;

H.R. 8222. An act for the relief of Edward J. Maurus;

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez;

H.R. 8532. An act for the relief of Ivan D. Beran;

H.R. 8828. An act for the relief of John T. Cox;

H.R. 8936. An act for the relief of Leonard M. Dalton;

H.R. 9475. An act for the relief of Miss Grace Smith, and others;

H.R. 10078. An act for the relief of Philip N. Sheperdson; and

H.R. 10774. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile.

ADJOURNMENT

Mr. FUQUA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 3, 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:

2136. A letter from the Comptroller General of the United States; transmitting a report on a review of uneconomical practices relating to brand name procurements, Federal Supply Services, General Services Administration; to the Committee on Government Operations.

2137. A letter from the Comptroller General of the United States, transmitting a report relating to an illegal award of an advertised construction contract and excessive costs for contract modifications, Departments of the Army and Air Force; to the Committee on Government Operations.

2138. A letter from the Comptroller General of the United States, transmitting a report on a review of delinquent accounts receivable due the Panama Canal Company and the Canal Zone Government by the Republic of Panama at November 30, 1963; to the Committee on Government Operations.

2139. A letter from the Comptroller General of the United States, transmitting a report relating to unnecessary costs to the Government for unreasonable delay by Collins Radio Co., Cedar Rapids, Iowa, in releasing special tooling, Department of the Army; to the Committee on Government Operations.

2140. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 143); to the Committee on Science and Astronautics.

2141. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 143); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. House Resolution 648. Resolution authorizing the employment of additional personnel on the Capitol Police force by the Sergeant at Arms; with amendment (Rept. No. 1444). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 653. Resolution to provide funds for the Committee on the Judiciary under Public Law 86-272; with amendment (Rept. No. 1445). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 658. Resolution to provide funds for the further expenses of the studies, investigations, and inquiries authorized by House Resolution 143 of the 88th Congress; without amendment (Rept. No. 1446). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 735. Resolution to provide additional funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 153; without amendment (Rept. No. 1447). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 73. Concurrent resolution authorizing the printing of additional copies of part 2 and part 3 of the 1964 hearings of the Joint Committee on Atomic Energy on Atomic Energy Commission authorizing legislation, fiscal year 1965; without amendment (Rept. No. 1448). Ordered to be printed.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1449. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIBONATI: Committee on the Judiciary. H.R. 4967. A bill for the relief of Mrs. Marie Rose Colandro; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. SHRIVER: Committee on the Judiciary. H.R. 5407. A bill for the relief of Mary Horalek, Blue Rapids, Kans.; with amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

Mr. KING of New York: Committee on the Judiciary. H.R. 6882. A bill for the relief of the Maloney Bros. Nursery Co., Inc.; with amendment (Rept. No. 1452). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 8286. A bill for the relief of Capt. Leslie B. Shanoff; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House.

Mr. KING of New York: Committee on the Judiciary. H.R. 9372. A bill to remove a cloud on the title of certain property owned by Wilmer Allers and Jane B. Allers, both of Malin, Oreg; with amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H.R. 11457. A bill to amend the act relating to the multiple use of the surface of the same tracts of the public lands in order to provide that certain varieties of sand and gravel shall be considered as valuable mineral deposits under the mining laws of the United States; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 11458. A bill to amend title XI of the Federal Aviation Act of 1958 so as to prohibit the sale by coin-operated machines of insurance policies covering loss of life or personal injury suffered in aircraft accidents by airline passengers; to the Committee on Interstate and Foreign Commerce.

By Mrs. DWYER:

H.R. 11459. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JENSEN:

H.R. 11460. A bill to prohibit the sale by the Postmaster General of stamped envelopes containing lithographing, engraving, printing, or advertising; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas:

H.R. 11461. A bill to provide for the designation of certain Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. HARSHA:

H.R. 11462. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 11463. A bill to amend title II of the Social Security Act to provide a 10-percent

across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11464. A bill to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to Tokay grapes to provide for paid advertising; to the Committee on Agriculture.

By Mr. RIVERS of Alaska:

H.R. 11465. A bill to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

By Mr. WILLIS:

H.R. 11466. A bill to enact subtitle II, "Other Commercial Transactions," of title 28, "Commercial Instruments and Transactions," of the District of Columbia Code, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.J. Res. 1040. Joint resolution authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of $250,000; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINS:

H.J. Res. 1041. Joint resolution temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. LINDSAY:

H. Con. Res. 310. Concurrent resolution urging the President of the United States to call attention to the denial of the rights of self-determination for the peoples of the Baltic States and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Con. Res. 311. Concurrent resolution authorizing and requesting the President to take such steps as may be necessary to have placed on the agenda of the General Assembly of the United Nations at the next regular session, the issue of self-determination for all nations enslaved by Communist imperialism; 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. ADAIR:

H.R. 11467. A bill for the relief of Mrs. Norma Y. Teixeira, her husband, and their minor unmarried children, and Mrs. Greta Teixeira, her husband, and their minor unmarried children; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 11468. A bill for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force; to the Committee on the Judiciary.

H.R. 11469. A bill for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 11470. A bill for the relief of Sesinando S. Calalang; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 11471. A bill for the relief of Rocco Messina; to the Committee on the Judiciary.

H.R. 11472. A bill for the relief of Rudolf Kalin; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11473. A bill for the relief of Manmohan B. Samant; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 11474. A bill for the relief of Judith Harari-Raful; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11475. A bill for the relief of Mrs. Varsha H. Patel; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 11476. A bill for the relief of Edward Martella; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

913. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to properly applying the Constitution of the United States expeditiously with an enforcement law relating to calling for a special election within 3 months after the death of an incumbent within the 50 States for the filling of a vacancy in the Congress, which was referred to the Committee on House Administration.

EXTENSIONS OF REMARKS

Food Marketing Study Essential to Consumer, Farmer, Food Industry

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. COOLEY. Mr. Speaker, the consumers of America enjoy the benefits of the most efficient food distribution system in the world, but this distribution system still is too costly and there is an urgent need for study and appraisal of the dramatic changes taking place in the marketing structure of the food industry.

Our farmers have blessed America with the greatest abundance of food at the lowest cost in terms of individual income ever enjoyed by any people in any nation in all history; yet our farm people are woefully underpaid in relation to those in other occupations who contribute to the extraordinary achievements of our free enterprise economy.

Mr. Speaker, these facts are of immediate concern to the American people as a whole, and they deserve the special attention and consideration of the Congress.

This is the purpose of House Joint Resolution 977, which comes tomorrow into the House for debate and action.

House Joint Resolution 977 proposes to establish a bipartisan 15-member National Commission on Food Marketing to study the food industry from the farm to the consumer.

The other body has approved a similar resolution unanimously.

Mr. Speaker, the pressing need for this inquiry is established by a special study conducted, at my direction, by the staff of the House Committee on Agriculture. From this study the staff report concluded:

First. There is an ever-widening spread between the price the farmer receives and what the consumer pays, for food.

Second. Due to the efficiency of our farmers, and notwithstanding the increased costs of processing and marketing, food now is cheaper in relation to the wages received by Americans than in any prior period of our history or in any other country in the world.

Third. The farmer is the least benefited of all our people by the wealth of abundance he has created.

Farmers delivered 40 percent more food into markets last year than they did annually in the 1947–49 period. Americans paid at retail $67 billion for the farm-produced food they consumed in 1963—$26.2 billion or 64 percent more than their average food bill in 1947–49. Of this $26.2 billion increase in the retail costs, $23.2 billion, or 88.5 percent, went to processors and marketing agencies—the middlemen—while only $3 billion trickled back to farmers in payment for their 40 percent greater volume of marketings.

Only 37 cents of each $1 a consumer spends for food goes to the farmer. As late as 1948 the farmer received 51 cents of each food dollar.

Nevertheless, Mr. Speaker, the food industry—labor, management, and investors—can claim very substantial increases in efficiency in recent years. Certainly, great changes have taken place in the food industry generally.

And, certainly, the overall cost of food to consumers in relation to their earnings continues to decline. In 1963 food costs represented only 18.8 percent of the average family's income, after taxes, while as recently as 1950 food costs represented 22.8 percent of consumer income. In contrast, consumers in the United Kingdom spend 30 percent of their income for food; in Russia, 53 percent; France, 30.6 percent; Japan, about 45 percent; and in lesser developed nations the percentage is considerably higher.

Of course the consumer food bargains in the United States are related primarily to the exploding efficiency in agriculture and the decline in prices farmers receive. One American farmworker feeds thirty-one persons, while in Europe one worker produces enough for ten persons and in Russia, under a collectivist system, for only four to five persons.

Before a hungry world, our agriculture is America's greatest success story. But our farmers, who wrote this success story, have not done so well themselves, where their own incomes are concerned. In the 10 years 1953 to 1962 inclusive, while all other major segments of the economy boomed, the net income of agriculture

was $25 billion less than in the previous 10 years, 1943 to 1952 inclusive.

Mr. Speaker, these facts and more, were presented by the staff study of the Committee on Agriculture, and are embraced in the staff report "Food Costs-Farm Prices." The interest of the public in this study has been demonstrated by the flood of requests we have had for copies of this report. We printed 7,000 copies. The supply now is almost exhausted, but we plan a new printing.

The committee's staff study did not attempt to explore all the facets, changes and new trends of the food marketing system, and the probable effects upon consumers and upon farmers. It did, however, develop information pointing directly to the need for a depth study of these facets, changes, and trends.

House Joint Resolution 977 establishes a national commission to undertake this important work. The Commission, bipartisan in nature, would be composed of five members of the House appointed by the Speaker, five members of the Senate appointed by the President of the Senate, and five members named by the President of the United States. The resolution directs the Commission to study and appraise the marketing structure of the food industry, including the following:

First. The actual changes, principally in the past two decades, in the various segments of the food industry.

Second. The changes likely to materialize if present trends continue.

Third. The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer.

Fourth. The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency.

Fifth. The effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable developments in the industry.

As you will note from the committee report, our committee amended the resolution to speed the work of the Commission by requiring that its study be completed and its report filed by July 1, 1965, instead of July 1, 1966. The committee reduced the authorized expenditures of the Commission from $2,500,000 to $1,500,000 to conform with the new time schedule for the Commission's work.

The committee also adopted amendments requiring that at least three members of the Commission be present to conduct hearings and that subpenas could be issued only by a majority vote of the Commission.

Mr. Speaker, the National Commission on Food Marketing, which has been proposed by President Johnson to study and appraise changes in the marketing structure of the food industry, is of vital concern to every citizen of the United States. President Johnson has said:

> The growth and stability of our entire economy depends, to a large extent, upon the food industry. * * * We do not know enough about the new character of the industry. * * * The Commission would gather the necessary information and report to the Congress, the President, and the public.

The food industry of the United States accounts for annual retail sales of about $70 billion and provides employment for about 11 million wage earners. It is our most basic industry which directly touches the life of every American every day.

Changes in the food industry in the past two decades have been dramatic and far reaching. Business relationships among producers, assemblers, processors, wholesalers, jobbers, retailers, and other traditional types of marketing firms have been altered, and in many cases these traditional functionaries have lost their separate identities. Through a process of growth, specialization, merger, horizontal and vertical integration and various forms of contractual arrangements, food marketing has evolved into a system of interrelated and highly coordinated business operations.

The changes of the past two decades have brought great advances in physical efficiency and service to consumers. They also have resulted in significant concentrations of market power and have altered the relationships among various groups in the food industry. Some have gained; others have lost during this period of rapid change.

We urgently need an assessment of the benefits and the costs of the changes which have been taking place. We need an evaluation of the road we have been traveling and the direction we believe the food industry of the United States should take for the future. This will require the best talents we can muster.

Mr. Speaker, I am confident that House Joint Resolution 977 and the work of this Commission will have the overwhelming support of the Members of this House.

Joseph McCaffrey's 20 Years of Washington Reporting

EXTENSION OF REMARKS

OF

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. ROGERS of Florida. Mr. Speaker, next Saturday marks the 20th anniversary of Washington reporting and news analysis by Joseph McCaffrey. This distinguished newsman and commentator got his first such assignment on June 6, 1944, the day of the Normandy invasion.

Since that time Joseph McCaffrey has distinguished himself and the news media he has served by reporting government-related events and developments with clarity and accuracy. His reputation has earned him a valuable position in the Nation's Capital, and many Members of Congress as well as other government officials and interested private citizens rely upon his reporting.

Joseph McCaffrey is to be commended for his high sense of ethics and impartial presentation of the news. His efforts are appreciated by not only those whose actions he reports, but those dependent upon honest appraisal of the Nation's affairs.

President Johnson Honors Small Businessman of the Year

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. EVINS. Mr. Speaker, on May 26, 1964, I was privileged to attend a meeting at the White House, at which time President Johnson presented the award to the small businessman of the year, Mr. Berkley W. Bedell, of Spirit Lake, Iowa.

In making the presentation the President paid tribute to all small businessmen of the Nation and pointed out the strong role which they play in our national economy. He also announced the beginning of a liberalized nationwide lending program by the Small Business Administration geared to the needs of very small businesses.

It is felt that my colleagues will be interested in the President's statement in this regard.

Mr. Speaker, the President's remarks at the presentation of the award to the small businessman of the year, follow:

THE WHITE HOUSE REMARKS OF THE PRESIDENT ON THE OCCASION OF THE PRESENTATION OF THE AWARD TO THE SMALL BUSINESSMAN OF THE YEAR, BERKELEY W. BEDELL, OF SPIRIT LAKE, IOWA, IN FLOWER GARDEN, THE WHITE HOUSE

Mr. Foley, Miss McKee, and ladies and gentlemen, there is a proverb which says, "Seest thou a man diligent in his business; he shall stand before kings. He shall not stand before mean men."

We don't have a king handy, but I hope that you men who have been so diligent in your business will appreciate a president instead and allow that kind of a substitute.

I appreciate your coming here to the White House this morning. I especially appreciate the service you render as members of the National Advisory Council for Small Business. The Greek philosopher who said that giving advice is the easiest thing in the world, lived a long time before businessmen had to fill out so many forms and reports. He might not say that if he were living today.

We are trying to do something about all of these reports and all of these forms and also about the excessive publications and pamphlets that businessmen get in the mail. I became interested in this when a small businessman told a member of my staff that he was being flooded by pamphlets advising him how to step up egg production in the Rio Grande Valley. He manufactures plumbing fixtures in the Midwest.

My campaign is already paying off. We have eliminated 141 publications at savings in excess of $1 million a year. We have re-

duced by 98 the number of questionnaires and other reports which private citizens had been expected to fill out and return to their Government.

We may have come a long way since Samuel Adams said, "This is a nation of shopkeepers," but small businesses still provide one-third of the Nation's goods and services. This administration has those small businessmen very much in mind every day. Since 1960, we have increased the number of individual business loans by 4,000—from 13,000 to 17,000. The dollar amount of those loans has increased from $636 to $942 million.

Our efforts to insure that small firms receive a fair share of the Government purchasing dollar have almost doubled the amount from $2.5 billion to more than $4.7 billion in 3 years. We have more than tripled loans to State and local development companies which are set up by public spirited citizens to bring new economic life to their community.

Today I am pleased to announce that we are beginning a liberalized nationwide lending program geared to the needs of very small businesses. This program will be known as SBA's small loan program, and will make it easier for businessmen to obtain loans of up to $15,000 for a maximum of 6 years.

I am also extremely happy to welcome here this morning the winner of the First Small Businessman of the Year Award, Mr. Berkley W. Bedell—one of those rare men whose pleasure is their business, and whose business is their pleasure.

Mr. Bedell represents millions of American businessmen who are in the words of the scripture, "not slothful in business but fervent in spirit." Your imagination and your industry are typical of the qualities that built America, and will keep it growing stronger.

I know the people back home in Spirit Lake, Iowa, and your Senators and your Congressmen, are proud of you, Mr. Bedell. I take a great deal of pleasure on behalf of the people of the Nation to present this award to you formally today.

Address by Hon. F. Bradford Morse at Dedication of New Suburban Campus at Northeastern University

EXTENSION OF REMARKS

OF

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. BATES. Mr. Speaker, on May 23, Northeastern University dedicated a new suburban campus in Burlington, Mass. The speaker at the dedication exercises was my colleague from the Fifth Massachusetts District, F. BRADFORD MORSE. Congressman MORSE outlined the need for increased efforts by government, private industry, and the academic world to prepare for the economic transitions occasioned by current and projected decreases in Federal defense spending.

I would like to make Congressman MORSE's address available to all Members of the House. Under unanimous consent I am inserting his text in the CONGRESSIONAL RECORD following my remarks:

The years since World War II have witnessed a tremendous development of our scientific and technological capacity. Constant world tension and persistent threats to freedom all over the globe have required the United States to devote a significant proportion of our national resources to the production of arms and supporting equipment.

An increasingly large part of our national economy has become involved in the defense effort. Ten percent of our gross national product is attributable to defense and defense-related spending; 9 percent of our labor force works, directly or indirectly, for the Defense Establishment; 3 of every 5 scientists and engineers currently work on a defense-related project. Although 47 percent of our total research and development effort was carried out with private funds in 1954, that percentage had fallen to 35 percent by 1962.

This economic concentration has brought about important gains for scientists and engineers. It has raised the status of the profession and provided tremendous new opportunities for personal advancement. To some extent, however, the gains have produced some unfortunate trends which signal trouble in the years to come.

For example, the typical defense industry has been hiring four or five times the number of scientists and engineers employed by civilian industry to support the same level of production and sales.

Without wishing to sound a note of gloom on this happy occasion, I would like to discuss with you briefly some of the implications of the facts I have outlined in light of predictable changes in our military posture.

All the signs point to a leveling off—indeed to a reduction in the level of our military spending. Secretary of Defense McNamara outlined a 5-year cost reduction program to the House Armed Services Committee in January. Committee Chairman CARL VINSON has stated that we are reaching the level of saturation in our stockpile of certain forms of armament. In the April issue of Foreign Affairs, former Deputy Secretary of Defense Roswell Gilpatric predicted that our military spending, currently in excess of $50 billion annually, might be as low as $38.5 billion by 1970.

In the judgment of our top defense officials, these reductions will be achieved without impairing our national security or our ability to defend freedom and liberty by whatever means prove necessary.

We can measure the dimensions of these cuts by the number of military installations which are scheduled to be closed or curtailed, by the size of Government contracts, and by the multiplier effect contract reductions will have on our economy as a whole.

How many communities have blossomed forth with new schools, recreation centers, hospitals, and homes bcause defense dollars brought lots of jobs and good salaries to the area? What will happen to the investment in these facilities should the contracts be terminated, cut back, or cancelled?

So far, we have tended to ignore the problem. Certainly it is far easier not to worry about it. But we cannot continue to take this attitude. The facts are clear and we must face them realistically and intelligently. The problem won't go away while we hide our heads in the sand. I am convinced that we have got to begin to prepare for the inevitable consequences of reduced Government spending in this area. It is a factor which poses real problems for our economy; by the same token it provides us with the opportunity to make technological gains we could not have dreamed of even 10 or 15 years ago.

Conversion from military to civilian or commercial production is far different from what it was after World War II. General Motors went back to building cars; General Electric to building refrigerators. Shortages during the war coupled with relatively high defense salaries had created a tremendous demand for consumer goods. What many economists had menacingly described as a severe depression turned out to be a tremendous boom.

At the present time, we have no such backlog of consumer wants—the demand for appliances and automobiles is relatively constant. In addition, the firms which have thrived on defense contracts often have never produced anything else. It is not a matter of reconversion to an earlier method of production, but of conversion to new lines of production.

This process will involve coming to grips with problems of plants, products, promotion and people.

Industry will have to shift from producing a few items with a high unit cost for the military to producing a larger number of items with a lower unit cost for commercial marketing. We will have to face the problem of product differentiation. Whoever heard of color coordinated space capsules or a Hercules missile with tail fins?

New products must be developed. Thus far, the efforts of a few defense contractors to develop commercial lines of production have not been dramatically successful. Marginal profits forced many firms to abandon even these limited efforts. In part this may be due to an absence of promotional and marketing skills. When your customer is assured in advance, there is no need to compete for sales. Besides, there wouldn't be much advertising mileage in asserting that you produced the second best guided missile.

I am hopeful that all of these problems can be faced by Government, industry, and university working together. I am hopeful because we have a vast reserve of imagination and inventiveness among our skilled professional people. The same people who put John Glenn in orbit and built the Nike-Zeus missile can turn their innovative minds toward the solution of other pressing needs.

The possibilities for civilian production are limitless: Modernization of plant and equipment in a number of existing industries; expanded research efforts in health and medical technology; improved transportation systems and facilities; meaningful control of air and water pollution; the development of new sources of power; greater exploration of civilian applications of our space technology; to name just a few.

We have only begun to realize the tremendous market potential of the emerging nations of the world. Computer technology can be applied to the development of economic projects for developing nations. This approach is being used today to draw up a model for economic growth in Venezuela.

These are exciting challenges which call for the most creative response which we, as a nation, can bring to them.

This ceremony here today represents just such a creative response. Northeastern University's suburban campus here in Burlington is one of the most exciting developments we have seen in this whole field. It is a perfect example of Government-industry-university cooperation to which I referred earlier. Those who teach and study here will make tremendous contributions to our defense industries and will pave the way for the inevitable transitions to civilian production.

It is my understanding that industrial firms in the area have made it possible for their personnel to attend courses—and that the university is working with local school systems to make it possible for teachers to keep their skills updated. From what I can tell, everything has been done to make this campus a vital center for the continued prosperity and dynamism of the area.

Here is a laboratory where we can confound the skeptics who question our ability to make the transition from a military to a civilian orientation. It is a privilege for me to be here today and I want to congratulate

all those who have given their time and energy to the development of this exciting new facility. I am happy to welcome Northeastern to the Fifth District and I feel sure that we will thrive and prosper together in the years ahead.

Speech by Congressman Silvio O. Conte at the First Church of Christ Congregational

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. LINDSAY. Mr. Speaker, I commend this body's attention to what I think was a highly important speech on the relationship between civil rights and the church in American life. The speech was delivered on April 26 at the First Church of Christ Congregational in Pittsfield, Mass., by our colleague, Representative SILVIO O. CONTE, one of the most effective Members of the House of Representatives. In the speech, Representative CONTE makes the point that while government can do much to safeguard individual rights in the areas of education, employment, voting, and public accommodation, only parishioners can deal with discrimination when it occurs in the church. He calls for Christian leadership in this area where government cannot enter. At the same time, he commends this Pittsfield church's Christian action group for its efforts in this area.

Under unanimous consent agreement, I insert Congressman CONTE's excellent speech in the RECORD:

SPEECH GIVEN BY CONGRESSMAN SILVIO O. CONTE AT THE FIRST CHURCH OF CHRIST CONGREGATIONAL, SUNDAY, APRIL 26, 1964

I can think of no more effective way of getting into the subject matter of this dialog than by noting first of all the fact that I am even appearing here as a part of your regular Sunday morning worship.

I don't mean to imply, of course, that I am honoring you here with my presence. On the contrary, I deem it an honor to have been invited here to contribute my part in this series of dialogs which are designed to make this congregation more aware of the public problems which beset society.

By suggesting new developments in the outlook of Christian leaders, I hope I am not intimating that differences between the sects no longer exist. They most certainly do, and none of us can foresee the day when these differences will be eliminated. But these new demonstrations of trust and friendliness do point up an extremely important aspect of human relations. And that is, that there are many, many areas in which there is real and sincere agreement whatever our dogma, our separate religious beliefs, or our different ways of asking God's forgiveness for our sins.

One such area is the belief that all human beings were born in God's image—whether their color was red, white, yellow, or black. And while people of all Christian faiths pay homage to that common belief, we find many among us who pay only lipservice.

Now, I appreciate better than anyone, probably, the attention being focused on Congress which is presently considering a proposed law which would enforce the concept of being born in God's image, on many unthinking people. And I pray that some good to that end will come out of the pending discussions in the Senate. But I submit that Congress alone cannot do the job. Neither can your State legislature, or your city council. For the fact remains that when the wife of an Episcopal bishop from Massachusetts cannot be administered the rights of holy communion in a church of her faith in Florida, simply because she is accompanied by a colored woman, who also happens to be the wife of an Episcopal bishop in Massachusetts, then we have a problem that falls outside the pale of Government. I am referring, of course, to the humiliating treatment accorded Mrs. Peabody and Mrs. Burgess, when the doors of their church were closed to them by the presiding clergyman in St. Augustine. S-a-i-n-t Augustine, indeed.

This is not, of course, a condemnation of the Episcopal Church, for the same treatment is accorded Negroes in many Christian churches of the South. I cite it only because it was a recent occurrence, and it comes most readily to mind.

But the point I make is this, as far as a Negro's rights—or those of any minority people—are concerned in the field of education, equal opportunity to work, and a right to maintain human dignity, you have every right to expect us in Government to do our utmost. But in the equally important right to worship God, as any human being wishes, whatever your concept of Christianity, you are the ones who have to deliver. We in Congress, for instance, can decree that a bus, train, a hotel, or a restaurant, that is licensed to do business with the public, must accord the same treatment to all peoples, regardless of race, creed, color, or religious faith. But when an ordained minister closes his doors on members of his own church who seek communion with God, then it is time that all Christians search their souls for an answer.

For this is an area in which we in Government cannot enter. If we did, we would in effect, be violating our traditional concept of freedom of worship and separation of church and state. No one should appreciate that point better than you people in this very meetinghouse. And I say meetinghouse advisedly—because at one time in Massachusetts the Congregational Church and the town meetinghouse were as one. This was, in fact, the seat of government.

As a matter of fact, article 3 of the bill of rights of the original Massachusetts constitution provided that the legislature require that all towns, at their own expense, provide for the support and maintenance of public protestant teachers of "piety, religion, and morality" in all cases where such provision shall not be made voluntarily.

And to the great credit of the Congregational Church of that day, even though their parishioners dominated the electorate, that portion of the constitution was stricken in 1832, and in its place they inserted, in part, the following—"and no subordination of any one sect or denomination to another shall ever be established by law."

And I say, the same soul searching that brought about that change in the Massachusetts' constitution 130 years ago, by leaders of the church, is what is needed today in really extending civil rights to all peoples."

I disagree with those who say, it is not the place of church leaders to get themselves mixed up in the civil rights problem. I applaud the efforts of Reverend Burchell, of Alan McLean, of Father Eckel, and all others who have displayed more than passing interest. And, I am proud of my old law schoolteachers, Father Robert Drinan, and Father Keneally for placing themselves and their church into the thick of the fight.

Also along these lines, I hail the National Interreligious Convocation that will meet in Washington next week.

Having touched on the moral or Christian aspects of civil rights, let us proceed to the area where we in the political field can do something about the problems, and why.

First of all, there is the legal aspect. From all this hullaballoo in Congress, you may have the impression that we are giving the Negro something. What we are doing, actually, is fulfilling our legal obligations under the Constitution, as interpreted by our Supreme Court, and under laws passed by Congress. We are rendering unto Negroes, and all other persons subjected to humiliating and degrading discrimination, the things that are theirs by right, not by gift.

They are entitled to an education equal to that accorded all others by government. Not "separate but equal" education, but equal too.

They are entitled to the right to vote, subject to the same qualifications and standards set up for all voters. Not special tests, but the same tests administered to all.

They are entitled to decent shelter. Not just to a certain area, but wherever they can afford to best live their lives and best bring up their children.

They are entitled to equal opportunity for work. Not just to menial, housekeeping chores, but to work which will best serve themselves and their fellow man.

And above all, they are entitled to live a life with dignity, and not relegated to ghettos in places of public accommodation.

Secondly, there is a practical political aspect. We must never forget, as we dwell here in these prosperous and comparatively healthy United States, that there are more nonwhites in this world than whites. And as we continue to spout hate, as we continue to look down upon colored peoples, as we bury one complaining picketer after another—yes, and as we close the doors of God to them—there are millions and millions all over the world who bear witness. And with a Godless, communistic force in the wings, ready to exploit and exaggerate our weaknesses, a real and sincere application of civil rights becomes a must—not just a beneficence.

Third, there is an economic aspect. By depressing the living standard of Negroes, we depress the standards of everyone. Furthermore, we do this at a time when we are in dire need of scientific and technological talent in a world that is moving so fast, that it is beyond the comprehension of most of us. By subjecting minorities to a menial and oftimes degrading work, we are depriving them of the opportunity to serve in a more helpful and strategic capacity.

And finally, permit me for a moment to inject a personal or, if you will, a selfish aspect. My parents, as did millions of others, came to this country as "strangers in a strange land." They did not know the language, and they were laughed at. They did not know the customs and traditions, and they were either scorned or considered odd. But they were white, and they were strong. They were offered work commensurate to their abilities. And gradually, because they were at least offered the opportunities, they were able to overcome the slings and arrows of ignorant discrimination, and build a life for themselves and their children.

Colored people who lived here for generations before my people arrived here, still have not been accorded the opportunities that this great country made available for my family. I think it is high time they did.

These are the reasons why I voted and fought for the civil rights bill which has passed the House and is now being debated at such lengths, sometimes shamefully, in the Senate.

This is why, as a freshman Congressman, I voted to extend the scope of the Civil Rights Commission studies on voting rights, housing, education, and employment opportunity.

This is why I filed in January 1963, a civil rights bill which went beyond the scope of the legisltaion pending in Congress; and this is why I will continue to fight and in that connection I should advise you, that if the Senate goes along with amendments which leave the bill ineffectual, meaningless, or too crippled, I will not be a party to it. This will be construed by many, as was a procedural vote I cast last December, as a vote against civil rights. Such a construction would be false.

And so I say, while our civil rights path may be rugged, embarrassing, and distasteful for many of us, it is clear. No one can afford the luxury of the sidelines in the struggle for equality.

During the debate on civil rights, I spent a great deal of time on recalling the activities of our former great Senator from this State, Charles Sumner, who acted, at all times, clearly within the dictates of his conscience.

We need this kind of spirit in every phase of life, a spirit that appeals to the heart, a spirit that appeals to the mind, a spirit instilled by our Creator for the purposes at hand.

It has been 189 years since the signing of the Declaration of Independence. I cannot recall a period of time when we have been faced with a more important issue.

I say this because the bells of independence must toll this year for millions of people who have been denied the freedom which Jefferson's rhetoric so explicitly states was their God-given inheritance.

The bells that toll this year, to borrow a phrase from a John Donne devotion, are tolling for each and every one of us. No man can afford to live on this remote island during the struggle for equality that rings out on every corner of the globe.

This Christian action group is not asking for whom the bell tolls, for you know well that they are tolling for each and every individual who has the courage to hear.

The fact that you have heard is deserving of the highest praise, and with all of the support that I have, I commend you. You have my continued best wishes for success, for I feel that what you are doing will be, ultimately, the most vital form of intervention that the Republic, if it is to survive, requires.

Thank you.

The 18th Anniversary of the Italian Republic

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. BOLAND. Mr. Speaker, today is the 18th anniversary of the founding of the Italian Republic. On June 2, 1946, the Italians held their first elections following World War II and decisively rejected the past to set their sights on becoming a modern democratic republic. The tasks at hand were immense. Fascism and war had wrought untold destruction; hunger and misery afflicted large portions of the population; a large Communist Party posed an immediate threat to new democratic institutions. It is a measure of the vitality and determination of the Italian people that these conditions did not reduce them to despair and resignation. They set out not only to rebuild their shattered industry, but also to exceed prewar levels of industrial production. They sought not only to found solid democratic institutions at home, but also to participate in the movement toward a strong, democratic, and United Europe. They not only rejected the blandishments and threats of the Communists; they set out to show that social reform may be initiated and successfully carried out by a democratic regime.

Italy today stands as proof of how successful Italian efforts have been. Enterprising individuals have built the north into one of the leading industrial centers of Europe. Industries have been modernized and made fully competitive. Unemployment, in the past a severe problem in Italy, has been reduced to a low level. New sources of energy have reduced Italian dependence on imported raw materials; old sources of energy have been fully exploited. Postwar Italy has provided the world with striking examples of modern architecture and of innovation in industrial design. Italians are among the leaders in the world of fashion; Italian movies have commanded admiration and respect throughout the world.

The underdeveloped south has long been one of the most intractable problems with which Italians have had to deal. But here, too, sustained efforts and progress have marked the postwar period. A special fund set up by the Italian Government has financed agricultural reform, improved methods of agriculture, the building of roads, the provision of incentives to industries willing to build plants in the area, and the establishment of technical, vocational schools. True, much remains to be done in the south. But there is every sign that Italians will continue and even increase their efforts on behalf of this region and its inhabitants in coming years.

Americans have watched the progress of postwar Italy with sympathy and satisfaction. Indeed, they take pride in having contributed to Italian achievements. From 1946 through 1963 Americans provided more than $6 billion of economic and military assistance to Italy. Aid alone, however, is never enough. Without the industry and sacrifices of the Italians, American assistance could not have played a part in the Italian miracle.

There are other ties linking Americans and Italians. Italy has steadfastly supported the Western cause in postwar years, and through her membership in NATO and the divisions she has made available to the NATO Command, has made an important contribution to Western defense forces.

Only recently, the talented Italian Ambassador to France, Manlio Brosio, was chosen to become the next Secretary-General of NATO.

Americans of Italian descent have taken special pride in the achievements of the country of their forebears. I am sure that all Americans will join with me in extending their best wishes to their Italian friends on this memorable occasion.

A Memorial Day Letter by Senator Norris Cotton

EXTENSION OF REMARKS

OF

HON. J. ARTHUR YOUNGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1964

Mr. YOUNGER. Mr. Speaker, Senator NORRIS COTTON, a Member of the other body and former Member and colleague of ours in the House, wrote what I think is one of the finest Memorial Day letters to his constituents I have had the pleasure to read and in order that it may have wider circulation, under unanimous consent I insert his letter of May 28, 1964, in the RECORD:

NORRIS COTTON REPORTS TO YOU FROM THE U.S. SENATE

This Memorial Day marks the centennial of the Civil War's bloodiest year. As the Senate pauses to observe it, I invite you to go with me from the clamor of Congress, across the historic Potomac, to that city of silence—Arlington National Cemetery. There, engraved in granite, is the history of our country.

For Arlington, too, this month is a centennial. On May 13, 1864, as Grant was launching the wilderness campaign, the first soldier was buried there—Pvt. William Christman, 67th Pennsylvania Infantry. From that day to the burial of our martyred President, John F. Kennedy, 125,000 have there been laid to rest.

Despite the grandeur of the Tomb of the Unknown Soldier or the presence of Pershing and Marshall and Wainwright, and the honored dead of all our wars, Arlington, like Memorial Day, will always speak to us of the Civil War. And so it should. More Americans died in the 4 years of that conflict than in all our other wars from colonial times through Korea. Almost in sight of the tomb of the three unknowns, rarely noticed by the passerby, is a massive monument darkened by the years. Beneath it in three huge vaults are 2,111 bodies gathered from the shallow graves at Bull Run and along the Rappahannock. These are but a fraction of the unknown dead of the Civil War.

There is much to stir the imagination of the thoughtful visitor. The common grave of 14 unknowns of the War of 1812, found in the cellars of Fort Washington, killed when the British burned the city and fort. The obelisk of Gen. Joe Wheeler, Confederate cavalry commander, later Congressman, and finally, a general in the Spanish-American War. The grave of John Clem, legendary "Johnny Shiloh," 14-year-old drummer boy who lived to be a major general. Abner Doubleday, gunner at Fort Sumter, corps commander at Gettysburg, inventor of American baseball. The mast from the battleship *Maine*, the base of which is a receiving vault where are held the remains of Jan Paderewski, Polish pianist and statesman, to be taken home when Poland is free. The pointed-topped markers over the Confederate dead, thus designed, it was said, "so no damyankee could ever sit on their graves."

Passion and hate played their part in the founding of Arlington. General Meigs, bitter at his old comrade Robert E. Lee, seized the Lee Mansion for a cemetery and quickly buried 26 bodies in Mrs. Lee's rose garden so the family would never return. As always, hate defeated its own purpose, for the stately mansion remains as the crown of our national shrine, and Robert E. Lee could have no finer memorial.

Indeed, the most eloquent inscription in the cemetery is found on the monument to the Confederate dead, written by a southern chaplain:

"Not for fame or reward, not for place or for rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it, these men suffered all, sacrificed all, dared all, and died."

The storm of the years has softened the sorrow for most who sleep at Arlington. Sad to the visitor, however, are the marching escorts, the muted bands, the farewell taps of the constant funerals, many of them for young Americans who have perished in the air or on land and sea in our worldwide Military Establishment—or under fire in far-off Vietnam.

Sad, too, is the knowledge that combat pay is already being drawn by over 3,000 in Vietnam and that the total of our killed and missing has reached 239, with 877 wounded.

I cannot here debate the justification. I will say that if a long-drawn-out war must be fought in the rice fields of Asia, it should be by the combined power of the United Nations or the SEATO Alliance. Why should our country alone man the bastions of freedom in every corner of the world?

The tragedy is that on this Memorial Day, as we honor our soldier dead, we are sadly conscious that war is not only still with us but looming larger each passing day.

Yours sincerely,

NORRIS COTTON,
U.S. Senator.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 3, 1964

The House met at 12 o'clock noon.

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

II Corinthians 4: 11: *That the life of Jesus might be manifest in our mortal flesh.*

Eternal God, our Father, grant that during this day we may be united with Thee and with one another in faith, in purpose, and in an obedience that is responsive to the great spiritual influences and ethical demands.

May Thy truth be in our minds and Thy love within our hearts and Thy compassion in our souls for all who are following vain hopes and false values.

We pray that Thy pardoning grace may be given to all who have been caught in the coil of passion and driven by diabolical desires.

May the inevitable goal of our human life be that of establishing Thy kingdom and inspire us to give ourselves with utter abandon to its coming and consummation, which we may help to achieve by means so simple as the personal touch, the contagion of goodness and the leaven of love working from heart to heart.

Hear us in His name who went about doing good and in whose service there is joy. Amen.

THE JOURNAL

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

CONFERENCE REPORT, DEFICIENCY APPROPRIATIONS BILL, 1964

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 11201, the deficiency appropriations bill for 1964.

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

There was no objection.

A NATIONAL LOTTERY

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

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

There was no objection.

Mr. FINO. Mr. Speaker, I want to take this occasion to congratulate the New York Daily News for giving the American public an opportunity to express its opinion on several vital issues.

Last month, the News installed at the New York World's Fair several voting machines proposing five interesting and important questions. Included among these questions was one query: Are you in favor of a national lottery as a means of reducing the tax burden?

Through this media, Mr. Speaker, the people visiting the fair from every section of this country will have a chance to indicate their feelings on the advisability of a national lottery in the United States.

After 1 month of continuous daily operation, the opinion poll shows that 37,760 persons favor a national lottery while only 17,186 persons are opposed.

The vote so far, which is better than 2 to 1, is a clear indication of public sentiment in favor of a Federal lottery to ease the heavy tax burden on the American taxpayers.

Is not this sufficient reason for us to conduct a national referendum on this issue? Why should not the American people who pay the high taxes be permitted to speak on this question? How else can we have a current expression of public opinion? Are we afraid that the voters will overwhelmingly support this proposal?

A national referendum on the question of a national lottery will make democracy really come to life—it will give the Congress a real, active, and current expression of a free people. What are we waiting for?

PRAYER AND BIBLE READING IN PUBLIC SCHOOLS

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

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

There was no objection.

Mr. BECKER. Mr. Speaker, I am taking this occasion to insert in the RECORD a copy of a resolution in support of House Joint Resolution 693, to permit prayer and Bible reading in the public schools, adopted by the State Council of the Knights of Columbus of the State of Connecticut. A copy of this resolution has been filed with the Committee on the Judiciary today. It might be noted that this resolution was adopted on May 18, 1964.

This is another answer in recent days to the statement that the "tide is turning." This resolution is evidence that the tide is running strongly in favor of a constitutional amendment, and the people are not being fooled by the turns and twists of the opposition:

Whereas article I of the amendments to the Constitution of the United States provides that Congress shall make no law respecting the establishment of religion nor prohibiting the free exercise thereof; and

Whereas some local boards of education in Connecticut have been interpreting the Supreme Court ruling on school prayer as a ban on any spiritual exercise in public schools; and

Whereas we believe that this interpretation constitutes the prohibition of expression of trust in the Almighty and is an infringement on the rights of the majority of our schoolchildren; and

Whereas because our Nation was founded on religious faith and is dedicated to preserving our religious heritage, the Knights of Columbus do hereby

Resolve, That the Connecticut State Council petition Connecticut's congressional representatives to fully support House Joint Resolution 693 which would amend the Constitution by removing any doubt of our citizens' right to allow prayers and Bible reading in schools on a nonsectarian voluntary basis, and which also would assure keeping God in our pledge of allegiance and on our coins; and be it further

Resolved, That this resolution as it would apply on a national basis, be presented to the supreme council for approval.

FEDERAL-AID HIGHWAY ACT OF 1964

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 740, 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. 10503) to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, 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.