

By Mr. BONNER:

H.R. 11410. A bill to equalize certain penalties in the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. BROMWELL:

H.R. 11411. A bill to amend title I of the Internal Security Act of 1950; to the Committee on Un-American Activities.

By Mr. CELLER:

H.R. 11412. A bill to amend provisions of law relating to the settlement of admiralty claims; to the Committee on the Judiciary.

H.R. 11413. A bill to transfer certain functions of the Secretary of the Treasury, and for other purposes; to the Committee on the Judiciary.

H.R. 11414. A bill to authorize the establishment of a Research and Development Center in the Correctional Field; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 11415. A bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MacGREGOR:

H.R. 11416. A bill prohibiting lithographing or engraving on envelopes sold by the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11417. A bill to designate the Veterans' Administration hospital being constructed in the District of Columbia as the Melvin J. Maas Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. McDADE:

H.R. 11418. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for expenses of higher education; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 11419. A bill providing for a study of the legal problems of management, use, and control of the natural resources of the oceans and ocean beds; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 11420. A bill for the relief of Nora Isabella Samuelli and Katherine Nabokoff; to the Committee on the Judiciary.

By Mrs. BAKER:

H.R. 11421. A bill for the relief of E. Elmer Mynatt; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 11422. A bill for the relief of Antonio Gigante, his wife Marietta Gigante, and their minor children Mario Giuseppe Gioacchino Gigante, Valentino Gigante, Graziella Gigante; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11423. A bill to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 11424. A bill for the relief of Michael Musso; to the Committee on the Judiciary.

By Mr. LANGEN:

H.R. 11425. A bill to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LESINSKI:

H.R. 11426. A bill for the relief of Clifton M. Chippewa; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 11427. A bill for the relief of Dr. Konrad Wicher; to the Committee on the Judiciary.

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By Mr. O'HARA of Illinois:

H.R. 11428. A bill for the relief of Demetrios Kalyvis; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 11429. A bill for the relief of Nabhane M. Nickley (Nabhane M. Karam); to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 11430. A bill for the relief of Rear Adm. William D. Wright, U.S. Navy retired; to the Committee on the Judiciary.

By Mr. WALLHAUSER:

H.R. 11431. A bill for the relief of Miss Junia Kirton; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11432. A bill for the relief of Robert W. Johnson, lieutenant commander, U.S. Navy; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

907. THE SPEAKER presented a petition of Kihachi Tamai, Tokashiki-son, Okinawa, relative to the problem of pretreaty claims, which was referred to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, MAY 27, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Our Father, God: Trusting only in Thy mercy, we seek the assurance of Thy face and of Thy guiding hand. Nothing in our hands we bring—our selfish hands, so often grasping fleeting baubles; we wait in contrition for Thy benediction.

As we turn to a noisy world, steel our hearts to meet its tirades and threats with quiet strength and with patience that does not explode into anger. May we face falsehood resolutely with the truth over which at last no weapon can prevail. Even amid a barrage of abuse from those who in their blindness imagine a vain thing, keep our hearts steady, our speech temperate, and our desire for a just peace our ruling passion, knowing that he that keepeth his own heart is greater than he that taketh a city.

In the name of the Prince of Peace we pray. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 26, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on

May 26, 1964, the President had approved and signed the act (S. 2214) to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association.

WITHDRAWAL OF A NOMINATION

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States withdrawing the nomination of Martin J. Harr, Jr., to be a postmaster at Indian Lake, N.Y., sent to the Senate on February 3, 1964.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10041. An act to improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act; and

H.R. 11369. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 741) to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes, and it was signed by the Acting President pro tempore.

The message informed the Senate that, pursuant to the provisions of House Resolution 687, 88th Congress, the Speaker had appointed Mr. POWELL, of New York, and Mr. GRIFFIN, of Michigan, as delegates to the International Labor Organization Conference in Geneva, Switzerland, between June 17, 1964, and July 9, 1964; and that the Speaker had appointed Mr. ROOSEVELT, of California, and Mr. QUIE, of Minnesota, as alternates to attend said conference.

HOUSE BILLS REFERRED

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

H.R. 10041. An act to improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act; to the Committee on Labor and Public Welfare.

H.R. 11369. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, under the usual conditions, and

that statements therein be limited to 3 minutes.

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

ORDER FOR RECESS TO NOON, THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of today's business, the Senate stand in recess until 12 o'clock noon, on Thursday next.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, it is my understanding that the Executive Calendar has been cleared with both sides, and that the nominations on it are noncontroversial. Therefore, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

William McCormick Blair, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary to the Philippines; and

William Witman II, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Togo.

EXECUTIVE REPORTS OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably sundry nominations in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations ordered to lie on the desk are as follows:

Bernard Rosen, of California, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The Chief Clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE AIR FORCE, THE ARMY, THE MARINE CORPS, AND THE NAVY AND MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Air Force, the Army, the Marine Corps, and the Navy and Marine Corps, which nominations had been placed on the Secretary's desk.

Mr. INOUE. Mr. President, among the nominations favorably reported are those of the persons scheduled to graduate next week from the Military Academy. The nomination reference of the graduates, as received in the committee, contains the name of John H. Dunmar. Since this nomination was originated, Cadet Dunmar was dismissed from the Academy. Cadet Dunmar is litigating his dismissal; and a Federal court has

ordered his reinstatement to the Academy, at least temporarily.

Because the committee considered that a favorable report on his nomination at this time might be construed as a disapproval of the action in dismissing him from the Academy, the name of Cadet Dunmar was deleted from the list of Academy graduates.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

CALL OF THE ROLL

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

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

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

[No. 256 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Pastore
Anderson	Hayden	Pearson
Bartlett	Hickenlooper	Pell
Bayh	Holland	Prouty
Beall	Humphrey	Proxmire
Bennett	Inouye	Ribicoff
Bible	Johnston	Robertson
Cannon	Jordan, Idaho	Saltonstall
Case	Keating	Scott
Church	Lausche	Smith
Clark	Magnuson	Stennis
Cooper	Mansfield	Symington
Dirksen	McCarthy	Walters
Dominick	McGovern	Williams, N.J.
Douglas	McIntyre	Williams, Del.
Ellender	Metcalf	Yarborough
Ervin	Miller	Young, N. Dak.
Fong	Monroney	
Gruening	Morse	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], 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 Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCLELLAN], the Senator from Michigan [Mr. McNAMARA], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] 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 Delaware [Mr. BOGGS], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. CORTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

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

ASSISTANCE TO STATE OF ALASKA FOR RECONSTRUCTION OF AREAS DAMAGED BY EARTHQUAKE OF MARCH 1964

A communication from the President of the United States transmitting a draft of proposed legislation to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes (with accompanying papers); to the Committee on Public Works.

FORMATION OF PARLIAMENTARY GROUP ON TOURISM

A letter from the Secretary of Commerce, quoting for the information of the Senate, a resolution adopted at the Eighth Inter-American Congress, held in Guadalajara, Mexico, in September 1962, relating to the possibility of the United States forming a parliamentary group on tourism; to the Committee on Commerce.

REPORT OF SECRETARY OF THE TREASURY (H. Doc. No. 253)

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the state of the finances, for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on Finance.

REPORT ON UNNECESSARY COSTS RESULTING FROM INADEQUACIES IN THE ADMINISTRATION OF RIGHT-OF-WAY ACTIVITIES OF INTER- AMERICAN HIGHWAY PROGRAM IN THE REPUBLIC OF COSTA RICA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting

from inadequacies in the administration of right-of-way activities of the Inter-American Highway program in the Republic of Costa Rica, Bureau of Public Roads, Department of Commerce, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate the petition of C. R. Mead, of Westport, Conn., relating to a redress of grievances, which was referred to the Committee on the Judiciary.

BUBBLE BONDAGE: THE FEDERAL EXCISE TAX ON EFFERVESCENT WINES—PETITION

Mr. KEATING. Mr. President, we have often heard it said, by people disgruntled with having to pay Federal excise taxes on sundry items ranging from attaché cases to zithers, that "the next thing you know, they will put a tax on the air you breathe."

About the closest thing we now have to a tax on air is the Federal excise tax on champagne and other effervescent wines. Because this tax is at a much higher rate than that on artificially carbonated and still wines, it amounts to a levy on the carbon dioxide enclosed within the bubbles.

This bubble bondage is the subject of attack by both domestic grape growers and producers and importers of sparkling wines, including the Finger Lakes Wine Growers Association of New York State, representing New York's wine industry.

Mr. President, I present, for appropriate reference, a petition on this bubble tax which I have received from the Sommelier Society of America. I ask unanimous consent that the petition be printed in the RECORD following my remarks; and I express the hope that it will receive careful consideration by the Committee on Finance, in connection with the excise-tax-extension bill which is likely to reach us for action before June 30.

The petition is a very important document; and I hope all members of the committee will study it carefully.

There being no objection, the petition was received, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

A PETITION TO CONGRESS FOR THE SPEEDY REDUCTION OF THE SENSELESSLY EXORBITANT TAX ON THE MERE BUBBLES IN CHAMPAGNE AND ALL OTHER SPARKLING WINES OF BOTH DOMESTIC AND FOREIGN PRODUCTION SOLD IN THIS COUNTRY

The record of the excise tax on all champagne and other effervescent wines, prior to and since the Korean war's so-called emergency luxury taxes, is a study in the most amazing abuse of the taxing power of government by taxing the mere bubbles appearing in a table wine actually 20 times more than the regular tax applying on the same wine without bubbles, while containing the exact same alcoholic content. It is thus an arbitrary and senseless tax and tends to

defeat all we have been taught about our American way of life and our free enterprise system of government and should be either automatically repealed or realistically reduced. To the extent that this tax has nothing whatever to do with the alcohol content of the wine itself, it seems incomprehensible as a regulatory alcohol tax measure, and is the same as if we were taxing the bubbles in beer or any of a multitude of other nonalcoholic effervescent beverages.

The Federal excise tax on champagne or sparkling wine is now \$3.40 per gallon—\$3 regular tax and 40 cents per gallon emergency tax levied on November 1, 1951, because of the Korean war crisis.

There is a similar tax—but not as exorbitant—on artificially carbonated sparkling wine of \$2.40 per gallon—\$2 regular tax and 40 cents per gallon emergency tax levied on November 1, 1951, because of the Korean war crisis.

The Federal excise tax on still wines of the same low alcoholic content (12 to 12½ percent alcohol by volume) is 17 cents per gallon—15 cents regular tax and 2 cents per gallon emergency tax levied on November 1, 1951, because of the Korean war crisis.

No matter how you look at it, the difference—\$3.23 per gallon on champagne and \$2.23 per gallon on carbonated sparkling wine is a tax on bubbles and we ask, "How much are bubbles worth?"

The Korean war emergency tax has been renewed each year since the crisis was over and the last renewal expires June 30, 1964.

What is the historical significance of the difference in the tax between still wines and sparkling wines of the same alcoholic content?

Under R.S. 3328 (derived from act of July 20, 1868, as amended by act of June 6, 1872) a stamp tax was imposed on "all wines, liquors or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne but not made from grapes, currants, rhubarb or berries grown in the United States—to be sold as wine—of \$6 per dozen quart bottles and \$3 per dozen pint bottles. Under the 1872 amendment this was reduced to 20 cents per quart bottle and 10 cents per pint bottle. R.S. 3328 was repealed by the act of March 3, 1933 (47 Stat. 1430), but it had not been in effect since 1914.

An act of June 13, 1898, schedule B, imposed a tax of 1 cent per pint bottle or 2 cents per quart bottle on "sparkling or other wines." This tax was repealed in 1902.

The Emergency Revenue Act of 1914, act of October 22, 1914, section 2 (38 Stat. 746), levies wine taxes as follows: (a) still wines, domestic or imported, one-fourth cent per one-fourth pint, or rate of 8 cents per gallon; (b) domestic and imported champagne and other sparkling wine and artificially carbonated wines, 5 cents per one-half pint, or rate of 20 cents per quart.

It is significant to note at this point that on "still wines" the tax was either by the "bottle" or by the "gallon"—the tax on sparkling wines was by the "bottle." What congressional thinking brought about this significant difference in the method of taxation between still and sparkling wines will undoubtedly forever remain a mystery. Certainly it has no justification under present-day excise taxation, either Federal or State.

The truth of the matter is that the legislative historical record of the (1) champagne or sparkling wine tax, (2) carbonated wine tax, and (3) still wines not over 14 percent alcohol volume tax constitute what is perhaps the most amazing, muddled, and vascillating tax thinking in our entire American tax history, and when the day should dawn—which we earnestly pray shall be soon—that

this utterly ludicrous and senseless tax on the mere bubbles in wine is realistically reduced all free Americans will rejoice and

say: "Today our American wine industry has been released from bubble bondage." Let's take a brief look at this record as follows:

Period	Effervescent wines						Still wine tax (not over 14 percent alcohol by volume), tax basis per wine gallon
	Champagne or sparkling wine			Artificially carbonated wine			
	Tax basis, ½-pint container or fraction thereof	(A) Tax per case (12 ½ quart bottles)	(B) Equivalent per wine gallon ¹	Tax basis, ½-pint container or fraction thereof	(C) Tax per case (12 ½ quart bottles)	(D) Equivalent per wine gallon ¹	
Oct. 23, 1914, to Sept 8, 1916.....	\$0.05	\$2.40	\$1.00	\$0.02½	\$1.20	\$0.50	\$0.80
Sept. 9, 1916, to Oct. 2, 1917.....	.03	1.44	.60	.01½	.72	.30	.04
Oct. 3, 1917, to Feb. 24, 1919.....	.06	2.88	1.20	.03	1.44	.60	.04
Feb. 25, 1919, to Jan. 11, 1934.....	.12	5.76	2.40	.06	2.88	1.20	.16
Jan. 12, 1934, to June 25, 1936.....	.05	2.40	1.00	.02½	1.20	.50	.10
June 26, 1936, to June 30, 1940.....	.02½	1.20	.50	.01½	.72	.30	.05
July 1, 1940, to Sept. 30, 1941.....	.03	1.44	.60	.01½	.72	.30	.06
Oct. 1, 1941, to Oct. 31, 1942.....	.07	3.36	1.40	.03½	1.68	.70	.08
Nov. 1, 1942, to Mar. 31, 1944.....	.10	4.80	2.00	.05	2.40	1.00	.10
Apr. 1, 1944, to Oct. 31, 1951.....	.15	7.20	3.00	.10	4.80	2.00	.15
Nov. 1, 1951, to Dec. 31, 1954 ^a	.17	8.16	3.40	.12	5.76	2.40	.17
Jan. 1, 1955, to June 30, 1964 ^a		8.16	3.40		5.76	2.40	.17
July 1, 1964, to indefinitely ^a		7.20	3.00		4.80	2.00	.15

¹ (B-D) "Equivalent per gallon" is the tax converted to a gallonage basis at the rate of 2.4 gallons per case through Dec. 31, 1954. After that, sparkling and carbonated wines were taxed at the per gallon rate regardless of the size of the bottle.

² Tax basis: 1/2-pint container or fraction thereof except period of June 26, 1936, to June 30, 1940, when through error it was taxed on a 1-pint basis.

³ Additional temporary taxes imposed Nov. 1, 1951, as wartime measures have been continued in effect without interruption since that date. Last year's legislation continuing higher rates in effect provided for the automatic change in July 1, 1964, to the lower rates and refunds in the differences between the rates as to stocks held for sale on the changeover date.

⁴ Law revised to "per wine gallon" tax.

⁵ Excise tax will revert back to pre-Korean rate of \$3, \$2, and \$0.15 if new continuing legislation is not enacted prior to June 30, 1964.

The effervescence in champagne or sparkling wine comes from the secondary fermentation of the wine in the bottle or in a closed container. This same carbon dioxide gas when, by mechanical means, is injected or saturated into the wine, produces a carbonated wine the same as if it were injected or saturated into water or fruit juice to make a sparkling effervescent beverage.

If we assume an excise tax levied on a product has some relation to its cost of production and market value, then it would be natural to expect there would be proportionately higher taxes on effervescent wines than still wines. Following is an example of how the present tax compares to each other based on relative production costs:

TABLE 1

	Relative production cost per gallon 12 1/2 bottles	Federal and excise tax per gallon	Percent tax to relative cost of product
Effervescent wines (not over 14 percent alcohol):			
Champagne, sparkling wines.....	\$3.65	\$3.40	\$93.15
Artificially carbonated wines.....	2.15	2.40	111.63
Light table wine (under 14 percent alcohol).....	1.72	.17	9.88
Dessert wines (14 to 21 percent alcohol).....	1.89	.67	35.45

If there is to be extra excise tax because a wine has bubbles, it should be realistic.

In the 85th and again in the 86th Congress bills were introduced to correct this grossly unjust tax. The rates called for were as follows:

	Current rate per gallon	Proposed rate per gallon
Effervescent wines (not over 14 percent alcohol):		
(a) Champagne and sparkling wines.....	\$3.40	\$1.00
(b) Artificially carbonated wines.....	2.40	.50

Such a reduction would still place "a percent of tax relative to cost of production" (table 1), on item (a) of 27.50 percent and item (b) 23.26 percent.

We do not agree that so-called luxury products or manufactured goods from the hands of skilled workmen should be unfairly and exorbitantly taxed as such. Should the industries of our Nation be relegated to the production of conventional and mediocre products by various degrees of taxation? Such a system is incomprehensible.

At this point we respectfully refer every member of Congress to the open letter to Secretary of the Treasury, Mr. Douglas Dillon, addressed by Richard Calvert, Sr., wine editor of Beverage Retailer Weekly, as entered recently in the CONGRESSIONAL RECORD by Congressman CHARLES S. GUBSER, of California. Says Mr. Calvert, in part, bearing on this same issue:

"It should be quite obvious to you, my dear Mr. Secretary, as to all members of Congress, that while continuing to stress the political significance of providing ways and means of improving the general lot of our American farmer, in this instance of continuing at the same time in perpetuating a most unrealistic tax on the mere bubbles in wine, which happens to be a grape product, whose greater growth and expansion vitally affects our overall agricultural economy, we are unjustly penalizing this same American farmer by making it more and more—and not less—difficult for him to make a living.

"For this wine-bubbles tax jeopardizes the livelihood of thousands of farmers through discriminatory legislation. Without it, farmers could develop bigger and more profitable grape crops for considerably greater wine-making and wine consumption in this country, which still remains negligible when compared to the normal consumption in all other wine-producing countries of the world, not similarly harassed with such needless taxation.

"The champagne tax means an arbitrary levy of something like \$540 per ton of grapes for which the grower receives only \$50 to \$100 per ton. It is the same as taxing meat processors \$1,250 to \$2,500 on each steer the farmer sells to them for only \$250. It is the

same as taxing a mink fur 20 times more than any other kind of fur."

The myth that all champagne and sparkling wines, as such, must of necessity be luxuries—apparently for no more valid reason than because they happen to contain bubbles—is ironically enough fully exploded by the very fact that most lower priced wine, or so-called vin ordinaire, in its country of origin, is generally consumed while young—from 6 months to a year old—and traditionally a goodly portion of this same wine usually develops a slight effervescence as in the case of the well-known crackling wines of Portugal, Spain, and France, and the so-called frizzanti wines of Italy, which all can be bought in these countries for as low as any still wine of similar alcoholic content. It may be observed that this effervescence in the wine, when not the result of natural secondary fermentation, is, as often, artificially created by the addition of carbon dioxide gas in the wine itself.

Were this same vin ordinaire in these other wine-producing countries of Europe to be taxed the utterly incredible tax of \$3.40 per gallon or \$8.16 for a case of fifths as in this country, it could easily spell the ruination of their wine industry. Taxwise there is absolutely no distinction made in these other wine-producing countries between a regular still wine and a wine which sparkles. As long as these wines come under the same classification of table wines and are all within the same designated limitation of alcoholic content—generally below 14 percent by volume—the tax, if any, remains identical.

The only single exception to this rule of logic seems to have been in West Germany soon after the war, when a similar tax to our own champagne tax was passed and then as summarily reduced from its current rate of roughly 3 marks per bottle to 1 mark per bottle. However, undisputable figures, based on this West German experience in reducing this tax, shows that a similar tax reduction in this country could well achieve a phenomenal increase in the consumption of all types of sparkling wines, with accruing increased greater revenue to the Government to that now being derived from the current higher tax rate.

The wine bubbles tax reduction came into effect in West Germany in November 1952. Now let us note the statistical picture, as a direct result of this tax reduction covering the decade from 1950 to 1959, as follows:

Consumption of all sparkling wine in West Germany by years:

Year:	(Thousands of bottles)
1950.....	6,473
1951.....	7,328
1952.....	9,693
1953.....	15,386
1954.....	18,946
1955.....	24,829
1956.....	32,440
1957.....	37,944
1958.....	42,578
1959.....	51,405

These figures—and we are told figures don't lie—reveal the amazing fact that, during this decade from 1950 to 1959, based on total sales of all alcoholic beverages consumed in West Germany, the consumption of all sparkling wines soared 858 percent in comparison to the much more modest increased consumption of all spirits (or schnapps as the Germans call them) of only 180 percent, beer 278 percent, and still wine a negligible 129 percent. It shows the overwhelming acceptance by the West Germans of all kinds of sparkling wines even above their preference for beer.

The fact remains that the phenomenal rise of these sparkling wines in West Germany has skyrocketed from roughly 6 million bottles sold and consumed in 1950 to over 100 million bottles sold and consumed

in 1963, and this is truly a fantastic record as a direct result of such a tax reduction. It can only mean that our own Government will derive a still greater revenue as a direct result of a similar tax cut in this country. Joseph Granville, noted financial writer and at one time leading financial analyst for E. F. Hutton & Co., commenting directly on this same subject in his Daily Market Letter of December 28, 1961, says as follows: "The added revenue to the Bonn Government underscores the fact that increased consumption follows tax reduction and in the end government revenues rose still higher than they would have with an unchanged tax."

If we are to assume champagne is a luxury—the same champagne incidentally which some French doctors have been known to prescribe for years for convalescent mothers in French maternity hospitals—and should continue to be taxed this utterly absurd tax, why stop here? Why not go all the way and similarly tax all other considered luxuries, without which our own accepted American way of life would be meaningless? One of these luxuries could well be the ownership of a fine Cadillac, which most of us might prefer to the ownership of a more humble Chevrolet? In that case, would it not be as consistent to impose a super sales tax—which is no more and no less what this champagne tax amounts to—on all future purchases of Cadillac cars many times over and above the normal tax on a lower priced Chevrolet? If the champagne tax makes any sense at all, surely a similar tax on the purchase of all Cadillacs should make even greater sense to every Member of Congress eager to rectify this blatant tax injustice.

And finally, this petition to Congress for immediate redress of this most unjust tax on the mere bubbles in wine is meant not only for the improvement of our own economy but for the improvement generally of our overall world economy, especially among all the other champagne and sparkling wine producers of the world, who look upon grape growing and winemaking as an integral part of all agricultural economy, which unfortunately we have failed to do to date in this country. It is evident, therefore, that the main beneficiaries of such a tax reduction in this country, along with our own American producers of all sparkling wines, will also be the European producers, whose wine is similarly taxed the moment it reaches our soil and sold in our market, whereas such a tax is nonexistent on their own soil. Thus the plea we are making for reduction of this tax is for the needed improvement and more friendly international relationship between our own country and all the other wine-producing countries of the world.

For all the above-mentioned facts and reasons outlined in this petition, we, the undersigned respectfully implore the serious consideration of the House Committee of Ways and Means, the Senate Finance Committee, and the Members of Congress to this unrealistic and exorbitant "tax on bubbles," so that action will be promptly taken to bring to a speedy end so grossly unjust a tax. Then—and only then—can we say: "Lashed to the wall of hidebound tax thinking for many years, at last the Magna Carta of the American champagne industry was proclaimed today and the un-American tax on bubbles has finally been reduced."

This petition is being wholeheartedly endorsed by the Wine Institute and Wine Advisory Board of California, representing our California wine industry, by the Finger Lake Wine Growers Association, representing our New York State wine industry, and by our National Association of Alcoholic Beverage Importers, representing the imported wine producers—all three segments jointly urging the reduction of this utterly unjust and unreasonable tax on mere wine bubbles.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S. 718. A bill for the relief of W. H. Pickel (Rept. No. 1031);

S. 1875. A bill for the relief of Thomas M. Talley (Rept. No. 1032);

S. 2288. A bill for the relief of John J. Feeney (Rept. No. 1033);

H.R. 1727. An act for the relief of Richard G. Green, Jr. (Rept. No. 1034);

H.R. 5305. An act for the relief of Dr. Ernest P. Imle (Rept. No. 1035);

H.R. 5571. An act for the relief of Noble Frank Smith and his wife, Viola Smith (Rept. No. 1036);

H.R. 6876. An act for the relief of Capt. Winifred E. Gelinas, U.S. Air Force (Rept. No. 1037);

H.R. 7757. An act for the relief of Jesse I. Ellington (Rept. No. 1038);

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force (Rept. No. 1039);

H.R. 8222. An act for the relief of Edward J. Maurus (Rept. No. 1040);

H.R. 8348. An act for the relief of Mrs. Faye E. Russell Lopez (Rept. No. 1041);

H.R. 8532. An act for the relief of Ivan D. Beran (Rept. No. 1042);

H.R. 8828. An act for the relief of John T. Cox (Rept. No. 1043);

H.R. 8936. An act for the relief of Leonard M. Dalton (Rept. No. 1044);

H.R. 9475. An act for the relief of Miss Grace Smith, and others (Rept. No. 1045); and

H.R. 10078. An act for the relief of Philip N. Shepherdson (Rept. No. 1046).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 2215. An act for the relief of E. A. Rolfe, Jr. (Rept. No. 1047).

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 11201. A bill making deficiency appropriations for the fiscal year ending June 30, 1964, and for other purposes (Rept. No. 1030).

DELAWARE RIVER PORT AUTHORITY COMPACT—REPORT OF A COMMITTEE (S. REPT. NO. 1029)

Mr. JOHNSTON. Mr. President, I send to the desk on behalf of the Senator from Pennsylvania [Mr. SCOTT] a favorable report from the Judiciary Committee on the bill (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; and I submit a report thereon.

This bill grants 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.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I am glad to yield.

Mr. CLARK. I desire to offer for the RECORD a statement agreed to by the principal interested parties in connection with the Joint State Compact which

the Senator from South Carolina [Mr. JOHNSTON] has just presented to the Senate for its approval.

I ask unanimous consent that the full statement may appear in the text of the RECORD immediately after the remarks of the Senator from South Carolina.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the statement will be printed in the RECORD.

The statement presented by Mr. CLARK is as follows:

On December 10, 1963, the Senate passed S. 1832, 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. On December 19, the House of Representatives passed an identical bill except for the addition of a proviso suggested by the Department of Commerce, and concurred in by the sponsor of the bill, Congressman CAHILL, and the Delaware River Port Authority.

Article I of the compact sets forth the authorized purposes of the Delaware River Port Authority. This legislation adds to those purposes so as to permit a bridge between Chester, Pa., and Gloucester County, N.J., and also the operation of the ferry and clarifies other purposes consented to by Congress.

The sponsors of the bills, the House Committee on Public Works and the various governmental agencies to which the bill was submitted have agreed on all the provisions thereof except a new paragraph (1) of article I. The proviso added in the House bill was designed to withhold the consent of Congress to the new paragraph (1).

The proviso was so worded as to make it clear that it did not affect the purposes of the port authority previously consented to by the Congress but that the reservation of consent applied only to such activities as were authorized solely, and for the first time, by paragraph (1). Likewise, of course, the reservation of consent does not apply to the additions to the port authority's purposes in paragraphs (a) through (k) of article I consented to by this bill.

For example, under paragraph (c) of article I, the authority retains its existing power to construct piers and other port facilities throughout the port district with the consent of the Legislatures of Pennsylvania and New Jersey. On the other hand, under this proviso the port authority can only construct a high-speed transit line to a distance of 35 miles from the city of Camden because that was the limit put on such construction by previous congressional consent. If the proviso had not been added, paragraph (1) would have given the port authority power to construct rail lines for unlimited distances within the port district.

BILLS INTRODUCED

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

By Mr. HOLLAND:

S. 2873. A bill to confer jurisdiction on U.S. district courts to hear and render judgment on certain claims; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 2874. 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.

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

By Mr. HUMPHREY:

S. 2875. A bill for the relief of Dr. Eliseo P. DeJoras; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 2876. A bill for the relief of Mr. and Mrs. J. L. Pigford; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 2877. A bill to amend the Fire and Casualty Act of the District of Columbia and to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining injuries or damages as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. WILLIAMS of New Jersey:

S. 2878. A bill for the relief of Cristina Franco; to the Committee on the Judiciary.

By Mr. PEARSON (for himself and Mr. CARLSON):

S. 2879. A bill to authorize the Secretary of the Army to pay fair value for improvements owned by bona fide lessees on land acquired for the Marion Dam and Reservoir project in the State of Kansas; to the Committee on Public Works.

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

CONVEYANCE OF CERTAIN LAND TO THE CITY OF ANCHORAGE, ALASKA

Mr. BARTLETT. Mr. President, I introduce for appropriate reference, a bill which would authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska.

In August 1963, the Anchorage City Council expressed an interest in acquiring the land in question, which is now owned by the Alaska Railroad, an agency of the Federal Government. On February 14, 1964, Mayor George Sharrock wrote to me asking for my assistance and requesting that I introduce the necessary legislation to accomplish transfer of title to the city. I ask unanimous consent that Mayor Sharrock's letter be included in the RECORD, at the conclusion of my remarks, as it clearly states the need for the transfer and indicates the uses to which the property will be put under city ownership.

The Alaska Railroad no longer needs the property in question and in fact has leased it to the city since 1961. Some improvements have been made by the city but it is desired that more permanent improvements can be made and these will require city ownership. The permanent improvements will allow fuller utilization of the high recreational potential of this land.

While the bill does not require payment of any consideration by the city to the Federal Government for the property, there is included, in section 3, language requiring automatic reversion of the land in the event any attempt is made to utilize it for other than recreation or public purposes. There is also protection in the bill against cancellation of a lease held by the Anchorage Curling Club, Inc., for use of a small

portion of the property on which they have placed certain valuable improvements.

Mr. President, I believe this bill to have great merit and it is my fervent hope that my colleagues who sit on the committee to which the bill is referred will also see merit in the measure and take it up for consideration at an early date. I ask unanimous consent to have the text of the bill included in the RECORD along with Mayor Sharrock's letter.

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

The bill (S. 2874) to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska, introduced by Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the city of Anchorage, Alaska, all the right, title, and interest of the United States in and to the tract described in section 2 of this Act, and the improvements thereon.

SEC. 2. The tract to be conveyed under the first section of this Act is a parcel of land lying within the Alaska Railroad Terminal Reserve at Anchorage, Alaska, adjacent to the North Addition to the Anchorage Townsite and is more specifically described as follows:

Beginning at Corner 7 of United States Survey 3047; thence North 61°11'30" East, 240.73 feet; thence South 28°48'30" East, 91.94 feet; thence South 74°24' East, 86.31 feet; thence South 15°36' West, 384.37 feet; thence South 46°36' West, 161.91 feet; thence South 74°41'35" West, 161.63 feet; thence North 70°31'30" West, 179.23 feet; thence North 19°28'30" East, 431.35 feet; thence North 54°28'30" East, 78.27 feet, more or less, to the point of beginning, containing approximately 4.70 acres.

SEC. 3. The conveyance made under this Act shall be without monetary consideration, but subject to the provision that if at any time after the lands are conveyed by the Secretary of the Interior, the city of Anchorage attempts to transfer title to or control over the tract to another, or the tract is devoted, in whole or in part, to other than recreational or public purposes, without the consent of the Secretary of the Interior, title to the tract automatically shall revert to the United States. The acceptance of any instrument of conveyance under this Act by the city of Anchorage shall constitute an agreement by the city that a determination of the Secretary of the Interior that a breach of the requirements of this section has occurred shall be conclusive with respect to the necessary facts constituting such a breach.

SEC. 4. The acceptance by the city of Anchorage of any instrument of conveyance authorized by this Act shall constitute, until October 30, 1967, a waiver of its authority to cancel the lease granted by such city to the Anchorage Curling Club, Inc., except for breach thereof.

The letter presented by Mr. BARTLETT is as follows:

FEBRUARY 14, 1964.

Hon. E. L. BARTLETT,
U.S. Senator from Alaska,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BARTLETT: Following a review of the need for additional recreation

and parks facilities to serve the residents of the north addition to Anchorage (Government Hill area), the city council went on record on August 27, 1963, as desirous of acquiring the property at the site of the former Alaska Railroad Employees Club for such purposes.

A letter was written to the general manager of the railroad on this subject on September 4, 1963, he having indicated to this office that he would be pleased to forward the council's comments "through channels" for consideration in the Department of the Interior. I believe that this was done, and that the city's desires have been made known to the Department. Within the past month the A.R.R. Solicitor here has advised this office that they were submitting further information on the subject to Washington, per request therefrom, so evidently the matter is under consideration.

The property we are speaking of (described on the attached document) is an area of land approximately 4 acres in size located on the left of Loop Road near the top of the Government Hill incline as one approaches the Hollywood Shopping Center from the railroad yards. There are two structures on it: the former A.R.R. Employees Club (an old wooden structure in poor condition), and the new steel building of the Anchorage Curling Club. The city leased the A.R.R. Club Building and related land from the railroad in May 1961. A sublease by the city, approved by the railroad, allowed the Curling Club to construct and operate their rink on the premises.

The city made certain improvements in the area after May 1961 to provide a Little League diamond, lighting on the tennis court, and other minor alterations for the benefit of young people in the neighborhood. Because the city did not have the wherewithal of renovating and operating the A.R.R. Club Building as a municipal facility, we endeavored to sublease it to some civic or other nonprofit organization, but this has not been successful due mostly to the size, age, and condition of the structure. Although the building was secured, it has been vandalized several times, and currently is in very poor shape.

The city would like to provide additional recreational facilities in this location, and make other improvements to the grounds, but feels it inappropriate to spend much more on land that is not ours. Should the property become city-owned, the area could be developed with permanent improvements, such as additional tennis courts (that could be used as skating rinks in winter), and a small ski slope for young children would be possible. There is room for a softball diamond and sand boxes. The area could be landscaped, with resulting major improvement in the appearance of the general neighborhood. The Curling Rink lease would continue, thus adding to the recreational opportunities in this part of the city.

It is our hope that the Department will initiate and/or endorse, and the Congress approve a bill to transfer title of this property to the city in fee simple for parks and recreation purposes. Anything your office can do to help this along will be greatly appreciated.

Sincerely yours,

GEORGE SHARROCK,

Mayor.

Parcel described as follows:

A parcel of land lying within the Alaska Railroad terminal reserve at Anchorage, Alaska, adjacent to the north addition to the Anchorage townsite, as shown outlined in "red" on the print attached hereto and made a part of this contract and as more specifically described as follows, to wit:

Beginning at Corner 7 of U.S. Survey 3047; thence N. 61°11'30" E., 240.73 feet; thence S. 28°48'30" E., 91.94 feet; then S. 74°24' E., 86.31 feet; thence S. 15°36' W., 384.37 feet;

thence S. 46°36' W., 161.91 feet; thence S. 74° 41'35" W., 161.63 feet; thence N. 70°31'30" W., 179.23 feet; thence N. 19°28'30" E., 431.35 feet; thence N. 54°28'30" E., 78.27 feet, more or less, to the point of beginning.

Parcel as described contains an area of approximately 4.70 acres.

(Above description taken from lease of city of Anchorage with Alaska Railroad, Contract No. 14-25-0003-2079.)

DISTRICT OF COLUMBIA MOTOR VEHICLE UNSATISFIED JUDGMENT FUND ACT

Mr. BIBLE. Mr. President, by request, I introduced, for appropriate reference, legislation to provide for the District of Columbia a Motor Vehicle Indemnification Fund Act and ask unanimous consent that a brief summary thereof be included as a part of my remarks.

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

The bill (S. 2877) to amend the Fire and Casualty Act of the District of Columbia and to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining injuries or damages as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes, introduced by Mr. BIBLE, by request, was received, read twice by its title, and referred to the Committee on the District of Columbia.

The summary presented by Mr. BIBLE is as follows:

1. Require, by amending Fire and Casualty Act, that each insurance policy covering a District of Columbia registered vehicle include uninsured motorist coverage for bodily injury and property damage, with maximum of \$100 deductible.

2. No provision for any rebate to insurers to cover part or all of cost of uninsured motorist coverage endorsement.

3. Uninsured vehicle owners to pay a fee into an unsatisfied judgment fund to pay unsatisfied claims and judgments in favor of District of Columbia residents who do not own a motor vehicle and are not protected under an uninsured motorist endorsement.

4. Statement of policy by Congress to urge careful husbanding of fund, with persons claiming from it, particularly in hit-and-run cases, to be held to strict proof, and administrators of fund under duty to effectuate this policy.

5. Minimum insurance premium on new policies must be at least 25 percent of the total annual premium.

6. Unsatisfied judgment fund to be administered by a nine-member board which shall include the Director of Motor Vehicles, the Superintendent of Insurance, representatives of the insurance industry, including one from—

(a) Stock companies in rating organizations; (b) mutual companies in rating organizations; (c) independent stock companies; (d) independent mutual and other companies; and three members representing the general public, one of whom shall be chairman of the board.

7. The fund board to perform the functions of administering the act, determining the cash requirements of the fund and the amounts, if any, available for investment, and to employ such administrative, clerical,

and other personnel as may be necessary to administer the act. Two such employees would be a director and an assistant director for the fund, directly responsible to the board, to serve at its pleasure, neither one of whom shall be a Government employee. Other employees to be furnished by Commissioners, subject to reimbursement of the District from the fund for the cost of providing such employees.

8. England to make all determinations respecting required insurance, keep records relating thereto, collect payments by uninsured motorists to the fund, suspend permits and tags, and, in general, cooperate with the board in carrying out act.

9. Claims against fund not to be made until after act has been in effect 1 full year.

10. Claims against the fund would be allowed only if notice of intent to make a claim is given by the potential claimant within 6 months after the accident, except where notice may not be feasible or possible.

11. Board to assign cases to insurers for investigation and possible defense, in proportion to the amount of premiums of each such insurer.

12. Cost of appeals from court action to be paid out of fund.

13. Certain victims of "hit-and-run" accidents would be entitled to claim against the fund. These cases would be limited to personal injury claims arising only out of accidents in which the claimant can satisfactorily show preliminarily, on application to a court, that there was actual contact with a motor vehicle, plus other definite evidence of a "hit-and-run" accident.

14. Hit-and-run cases and cases in which a defendant defaults would be assigned by the Board to insurers for investigation and defense.

15. The fund to operate on a \$100 deductible basis for both personal injury and property damage claims.

16. Payment from the fund would follow application to and hearing before a court, which, if satisfied, would issue an order for the requested payment.

17. Settlement of pending court actions would be on the basis of a petition to the court, which, if satisfied, would issue an order approving the settlement.

18. Insurers assigned claims of less than \$2,500 would be authorized to settle same, subject to the approval of the board.

19. Claim based on a default judgment would be allowed only if the claimant, within 6 months after accident and also prior to the entry of judgment, gave notice of his intention to claim against the fund.

20. Uninsured motorists on whose behalf payment from fund is made to be required to reimburse fund before permit and tags are restored.

21. The fund should not be required to pay court costs and fees or give bond or other undertaking, in those cases in which the District of Columbia would be exempt from such costs, fees, or bond.

22. The District of Columbia should specifically not be liable for payments due from the fund.

FAIR VALUE FOR IMPROVEMENTS OWNED BY BONA FIDE LESSEES ON LAND ACQUIRED BY THE CORPS OF ENGINEERS FOR FLOOD CONTROL PROJECTS

Mr. PEARSON. Mr. President, I am today introducing a bill for myself and my colleague, the senior Senator from Kansas [Mr. CARLSON] to authorize the Secretary of the Army to pay fair value for improvements owned by bona fide lessees on land acquired by the Corps of Engineers for flood control projects.

This particular bill relates to acquisitions in the vicinity of Marion Reservoir on the Cottonwood River, Kans.

I call this bill to the attention of the Senate, Mr. President, even though it is a special bill because there is involved a question of overall policy regarding the payment of these claims.

Technically speaking, the courts have held that under present laws enacted by Congress, the Federal Government need not compensate lessees for losses of property as a result of Federal purchase or condemnation of land on which their improvements are located. As lessees their improvements are not considered a part of the real estate by virtue of the lease arrangement.

On the other hand, many businesses—and these are increasing in number—find it impossible to purchase land and, consequently, lease arrangements are used. In many instances, businesses have been conducted for many years without any real thought given to lease termination. For all practical purposes there is little distinction in business planning between the lease and actual ownership of the land. Now along comes the Corps of Engineers with a proposal to build a reservoir and, in so doing, acquire the land. The owner of the land is compensated, but the lessee suffers complete loss unless Congress provides relief.

For many years Congress has elected to act on these situations case by case. A short time ago the House Committee on Public Works, recognizing the numerous problems arising from Federal land acquisition, instructed a Select Committee on Land Acquisition to review the total problem including the one I mentioned here.

It is hoped that in due time a better procedure or new policy can be recommended which will resolve many of these troublesome situations. No report is anticipated before late summer of 1964 and if legislation is required no new policy could logically be anticipated to apply before a year from now.

In the interim, these situations continue to arise. Property is being acquired by the Federal Government, people and businesses are being displaced. We have little choice until the policies are revised except to act on precedent. The House Committee on Public Works approved two bills similar to the one I introduce today while the select committee continues its study. These are now pending, along with their companion Senate bills, in the Senate Public Works Committee.

Mr. President, I believe that fairness requires that these bills be promptly considered by the Senate committee and the Senate at the earliest possible date.

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

The bill (S. 2879) to authorize the Secretary of the Army to pay fair value for improvements owned by bona fide lessees on land acquired for the Marion Dam and Reservoir project in the State of Kansas, introduced by Mr. PEARSON (for

himself and Mr. CARLSON), was received, read twice by its title, and referred to the Committee on Public Works.

ADDITIONAL COSPONSOR OF CERTAIN BILLS CONCERNING BAIL

Mr. ERVIN. Mr. President, on May 14, 1964, I introduced, on behalf of myself, the Senator from Nebraska [Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], the Senator from Indiana [Mr. BAYH], the Senator from New Jersey [Mr. WILLIAMS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Missouri [Mr. LONG], and the Senator from Massachusetts [Mr. KENNEDY], three bills concerning bail.

These bills bear the designation S. 2838, S. 2839, and S. 2840. The able and distinguished Senator from Illinois [Mr. DOUGLAS] has informed me that he desires to become a cosponsor of those three bills. I ask unanimous consent that he may be made a cosponsor of the bills.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 27, 1964, he presented to the President of the United States the enrolled bill (S. 741) to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes.

SOME UNANSWERED QUESTIONS IN THE ROBERT G. BAKER INVESTIGATION

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss some of the unanswered questions in the Baker investigation.

In this instance Mr. Baker purchased a block of stock from a lobbyist for certain labor organizations at about \$27,000 less than its quoted market value on the date of sale.

This case was briefly touched upon by the Senate Rules Committee but, in reading the testimony of the witnesses who appeared before that committee in connection with the Baker case, I still find certain unanswered questions. For instance:

A lobbyist for the International Brotherhood of Boilermakers, Iron Shipbuilders, Forgers, and Helpers, AFL-CIO, Mr. Maywood Boggs, testified before the Rules Committee on January 24, 1964. He told the committee that upon Mr. Robert Baker's recommendations he had invested \$2,300 in MGIC stock in 1959 and that in November 1960 he had sold all of this same stock back to Mr. Baker for \$4,600, thus making a 100-percent profit.

On the surface this would appear to be a normal, profitable transaction; however, the case is just not that simple.

There is a \$27,000 profit on this transaction that was not even mentioned; nor were any questions asked about this phase.

All that the official record shows is that late in 1959 Mr. Boggs agreed to pay Mr. Baker \$2,300 for 4 units representing 128

shares of MGIC stock and 32 shares of GIAI.

This stock, 128 shares MGIC and 32 GIAI, was transferred to Maywood and Edith P. Boggs on March 8, 1960. Upon Mr. Robert Baker's instructions their address on the stock certificate was Room F-80 Senate Office Building. This was Mr. Baker's office in the Senate wing of the Capitol. According to the testimony, in November 1960 Mr. Boggs sold this same stock back to Mr. Baker for \$4,600.

What the committee testimony did not develop was that on September 1, 1960, the MGIC stock had been split 10 for 1 and for each share of GIAI stock the holder was given 6 additional shares of MGIC. This meant that in November 1960 Mr. Boggs owned 1,280 shares plus 192, or a total of 1,472 shares MGIC.

Based on SEC records, the trading range for MGIC stock in November 1960 was 23 high and 21½ low.

Using even the lowest quoted market price in November 1960, it means that when Mr. Boggs sold his stock to Mr. Baker it was worth \$31,600—1,472 shares at 21½—or \$27,000 more than he allegedly charged Mr. Baker for the stock.

Under our tax laws, when a man sells stock at a price below its quoted market value on date of sale the difference is taxable either to the seller as a gift or to the buyer as normal income.

Certainly this situation merits further examination. Either Mr. Baker owes Federal income tax on this \$27,000 or Mr. Boggs must treat it as a gift and pay a Federal gift tax.

I cite three very proper but unanswered questions which arise from this transaction:

First. Did either of these two men pay tax on this \$27,000?

Second. Why did this lobbyist make this stock available to Mr. Baker at less than 20 percent of its market value on the date of the sale?

Third. What service was Mr. Baker expected to render, or what service had he rendered to the organizations represented by Mr. Boggs in return for this \$27,000?

DEATH OF JAWAHARLAL NEHRU, PRIME MINISTER OF INDIA

Mr. COOPER. Mr. President, I am saddened, as I know our countrymen are, by the death of Prime Minister Jawaharlal Nehru. Many have tried to interpret him as a man and as the leader of India, but it is not my purpose to attempt to do so today.

I think it can be said that he was a leader not alone in his own country but one of the few who, since World War II, have influenced the thought and affairs of the world. He was the undoubted leader of his own country. Early in his life, he joined Gandhi in the long fight to bring India to full political independence. When independence came, he knew, as did the early founders of our Republic, that the task was just begun; and, as India's first and only Prime Minister, he devoted his life to establishing the institutions and concrete measures which would assure India of both political and economic independence.

I think it would be well for our country to remember that India, largely as a result of his efforts, has established democratic values in fact, rather than in form. For in India free speech, free press, free elections, the judicial process are taken for granted as they are in our own country. And in all the economic plans which Nehru directed and led, the ultimate purpose was to raise the standards of living of all his people, and not just those of a ruling class. Today, India, with all its problems, is, after Japan, the greatest industrial democracy in the East, and I think it can be said that it maintains better than any other country in Asia, democratic institutions and values.

India's policy of nonalignment has been questioned in our own country; but in Nehru's view, it was a policy which was intended to maintain the independence which India had won. And it was also his hope that as a nonaligned country, India would have influence in reducing the issues which cause the confrontation between the Communist world and free countries and thus give hope of ultimate peace.

Aristocratic and intellectual, he was at the same time simple in his life and perfectly at home with the people of his country. He constantly taught them, sometimes with a kind of chastisement, to observe the highest standards in their conduct of life. There is in Indian language and thought a word called "darshan." I cannot explain it accurately, but it is essentially the belief that all can be ennobled by being in association with, and even in the presence of, one who is noble. And, wherever Nehru went, literally hundreds of thousands came to see him and to hear him—to be in his presence, with the belief that it would ennoble them.

The problems between India and America have seemed at times difficult. But, today we can remember that Nehru, an Asian, advocated for his country, when it became independent, a system of government which is essentially ours—one based on law and respect for the individual. He said on one occasion, speaking of the United States and India:

So this is a strange meeting between India, an ancient country, which is thousands of years old and is a mixture of old virtues and old failings, and America which is a land of new ideas, new vigor, and new power. This meeting of the two can benefit us at least, as also the world.

Prime Minister Nehru was humane, he possessed grace of mind and spirit, he was a man of peace, who sought peace for his country and the world. India and the world have lost a great leader and a great and noble man.

Mr. MANSFIELD. Mr. President, Prime Minister Jawaharlal Nehru, for 17 years Prime Minister of India and world leader for peace among nations, is dead. Nehruji, as he was affectionately known to all Indians, was a man endowed with greatness, a man who dedicated his entire life to India, first to achieve its freedom, then to build a nation in democracy. Economic ills, poverty, and disease, plague India even today, but democracy in India has never wavered, nor was it ever in doubt while Nehru lived.

Few men, Mr. President, have cast so large a luminosity on the world. Few men have more effectively brought discomfiture to friends and foes alike in the name of morality. We did not always agree with Mr. Nehru but that was not necessary in order to recognize his great stature. We need only consider, as the measure of his leadership, that he won every test of confidence, every election he participated in since India's independence—and when the chips were down, all India rallied to his support.

Mr. President, he was the personification of India and of the freedom which he labored to achieve and to preserve. For several years, he refused to groom a successor, believing that democracy would be best served by choosing, through the institutions of representative government, its own leadership from the reservoir of men who functioned in his government. In this, his legacy is the legacy of a democratic tradition.

Mr. President, I join in what I know is the profound sorrow of his people and of the world. Mankind has been greatly diminished by his loss.

Mr. HUMPHREY. Mr. President, I wish to join the majority leader and the distinguished Senator from Kentucky [Mr. COOPER] in paying my respects and tribute to a truly great man, one of the outstanding leaders of the world.

In the death of Prime Minister Nehru, the world has lost a truly great statesman, and India a gifted leader. This gentleman, who led his people and established a great political party of democratic faith, dedicated his life to peace, to understanding, and to democratic progress. The fact that India today is a free nation and has democratic and free institutions is in large measure due to the leadership and dedication of Prime Minister Nehru. I am confident that in the years ahead India will be a bulwark of strength to the free world.

I feel certain that history will record that Mr. Nehru was one of the truly great and strong defenders of the cause of freedom in its most difficult period.

The people of the world have lost a friend, a man of compassion, a decent man, a brilliant man, and one who, with great selflessness, gave of himself to his country and to the building of institutions of peace and justice throughout the world.

The people of America mourn with the people of India the loss of their fine citizen and great statesman.

Mr. YARBOROUGH. Mr. President, Prime Minister Nehru was one of the great apostles of peace of our time.

His passing, at the age of 75, after 16 years as head of a storied land and a great country of close to 400 million people speaking numerous languages, with religious faiths as varied as Hinduism, Buddhism, Mohammedism, Christianity, and many others, is a world loss.

He was a wise and good man, strong-minded as a leader of India would have to be, and a moving force for peace in the world. His dedication to peace often brought him into dispute with other world powers and at times with his own people.

He counseled and practiced peace, and when the Communists stabbed peaceloving Nehru in the back and invaded India in force through the northern mountain passes last year, it broke Nehru's heart. A great apostle of peace is dead, but India and the free world will long treasure his memory.

Once, in 1955 when he was being urged by his advisers to attack Goa because it would be easy, Prime Minister Nehru said, "The fact that a war is a little war doesn't make it less of a war."

Look magazine, in a January, 1963, edition, in an article written by Thomas Morgan, provided a glimpse of Nehru's outlook with the following quotation:

By and large we are a democratic people, living in a parliamentary democracy, but we also believe in world peace and peace in our own country. If an issue arises between a democracy and some other form that is not democratic, we are all in favor of democracy. But we have been against war because we felt modern war would bring utter destruction to all.

While we may have differed on how to protect the free world, few have differed on his strong desire for a world at peace, and it is by this dream that he will be measured in history.

ANALYSIS BY U.S. CHAMBER OF COMMERCE OF S. 750—TRUTH-IN-LENDING BILL

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD an analysis of S. 750 the truth-in-lending bill, made by the U.S. Chamber of Commerce.

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

CONFUSION IN LENDING—THE DOUGLAS CREDIT CONTROL BILL

A Senator's dream—a businessman's nightmare.

This is the so-called truth-in-lending bill (S. 750)—sometimes termed the "confusion-in-lending" bill or, more to the point, the "simple annual rate" credit and lending bill.

Few bills would have a more widespread effect upon business and consumers.

Few bills have been more costly in the legislative process. Subcommittee hearings over a 5-year span have produced some 4,400 pages (or 9½ pounds) of testimony, exhibits, etc. The chairman of the parent Senate Banking and Currency Committee, Senator WILLIS ROBERTSON, Democrat, of Virginia, estimates the hearings have consumed "the largest amount spent on any bill" in the committee's history.

Few bills have been more controversial. Proponents, led by Senator PAUL DOUGLAS, Democrat, of Illinois, have argued the bill is necessary to: (a) promote economic stability, (b) furnish consumers the "truth" about credit and lending costs, and (c) enable consumers to "shop" for credit.

Opponents have refuted these arguments, saying the bill (a) would not promote economic stability, but maybe the opposite (b) would promote less truth, not more, and (c) is not necessary for "shopping" purposes. Opponents stress, too, that:

1. Compliance would be severely burdensome, and create a constant prosecution risk.

2. Consumers are already given truthful expressions of credit costs.

3. State legislatures are demonstrably capable of regulating consumer credit.

4. The bill would discriminate unfairly among business enterprises.

An amended bill gained subcommittee approval on March 16. This measure, plus additional amendments, is expected to be considered by the Senate Banking Committee after the civil rights debate ends.

Thus, there is a need now for business action to encourage rejection of the legislation by the committee, where five members apparently will determine the outcome.

Details of the bill, the arguments, the status, and the action needed are set forth in this special report.

1. WHAT CREDIT IS COVERED?

The bill specifically defines "credit" to mean the following:

"Any loan, mortgage, deed of trust, advance, or discount;

"Any conditional sales contract;

"Any contract to sell, or sale, or contract of sale of property or services, either for present or future delivery, under which part or all of the price is payable subsequent to the making of such sale or contract;

"Any rental-purchase contract;

"Any contract or arrangement for the hire, bailment, or leasing of property;

"Any option, demand, lien, pledge, or other claim against, or for the delivery of, property or money;

"Any purchase, or other acquisition of, or any credit upon the security of, any obligation or claim arising out of any of the foregoing; and

"Any transaction or series of transactions having a similar purpose or effect."

2. WHAT BUSINESSMEN ARE AFFECTED?

Directly affected would be all "creditors." This means any enterprise or individual who is "engaged in the business of extending credit" and who requires, "as an incident to the extension of credit, the payment of a finance charge." Included is anyone who regularly "makes loans or sells or rents property or services on a time, credit, or installment basis, either as principal or as agent."

More specifically, directly subject to the bill's control would be every retail store, bank, finance company and any other enterprise or institution that makes loans or sells on credit—and imposes a finance charge.

The scope of direct coverage is emphasized by the bill's definition of "finance charge"—"the sum of all the charges (including but not limited to interest, fees, service charges, and discounts) which any person to whom credit is extended incurs in connection with, and as an incident to, the extension of such credit."

Still other companies could anticipate indirect effects from enactment of the bill. If, as some say, the bill were to provoke curtailment of credit buying, the slowdown must ultimately be felt by manufacturers and wholesalers, too.

3. WHAT'S REQUIRED OF CREDITORS?

The bill's major requirement is that finance charges in all credit and loan transactions be presented to customers both in terms of actual dollars and cents and as a simple annual percentage rate on the outstanding balance. Under the bill, it would no longer be lawful for a creditor to express finance charges solely as dollars and cents—or as a monthly rate on the outstanding balance. The bill's requirement, however, is stated one way for revolving or open-end credit plans, and another way for installment and other credit and loan arrangements.

4. WHAT DOES THE BILL REQUIRE ON REVOLVING OR OPEN END ACCOUNTS?

Typical of such accounts are the revolving charge account plans of many department stores and the revolving check-credit plans of some banks. The bill imposes two requirements for such credit accounts.

Before any such account is started, the creditor must give the customer a written

statement setting forth the "simple monthly or annual percentage rate or rates at which a finance charge will be imposed on the outstanding unpaid balance."

Then, at the end of each monthly period while the account is running, the monthly statement to the customer must show: the outstanding balance in the account at the beginning of the monthly period; the amount of each extension of credit during the period with the date of each and a brief identification of the property or services acquired; the total amount received from, or credited to, the customer during the period; the finance charge, in dollars and cents, required for the period; the outstanding balance at the end of the period; and the simple monthly or annual percentage rate at which the finance charge has been imposed on the outstanding balance to be financed.

Originally, for these accounts, the bill required a simple annual rate; the alternative of a simple monthly rate was added in an amendment by Senator EDMUND MUSKIE, Democrat, of Maine. The defect of this amendment is cited under question 7.

5. WHAT'S REQUIRED ON INSTALLMENT AND OTHER CREDIT AND LOAN PLANS?

For all forms of credit, other than revolving plans, the bill requires that the creditor furnish the customer, prior to consummation of the transaction, a written statement setting forth the cash price or delivered price of the property or service to be acquired; the amounts, if any, to be credited as downpayment and/or trade-in; the difference between the two preceding amounts; individually itemized charges paid, or to be paid, by the customer in connection with the transaction, but which are not incident to the extension of credit; the total amount to be financed; the finance charge expressed in terms of dollars and cents; and the percentage that the finance charge bears to the total amount to be financed, expressed as a simple annual rate on the average outstanding unpaid balance of the obligation.

6. ARITHMETICALLY, HOW WOULD THE SIMPLE ANNUAL RATE BE CALCULATED?

This is a major obstacle. The bill provides no mathematical formula. However, several have been discussed in hearings. The actuarial or annuity method allegedly would show the rate most accurately, but this has been termed far too complex and time consuming for sales people to utilize.

Another formula, slightly less complex, is the constant ratio method:

$$r = \frac{P(n+1)}{2 \times m \times F}$$

r = simple annual rate.

m = number of payment periods in 1 year.

F = interest or finance charge in dollars.

n = number of payments to discharge debt.

P = total unpaid balance (principal or cash advanced).

But this formula assumes equal monthly payments, which most accounts don't have. Installment accounts, for example, usually have a lower final payment. To allow for that, a variation of the formula is necessary.

$$f = \frac{2 \times m \times (P + F) \times F}{P \times n \times (P + F + f)}$$

f = final payment.

But, when a customer adds a new loan or purchase to an installment account that is already running—a so-called add-on transaction—this variation of the formula is inadequate. The variation assumes all payments are equal except the final installment; however, under an add-on transaction, portions of the regular monthly payment that are allocated to the second purchase must differ significantly in order to maintain the previously established payout rate for the initial purchase.

The only practical way to calculate the aggregate simple annual rate in an add-on

transaction is to plot the entire account over the full contract period, total the sum of all monthly balances, divide this sum into the finance charge, and multiply by 12.

The complexities of any one of these procedures would make their use extremely time consuming, particularly for the average sales person—and create a constant hazard of inaccurate computation, with the resultant risk of prosecution.

In fact, even if the calculation were made properly, under any one of these procedures, the computed simple annual rate would still be an erroneous expression to the consumer in most cases. The reason is that the formulas assume payments at exact monthly intervals—yet, hardly anyone pays his bills at exactly the same time each month. So, the rate given the customer in advance would become inaccurate as soon as the customer made a payment either early or late—quite possibly the very first payment.

The time factor—the exact period of time in which any given balance is outstanding—is essential to computing an accurate simple annual rate. But, neither creditor nor customer can possibly know—in advance, as the bill requires—the exact period of time a balance will be outstanding. Therefore, from a practical standpoint, it would be impossible to furnish the customer an accurate simple annual rate in advance on an installment account transaction.

And, even if this provision is amended to allow expressing a "simple" monthly rate, as has been proposed, that would be no help. Computing an accurate "simple monthly" rate would be subject to the same difficulties.

7. IS THE CALCULATION ANY EASIER FOR REVOLVING CREDIT ACCOUNTS?

No. It would be impossible to comply with the requirement that the customer be told, before he opens a revolving account, either the simple monthly or simple annual rate he will be expected to pay.

Neither creditor nor purchaser can know, at that time, what amounts will be charged, when they will be charged, the time each amount will be outstanding, or the dates or amounts of payments that will be made. Yet such information is absolutely essential to computing an accurate "simple" monthly or annual rate.

Expressing the rate on each monthly statement, another requirement, would occasion time-consuming computations as follows: Multiply each different balance outstanding during the period by the number of days outstanding, draw the total, divide this into the dollars and cents finance charge, and multiply the result by 365. This reveals the simple annual rate; divide that by 12 to obtain the simple monthly rate.

Ostensibly, the reason for amending this provision to allow expression of a simple monthly rate was to relieve creditors of the burden of calculation; i.e., to permit a retailer who imposes a monthly service charge of 1½ percent on a revolving account balance merely to print this 1½ percent rate on his statements.

But, this is not a simple monthly rate; it is only the factor used to determine the dollars and cents service charge. Translating the dollars and cents service into a simple monthly (or annual) rate requires consideration of the time element—and thus necessitates elaborate arithmetical computations.

The difficulty of rate calculation has been well emphasized by Senator ROMAN HRUSKA, Republican, of Nebraska. Recalling an incident during hearings when three witnesses attempted to compute a simple annual rate and each got a different answer, the Senator said, "Two of them would have to go to jail or perhaps all three, because the judge might do his own figuring and come up with a fourth answer."

8. HOW WOULD THE LEGISLATION BE ADMINISTERED AND ENFORCED?

The bill gives regulatory and administrative responsibilities to the Board of Governors of the Federal Reserve System.

The agency would be empowered to promulgate rules and regulations governing compliance with the bill's requirements. These rules would include description of the methods to be used in determining the simple annual or monthly percentage rates.

In addition, the agency could exempt credit transactions with business firms or Government agencies where it feels compliance would not be necessary for the bill's purpose.

Under a subcommittee-appointed amendment, the agency would establish an advisory committee of up to nine members "to advise and consult with it in the exercise of its powers." Members appointed should reflect a "fair representation of the interest of sellers of merchandise on credit, lenders, and the public."

Any creditor who fails to disclose the required information to a customer would be liable to that customer in the amount of \$100, or in an amount equal to twice the finance charge levied, whichever is greater—except that liability shall not exceed \$2,000 on a single transaction. (Recovery would not be allowed for an erroneous computation that resulted in an overstatement of the percentage rate.)

Willful violators would be subject to a fine up to \$1,000, or imprisonment up to 30 days, or both.

The Federal Trade Commission may be given responsibility for enforcing the bill. The Federal Reserve Board has repeatedly argued that it should not have this responsibility. Board Chairman William McChesney Martin says: "The regulation of trade disclosure practices would be foreign to the Board's present responsibilities."

Senator DOUGLAS has reportedly agreed to a transfer of responsibility to the FTC from the Board and amendments to effect the transfer are pending.

9. WHAT IS THE PURPOSE OF THE BILL?

The bill itself theorizes that consumers are not properly informed about the cost of credit unless they know that cost as a "simple annual rate"—and that, if they are not so informed, they will use their credit in an "untimely" manner which threatens economic stabilization. So, the purpose of the bill is to help promote national economic stability via mandatory expression of finance costs as a simple annual rate.

What this assumes is that a rising or falling rate in the market where businessmen borrow money would cause the consumer's time price charge to rise or fall—that consumers would buy when the charge is low, and hold back when it's high—and that the effect of this would promote a more stable economy.

But, the logic of this purpose has been undermined in hearings. William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, testified that "finance charges on consumer installment credit . . . have not shown much fluctuation in response to cyclical changes in the availability of credit during the postwar period. Also, it is hard to find evidence as to consumer responsiveness to the changes in charges that have occurred."

He said changes in general monetary policy are reflected "primarily in the application of more or less restrictive standards or terms, rather than in higher or lower finance charges."

The point is, only a minor part of a time price charge can be considered interest on money borrowed; a major part of the charge is for credit investigation, collection, provision for losses, and other fixed service costs which, as Chairman Martin said, do not show much "cyclical fluctuation."

Therefore, it is not realistic to expect that the rate statement to consumers would show any significant fluctuation in relation to cyclical changes of interest rates charged merchants when they borrow money.

So, there is no reason to anticipate fulfillment of this purpose of the bill.

10. IS THERE TOO MUCH CONSUMER CREDIT?

The Federal Reserve Board, in its 1963 annual report, concludes that consumers are not overextended on their installment credit commitments.

"The proportion of consumer income devoted to repayments on installment debt rose to a new high (during 1963), but there was little evidence of rising delinquencies or of other signs of overcommitment," the report said.

To be sure, the amount of total consumer credit is high by previous standards. For example, last year it amounted to 17.3 percent of disposable personal income; 10 years earlier it was only 12.3 percent.

But, part of this rise is attributable to the growing list of things that can be bought on time—and part attributable to our rising standard of living. As families move higher up the ladder of living standards, they move more into the market for bigger ticket items—color TV, stereo, wall-to-wall carpeting, home freezers, etc. This naturally stimulates the use of credit.

Significantly, consumers are still saving at an average rate of about 7½ percent of their after-tax income—about the same rate since 1951.

11. WOULD THE LEGISLATION HELP CONSUMERS SHOP FOR CREDIT?

This is one of Senator DOUGLAS' major claims. Because credit costs are now expressed differently by different types of establishments, he says consumers have difficulty making comparisons that lead them to the best available credit deal. In his mind, uniform business expression of credit costs as a simple annual rate would give consumers what they need to make comparisons.

This assumes, of course, that present methods of expression are inadequate for consumer needs. However, consumers can make proper comparisons without a simple annual rate.

For example, a customer who wants to purchase a refrigerator can secure from several stores their respective cash price, finance or service charge, total time price, and the amount of monthly payments for a given period of time. He can compare also with the net cost to him of borrowing the money and paying "cash." The important "comparing" element is the net cost to the customer over the contract period that best suits his ability to repay.

Significantly, even a witness favoring the bill told Senator DOUGLAS early in the hearings, "Families are less concerned with the amount and percentage of interest than they are with the size of the weekly or periodic payment."

In the final analysis, a "simple annual" percentage rate alone would not help a customer determine whether to make a credit purchase. It would be meaningful only if he could translate it into dollars and cents. The bill seems to admit this by requiring a dollars-and-cents expression, too. Why both are essential to consumers has yet to be proven.

12. WOULD THE BILL GIVE CONSUMERS MORE TRUTH ABOUT CREDIT COSTS?

Senator DOUGLAS has said repeatedly the bill is intended to give consumers "the truth, the whole truth and nothing but the truth" about interest rates and finance charges. Already, though, the difficulty of calculating an accurate simple rate has prompted amendments in the bill to allow for inaccuracy.

Regulations developed by the administering agency may prescribe "reasonable toler-

ances of accuracy" with respect to the required credit cost data.

It will be no basis for violation if a rate stated in advance subsequently becomes inaccurate because of prepayment, late payment, or other mutually agreeable adjustment in the credit contract.

Overstatement of the annual rate would be no basis for recovery of penalty.

If an accurate rate calculation is so difficult to make that the bill has to be amended to tolerate inaccurate figures, this seems an admission that the bill would force creditors and lenders to lie to their customers.

Clearly, it proves that "truth-in-lending" is a false and deceptive label on the bill.

It is also further evidence that the simple annual rate would be useless to customers.

For another reason, it is possible that the bill might even result in the consumer getting less information about the actual cost of credit.

This cannot be predicted with certainty, but to the extent the bill focuses attention on a percentage rate, it seems likely that some merchants would attempt to capitalize on this by advertising low rates, even if this necessitates putting some credit costs into the price merchandise. In such cases, a consumer paying too much attention to the rate might be misled into selecting, not the best, but the worst deal available.

13. WOULD THE BILL PROVIDE SOME FIRMS AN ADVANTAGE OVER OTHERS?

Although the bill is drawn so as to have fairly uniform coverage within the business community, in actual practice there would be several elements of potential discrimination.

Consider, for example, the prospect of adding credit costs to merchandise prices so as to quote a low rate of finance charge. A small merchant with limited lines of merchandise would have far less opportunity to do this than a large store carrying many varied product lines. The same would be true of a small appliance dealer handling solely national brands on which a hiked price might be too readily apparent.

As a result, the larger store would have an advantage over smaller stores.

The same situation also could confront banks and finance companies who, unable to conceal credit costs, might find their lending rate less attractive to customers than dealer financing.

Furthermore, if the bill were enacted as approved by the subcommittee—allowing expression of a monthly rate on revolving accounts, but requiring an annual rate on installment accounts—this, too, would be discriminatory. For example, a furniture store using installment credit would have to quote a higher rate than a competing department store using revolving credit. Lending institutions could be placed at the same disadvantage because the bill presently requires them to quote an annual rate, too.

14. WOULD THE BILL HELP THE ECONOMY?

No one can be certain, but there is a reason to believe that passage of the bill could cause a sales decline, at least temporarily.

The potential effect was highlighted by Prof. George Katona, director of the economic behavior program, Survey Research Center, University of Michigan. He testified:

"The most potent argument against the bill consists of the possibility that there would be a shock effect. . . . It has been shown before that many present-day users of installment credit believe that the finance charges amount to 6 percent or even less. If these people were given a document in which a percentage twice or three or even four times as high is shown, they will be surprised, disappointed, and resentful. . . . Whether or not the shock would result in

would-be purchasers giving up or postponing some of their discretionary purchases, we do not know . . . however, the possibility must be taken into account that the immediate effect . . . would be unstabilizing."

If the simple annual rate were essential consumer information, enactment of the bill might be worth the economic risk—but without a real need for the annual rate expression, it would seem unwise to take the economic gamble.

15. WILL THE BILL BE FURTHER AMENDED?

This is not certain; however, a number of amendments were presented on April 9 when the Senate Banking Committee met briefly on the bill.

These included several submitted by the Federal Trade Commission which that agency considers necessary in the event it is given administrative responsibility for the measure. The Commission's recommendations include:

Broadening the statement of purpose in the bill, to base it more firmly upon the "commerce" and "money" clauses of the Constitution.

Expanding the definition of "creditor" to assure coverage of businesses now excepted from FTC jurisdiction.

Requiring expression of the simple annual rate on the "unpaid balance of the obligation, or on the declining unpaid balance of the obligation, whichever rate is the higher."

Allowing enforcement as under the FTC Act; i.e., through quasi-judicial procedures and cease-and-desist orders.

Promulgating rules and regulations by FTC procedures, without the advisory committee now called for in the bill.

Prescribing reasonable tolerances of accuracy in the rate calculation only "where necessary," a limitation not now in the bill.

Assuring that an overstatement of the rate, whether intentional or otherwise, will be no basis for criminal action—as the bill already provides with respect to civil action for damages.

Changing some administrative responsibilities to make them discretionary, not mandatory. For example, the bill now specifies what the rules and regulations "shall" provide, that the responsible agency "shall" exempt certain types of credit transactions, and that the agency "shall" request the views of other Federal agencies having credit-related regulatory functions. In each instance, the FTC proposes changing "shall" to "may."

Pending amendments also include four submitted by Senator JACOB JAVITS, Republican, of New York, two of which pertain to revolving credit accounts.

One of these provides that the statement given the customer in advance shall show the percentage finance charge imposed monthly on the outstanding balance—and the minimum dollars and cents charge, if any, or the dollars and cents charge imposed on a schedule of fixed amounts of balances, in which case the statement must set forth the schedule and the basis for computations under the schedule. The second amendment is a similar provision for the statement given the customer at the end of each monthly billing period.

The objective of these two amendments is to make clear the subcommittee's intent that a retailer charging a 1½-percent monthly service or finance charge can show that figure and not have to struggle with computing a "simple" monthly rate—and to permit continued use of charts and schedules such as are authorized by New York State's credit law.

Senator JAVITS' other two amendments provide for:

1. Exemption from the bill's coverage of securities and commodities transactions already subject to Federal regulation, and

2. An improved definition of revolving or open-end credit plans, in line with common business practices.

Senator MUSKIE also has two amendments pending. One relates to loans and credit (other than revolving credit) and proposes that the "simple monthly or annual percentage rate" be given the customer. This is similar to his already approved amendment for revolving credit accounts—and raises the same computing problem because it asks for the "simple" rate. The Senator's other amendment pertains to real property transactions. Basically, it provides that closing costs shall not be considered finance charges, and therefore shall not be included in the simple annual rate computation on home mortgages.

Several additional amendments have been proposed by Senator DOUGLAS. He would give customers 2 years, rather than 1, in which to sue offending creditors—not counting any time consumed in a criminal proceeding by the Government against the creditor, and he would provide that a final judgment of willful violation in a criminal proceeding shall be prima facie evidence against the defendant in any subsequent civil action undertaken by a customer.

16. CAN STATES REGULATE CREDIT ADEQUATELY?

They can, and do. According to Senator WALLACE BENNETT, Republican, of Utah: "All States have laws covering the lending activities of banks. In addition, 49 States have laws requiring the disclosure of credit charges on small loans; 42 States and the District of Columbia regulate automobile installment sales; and 25 States cover installment sales of other types of goods, as well as automobiles. And in the new area of revolving charge accounts, 16 States have already passed laws, while such legislation is under active study in a number of other States."

Walter Malcolm, president of the National Conference on Uniform State Laws, emphasized this at Boston hearings in early 1964:

"Every State of the 50 has at least 4 statutes on the books with respect to consumer credit and some undoubtedly reach up to 8 or 10."

Pointing out the variety and diversity of State laws, Mr. Malcolm said "the great need is to simplify and decrease the present laws—yet the Douglas bill imposes on top of this mass of State legislation, this confusion, another layer of legislation at the Federal level. We do not think Congress should enter this field at this time in any form or manner whatsoever."

The Florida attorney general told the subcommittee in 1961 that his State's law "is sufficiently broad to protect Florida consumers without the necessity of national regulation." He added the belief that Federal legislation "will inevitably result in conflict of administration and deter the State effort to regulate in a field that logically appears to be a responsibility of the State."

With regard to State acceptance of the legislative approach represented by the Douglas bill, Senator BENNETT points out that "17 States have considered bills identical to S. 750, some of them two or three times, but in every case, the States have rejected this approach."

The Senator also has said, more than once, that the credit "abuses" and "horror stories" brought forth in subcommittee hearings would not be corrected by S. 750—but that most of them are already subject to existing laws. In this connection, the attorney in chief of New York City's Legal Aid Society told the subcommittee in testimony last year, "I think some of the stories that you heard this afternoon are cases that called for criminal prosecution * * * under the existing law. Some of these cases suggest grand larceny."

THE GREAT DANGER OF ACCIDENTS WITH ROTARY LAWNMOWERS

Mr. BAYH. Mr. President, every day we read in the paper that so many fellow citizens are involved in accidental injury and death. The loss suffered by the Nation is staggering. During 1963, more than 70,000 Americans were injured in accidents with rotary lawnmowers alone. I myself had such an accident and can therefore personally attest to the serious problem of safety presented by the operation of a rotary lawnmower.

The National Safety Council suggests that a very high percentage of the mower caused injuries, particularly those to fingers, hands, toes, and feet, results from the operator's inability to stop the mower blade quickly enough to avoid mishap. Nearly three-fourths of the accidents last year involved cutting by the blade of the mower.

A manufacturer of engines for rotary mowers has now developed and introduced a device designed to reduce the dangers of operation. The Clinton Engines Corp., of Maquoketa, Iowa, has introduced a revolutionary brake to stop instantly the blade of a rotary mower. The brake is designed to stop a rotary mower blade operating at 3,600 revolutions a minute in less than half a second. It is controlled by a simple hand operation from the handle of the mower, making it possible to stop the blade almost immediately when trouble develops.

I want to commend the Clinton Engines Corp. for taking the lead in the development of this safety device for rotary lawnmowers. This "touch 'n stop" brake is a constructive step forward for safety in the operation of rotary lawnmowers and can be reasonable for reducing the number of accidents caused by mowers.

I hope that this will set a pattern in the industry so that research will go forward to develop additional devices which will provide complete safety to the operators of rotary lawnmowers.

HENRY BANG WILLIAMS

Mr. JOHNSTON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 538.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 538) for the relief of Henry Bang Williams, which was to strike out line 3, down through and including "fee:" in line 7, and insert "That, for the purposes of sections 203(a) (2) and 205 of the Immigration and Nationality Act, Henry Bang Williams shall be held and considered to be the natural-born alien son of Mr. and Mrs. Arthur Henry Williams, citizens of the United States:"

Mr. JOHNSTON. Mr. President, on June 28, 1963, the Senate passed S. 538, to grant the status of permanent residence in the United States to the 24-year-old adopted son of citizens of the United States.

On September 9, 1963, the House of Representatives passed S. 538, with an

amendment to grant second preference status to the beneficiary. Under this amendment, the beneficiary cannot adjust his status to that of a lawful resident until a second preference quota number becomes available. The quota to which the beneficiary is chargeable is oversubscribed only 3 months at this time.

I move, therefore, that the Senate concur in the House amendment to S. 538.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

ROWING THE UNITED STATES BACK INTO THE MAINSTREAM OF INTERNATIONAL COMPETITION

Mr. MCINTYRE. Mr. President, I am extremely proud that beginning June 21 my hometown of Laconia, N.H., will be the site of the first experiment of its kind in the United States to restore us to prominence in the Olympic games. For the first time in U.S. collegiate rowing history, a manpower pool project of training eight-oared crews will be attempted for rowing competition. The program is supported by the U.S. Olympic Rowing Committee, the Rowing Coaches Organization of America, and many boat clubs, in addition to the Laconia Rowing Club and civic organizations in the community. It is expected that 30 top oarsmen from outstanding college crews will engage in intensive training after which the top 8 will be selected for the Laconia, N.H., team which will compete in the U.S. Olympic trials at Pelham Bay, Long Island, N.Y., July 5-8.

It is altogether fitting that New Hampshire launch such a model training program since it was back in 1852, on Lake Winnepesaukee, N.H., that Yale and Harvard had their first rowing race which, incidentally, Harvard won. Rowing is one of the oldest Olympic sports. Although I understand that U.S. oarsmen have won an alltime total of 31 gold medals for Olympic rowing, far surpassing the nearest rival who has taken 15, since World War II European nations have been making rapid gains and now present a strong challenge to American oarsmen.

Mr. President, I asks unanimous consent to have printed in the RECORD an article entitled "Training Program at Opechee Hailed by MIT Coach Fralley," written by Earl O. Anderson, which I am sure Senators will find inspiring, which describes remarkable efforts to row the United States back into the mainstream of sports activity in the Olympic games.

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

TRAINING PROGRAM AT OPECHEE HAILED BY MIT COACH FRALEY
(By Earl O. Anderson)

LACONIA.—"I feel that we will be turning out here on Lake Opechee the fastest eight-oared crew the world has ever seen, and not by a small margin either.

"That is what Laconia will be contributing to the world of international sport through this manpower pool program."

These were the stirring words that 175 rowing enthusiasts heard Saturday night from Jack Frailey, head crew coach at MIT.

Nearly 300 tickets for the \$10 a plate All-American rowing banquet were sold to help meet local costs of the unique project to get underway here in 6 weeks.

Briefly, it is this: 8 or 10 major colleges in the East are expected to send approximately 30 of their top oarsmen on June 21 for 2 weeks of intensive training on the calm waters of Lake Opechee.

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From this group will be selected a team of eight men to enter the U.S. Olympic trials at Pelham Bay, Long Island, N.Y., July 5-8. It will be known as the Laconia, N.H., team in all competition.

The 2,000 meter course used the past 2 years for the New England amateur rowing championships will serve as the training ground for these rugged crewmen.

Purpose behind the move, explained Frailey in his talk here, climaxing a program which both thrilled and inspired the rowing devotees, is to restore the United States to its rightful place in eight-oared competition.

Despite fine representation in international competition over the past several years, Frailey said our crews have just not been able to meet the standards set up by other countries.

"My conclusion, after studying results of these events," Frailey declared, "was that we were not meeting manpower with manpower. And I decided that there was only one way to do this.

"Select the very best team that we could, from among our top college crews, and drill it as a single unit.

"This manpower concept has worked well elsewhere, with England and France, and Japan is trying it in 1964, while Russia has always employed the plan."

It will be the first time in U.S. collegiate rowing history, however, that it has been attempted in eight-oared rowing competition.

Frailey was able to "sell" the idea to the Eastern U. C. College Rowing Coaches Association as "well worth a trial."

He is convinced that Lake Opechee this summer can develop a crew capable of achieving a new world's record of 5:45 minutes or better.

This would be 3 seconds faster than that turned in by Germany, he recalled, in winning the European championships 2 years ago. And about 10 seconds better than any previous U.S. performance.

"This kind of sport is won by seconds and inches," Frailey observed.

Sharing the speaking honors here with the MIT coach was Thaddeus Seymour, dean of Dartmouth College, and former coach of the Little Green's crew.

"I do not think anything will equal the enterprise you are having on Lake Opechee this summer," Seymour stated.

"I have every confidence that the results will be a source of pride to all of you here tonight, and those engaged in rowing throughout the whole United States."

PLACE IN SPORTS

Rowing has a place in sports almost unique, the Dartmouth dean pointed out. The crews train from early September to June, he noted and yet the actual season competition is compressed into but a single hour. And of this hour, only 5 minutes is in the noisy atmosphere of cheering crowds.

Most of the effort is solitary work, and requires deep commitment on the part of the oarsman, he added. Rowing takes a quality of perfection, he commented, not known in any other sport, and requires unlimited endurance. The concept of teamwork sets the crew apart, and the self-discipline needed is great, he made clear.

When one considers that a race is often won by inches or seconds, he emphasized, one can realize what a coordinated effort is required, for one slight letup in a single stroke multiplied a few times during the 240 strokes of a race can spell the difference between victory and defeat.

SPECIAL GUESTS

Three members of the U.S. four-oared Olympic team of 1936 were special guests. They were Coach Lawrence Terry, now headmaster of the Middlesex School, Concord, Mass.; Roger W. Cutler, Boston banker; and William Haskins of Concord, a saw company executive. They were presented by Thomas Kudzma of Nashua, secretary of the New England Amateur Rowing Association.

Parker C. Lindberg, president of the Laconia Rowing Club and manager of the Greater Laconia-Weirs Beach Chamber of Commerce, was the toastmaster.

The two organizations sponsored the banquet.

Welcome was extended by Dana S. Beane, Jr., chamber president, and Mayor Hugh H. Bownes.

A high point in the program was a letter from Astronaut Alan B. Shepard—a native of Derry—read by Paul Kinney, general chairman for the banquet and the chamber's participation in the rowing experiment here.

"I completely agree that our failure to achieve rowing victories has degraded our international posture," Shepard wrote to Dan Ford, whose Laconia Coca-Cola Bottling Co. (soft drink firm) is one of the major supporters of rowing revival here.

The astronaut regretted his inability to attend. He was engaged in a geological field trip this weekend.

The 27 oarsmen, 3 coxswains, 2 coaches and a rigger will come to Laconia directly from Syracuse, N.Y., where the International Rowing Association regatta is being held June 19 and 20.

The all-American crew is to be developed here with the cooperation of the Rowing Coaches' Organization of America, and will be headed by two experienced coaches.

PRESIDENT ELVIS J. STAHR SUPPORTS HARTKE EDUCATION BILL

Mr. HARTKE. Mr. President, Indiana University is one of our great State institutions of higher education. Its energetic president and my good friend is a man nationally known not only in education but because of his service to the Nation as a former Secretary of the Army, Elvis J. Stahr. His administration of Indiana University has shown a high degree of foresight and planning. It has grown under his wise leadership in physical facilities, in programs, and in student body in a manner which makes Indiana University a real leader among such institutions.

President Stahr is among those who have written to me concerning S. 2490, the Hartke college student assistance bill. Because of the respect in which I hold his views on matters pertaining to higher education, I should have been disappointed if he were critical of the concept and scope of the bill. But I am pleased that his letter gives, like those of so many other educational leaders, firm support for my bill. In the first paragraph, he refers to the favorable testimony of President Fred Harrington, of the University of Wisconsin, who appeared before the Education Subcommittee on behalf of the Association of

State Universities and Land-Grant Colleges on March 10:

I agree with everything in President Harrington's statement—

He says, and then makes some comments of his own which I should like to share with the cosponsors of this bill and other Senators:

The best thing about the bill is that it is indeed directed toward helping students—

He says, underlining the word "students"—

In this it stands in strong contrast to the tax credit bill which was so narrowly defeated last year. I think the scholarship program would help many of the small private institutions improve the breadth of their student mix by helping students who otherwise couldn't consider them for financial reasons. Scholarships currently provided by such institutions could supplement the national scholarships to that end. Also, the proposed payment of \$350 to assist an institution with the cost of educating each scholarship winner who elects to attend it might be a useful incentive to some private institutions to permit at least a modest expansion in their enrollments.

Dr. Stahr continues with a paragraph of comment on the proposed student loan program:

The expansion and strengthening of student loan opportunities is also a most laudable objective. Here in Indiana, I am coming increasingly to believe that a State scholarship program is needed whether or not a Federal program is enacted. The combination of substantially improved opportunities for scholarships with vastly improved opportunities for loans will probably enable the public and private institutions of this State to get the big job done in the next decade, provided they can hold down the fees so as to avoid cancelling out the benefits of scholarships and loans.

As the Senators know, Mr. President, my bill has three major elements in its package concept—scholarships, loans, and a work-study program. On the latter, President Stahr says:

I rather like the work-study program. We would have great use for it here, where we already have a very large student work payroll, and I should think that, imaginatively used, such a program could be a distinct boon to smaller institutions, providing them, for example, with laboratory assistance, paper graders, library help, undergraduate teaching assistants, in courses like elementary math and foreign languages, and perhaps in other ways as well.

Mr. President, I am most happy to have this addition to the expressions of support for my bill from a man whose opinions are among those I respect so highly.

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

Mr. HARTKE. I yield.

Mr. HUMPHREY. I commend the Senator upon his consistent initiative in connection with this very important piece of proposed legislation. I am hopeful that the committee will bring this legislation before the Senate. I am confident that there is a majority vote in the Senate for the Senator's bill.

It is the finest piece of proposed aid to education on a student level that has been before Congress. It is better than any of the tax credit proposals.

The Senator's effort in this vital field of education commends him to the entire country. We owe him a great debt of gratitude.

Mr. HARTKE. I thank my distinguished colleague. I shall certainly convey the Senator's message to the proper committee.

GARY STUDENTS WRITE HISTORY BOOK

Mr. HARTKE. Mr. President, I recently received a spiral bound book of some 120 mimeographed pages bearing the title "Freedom's Mosaic," whose 16 chapters set forth the history of American government from the earliest settlement through the ratification of the Constitution and the establishment of the Federal Government.

Such materials frequently reach the desks of all of us, but this one was sufficiently unique that I wish to call it to the attention of the Senate. For this was the cooperative research effort of about 70 students in the American government class at Andrean High School, Gary, Ind., whose principal is the Reverend John A. Burke, C.S.B., and whose teachers are the Reverend Fred H. Sohn, C.S.B., and Rita S. Kalousek.

Teams of four students researched and prepared each of the chapters, with a larger group dividing into pairs to cover the detailed history of constitutional ratification in each of the States. Their combined bibliography runs to a formidable 11 pages of listed reference volumes. The preface states that this is intended as "the first brochure of a trilogy dealing with the political history of the United States and her great documents—this trilogy to be completed in 1966." If this ambitious plan by which students of American government are learning by doing comes to completion, it might well be worthy of publication as a text for others written by their contemporaries. I might add that examination of the footnotes shows that these boys and girls have gone to such original sources as the Federalist Papers, the works of John Locke, and numerous volumes by those generally considered our best historians.

Unfortunately, the work is too large for reprint in the RECORD, but it is a significant example of the kind of progress in education being made by competent teachers at the secondary level. These students have felt the challenge of scholarly research under guidance; they have learned to compare sources, sometimes conflicting in their views; they have put their findings in their own words. The results of their intensive study of this period of American political history will never be forgotten. I commend all those associated with this project.

CHARLES R. ROSS—DEFENDER OF PUBLIC INTERESTS AND JUSTICE FOR POWER COMPANIES

Mr. PROXMIRE. Mr. President, on September 16, 1961, President Kennedy nominated Mr. Charles R. Ross as one of the two Republicans on the Federal Power Commission. Mr. Ross has served

with distinction in that post but his term expires on June 22. To date, no announcement has been forthcoming from the White House concerning Mr. Ross' possible reappointment. Rumors persist that Mr. Ross will not be renominated.

I strongly believe that Mr. Ross should be reappointed for a full 5-year term.

Mr. Ross came to the Federal Power Commission with a superb background. In my judgment, this was one of the excellent appointments made by President Kennedy.

Mr. Ross earned his bachelor's degree at the University of Michigan in 1941 and, following a distinguished service career with the Air Corps during World War II, he returned to the University of Michigan and obtained both a master of business administration and a law degree.

He has taught in the field of business law and government and business regulation at Oregon State College. He has been in private business and in private law practice. He has served on the Vermont Public Service Commission and was for 2 years chairman of that commission. He is also one of the three U.S. members of the International Joint Commission.

But the primary justification for urging this reappointment is not his impressive background in the regulatory field but rather the magnificent record he has established as a member of the Federal Power Commission.

His record, I think, should be judged in terms of the functions which the Congress has assigned to the Federal Power Commission. The Commission from the time of its original establishment by the Federal Water Power Act of June 10, 1920, and from the establishment of the present independent Commission on June 23, 1930, has always had as its primary responsibility the assurance of an abundant supply of electrical energy throughout the United States, with the greatest possible economy and with regard to the proper utilization and conservation of natural resources. It is required to supervise the investigation, planning, construction, operation and maintenance of licensed hydroelectric projects. The Commission is required to prescribe and enforce a uniform system of accounts for privately owned public utilities. Similar functions are given to the Commission with respect to natural gas.

But the primary function of the FPC can be summarized in a single phrase. It is responsible for representing the public interest in dealing with the natural private monopolies in the power field. It is responsible for dealing with the power companies with full justice and competence.

In my view, Mr. Charles R. Ross, as a Republican appointee to the Commission, has served this function brilliantly. In the important area of tax allowances to be included in utility rates, Commissioner Ross has been a leader in limiting such allowances only to those which the utilities are obliged to pay to the Treasury. He has consistently fought against the so-called normalization theory which would increase the rates paid by consumers to the advantage of the util-

ities. Commissioner Ross has consistently opposed the claims by the major pipelines that a premium return should be allowed for oil and gas exploration and production activities.

Commissioner Ross has been exceptionally effective in keeping down the price of gas sold for interstate consumption.

The importance of retaining Mr. Ross on the Commission can be demonstrated by the fact that almost all of the key decisions in these areas were by narrow 3 to 2 margins.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to speak for 1 additional minute.

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

Mr. PROXMIRE. I shall not prolong this statement by describing each of the various cases in which Commissioner Ross played such a leading part. However, I do invite my colleagues to look at a number of recent decisions by the Commission, such as the Cities Service Gas Co. case decided July 15, 1963, the Investment Tax Credit Interim Accounting Order of January 23, 1964, the Alabama-Tennessee Natural Gas Co. case of February 3, 1964, and many others.

Mr. Ross' central role in these cases probably does not come as a surprise to anyone who knows him. For example, Gov. Philip Hoff, the present Democratic Governor of Vermont, has stated that Mr. Ross "not only is a good friend of mine but extremely able. He did the best possible job anyone ever did as head of the Vermont Public Service Commission. He calls the cases as he sees them. He is completely honest. He is consumer minded. He has a strong following among Democrats to a man and among liberal Republicans."

Certainly first consideration should be given to the reappointment of Mr. Ross to the Federal Power Commission and I am hopeful that President Johnson will give Mr. Ross this consideration.

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

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. I wish to associate myself openly with the remarks of the Senator. It will be unnecessary for me therefore to place in the RECORD a statement which I had prepared concerning Mr. Ross.

He is an excellent Commissioner. I hope he is reappointed. I trust that the RECORD will be read by the President and his officers, so that Mr. Ross may be given this consideration.

Mr. PROXMIRE. Mr. President, I thank the majority whip, and I ask unanimous consent that I may yield to the Senator from Vermont [Mr. AIKEN], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Michigan [Mr. HART].

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

Mr. AIKEN. Mr. President, Charles Ross was appointed by Governor Stafford—now Congressman STAFFORD—to the Vermont Public Service Commission.

He did an excellent job as chairman of the commission.

He has made an excellent record on the Federal Power Commission. I believe it would be a serious mistake not to have him reappointed. It would be bad for the people of the country.

I certainly hope that no consideration is being given by the President to dumping Charlie Ross or appointing another representative of the gas industry to the Federal Power Commission. They already have two. And if they get one more—a clear majority of the Commission—then, heaven help the public.

Mr. PROXMIRE. I thank the distinguished Senator from Vermont. I now yield to the senior Senator from Pennsylvania.

Mr. CLARK. I endorse what the Senator from Wisconsin and the Senator from Minnesota have just said about Mr. Ross. I hope that the President will reappoint him.

Suggestion has been made to me that I should sponsor the appointment of either of two Pennsylvania individuals to replace Mr. Ross. These gentlemen are fine, eminent citizens, but I find myself in the position where I can conscientiously say, despite the fact that there are two Pennsylvania candidates, that I hope that the President will reappoint Mr. Ross.

Mr. PROXMIRE. I thank the Senator from Pennsylvania. I now yield to the Senator from Michigan.

Mr. HART. Mr. President, very briefly, I knew Mr. Ross as an undergraduate student at the university. I have had opportunity to observe his record on the Commission.

I join in the views expressed by my distinguished colleagues. I hope that Mr. Ross will be reappointed.

SHOULD A FEDERAL CONSTITUTIONAL CONVENTION BE CALLED?

Mr. ERVIN. Mr. President, on March 3, 1964, the Honorable Everett C. McKeage, a member of the Public Utilities Commission of California, made an interesting and illuminating address before a joint meeting of the Los Angeles Transportation Club and the southern California chapter of the Association of Interstate Commerce Commission Practitioners, upon the subject "The Need for Calling a Federal Constitutional Convention."

Commissioner McKeage is one of the Nation's most enlightened citizens in the field of constitutional law, and what he says upon this subject merits the widest possible dissemination. For this reason, I ask unanimous consent that a copy of his address may be printed at this point in the body of the RECORD.

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

THE NEED FOR CALLING A FEDERAL CONSTITUTIONAL CONVENTION

(Address by Everett C. McKeage)

Mr. Chairman, members of the Los Angeles Transportation Club, members of the southern California chapter of the Association of Interstate Commerce Commission Practitioners, ladies and gentlemen, I am honored to

have the opportunity of, again, addressing two such distinguished organizations as are here assembled, made up, as they are, of experts in a most important field of commerce.

Usually, addresses before professional organizations take the form of an erudite exposition of a specialized subject, appealing only to experts, and are delivered in an unemotional, polished, and sophisticated manner. While not always completely noncontroversial, such addresses meet the standard of the balanced editorial approach and seek to avoid, as much as reasonably possible, emotional issues. In other words, such an address may be classed as a learned treatise, as that term is understood in the law.

Today, I shall break precedent and present to you a most controversial, not to say emotional, subject on which, I dare say, each person in this room has a most definite and pronounced view. Therefore, I pray that you will reserve judgment until I have spoken my piece, at the close of which questions will be entertained from the floor.

May I caution you that the views or opinions which I shall put forward are to be attributed solely to your speaker.

Let me make it abundantly clear that nothing stated in my views or opinions is to be understood as personal criticism of the incumbent national administration, the current Congress, or of any member or group of members of the Supreme Court or, as for that matter, to be understood as personal criticism of any which has gone before. My criticism, objectively speaking, will be directed to that monolithic national power which has grown up at Washington during the past 100 years, and particularly during the last 30 years, contributed to by all elements of the Federal authority and aided and abetted by the apathy and the lack of resistance and finding spirit of the several States. The present attempt by the national administration and the Congress to discourage, to some extent, this regrettable power buildup at Washington is to be applauded, but fundamental change in our Federal Constitution is necessary to restore this Nation to its Federal duality and the spirit of the Founding Fathers. The national pattern has been so warped and subverted by Federal usurpation of power that only constitutional reform will cure the evil now, unhappily, existing.

All of those here present are interested, either directly or indirectly, in regulation. The matters which I shall discuss involve, among others, the subject of regulation in the frame of reference of conflict between State and Federal jurisdictions. Probably no other subject is so involved in State and Federal conflicts as is regulation.

"The Need for Calling a Federal Constitutional Convention" is the subject which, with your permission, I desire to expound to you.

Why do we need to call a Federal constitutional convention? The answer is: Because such convention is the only feasible, efficient, and effective instrumentality, method and means of reversing and retraining this ever-increasing centripetal and centralizing force in our Federal Government, which is robbing the several States of their lawful authority and depositing such usurped jurisdiction with the Central Government at Washington. A constitutional convention will provide the means whereby this usurped authority of the several States may be recovered and restored to them and future usurpation prohibited. I shall proceed to demonstrate this proposition.

Article V, the amending article of the Constitution of the United States, provides:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments,

which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

A reading of article V reveals that there are two methods, and only two, by which the Constitution may be amended: (1) By the Congress proposing amendments, by a two-thirds vote of both Houses of the Congress, and such proposed amendments being ratified by three-fourths of the legislatures of the several States, or by conventions in three-fourths of the several States ratifying such amendments, or (2) by the application of the legislatures of two-thirds of the several States requiring the Congress to call a convention for the purpose of proposing amendments to the Constitution and by three-fourths of the legislatures of the several States ratifying such amendments proposed by such convention, or by conventions in three-fourths of the several States ratifying such amendments.

Both Thomas Jefferson and Abraham Lincoln urged the calling of a constitutional convention for proposing amendments to the Constitution, rather than proposals by the Congress, both believing that the proposals made by such a convention would more nearly represent the wishes of the people than would proposals made by the Congress. Lincoln so stated in his first inaugural address. Jefferson maintained that a constitutional convention should be called at regular intervals for the purpose of revising or amending the Constitution, pointing out that there was nothing sacrosanct about the Constitution and that time and experience might prove it to be like the suit of clothing which fitted a boy of 12 but would hardly be expected to accommodate a man of 25.

What possible argument can be advanced against the calling of a constitutional convention, if we really believe in liberty, democracy and the sovereignty of the American people? If we fear the States in constitutional convention assembled, then Heaven help us. The closer we can bring the people of this Nation to their government, without diluting its Republican and dual form, the better for both the governed and the governor. Unlike Alexander Hamilton, we should not look upon our people as a great beast. Should the citizen conclude that he has no stake in his government, he could become a very dangerous man.

Not since the adoption of the Constitution has there been called a constitutional convention, all amendments thereto having been proposed by the Congress.

One or both of the methods for amending the Constitution may be pursued. However, the first method is presently unrealistic for the purpose of reforming and redressing the current evil deriving from the usurpation by the Federal authority of the jurisdiction of the several States. Why do I say this? Because it would beggar the credulity of a candid mind to believe that the Congress would voluntarily give up this usurped power or take any action to that end by proposing amendments to the Constitution. As a general rule, power once gained, lawfully or usurped, is not voluntarily relinquished, as history so abundantly proves. Naturally enough, the Congress would propose constitutional amendments to restore the usurped rights of the several States, if the people back home effectively demanded such action by electing Senators and Representatives dedicated to such a proposition. However, we should choose the

more feasible, efficient and effective method; that is, by two-thirds of the legislatures of the States requiring the Congress to call a convention for the purpose of proposing amendments to the Constitution. This is the clincher. The States have the plenary power to require the calling of a convention. The Congress, the Supreme Court and the Federal executive, all combined, cannot frustrate this power. In this capacity, the States are sovereign and exercise supreme power and control. They have it within their authority to completely change our form of government. In the face of this plenary authority of the States, the Federal power is completely impotent and rightly so, if it be conceded that the people are sovereign and should rule. So, what the legislatures of the several States should do is to robustly assert their authority under article V of the Constitution and force this Federal genie back into its constitutional vessel where it properly belongs and where the Founding Fathers placed it and intended it to remain.

George Mason, author of the Bill of Rights, Gouverneur Morris and Elbridge Gerry successfully insisted upon the inclusion in the Constitution of this power in the several States to call a constitutional convention. These three Founding Fathers wisely contended that the States must exercise ultimate control over the Federal authority and that the convention provision was the instrumentality whereby this control could be exercised. We owe these three men a profound debt of gratitude for their foresight and vigilance.

In the governmental fields of taxation and spending, we have with us, today, the same issue that so cardinaly divided Jefferson and Hamilton. The issue has not changed; however, it has become more dynamic and important. Hamilton urged the expansion of Federal jurisdiction through the powers of taxation and appropriation. Jefferson set his face sternly against this heresy, asserting it to be a violation of the spirit of the Constitution. Hamilton held that a public debt is a public blessing, because the powerful of the land would purchase the evidences of indebtedness and thus become chained to the chariot wheel of the Government. Hamilton further held that governments are strong in proportion as they are made profitable to the powerful. Jefferson asserted that any such philosophy could not possibly have anything in common with a free government. Today, we see the powers of taxation and spending exaggerated by the Federal Government almost to the point of fantasy, thus relegating State authority to a minor position in this field and placing State authority almost in the role of a mendicant. Here, we have the most potent and compelling power of the central government. No wonder that Jefferson, the "apostle of liberty" and the author of the Declaration of Independence, made war upon this evil. He clearly saw what it would lead to. His prophecy has come true.

The public debt of the United States has almost become a public joke. The procedure before the Congress, whereby the ceiling of the public debt is established, is in the category of some of the programs of "Amos and Andy." There is no end to the growth of the public debt and these so-called ceilings on it are but improvisations of the most obvious brand. What is needed is an amendment of the Constitution setting definite metes and bounds on the authority of the Congress to tax and spend. The gift of public funds by the Congress or any other agency of the Federal Government should be prohibited, as is the rule with most of the States. Whenever the public interest should require the exceeding of those metes and bounds, the Congress would be required to appeal to the several States for such authority and the consent of two-thirds of the

legislatures would be required to grant the authority. Let the Congress prove the need for more fiscal authority. I am fully aware that this would radically humble and cramp the style of the spendthrifts at Washington, but free government, common honesty and fiscal integrity require it. In event of war or other national emergency, the legislatures of the several States could be called in time sufficient to meet any national need for taxing and spending.

Ever remember what Thomas Jefferson said on the subject of unrestricted power:

"In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Truly it may be said that the most patient and tolerant beast of burden known to man is the American taxpayer.

I wish that every American citizen would read the report of the Committee on Appropriations of the House of Representatives (submitted December 14, 1963), concerning foreign aid and the use to which it has been and is being put. It really gives one a feeling of sadness mingled with resentment to realize that our Government engages in such loose and questionable conduct in the name of maintaining our image abroad. The citizen should, also, read the remarks of Congressman PASSMAN, of Louisiana, when he submitted this report to the House. Certainly, Congressman PASSMAN is due a vote of thanks for his painstaking investigation and exposition of this mare's nest, denominated foreign aid. A letter to the Clerk of the House of Representatives will procure a copy of this report.

We are emotionally told that some of this Federal squandermania is necessary to "contain communism" and that these "cold war" expenditures deriving from our grants of foreign aid are necessary to stave off a recession or depression in this country, bearing in mind that 75 to 80 percent of all these foreign aid funds are expended in the United States. What a state of affairs. It may well be assumed that if this "cold war" did not exist, it would be necessary to create it.

"Containing communism" is the fairytale of the century. By our international policy, we are forced into the highly questionable posture of being the good guys and our claimed opponents being the bad guys. Other peoples do not believe this self-serving contention, and we should stop squandering the taxpayers' money on the theory that they do. Of course, other countries will take our money, particularly when we force it upon them or beg them to take it. And what nice people they are: South Vietnam, South Korea, Formosa, Yugoslavia, Spain, and numerous other countries in Europe, Asia, and Africa.

What is our record on containing communism? With rare exception, if at all, communism or worse has dogged our efforts in this field. Call the roll: China, Indonesia, South Korea, Cuba, and, now, South Vietnam. What a record. Instead of making the world safe for democracy, we are, in several instances, supporting both autocracy and hypocrisy. You cannot purchase democracy and freedom with dollars.

Our international strabismus derives directly from what Theodor Mommsen, the German historian, said about us, quote: "Your people insist upon committing every mistake the peoples of Europe have committed in the past." We insist upon learning the hard way. Will we learn nothing from history?

Let us not delude ourselves. This fight to restore the rights of the several States will be of herculean proportions. Those who should be with the forces of the States, in many instances, will be against those forces. Any reform, however salutary and noble, will have its powerful enemies who profit by the evil sought to be reformed. There are those

who bask in the glamour and headiness of power at Washington who will cling to that power for no other reason than that they are unthinking human beings intoxicated with power. Remember, as Lord Acton so wisely said:

"All power corrupts, but absolute power corrupts absolutely."

By quoting Lord Acton, I do not imply that the Congress, the Supreme Court or the executive is corrupt as that term is generally understood in a venal sense. What I do imply is that the heavy power which is now being exercised by the Congress, the Supreme Court, and the executive tends to corrupt and distort a public official's point of view, discrimination, and discretion, and tends to disable him from giving that type of responsible public service which the citizens of a free society are entitled to expect.

The republican duality of our Government and the local autonomy which it seeks to guarantee constitute the very spiritual soul of our social compact. Without this bulwark of political protection, our people could not possibly be free. Destroy one of these principles and the other will die. They are inseparable. Yet, we see men chosen out of the body of our people who, when ensconced in a powerful Federal office, will act as though the rights of the several States constitute a nuisance and an annoyance in the onward march to Federal absolutism. One would surmise that such a person had never heard of our dual form of government or had never read the Declaration of Independence or the Constitution of the United States. Yes, Gibbon's "Decline and Fall of the Roman Empire" should be required reading by all Federal officials. The history of the British Empire should be the next required reading. It is sad but true that "Those who will not profit from history are doomed to relive it."

We know from sore experience that the three great branches of the Central Government—the legislative, executive, and judicial—have combined over the years to exaggerate, torture and abuse the commerce clause of the Constitution to the point of absolute absurdity, particularly in the regulatory field. It should ever be remembered that lawful and desirable ends may not be achieved by unlawful means. If this be not true, why have laws at all; simply rule by ukase.

The surest way to destroy our republican duality is by concentrating a major part of public authority in the general government. Today, we find ourselves faced with a perverted situation. The Federal power has so overshadowed State jurisdiction that the several States are little better than provinces in a centralized body politic. This very evil is what the Founding Fathers had principally in mind when they wrought this constitutional miracle in government, which is denominated the United States of America.

This persistent tendency of concentrating more and more power in the Central Government was early perceived in our national life. Democratic Presidents, Thomas Jefferson, Andrew Jackson, Grover Cleveland, and Woodrow Wilson, denounced this tendency and sounded the warning of its grave danger to the Republic. Republican Presidents, Calvin Coolidge, Herbert Hoover, and Dwight Eisenhower sounded a similar warning. Abraham Lincoln, a disciple of Thomas Jefferson, firmly believed that "the principles of Jefferson are the definitions and axioms of a free society." Every cardinal principle of government for which Lincoln stood was at war with the consolidationist philosophy. In his first inaugural address, he clearly stated his support of a proposed constitutional amendment submitted to the States by the Congress on March 2, 1861, which prohibited giving to the Congress, by constitutional amendment, "the power to abolish or interfere, within

any State, with the domestic institutions thereof." Lincoln stoutly contended that the prohibition contained in the proposed amendment was plainly implied in the other provisions of the Constitution but, to set aside any question, he urged its adoption. The advent of the Civil War rendered this amendment academic. Lincoln was elected on a party platform advocating States rights, which he accepted completely and so stated in his first inaugural address. If one doubts this statement, read this address where the States rights plank of the party platform is quoted by Lincoln verbatim and accepted by him. Were Lincoln living today, there could be slight doubt as to where he would stand on the matter of this unwholesome concentration of power in Washington.

Many Members of the Congress and of the Supreme Court have castigated this centralizing of power in the Federal authority but, sadly, when called to vote upon the subject their actions, with some outstanding exceptions, have supported Federal supremacy. "Consistency, thou art a jewel."

The argument is strenuously made that a pervasive and powerful Central Government is necessary in these times for international prestige and efficiency; that inefficiency cannot be tolerated. Outside of something which may be concealing itself on the dark side of the moon, I can think of no organism that is as inefficient as the Federal Government is today, and has been for many years. Read the reports of congressional investigating committees if you doubt the lack of efficiency in our Washington bureaucracy. High efficiency is not one of the virtues of a free government. Rather, the local autonomy which a free society must have, if it is to remain free, is a virtue and merit in itself which we prefer to totalitarian efficiency. As far as international prestige may be concerned, that quality should be based upon morality, rather than upon power.

I contend that we should gladly put up with some inefficiency in our constitutional dualism in order to preserve the spirit of the Founding Fathers. It is far more important that our people enjoy the blessing of self-determination than that they possess international prestige or be free of inefficiency, error, or even moral obliquity. Without the right of self-determination in its most comprehensive sense, a people can never be free.

To better understand just where we are and whither we are tending, as Abraham Lincoln said, it is well to reacquaint ourselves with the facts of history and particularly our governmental history.

When the Founding Fathers gathered in Philadelphia in 1787 to undertake the tremendous task of writing a Constitution creating a general government for the 13 separate, sovereign, and wholly independent States, they fully realized that an almost miraculous compromise would be necessary. Each of the 13 States was proud and suspicious of the others. A reading of the history of the period immediately following the close of the Revolutionary War and the proceedings of the Constitutional Convention will clearly reveal the fact that neither the States nor the people were in any mood to accept a strong central government, not to say a consolidated or unitary one. In those days, personal liberty and local autonomy were running at high tide. However, public opinion leaned toward some form of Federal Government, it being believed that the then exigencies demanded cooperation among the States rather than the existing conflict.

In this context, the Federal Constitution was framed. It was a compromise. No strong central government was created. Upon ratification by a sufficient number of States in 1788, a federal form of government came into being in 1789. Contrary to what some believe, the Civil War amendments to the Constitution did not alter our form of government. We still have a republic based

upon a federal form, although centralization has been adulterating that form by gradual erosion.

The Federal Constitution is a creature of the several States. While some constitutional writers and some decisions of the Supreme Court have implied the contrary, there can be no doubt that the States, as political entities, created the Constitution and have the authority to change it as they see fit. The States, by conventions, severally ratified the Constitution. It would not be lawful for an amendment to the Constitution to be ratified by popular vote. Those who yearn for a consolidated government point to the preamble of the Constitution, where the words "We the people" appear. This phrase is merely hortatory and formalistic. The several States are the constituent stockholders of the United States of America and they have the authority to dissolve the Federal fabric, if they so desire. The very name "United States of America" clearly reveals that our national authority consists of a union of the States.

I agree with Thomas Jefferson that no greater tyranny could be visited upon a people than to subject them to a truly consolidated government. A heavy government is easy for the governors but subversive of the rights of the people. It was never the intention of the Founding Fathers to create a highly efficient general government. As Abraham Lincoln so well said, "Democratic government is better than good government." The core and spirit of a free society must be nourished by local autonomy. The road to centralization and consolidation is the inevitable road to tyranny. A free society could never survive in such a frame of reference.

That State and Federal jurisdictions would conflict was envisioned by such Founding Fathers as Thomas Jefferson and James Madison. These two men realized that the resolution of these State-Federal conflicts would require statesmanship of the first order. They pointed out that there must be a wise accommodation between these two authorities to the end that the true spirit of our governmental polity might be preserved and maintained.

In defending the wholesale usurpation by the Federal authority of the rights of the several States, the shopworn example of the Articles of Confederation as compared to the Federal Constitution is cited. Of course, any issue, however profound, may be oversimplified and ridiculed. The citation of the Articles of Confederation and the condition of the Thirteen Original Colonies immediately following the conclusion of the Revolutionary War is like contending that because an ounce of federalism may be good, that a ton of federalism is just as many times as good.

Are we to suppose that the officials of the governments of the several States are so bereft of patriotism, interest in our national welfare, and understanding of the need for a national purpose that they may not be trusted to think for themselves within the framework of the Federal Constitution? I trust not.

If the Federal authority had the patience, desire or will to respect the rights of the several States, this subject which we are discussing could be easily solved. The will to solve any problem is 90 percent of its solution. As an overall proposition, history abundantly proves that the Federal authority has neither the patience, desire nor will to accord a wise accommodation to State jurisdiction. The thirst for power on behalf of the Federal jurisdiction destroys those much-needed qualities. Federal authority often talks a proper attitude toward States' rights, but, in practice, the performance fails to support the profession of concern for State jurisdiction. A good Federal administrator, like the federalist judge of old, expands his jurisdiction. The rule of Parkin-

son's law applies with redoubled emphasis in the Federal realm.

One of the many reasons supporting the wise principle of States' rights is that the sovereign State constitutes, within our constitutional system, a political laboratory wherein experiments in government may be safely tried with the smallest hazard; experiments which, if tried out nationally, could prove most dangerous should events prove them unwise. Let us not destroy those important laboratories of political science.

The several States, having become weary of this unconstitutional empire building in Washington, have, at long last, undertaken to do something about this suffocating growth upon the body politic of this Nation. The 16th Biennial General Assembly of the States held at Chicago, Ill., on December 6, 1962, through the Council of State Governments, a national organization composed of representatives of the governments of the several States, proposed three amendments to the Constitution of the United States. Bear in mind that the Council of State Governments is not a regional group; it is one which is drawn from all the States of the Union. The headquarters of this organization is at Chicago, Ill.

A reading of these three proposed amendments demonstrates that they are directed toward simplifying and making more feasible the amendment of the Constitution and, also, that they seek to place a reasonable restraint upon the Federal authority and, particularly, upon the Supreme Court. Specifically, these proposals would (1) permit two-thirds of the legislatures of the several States to propose an amendment or amendments to the Constitution on an equal basis with the Congress, (2) prohibit the Federal authority from exercising jurisdiction over the subject of apportionment of representation in a State legislature, and (3) establish a Court of the Union, composed of the chief justices of the courts of last resort of the States, with authority to annul decisions of the Supreme Court affecting the relationship between State and Federal jurisdictions. These proposed amendments deserve the most careful consideration by the American people.

Apparently, some misunderstanding has arisen with regard to the legal implications involving these proposed amendments. Some are under the impression that, if three-fourths of the legislatures of the several States should approve these amendments, they will become a part of the Constitution. Of course, that is wholly incorrect. These three amendments are being used merely as a vehicle to require the Congress to call a constitutional convention for the purpose of proposing these three amendments along with any other amendments which such convention might propose. As I understand the view of the proponents of these three amendments, they would be satisfied if the Congress itself would propose to the legislatures of the several States these amendments, instead of calling a constitutional convention. At all events, it would be definitely in the public interest to call such a convention whereat these three proposals could be considered along with any other needed revisions or amendments of the Constitution.

As of the present date, a number of the State legislatures, or one or the other houses of such legislatures, have approved of one or more of these proposals put forward by the Council of State Governments. The number of State legislatures supporting these proposals has been of such magnitude that those who wish to perpetuate Federal dominance of the States have become very much alarmed. This is as it should be. These vital matters should be debated nationally for the good and welfare of the American people.

Some of the opponents of these proposals contend that the adoption of these amendments would destroy our federal form of

government. Such an objection comes with poor grace from those who approve of a course of conduct which has been insidiously but gradually destroying our Federal duality during the past 100 years. If the Supreme Court is not curbed in power, this Government will cease to be a Republic in fact.

The American Bar Association, of which your speaker has been a member for more than 20 years, has expressed its disapproval, through its house of delegates, of all three of these proposed constitutional amendments. However, its committee on jurisprudence and law reform, which considered these proposals, recommended that the association support the proposed amendment which would have denied any Federal jurisdiction over the subject of apportionment of representation in a State legislature. Nevertheless, the house of delegates did not follow this recommendation of its committee.

As a member of the American Bar Association, I regret that this action on these three proposals was taken because I believe it to be shortsighted and parochial in the extreme. Does the American Bar Association believe that the Supreme Court needs no improvement? Is that association satisfied to let matters affecting that Court remain as they are? If it does, then, it is placing itself in the same smug position as the critics of Roscoe Pound's exposition of judicial shortcoming in his memorable 1906 address before that association at St. Paul, Minn. All now concede that the smug attitude of the American Bar Association concerning Pound's address constituted a monumental blunder. I believe that the present action of the association, of which I complain, will be proven by history to be an even greater blunder than the one of 1906. What the American Bar Association should have done before taking any action on these three proposals would have been to subject them to a solemn referendum of the membership of the association by mail plebiscite. Such action was taken by the association regarding the 18th amendment, a much less important subject.

History reveals that, on several occasions, the American Bar Association has criticized the free-wheeling action of the Supreme Court in conducting itself as a superlegislature. For over 100 years, the Supreme Court has engaged in that type of conduct and has been denounced for it by such eminent members of that court as Daniel, Holmes, Edward Douglass White, Brandeis, Stone, Black, Frankfurter, Roberts, Douglas, Jackson, the second Mr. Justice Harlan, and many other members of that Court, holding that the Court renders political and legislative decisions which transcend any lawful jurisdiction which may be thought to have been conferred upon it.

The constant overruling by that Court of its prior constitutional decisions, based upon nothing more than the personal views of its members, reflects no glory upon the Court as a judicial tribunal or upon the judiciary in general. Is it to be supposed that the American people are satisfied with the final judgment of a majority of nine, or, at times, seven men on questions so surcharged with political implications as are the questions over which the Supreme Court is now asserting jurisdiction; questions which that Court has held in the past to be political matters outside its competence? Change the membership of the Supreme Court, even by one Justice, or let one Justice change his mind, and the Constitution means something entirely different, although the same Court had solemnly declared its meaning a few short months ago. The plain truth is that the Federal Constitution has become an instrument which the Supreme Court causes to reflect the extrajudicial views of the prevailing and changing majority of that Court through the means of interpretation and reinterpretation.

If you think my criticism of the decisions of the Supreme Court is harsh, you should read the dissenting opinions of the Justices of that Court. There, you will find bitter criticism.

Two eminent members of that Court, Mr. Justice Brewer and Mr. Justice Frankfurter, have urged more, not less, criticism of the Court's decisions.

These are not times for ivory towers or unrealism. If constitutional amendment is not the proper course to follow in the present situation regarding the Supreme Court, I inquire of the American Bar Association and all those who are opposing these three proposals put forward by the Council of State Governments, what is the proper course to follow?

There are those who piously say that these political decisions must be made and that the Supreme Court is the safest agency of Government to make them. Such a view constitutes utter defeatism. It is a sad admission that Democratic and Republican institutions are a failure and that "papa knows best." To concede that a judicial oligarchy is better than government by the people constitutes a denigration of the fundamental spirit underlying our constitutional system. The Court persists in injecting itself into things purely political; therefore, it should be reformed by a frankly political remedy, a remedy which it cannot interpret away.

The fears herein expressed, concerning the exercise by the Supreme Court of arbitrary power, plainly usurped, are shared by the chief justices of the several States. On August 23, 1958, at Pasadena, Calif., the chief justices, in convention, voted 36 to 8, with 2 members abstaining and 4 not present, to urge the Supreme Court to decide cases by judicial rules and not by what a majority of the Court might, from time to time, deem desirable or undesirable. This was a delicate and diplomatic way which the chief justices of 36 States employed to tell the Supreme Court to conduct itself as a judicial tribunal and refrain from acting as though it were a superlegislature.

The view expressed concerning the legislative and political decisions of the Supreme Court represents the views of Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson. It was not mere coincidence that these great characters of history held the same views on this subject; it was because of their experience and wisdom that they perceived this evil.

The Supreme Court has been more responsible than all the other agencies of the Federal Government combined for the massive inroads upon the rights of the several States.

We know that no agency of government is perfect or even approaching that status. We, also, know that the members of the Supreme Court, like most all public officials, are, for the most part, men of average ability, and lay no claim to omniscience. I agree with Justices Holmes, Brandeis, Frankfurter, and many other Justices of that Court, when they, so pertinently, pointed out that few agencies of government are as ill-suited to pass upon these vital and sensitive political and economic issues as is the Supreme Court; yet, that Court hesitates not to assert jurisdiction over them.

Many times, the margin of one vote out of nine, or, at times, out of seven, has determined the meaning of fundamental constitutional provisions even to the overruling of prior decisions of the Court on the subject to reach such determinations. I contend that the history of the Supreme Court will demonstrate that its action in determining fundamental constitutional issues is not unlike the action of a legislature in adopting or rejecting proposed legislation. As, heretofore, pointed out, Holmes and Brandeis thought so, as have many other members of that Court, when in the minority.

The conduct of the Supreme Court belies the principle, "To the end it shall be a government of law and not of men." That wholesome principle has vanished like the snows of yesteryear because the judiciary has persisted in ignoring it. It is unconstitutional and wrong for any agency of government, other than the Supreme Court, to act with unrestrained and unlimited discretion, but it is perfectly lawful for the Supreme Court to engage in that type of conduct because its action is not reviewable.

The late Mr. Justice Jackson said: "The decisions of the Supreme Court are not final because the Court is infallible, but the Court is infallible because its decisions are final." Mr. Justice Douglas, in dissenting in the case of *New York v. United States*, 342 U.S. 882-884, said in part:

"Absolute discretion, like corruption, marks the beginning of the end of liberty. * * * But the standard set for men of good will is even more useful to the venal."

I wonder if Justice Douglas ever thought of these principles, as applied to the Supreme Court.

Some of those unfamiliar with the history of the Supreme Court appear to be of the opinion that it has been only during the last 30 years that the Court has engaged in overruling its prior constitutional decisions on fundamental issues. Those who hold such opinion flatter the "radicalism" of the present members of the Court. The Supreme Court has engaged in that type of conduct for more than 100 years. An outstanding example of this sort of thing, which vitally affected the rights of the several States, occurred at the December 1851, term of that Court. I shall refer briefly to that particular litigation.

At the February 1825, term of the Supreme Court, the case of *The Steamboat Thomas Jefferson* (10 Wheat. 428) was decided, wherein the Court interpreted the admiralty and maritime jurisdiction under the Federal Constitution to extend only to the sea or upon waters within the ebb and flow of the tide. Mr. Justice Story delivered the opinion of the Court, and so far as I can ascertain it was a unanimous decision. Thereafter, the Court followed the Jefferson decision in several subsequent cases. At the December 1851, term of the Court, the case of *The Propeller Genesee Chief v. Fitzhugh* (12 How. 443, 13 L. ed. 1058) was decided, which reinterpreted the Constitution by holding that the admiralty and maritime jurisdiction of the Constitution is not limited to tidewater but extends to all public navigable lakes and rivers where commerce is carried on between different States or with a foreign nation. The Court was very specific in pointing out that the Constitution itself granted this jurisdiction and that it did not rest upon the power granted to the Congress to regulate commerce. This case clearly overruled the case of the *Steamboat Thomas Jefferson*. In that case (the *Genesee Chief* case), Mr. Justice Daniel dissented. A very interesting portion of this dissent is found at pages 1067 to 1068 of the *Lawyer's Edition* of the report, and reads as follows:

"But the doctrine at present promulgated by this Court, is based upon assumptions still more irregular in my view, still more dangerous than that above adverted to, because it claims for this Court, wholly irrespective either of the Constitution or the legislation of Congress, powers to be assumed and carried into execution by some rule which in the judgment of this Court is to be applied according to its own opinions of convenience or necessity. Thus it is admitted that by the decisions in England, the jurisdiction of the admiralty did not reach *infra corpus comitatus*, and was limited to the ebb and flow of the tide; and it is admitted that by the previous decisions of this Court the like limitations were imposed on the jurisdiction

of the admiralty in this country; and even this limitation, imposed by former decisions of this tribunal, it is obvious, allowed of some encroachment upon the common-law jurisdiction, insofar as the ebb and flow of the tide might bring the asserted power of the Court *infra fauces terrae* or *infra corpus comitatus*. But even this encroachment is not sufficient to satisfy the aspirations of the jurisdiction, now for the first time asserted; for now it is insisted that any waters, however they may be within the body of a State or county, are the peculiar province of the admiralty power; and although it is admitted that the power was once clearly understood as being limited to the ebb and flow of the tide, yet now, without there having been engrafted any new provision on the Constitution, without the alteration of one letter of that instrument, designed to be the charter of all Federal power, the jurisdiction of the admiralty is to be measured by miles, and the extent of territory which may have been subsequently acquired; a much less natural standard, surely, than the nature and character of the element to which the admiralty is peculiarly adapted, and to which it owes its origin; that the Constitution may, nay must be altered by the same process, and must be enlarged, not by amendment in the modes provided, but according to the opinions of the judiciary, entertained upon their views of expediency and necessity. My opinions may be deemed to be contracted and antiquated, unsuited to the day in which we live, but they are founded upon deliberate conviction as to the nature and objects of limited government, and by myself at least cannot be disregarded; and I have at least the consolation—no small one it must be admitted—of the support of Marshall, Kent, and Story in any error I may have committed. I cannot construe the Constitution either by mere geographical considerations; cannot stretch nor contract it in order to adapt it to such limits, but must interpret it by my solemn convictions of the meaning of its terms, and by what is believed to have been the understanding of those by whom it has been formed. In the view taken by the Court of the evidence in this case, I entirely concur."

The cited language from the dissent of Mr. Justice Daniel sounds very familiar and very modern, indeed, and clearly indicates that this matter of interpreting the Federal Constitution through the personal views of the individual members of the Supreme Court was well known and understood at the time of the decision in the *Genesee Chief* case. Here, we have the all too familiar situation of the same Constitution with the same language and the same Court, but with different members on that Court.

I strongly commend to your consideration the reading of the majority opinion of the Court in that case, speaking through Mr. Chief Justice Taney. Doubtless, you will note the labored, and at times apologetic, tone of the opinion and the clear legislative reasoning therein contained. Also, you will note the obvious inconsistencies of the weak and sophistical reasoning employed to reach a predetermined end. The majority opinion admitted that when the Constitution was adopted it was well understood by its framers that the rule followed in the *Jefferson* case was valid law and reasonable but, later in the opinion, gratuitously and dogmatically stated that the framers of the Constitution, clearly did not intend to be bound by that rule. No proof of that asserted fact was put forward, other than the assertion contained in the majority opinion.

Thus, pursuant to a reinterpretation by the Supreme Court of a fundamental provision of the Constitution, a tremendous area of, theretofore determined, jurisdiction of the several States was brought within the Federal power.

It is interesting to recall that Chief Justice Taney was a colleague of Andrew Jackson, yet

he experienced no difficulty in "going Federal" in the *Genesee Chief* case. How many times have we seen this happen. So, it will be seen that judicial nature in 1851 was no different than it is today.

As Mr. Justice Stone (later Chief Justice) said in the *Butler* case, "the only restraint that we know is our own sense of self-restraint." So, here we have absolute and unreviewable power wielded by men who hold their offices for life through good behavior. This is not free government. Mr. Justice Roberts' characterization of decisions of the Supreme Court as a restricted railroad ticket, "good for this day and train only," is no exaggeration; neither is Mr. Justice Holmes' description of the limit of the jurisdiction exercised by the Court as "the sky above."

Decisions of the Supreme Court, in effect, modify the Constitution, through interpretation, just as though that document had been amended by the process of amendment therein provided. I ask you to please read "The Supreme Court in the American System of Government," by the late Mr. Justice Jackson of the Supreme Court, and "The Bill of Rights," by the late Judge Learned Hand, former chief judge of the U.S. Court of Appeals, wherein you will find that these two noted jurists concur that the Supreme Court, by its interpretations of the Constitution, in effect, modify that document, particularly where the Court overrules its prior decisions on the subject.

The rule established by the Supreme Court that, under the commerce clause, intrastate commerce may be regulated by the Federal authority, when it becomes necessary or desirable to protect and foster interstate commerce, is nothing but judge-made law. It is based upon mere judicial ipse dixit and violates both the letter and the spirit of the Constitution. Read the debates of the Constitutional Convention and, there, you will find no support for this usurpation. Many of the decisions of the Supreme Court represent nothing more than the exercise of naked power, tolerated by the coordinate departments of government and public opinion.

Not since the days of the Reconstruction immediately following the Civil War, have the Constitution and our dual form of government been placed in such jeopardy as they are today. History teaches us that more governments and social compacts have been destroyed by well-meaning zealots than have ever been destroyed by avowed tyrants.

I love to believe that there is more, much more, to our Federal compact than having a strong Central Government. I devoutly believe that there is a fundamental spiritual quality to that compact, epitomized by the Declaration of Independence and the Bill of Rights. Man does not live by bread alone. Neither is his material welfare measured alone by a strong Central Government, not to say anything of his spiritual welfare.

If I had my way, I would require every agency of the Federal Government to have graven above its entrance these words uttered by the Supreme Court in the celebrated case of *Texas v. White* (7 Wall. 700, 725, 19 L. Ed. 227, 237, decided in 1869, following the close of the Civil War and arising out of that conflict):

"The preservation of the States and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government."

Above the entrance to the Supreme Court, these words would be graven in gold leaf, with the added admonition, "Lest we forget."

Neither time nor your patience will permit me to analyze in detail the many decisions of the Supreme Court and other Federal courts which have aggrandized Federal authority over State jurisdiction. Likewise, a

review of the inconsistencies of the Supreme Court, as revealed by its decisions and the dissenting opinions of the Justices of that Court, could not be here reviewed because of time limitation.

In closing, let me say that I have been both a Federal official and a State official. I believe that I have had a fair opportunity to observe this evil resulting from Federal aggression against State authority. In my sincere judgment, the only effective way of redressing this unwholesome and regrettable condition is by the States demanding and securing the calling of a Federal constitutional convention whereat necessary revisions may be made in our fundamental law and, in the words of Thomas Jefferson, "bind the Federal authority down from mischief by the chains of the Constitution."

GRASSROOTS APPROVAL OF CIVIL RIGHTS LEGISLATION

Mr. HART. Mr. President, in Washington the civil rights bill supporters are constantly bombarded with reported "evidence" that at the grassroots the people of the United States do not endorse this legislation.

It is with great pleasure, therefore, that I ask unanimous consent to have printed in the *RECORD*, at the conclusion of my remarks, a resolution by the Grand Traverse Council of Social Agencies supporting the bill.

This council represents more than 20 organizations working in the field of social welfare and, as such, has a full understanding of the value of the bill. Also, as they are located in the north-west of Michigan's Lower Peninsula, they represent what most observers would describe as truly grassroots America.

The resolution is offered simply as another example of what I am quite sure is the feeling of the majority of thoughtful Americans.

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

Whereas the Senate of the United States is now debating the proposed civil rights legislation and,

Whereas passage of this legislation is imperative in attempting to secure equal rights of citizenship to all persons in this Nation and,

Whereas this issue has been sufficiently debated in the past and the rights involved have been too long denied and,

Whereas this council is committed to the principle of equal rights for all persons regardless of race, color, or creed: Now, therefore, be it

Resolved, That the Grand Traverse Council of Social Agencies affirms its complete support of the civil rights legislation, and urges its immediate passage by the Senate of the United States and; be it further

Resolved, That a copy of this resolution be delivered to President Johnson, Senator Hart, Senator McNamara, and Senator Humphrey.

RUTH KULOW,
President, Grand Traverse Council of
Social Agencies.

BOSTON CITY HOSPITAL—100TH ANNIVERSARY

Mr. SALTONSTALL. Mr. President, on June 1, 1864, in the midst of the civil strife that shook our Nation, the city of Boston undertook a noble experiment—it opened the Boston City Hospital "for

the reception of persons who by misfortune or poverty require relief during temporary sickness." One hundred years later the city, the State, and the Nation can attest to the fact that the experiment was an overwhelming success.

The work carried on at Boston City Hospital over the years has helped to establish and maintain Boston's worldwide reputation for the highest quality and most forward-looking medical services. Three of the Nation's top medical schools—Boston University School of Medicine, Harvard Medical School, and Tufts Medical School—are closely affiliated with the hospital in the care of patients and experimental research. A nationally accredited school of nursing, which attracts candidates of high caliber from all over the New England area trains girls for a variety of nursing activities. Thorndike Memorial Laboratory, the first clinical research unit to be established in a municipal hospital, is one of the finest in the world.

Although persons are admitted to Boston City Hospital regardless of their ability to pay the cost of medical care, there is never any question of their receiving the best treatment which is available, under the direction of world-renowned physicians and surgeons. Because of the high standards of the hospital and the experience it offers in the treatment of a great variety of diseases, it has become one of the most desirable training centers for young doctors anywhere in the country.

Every year thousands of ill persons who might otherwise have no hope of being cured are admitted to Boston City Hospital, and only a small percentage of them fail to respond to treatment. Countless other persons all over the world are saved from dread diseases by the results of experimental research carried on in the labs and the wards of the hospital. It was there that the viruses of the 1955 polio epidemic and the 1958 Asian flu scare were identified.

Tonight Boston City Hospital will commence a week of reunion activities to commemorate its 100th anniversary. Medical men and women from all over the country, noted specialists in their fields, will participate in conferences and panel discussions in an effort to increase the existing body of knowledge in the fields of medicine and surgery. On this memorable occasion I congratulate the administration and staff of the Boston City Hospital for their continuing public service, and I look forward to another 100 years of progressive medical contributions to the city of Boston and the United States.

ARMENIAN INDEPENDENCE DAY

Mr. SALTONSTALL. Mr. President, Thursday, May 28, 1964, marks the 46th anniversary of Armenian Independence Day, a holiday significant not only to the Armenian people but to all people in the free world who are dedicated to the cause of freedom and who are ready and willing to fight to protect their liberty.

The history of the Armenian people is a history of turmoil and bloodshed.

They have endured widespread persecution and near annihilation at the hands of foreign despots. They have been called to arms numerous times in defense of their homeland and each time have responded with loyalty, patriotism, and heroism. Toward the end of World War I they seized the opportunity to secure their freedom from the crumbling Ottoman Empire and to establish an independent sovereign state. On May 28, 1918, a free republic was formed with a democratic government patterned along western lines. This was the first such government in the eastern Asia Minor area. For 2 years the people waged a diligent fight against the forces of famine, poverty, and disease. Their will and determination to rebuild their country was their most powerful tool in this fight, and they dedicated themselves wholeheartedly to the task of rehabilitating their nation from the devastation of the war. President Woodrow Wilson championed their cause and with some assistance from other nations, including the United States, the Armenians made remarkable strides toward the solution of their political, economic, and social problems.

However, the provisions of the Treaty of Sevres of August 1920, which recognized the independence of the Armenian Republic, were never enforced and Armenia was suitable prey for both the Turks and the Russians. By August of 1921 a free Armenia was again only a dream in the hearts of her people.

The Armenian community in the United States, numbering more than 150,000, has enriched our country. We are fortunate in Massachusetts to have a notable group of these people who have made many fine contributions to our State.

The loyalty of the Armenian nation to the ideal of freedom and their outstanding courage in the face of adversity is a source of inspiration to all of us. We all hope that freedom will be restored to these enslaved people, and that they may once again join the world community of free nations.

LABOR EDITOR PRAISES PRESIDENT JOHNSON

Mr. HUMPHREY. Mr. President, the labor press has been an important arm of the American labor movement since the 1890's when the great labor leader, Samuel Gompers, envisioned these papers as a way to inform the rank and file.

The number of labor publications has grown to more than 450 with a combined circulation of more than 20 million. They range from mimeographed publications of small locals to expertly edited newspapers and magazines of the AFL-CIO and the large international unions. Every member of a union gets at least one labor publication.

A group of 150 editors of trade union publications, members of the International Labor Press Association, were in Washington on April 27 for a 1-day briefing on national problems arranged by Secretary of Labor W. Willard Wirtz. Later that evening they were invited to

the White House by President and Mrs. Johnson and were pleasantly surprised when they were granted a press conference. It was an historical occasion because a President of the United States had never before held a press conference with representatives of the labor press.

Mr. President, I ask unanimous consent that the copy of a letter of appreciation to President Johnson from Leon Stein, president of the International Labor Press Association and editor of Justice, the official publication of the International Ladies' Garment Workers' Union, be printed in the RECORD.

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

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

DEAR MR. PRESIDENT: I thank you, sir, for the privilege of having spent 2 hours with you and Mrs. Johnson in your home. For my colleagues and myself this visit provided a rare opportunity indeed, to draw close enough to talk with you as friends do.

We labor editors will long remember the warmth with which we were received, the welcomed courtesy of the first Presidential press conference for the labor press, and the intimacy with which you talked with us about the primary problems confronting the vast family we call the United States.

More than ever, as you spoke, it appeared as a family—despite its regional differences, the multitude of ethnic, religious, and racial strains among its people, the frequent clashes of rival self-interests. We have our rich uncles and our poor relations and each have their hopes and frustrations.

In your home you talked with us of millions of other American homes—homes in which the breadwinner is without work or pay, homes where young people are immobilized without hope, without work, without schooling, homes on farm and in city where the aged and infirm are denied the benefits of modern medical science only because they cannot meet its market price.

We listened as you spoke of the home in which a child told you that this was not her day to eat, that for her there was food only every other day in this time when we know how to hurl constructions of matter and power into the heavens. As you pictured for us places where family life sinks back into grubbing for crumbs, we felt your compassion and your anger. But not bitterness.

We sensed no bitterness—only a rising resolve to use the prestige and the power that comes with the house you occupy to balance, once and for all time, the wealth of this Nation and its great dreams. And as you spoke of corporate profits after taxes passing the \$30 billion mark this year it was clear that for you poverty in this land is morally inexcusable and economically indefensible.

We are moving into a time when self-directing machines are making much of human labor superfluous. The gap between our ability to produce and the need for human labor grows wide; the burden of work grows lighter. Yet, unless we bridge the gap between profits and poverty, between productivity and human needs, every advance brings us closer to disaster rather than the liberation made possible by science.

You called upon us, the labor editors, "to join the army in our war against poverty" and our answer was evident in the rousing reception with which we received that call. Sir, we are veteran fighters in that army and poverty has been our special enemy through all the generations of trade union history, struggle, and sacrifice in this Nation.

For that reason our spirits were lifted and strengthened by the realization resulting

from our visit that the man who now lives in the White House is an ally, that in this time of rising prosperity and profits for many he has his eye on the poor, the sick, the aged, the dispossessed of our society, and those who because of prejudice are denied basic American opportunities.

Our hearts and our hopes are with you.

LEON STEIN,

President, International Labor Press Association and Editor of Justice.

ACTIVITY OF CHURCHES OF AMERICA, ON BEHALF OF PASSAGE OF CIVIL RIGHTS BILL

Mr. HUMPHREY. Mr. President, one of the most important and effective efforts in behalf of the passage of the civil rights bill, H.R. 7152, has been the work of the churches of America. Eloquent and determined, the priests, ministers, and rabbis of the four great faiths in America have stimulated the conscience of our people to the overwhelming support of this legislation.

Typical of the thoughtful and careful presentation of the Christian viewpoint on this legislation is a statement prepared by Prof. Daniel B. Williams, of Union Theological Seminary.

Mr. President, I ask unanimous consent that this statement, forwarded on to me by Dr. Ronald Meredith, senior minister of the First Methodist Church of Wichita, Kans., be printed at this point in the RECORD.

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

STATEMENT ON CIVIL RIGHTS BILL

The civil rights bill now before the Senate of the United States challenges us to decision both as citizens and as professing Christians.

Speaking first as a citizen, I assume that the case for equality and justice in the treatment of all citizens and all persons does not need to be made here. It is one of the deepest and most fundamental values in our American tradition.

The question which confronts us as a nation is how we are to move toward a full and effective realization of the rights of all, and toward the elimination of all discrimination against persons on account of race, or religion, or minority status of any kind.

Assuming that our goal for a democratic America is clear, the question before us is the wisdom and justification of passing the present civil rights bill.

First, it is argued that moves toward fuller justice in this area are better made by voluntary action, by persuasion, and by education, since law cannot change the attitudes of people.

This objection is invalid because nothing is clearer in our political experience than the fact that law can create the conditions in which attitudes change. The law of a community is not only a set of regulations. It is an expression of the values, standards and sense of justice in the common life. The assurance to every citizen by law of the protection of his dignity and equality is one of the most important ways in which the community can establish the values which it holds to be important.

Further, it must be pointed out that a law against discrimination will protect the rights of those who wish to extend equality and justice to their neighbors but who are prevented from doing so by present law or custom which enforces segregation.

One further point about the present bill has to do with the use of the legal resources of the State in enforcing the laws which

guarantee basic rights. The bill provides more opportunity for the Federal Government through the Civil Rights Commission and the Attorney General's office to take directly into court the cases in which the rights of citizens are infringed in the matter of voter's registration and in hiring practices and in other ways.

This is of the greatest importance if we are to secure a more just order, for legal recourse, while theoretically available to all, practically is not so, as Justice Goldberg has recently pointed out. Legal action is costly in time, talent, and money. It gives advantages to those who can afford to wait out long delays. It makes the way easy for those who can afford to go to court, and hard for those who cannot.

It is a crying need in the present situation that the representatives of the whole community; that is, the Civil Rights Commission and the Attorney General should be empowered to go directly into court and to use all the resources of the Federal Government to insure that the claims of citizens to constitutional rights shall be fully, quickly, and fairly heard. This gives effective expression to the will of the Nation to protect, secure, and defend the rights of the humblest citizen.

A second objection made to the present bill is that the requirements for nondiscrimination in hiring and in public accommodations violates the rights of individual businessmen and others who wish to exercise their own freedom in deciding whom they will serve.

Unquestionably this is a case where for the sake of the rights of all there must be some limitation on the right of an individual to do what he will with his property. But such limitations are recognized throughout our society in all kinds of restrictions on the use of property.

Consider what is involved in operating a business in an American community. Each business makes use of the people in the entire community. We levy taxes upon all for fire and police protection, for streets, and public buildings. We ask all the members of the community to support the activities which make it livable. We ask all to share in the defense of the Nation, to fight and die for it if need be. All this is involved in establishing the security and well-being of the community without which no individual business could exist.

We have therefore no moral right to exclude from the services we offer in private business those members of the community who differ from others in no respect other than the circumstances of race, or minority status. When we accept the communities' total life and resources in providing the basis for a profitable business, we are unjust and unfair if we deny to some equal access to services which are useful to all.

Our Christian responsibility in the present crisis is clear. Love for the neighbor is meaningless unless it includes the will to secure justice. Christian faith does not tell us what laws to pass, but it tells us that when law can be used for the securing of justice, we are called to use it.

As Christians we must go further than seeking good laws. Our commitment is given not only to a structure of justice in which the rights of all are protected, but to a community of understanding, reconciliation, and human fellowship among all peoples. Law can help in the creation of such a community, but it cannot go all the way.

As Christians we affirm our goals in the struggle for racial justice as going beyond what any law can secure. To say we love our neighbor but that we are unwilling to establish basic justice is sentimentality. But to say we are concerned only with rudimentary justice is to miss the deeper affirmation of our Christian faith that God intends the reconciliation of all mankind. There

are profound gulfs between individuals, peoples, and nations. We do not accept them as final or irredeemable. We must give now as a community our effective support to those constitutional and legal guarantees of human rights which are required for the basic equality and dignity of all. But as Christians this is one expression of a deeper and more fundamental commitment to realize our membership with one another in the new humanity disclosed in Jesus Christ and for which he gave his life.

DANIEL D. WILLIAMS,

Union Theological Seminary.

APRIL 2, 1964.

(NOTE.—One curious provision of the present bill, title VII, paragraph (f), says it shall not be unlawful employment practice to refuse to hire any person "because of said person's atheistic practices and beliefs." This is dangerously vague and justifies a kind of religious discrimination. It should be eliminated. Paragraph (e) specifically protects employers in those instances where religion, sex, or national origin is a bona fide occupational qualification.)

THE WAR ON POVERTY—INTENSIVE EDUCATION OF UNDERPRIVILEGED CHILDREN

Mr. HUMPHREY. Mr. President, the Nation is heartened this morning by the favorable action taken by the Education and Labor Committee of the House on the President's program to eliminate poverty in America. The Senator from Minnesota looks forward to the opportunity of helping to bring the antipoverty program to a vote in the Senate this summer. It will be, I confidently predict, a major milestone in the 88th Congress.

As the Congress works on the President's legislative proposals, I am deeply pleased to see the initiative being taken by elements of the Federal Government and by the State and local authorities and private organizations to initiate their own battles in the war on poverty. One of the most significant themes of the war on poverty is the stress on intensive education of underprivileged children. In this morning's New York Times, for example, there appeared a dramatic new proposal for improving and enriching elementary education in New York City's slum areas, with the stress on excellence, on beginning early in the prekindergarten programs for 3- and 4-year-olds, in using the newest techniques of teaching, in short a proposal to make of the schools in the slums not the worst but the best schools. The hope is to make them the most attractive, the most efficient, and the most successful of all schools in America.

I applaud the thinking behind this proposal by the Joint Planning Committee for More Effective Schools appointed by Dr. Calvin E. Gross, Superintendent of Schools in New York City. And I particularly agree with the statement of the committee that "all plans for desegregation and better education must be linked. Successful education is essential to successful integration."

Mr. President, this is a wise statement and needs to be embedded in the thinking of all Americans who are working toward the provision of equal opportunity for every American.

Mr. President, I ask unanimous consent that the article entitled "All-Year System To Help Schools in Slums Is Asked," published in the New York Times of May 27, 1964, be printed at this point in my remarks.

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

ALL-YEAR SYSTEM TO HELP SCHOOLS IN SLUMS IS ASKED—SMALLER CLASSES AND STRESS ON PREKINDERGARTEN ARE KEY PARTS OF PROPOSAL—HIGH COSTS CONCEDED—GROSS COMMITTEE OUTLINES NEW DESIGN WITH 7-DAY WEEK IN SOME AREAS

(By Leonard Buder)

A dramatic plan for improving education in the city's slum areas was made public yesterday by a special committee established by Dr. Calvin E. Gross, the superintendent of schools.

Described as a new design for elementary education, the program would put some schools on an 8 a.m. to 6 p.m., 7-day-a-week, all-year operation. It would require an expenditure more than double the present outlay for schools in underprivileged areas.

Key provisions of the plan called for:

Prekindergarten programs for 3- and 4-year olds, so that education "enrichment and guidance may be available to every child at the most receptive points in his life."

All-day kindergarten classes for 5-year-olds to help "overcome the negative aspects of their environment" and to give them a firm foundation for later learning.

New patterns and techniques of education, including team teaching, education television and "nongraded blocs" that would span two conventional school grades.

Smaller classes on all levels—no more than 15 pupils in prekindergarten classes and 22 in the upper elementary classes.

Intensive professional services, utilizing teachers, psychiatrists, psychologists, guidance workers and others.

School conditions that are so conducive to effective education that teachers and other personnel would want to serve in these schools.

Maximum use of school facilities during the summer and on weekends. (School officials said that the weekend educational and recreational programs could be scheduled to avoid conflict with religious services.)

Because of the magnitude of the plan, the committee recommended that it be initiated in about 10 schools next fall. In the meantime, it said, "a timetable should be developed for its early extension to all the elementary schools" in underprivileged areas.

The committee placed the program's cost at \$980,670 for a 1,000-pupil school, which is \$533,866 over the present cost of a comparable special-service school in an underprivileged area.

Of the city's 580 elementary schools, 246 are listed as special-service schools because of the special problems they must face—such as the impoverished backgrounds of pupils.

The plan was announced by representatives of the 13-member committee at a press conference in Dr. Gross' office at school headquarters, 110 Livingston Street, Brooklyn.

GROSS FAVORS PLAN

Dr. Gross was not present, but he said later that he liked the committee's proposals very much. He emphasized that the committee had not presented a report "that can be filed and forgotten," but a "plan for action."

He continued: "I am not prepared to say that this is the exact plan I will recommend to the board of education for adoption, but I can promise that it will not collect dust. We are going to move on it—either in its present form or in revised form."

The group that drew up the plan, known as the Joint Planning Committee for More

Effective Schools, included administrators, supervisors, psychologists and classroom teachers.

Although Dr. Gross established the committee, he designated only the chairman, Mrs. Elizabeth C. O'Daly, an assistant superintendent, and four members. Four members were named by the United Federation of Teachers, the collective bargaining agent for the city's teachers, and four by the Council of Supervisory Associations, which represents most of the system's supervisors.

The plan was the second to be submitted to Dr. Gross in 2 weeks. He said yesterday that he now "had to mesh the two."

The previous report, which called for measures to improve racial balance in the schools, was made by an advisory committee appointed by Dr. James E. Allen, Jr., the State education commissioner.

Dr. Gross said that the two committees dealt largely with different sides of the educational coin—the State group with the promotion of integration; and the city committee with the attainment of quality education in underprivileged areas.

Both committees called for prekindergarten programs, but the State group urged that primary schools go through the fourth grade, with middle schools to be created for the fifth through eighth grades, replacing junior high schools.

The joint committee, recommended prekindergarten as the "keystone" of an early-childhood program going through the second grade. Grades three to six, the committee said, would constitute a reorganized "middle-grade program" but would still be part of the elementary schools.

LINKING OF TWO GOALS

In this connection, the city committee declared: "All plans for desegregation and better education must be linked. Successful education is essential to successful integration."

Although the city committee recommended an extended school day for some kindergarten and prekindergarten pupils who need extra services, it said that for other youngsters shorter schedules "may be more suitable." Attendance in the longer sessions would be voluntary.

The committee did not spell out details for weekend programs, suggesting that this be the subject of further study. School observers noted that the use of schools on weekends had been urged by Charles H. Silver, a former president of the board of education, and that cultural and recreational programs were now offered in perhaps 50 schools on Saturday and Sunday afternoons.

The improvement plan emphasized the need to assign extra teachers and other personnel to the schools and to relieve teachers of all noninstructional duties, such as hall patrol. The committee said that schools in the program should have 100 professional staff members for every 1,000 pupils, twice the number of such workers now in the schools for that many pupils.

No mention was made of where the system would get the \$5 million needed to implement the plan next fall in the 10 schools. However, the committee noted: "We know that the program will be expensive. It is the opinion of the committee that the cost of effective education must be paid if society is to fulfill its obligation to all the children."

ANNOUNCEMENT OF FINAL HEARING OF FEDERAL STUDY ON INTERAGENCY DRUG COORDINATION

Mr. HUMPHREY. Mr. President, I should like to announce that the Subcommittee on Reorganization and International Organizations of the Senate

Committee on Government Operations will be concluding its study of Interagency Drug Coordination at a public hearing to be held on Thursday, May 28, 1964, in room 3302, New Senate Office Building.

THREE WITNESSES

At that time, we will hear testimony from—

The Special Assistant to the Secretary of Health, Education, and Welfare, Mr. Boisseuillet Jones;

The Commissioner of Food and Drugs, Mr. George P. Larrick; and

The Director of the Bureau of Medicine, Joseph Sadusk, M.D.

SENATE COMMITMENTS LIMIT HEARING TO 1 DAY

It had been my hope that we could devote several days to the concluding round of drug hearings.

Unfortunately, that will not be possible during the brief period of time available and in view of other committee duties and the civil rights debate.

BACKGROUND INFORMATION TO BE PRESENTED NOW

I should like to set forth now background information as to—

First. What our drug study has accomplished.

Second. Some of the questions whose answers we will seek at the final hearing and in supplementary letters and statements.

Third. Some of the important needs which have been brought out by our recent drug correspondence.

SOME OF THE ACCOMPLISHMENTS OF THE SENATE REORGANIZATION SUBCOMMITTEE DRUG STUDY

First, I wish to mention that the subcommittee of which I am chairman can note with gratification many significant forward steps which have been taken as a result of our efforts.

These steps include:

Reorganization of the Food and Drug Administration, so as to achieve at least some of the objectives which had also been recommended by the Second Citizens Advisory Committee on FDA;

The establishment of the first governmentwide system for reporting on side effects of drugs through the new Interagency Procurement Advisory Council on Drugs—IPAD;

The at least limited strengthening of FDA's scientific staff and programs;

The establishment of a formal interagency agreement for cooperation between FDA and the National Institutes of Health;

The establishment of a State Department alerting system on worldwide drug reports;

The furtherance of WHO's goal of international cooperation in drugs; and

Remedial action on specific hazardous drugs—for example, the ending of loose oral prescription methods on a dangerous, addicting drug—Percodan; withdrawal from the market of a dangerous diagnostic agent for the gall bladder—Orablix—which was associated with 17 deaths in 2 cities alone, and active FDA reevaluation of certain other questionable drugs through a tightening of standards.

PROVIDENCE JOURNAL EDITORIAL AND LABOR
NEWS ARTICLE

Many fine articles and editorials have appeared in the daily, weekly, and trade press, describing and commending our work.

I have selected two as illustrations:

One is an editorial from the noted newspaper, the Providence Journal. It commends our efforts to get to the bottom of the drug fee story.

The second—a news article—is from the independent weekly railroad brotherhood newspaper, Labor. It summarizes my statement in the New Republic. It also cites a separate drug activity by one of the Senate's foremost champions of the consumer, the junior Senator from Michigan [Mr. HART].

I ask unanimous consent that the article and editorial be printed at this point in the RECORD.

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

[From Labor, May 23, 1964]

SENATORS SOUND WARNING ABOUT DRUG
COMPANIES

A warning against efforts of drugmakers to weaken Federal regulation was sounded last week by Senator HUBERT HUMPHREY, Democrat, of Minnesota, who heads a subcommittee which has been investigating some phases of the drug industry.

Writing in the May 16 issue of the New Republic magazine, HUMPHREY declared that attacks have mounted on the U.S. Food and Drug Administration ever since it recently embarked on stronger regulatory policies than it practiced in the past.

Critics in the drug industry, he said, are picturing the FDA as "an octopus, grabbing for power" and claiming that firm drug regulation is unnecessary and unfair. He charged they are spreading various myths to support their claim. He listed and refuted some of these myths, as follows:

Myth: "Drugs are as safe as can reasonably be expected."

HUMPHREY answer: "The record says otherwise." He cited deaths and severe body damage caused by some new drugs, which should never have been released without further testing.

Myth: "The Kefauver-Harris law corrected all major drug problems."

Answer: Only the worst abuses were corrected by that law, which increased FDA's authority to rule off the market undesirable or mislabeled drugs and which provided for inclusion of generic names on drugs. What really counts, HUMPHREY added, will be the agency's future willingness to use its authority.

Myth: "Professional organizations cooperate closely with the FDA on drug safety and efficacy."

Answer: "How nice if it were so." But it isn't, HUMPHREY declared.

Myth: "Large-scale misuse and abuse of otherwise useful drugs has been corrected."

Answer: "Not so."

HUMPHREY, in the article, also knocked down other, similar "fictions."

HART RAISES QUESTION

Meantime, Senator PHILIP A. HART, Democrat, of Michigan, chairman of the Senate Antitrust Subcommittee, raised the question of whether doctor-owned drug manufacturing companies are frustrating a main purpose of the Kefauver-Harris drug regulation law passed last year by Congress.

The subcommittee sent subpoenas to 12 drug concerns which are owned by doctors, and also sent letters to 100 other such firms.

Both the subpoenas and letters asked for detailed information about their ownership and business practices. The 12 agreed to comply with the subpoenas, but neither they nor the other 100 have yet provided the information.

The issue involved in this situation was described by HART as follows:

A particularly important provision of the Kefauver-Harris Act requires that the generic chemical name of a prescription drug be printed on the label of the package or bottle, along with the brand name of the manufacturer.

CITES EVASION POSSIBILITY

Purpose is to enable doctors to prescribe, and patients to buy, drugs by their chemical names, instead of by their brand names, under which their prices are generally much higher.

However, HART said, such savings for sick people can be frustrated by doctor-owned drug plants and doctor-owned pharmacies. When a doctor owns part of a drug company, it is unreasonable to expect he would prescribe by the generic names, and thus make less profit than he would by prescribing by the company's brand name.

It is the consumer who loses by this conflict of interest on the part of doctors who own drug manufacturing and repackaging concerns and pharmacies which sell their high-priced brand name drugs, HART said.

[From the Providence Journal, Apr. 7, 1964]

THERE SHOULD BE NOTHING TO HIDE ABOUT
TESTING DRUGS

The disturbing failure by many drug companies to cooperate with the Food and Drug Administration deserves close attention in a nation where more than 5,000 prescription drugs and drug mixtures are sold in a drug market that is the richest in the world. What particularly worries Senator HUMPHREY whose subcommittee is reviewing cooperation of several Federal agencies on drug policies is this disclosure from FDA Commissioner George F. Larrick: "During a recent investigation involving 2 of the 19 doctors whose work we suspect, we visited about 30 drug companies to which these doctors had submitted clinical data. These firms were asked for details of payment for this work, and more than half of them declined to furnish us with any such information."

The drug companies, of course, are well within their legal rights in refusing to furnish the FDA with details on testing fees. But such refusals, considered with other developments in the drug investigation, only aggravate the public's confusion and anxiety over what is being done to foster excellence in testing and evaluating drugs.

The subcommittee already has heard sworn testimony from doctors admitting fraudulent testing of over-the-counter drugs; moreover, one doctor already has been indicted by a Federal grand jury for allegedly inventing results of tests, and then getting \$13,000 a year for his efforts.

It would surely be in the public interest to compile all the facts to see what importance, if any, the size of fees has on the quality and extent of drug testing. Further, it would be interesting to know if it is broad practice among pharmaceutical firms to offer physicians sizable amounts to test pills on patients. At issue is not the safety of the pills but rather the lengths drug firms go to in order to promote the claimed, beneficial effects of drugs. It is no secret that the medical profession itself has been misled by promotional practices of some drug firms. For drug companies, on top of that, to refuse to tell Federal authorities how much they pay doctors who test the companies' products is to miss opportunities to correct drug weaknesses of the past.

BRIEF SAMPLING OF COMMENTS ON DRUG STUDY
ACHIEVEMENTS

Mr. HUMPHREY. Mr. President, what has been the reaction of the Nation to our drug study? I am gratified to say it has been a reaction of overwhelming approval. Although our subcommittee consists of laymen, we have been praised by professionals for having achieved a sound approach.

Here are a few such comments.

Harold Aaron, M.D., editor, "The Medical Letter on Drugs and Therapeutics," had this to say about our fourth drug volume:

I wish that every physician in the United States would take the time to study this material. It would provide him with information indispensable for the understanding of Federal agencies that have a decisive influence on medical and pharmaceutical practice. I hope that * * * your subcommittee will continue its indispensable surveillance of drug problems.

A leading Minnesota psychiatrist wrote within this past week:

I am enormously impressed with your grasp of the problems related to drugs and psychotropic drugs in particular.

The president of a Hennepin County, Minn., society of medical specialists wrote:

I must express the appreciation of our group for your exceedingly well informed reply to our letter. Your questionnaire and the informative reports you enclosed with your letter are most reassuring to us in that they indicate that our Central Government includes men like yourself who have the boundless energy, ability, and sense of responsibility to find the time, in a day already overfilled with tasks of tremendous importance, to keep informed on matters that from certain perspectives must seem relatively unimportant.

A leader in the pharmaceutical sciences wrote:

I think the testimony you are developing in connection with the work of your Subcommittee on Reorganization and International Organizations of the Committee on Government Operations will be invaluable in bringing about a better appreciation on the part of the health professions as to how much more remains to be done in the public interest to assure the protection that is required in prescribing and administration of many of our newer drugs.

The importance of your hearings will not be appreciated until the transcript becomes available for general distribution, but those who have been through this process of public education on other matters, realize the value of the contribution you are making through this subcommittee to the public health, welfare, and safety.

Many individual medical doctors have commended our work. A letter from St. Paul said:

Your committee has accomplished a great deal.

From Denver:

You and your committee made a major contribution to the health of the American people, and in particular to the children of this country.

From Syracuse:

You have done a remarkable job.

From Pittsburgh:

I give wholehearted support to the efforts you are making and to your tenacity and skill.

From Medical Tribune, a national medical newspaper:

Room 162 of the Old Senate Office Building, across the street from the U.S. Capitol, has become headquarters for a new third force in relations between the Federal Government and the pharmaceutical industry.

ADDITIONAL FORWARD STEPS NEEDED FOR DRUG PROGRESS

Still more progress is needed. Any one who has the mistaken notion that all the major drug problems of the Food and Drug Administration and of other agencies have been solved or are on their way to solution just does not realize how serious and deep past weaknesses have been.

WE HAVE COMPILED FACTS BY CORRESPONDENCE DURING PERIOD WHEN HEARINGS COULD NOT BE HELD

We have documented these weaknesses. We have done much of this by submission of a great many letters of inquiry to FDA. Thus, during the many months when it has not been possible—because of the Senate's schedule—to hold hearings, we have compiled a great many facts by means of correspondence. These exchanges of letters will be published in our hearing-exhibit volumes.

HEARING TO EMPHASIZE PRESENT AND FUTURE NEEDS

Since we have clarified the record of the past by obtaining answers through many letters, we will now be able to concentrate in the May 28 hearing on current and future needs. Thus, we will focus on the most constructive issues at hand—not merely on the past.

SPECIFIC FUTURE ISSUES TO BE SPOTLIGHTED

We will, thus, endeavor to explore—

First. Future administration of the key efficacy provision of the Kefauver-Harris law which becomes effective in October 1964.

Second. Future plans for better communication of drug information to physicians.

Third. Future plans of the HEW Department to overcome the very serious shortage of skilled pharmacologists.

Fourth. Future plans of FDA to get to the bottom of the serious mystery of very sizable drug testing fees paid to many private clinicians.

I should like to list now a series of 10 specific questions on which the profession, the public and the Congress have a right to expect clarification from the Department.

I ask unanimous consent that a list of these questions be printed at this point.

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

MEMORANDUM BY SENATOR HUBERT H. HUMPHREY ON 10 UNANSWERED QUESTIONS ON FEDERAL DRUG POLICY

These questions concern—

1. FDA evaluation of drug efficacy under Public Law 87-781;
2. raising of drug testing standards;
3. drug testing fees;
4. excellence in drug research;
5. scientific excellence in FDA;

6. an "Iron Curtain" of secrecy about drugs;

7. drug information to practitioners;

8. a National Clearinghouse of Information;

9. improved professional cooperation on drug safety;

10. better consumer representation.

THE 10 QUESTIONS

1. Drug effectiveness: How does FDA propose to make certain that the efficacy provision of the Kefauver-Harris law is applied to the fullest extent?

(Only in this way can the profession and the public be protected from what the Council on Drugs of the American Medical Association and other medical experts, regard as many worthless or unproven drugs.)

In 1962, it should be recalled that the AMA Council on Drugs bluntly concluded that 22 out of 26 new drugs lacked evidence to substantiate one or more claims.

Therefore, what is FDA going to do to implement the final version of its proposed February 1964 regulations on drug records, reports, and effectiveness?

Does FDA agree with some industry sources that only minor relabeling changes will actually result after October 1964?

What, specifically, is FDA going to do about its own scientists' doubts of the efficacy claims of many sustained release drugs?

How is FDA going to allocate its limited manpower so that it can review contested efficacy claims on a priority by priority basis? How long will this review process take?

2. Drug testing standards: What will FDA do to help elevate standards of clinical testing? For years FDA has conceded that it has, in effect, allowed new drug applications to be jammed with worthless, unsubstantiated testimonials. This type of so-called evidence was regarded by FDA's own scientists as a farce. Yet, to this day, FDA has issued no formal guidelines for adequate clinical testing.

It did arrange for the issuance, unofficially, of a compendium on how to test in animals—but not in humans.

3. Investigating suspected drug cases: What is FDA going to do about the pending cases of 19 doctors whose testing it suspects?

Then, too, what will be the future policy of over 15 companies which have refused to furnish, voluntarily, information about testing fees to FDA?

And what will professional organizations do about the suggestion which several of them have repeatedly advanced in order to resolve widespread concern about subjectivity and bias in drug testing? I refer to the suggestion by Dr. Walter Modell and others that a "pool" of drug company research grants be set up—to be used impartially to test groups of drugs. Heretofore, testing has largely been by single clinicians who have tested single drugs for a single company (sometimes, it is suspected, for personal profit).

4. Strengthening drug research: When will FDA take the step which some of its friends have urged upon it for years—request authority for support of an extramural research program similar to that of the National Institutes of Health?

And when will NIH realistically recognize the appalling shortage of clinical investigators by taking such steps as:

- (a) substantially increasing the number of training grants for clinical pharmacology;
- (b) substantially assisting the now half-starved departments of clinical pharmacology in a score of teaching hospitals by providing unrestricted grants;
- (c) substantially enabling additional teaching hospitals to open up much needed new departments of clinical pharmacology.

5. Scientific excellence in FDA: What does FDA propose to do to raise its scientific prestige in the eyes of the professional community?

What does it propose to do to retain its highest caliber of people—many of whom have resigned in disgust over the years because the agency lacked a truly scientific environment and scientific career incentives?

(FDA's problem has not been one of inadequate salaries alone; the fact is that several of FDA's top scientists have quit in order to work for other Federal agencies at the same or even lower salaries.)

6. Ending needless drug secrecy: When will FDA lower the "iron curtain" which it has erected over its files of thousands of released new drug applications?

This "iron curtain" is absolutely contrary to the spirit of scientific freedom and communication. It is contrary to freedom of the press, also. The "iron curtain" has been criticized, in effect, by some of FDA's own scientists, by scientists in the Veterans' Administration and, in principle (in a related field of pesticides), by the President's Science Advisory Committee.

(FDA went so far as to even try to ring the "iron curtain" down on requests for drug information by a House of Representatives committee. FDA has sought to maintain the fiction that the law allegedly requires 100-percent secrecy of drug files. The law requires no such thing. It simply requires that actual manufacturing methods and the like be protected as trade secrets. There is not an iota of evidence in the history of the law, justifying expansion of that provision as allegedly justifying FDA's own "iron curtain.")

(Most recently, the Senate unanimously approved Senator RIBICOFF's excellent fight against another attempted "iron curtain" on pesticide applications.)

7. Information to physicians: What will FDA do about a problem which it has frequently referred to but never really come to grips with—communicating to the busy physician more effectively?

How will it enable the overburdened practitioner (who is already deluged with direct mail, with drug warning letters, detail men's brochures and samples, etc.) to get the vital drug information he needs? How will FDA cooperate with professional organizations in the physicians' postgraduate education?

(For how else can medicine deal with the problem of serious abuse, overuse and misuse of many drugs, which has been documented in survey after survey?)

The profession has the fundamental responsibility. Dr. Charles May rightly recalled in testimony before us that, in 1961, the American Medical Association had promised the Kefauver Antitrust Subcommittee to issue a long-hoped-for handbook to help the doctor evaluate drugs. Unfortunately, nothing has been seen or heard of that proposed handbook in 3 years.

8. A drug information network: What does the HEW Department propose to do by way of setting up a Federal and a national clearinghouse on drug information?

That type of system was soundly recommended by (a) F. Ellis Kelsey, Ph. D., Special Assistant to the Surgeon General for Health Communication; (b) by a November 1962 Surgeon General's Conference, and (c) by an October 1963 report to the U.S. Public Health Service.

The idea is still being studied. At the present rate, it may be realized by, perhaps, the year 2000.

But we do not propose to wait that long; nor do we propose to wait that long to see a nationwide system of specialized drug evaluation centers—which have been urgently needed for years.

It is ridiculous that the U.S. supports centers to evaluate metals for space rockets, as well as hundreds of other centers in the physical sciences, yet ignores the need for comparable centers at leading universities for the benefit of biomedical science.

9. Professional cooperation: What will FDA do to strengthen its actual cooperation with professional organizations—with pediatric, cardiovascular, psychiatric, etc., groups?

(It is not enough that FDA appoint a series of ad hoc consultative panels on individual drugs. Professional organizations must have continuing ties with FDA on a broad variety of problems within their specialties. Many professional organizations still do not have active committees on drug safety. That is one of the reasons for a distressing fact, which was reported by FDA in response to one of my earlier questions: The fact that only perhaps four times in many years (perhaps since 1938) did professional organizations ever bother to contact FDA about the safety of a specific drug.

(For 9 years, too, FDA has promised—over and over again—to set up a National Advisory Council and specialized continuing advisory panels. These are still reportedly just around the corner.

(Let me add that some doctors are frankly concerned that when these groups are appointed, they may be "packed with" anti-regulatory forces. That must not happen; there must be balanced and expert representation.)

10. Consumer protection: Finally, what will be done further to protect the interests of consumers on prescription and on over-the-counter drugs, in cooperation with the President's Special Adviser on Consumer Affairs, Mrs. Esther Peterson?

Observers have remarked that almost never is a consumer group—or a group health medical group—represented before FDA when new drug regulations are being negotiated. The consumer tends to be the little man who isn't there.

It is small wonder that the consumer has so often been forgotten by FDA when opposite viewpoints in the form of commercial pressures have poured in.

ADDITIONAL "MYTH" ABOUT DRUGS—THAT "DRUG SAFETY HAS BEEN ENTIRELY TAKEN CARE OF"

Mr. HUMPHREY. Mr. President, it will be recalled that in my article in the May 16, 1964, issue of the New Republic, I listed certain myths and certain rebuttal facts about Federal drug policies.

I ask unanimous consent that a brief statement about one additional myth—an important myth, widely promoted—be reprinted at this point.

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

THE MYTH THAT BECAUSE ABSOLUTE SAFETY IN DRUGS IS IMPOSSIBLE, THE PROFESSION AND THE PUBLIC "CAN NOW SIT BACK AND RELAX"

One of the most widespread myths is that the profession and the public need have no further cause for concern about drug safety.

The myth is founded on a truth—everyone does rightly realize that absolute—I emphasize, absolute—safety in drugs is not possible. Therefore, "why worry," according to this myth.

The answer to the myth is that there is definitely real reason for continuing concern. The reason is that certain shocking facts have come to light, indicating that conditions have been terribly lax. Therefore, anyone who today views drug safety with apathy is allowing himself to be needlessly tranquilized.

It is a fact that no thinking person believes that it is possible to secure absolute safety in drugs. Every thinking person realizes there will always be some risk in new drugs.

But various sources seem to misuse this argument as a means to condition the public into accepting less than the best standards.

HALF-TRUTHS ABOUT POOR TESTING IN ANIMALS

Neither the Congress, the profession nor the public should allow themselves to be fooled. Those who would try to convince the public otherwise assert, factually, that "no matter how many animals you test a drug on, you cannot predict how human beings will react, particularly how large numbers of people will react."

Those facts are true, but they are only half-truths. The real fact is that some drugs were never tested on animals at all, or so few animals and so few species over so short a period of time—as to be in a certain sense, largely untested.

The public has now received confirmation from no less than the Commissioner of Food and Drugs that there are many drugs now on the market which were never tested at all in animals before being tested in humans. This confirmation was given in hearings of the House Government Operations Subcommittee headed by Congressman L. H. FOUNTAIN.

A further fact is that many drugs have been tested usually over brief periods—in inexpensive laboratory animals like rodents, but have never been tested thoroughly in more expensive animals more closely related physiologically to man—such as primates, including monkeys.

Consider that the MER/29 producer had boasted to FDA that it had tested the drug thoroughly over 19 months in "all of three" monkeys, with no serious side effects. Later it was discovered that even that boast was a fraud. But to test a drug in only 3 monkeys and then to proceed to put it into 400,000 human beings is hardly to be taking adequate advance precautions.

PLEAS OF VIRTUAL GUILT TO CRIMINAL CHARGES

The public has now learned, too, that not just civil laws but criminal laws have been violated by some drug scientists and companies. The drug company which produced MER/29 and three of its former scientists have pleaded nolo contendere to criminal charges on falsification of test evidence on the drug.

A Maryland physician who tested drugs for 25 companies and who received, reportedly, \$33,000 for such tests, has also pleaded "nolo contendere" to charges of fabricating certain test reports.

Two other physicians have filed affidavits of falsification on an over-the-counter drug, Regimen.

These instances were not sheer happenstance; they were not isolated "flukes"; they came about because of deep underlying conditions of laxity. Nobody knows how deep these conditions really run. Why? Because FDA has had neither the zeal nor the manpower nor the authority to investigate the underlying conditions thoroughly.

How, then, can we possibly accept the myth "that there is no cause for continuing concern"?

GRIM FACTS WE CANNOT IGNORE

How can we ignore the grim fact that, for years, some drug companies suppressed reports of hundreds of injuries associated with drugs?

How can we ignore the grim fact that no one really knows to this day how safe or unsafe some drugs are, since only perhaps 5 percent or 10 percent of drug injuries are ever published or otherwise reported?

Certainly, there is no cause for hysteria. But there is certainly cause for vigilance and for continued reform.

SEVERAL NEEDS REVEALED BY RECENT CORRESPONDENCE—ON PROTECTING RETARDED CHILDREN, ON IMPROVING RECORDS, AND CONDUCTING CONTROLLED STUDIES

Mr. HUMPHREY. Mr. President, earlier, I had mentioned some of the cor-

respondence which I have recently conducted. Let me mention a few of the facts which this correspondence reveals:

(a) The need for a review of the manner in which experimental and other drugs have been given to children in institutions, particularly mentally retarded children. A splendid letter from the excellent voluntary health agency, the National Association for Retarded Children, attests to this need.

(b) The need for FDA to identify—permanently and irrevocably—many dangerous drugs on which the agency's records are hopelessly incomplete.

I cite one hazardous drug which caused paralysis and which was apparently slipped off the market without the company even bothering to inform FDA.

From 1955 to 1963, FDA's record on this drug was a total blank. Yet, the drug had caused many injuries and was never legally suspended or formally withdrawn from the market.

(c) The need for FDA to require controlled clinical studies, as prescribed in Public Law 87-781. One widely used drug—since withdrawn from the market—Parnate, was used by 2 million patients.

Only four controlled studies have ever been reported on it, and not one of these studies was reported before—I emphasize "before"—the drug went on the market.

This omission is not, unfortunately, unusual. FDA has for years ignored the absence of controlled clinical studies.

MY INTEREST IN PHARMACEUTICAL SCIENCE CONTINUES INDEFINITELY

Finally, I should like to make an additional point particularly clear. My own interest in the highest possible standards in pharmaceutical science does not end with the conclusion of our hearings.

I hope no one will be under the misapprehension that because our formal study is ending, that I, for one, will watch idly if administrative reforms in drug policy are stopped, or, what is worse, if someone tries to turn the hands of the clock back.

I hope, to, that some of the organizations from whom the subcommittee has been awaiting replies for some time to our frank questions will not be under the misapprehension that our interest in their answers has ended and that they need not reply.

APPROVAL OF PRESIDENTIAL INABILITY RESOLUTION

Mr. KEATING. Mr. President, today the Subcommittee on Constitutional Amendments unanimously approved our consensus proposal to fill vacancies in the Vice Presidency and to set up procedures on Presidential inability. I joined with great satisfaction in that action.

As is true of any consensus, the resolution in its present form—the form in which it will receive further consideration by the full Judiciary Committee—is the product of the give-and-take of compromise, much like the original Constitution itself.

Throughout the many years of my interest in these problems, it was obvious to me that we would get exactly nowhere

if everyone insisted on his own brain-child solution. This is no area for pride of authorship or partisan controversy. Much as the water's edge must be the stopping place for partisan politics in the realm of foreign affairs, the President's sickbed is no place for legalistic bickering.

If the same spirit of genuine cooperation and free and frank interchange of ideas that prevailed in our subcommittee follows this resolution through the remaining steps of the constitutional amending process, we can expect final action to come early. A measure designed to avoid a constitutional crisis which would threaten the very foundations of our Government can come none too soon, in my judgment.

At the same time, I remain somewhat leery of freezing into the Constitution a hidebound set of procedures to govern Presidential inability. On this aspect of the subcommittee's consensus, I intend to push for a broader constitutional provision merely authorizing Congress to take action by statute. If a majority of the Senate should agree with me, other subcommittee members have agreed to abide by the result and support this alternative. I am grateful for this pledge of continued cooperation; and, in turn, I can pledge to the other Members my cooperation in supporting to the hilt the final product of our efforts.

TRIBUTE TO SENATOR DIRKSEN'S WORK IN THE FIELD OF CIVIL RIGHTS

Mr. KEATING. Mr. President, many publications have hailed the work done by the distinguished minority leader [Mr. DIRKSEN] in the field of civil rights and the great contribution he has made to this task. Senator DIRKSEN has acted as a national leader and statesman in searching for a workable consensus on the critically important civil rights bill. His efforts have improved the bill in many important respects and won increased bipartisan support and for the principle of equal constitutional rights and for the provisions of this particular bill. The Catholic Standard, published in Washington, D.C., has paid him a very fine and well deserved tribute. I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the Catholic Standard, Washington, D.C., May 25, 1964]

DIRKSEN'S CIVIL RIGHTS WORK HAILED

A tribute to the role of Senator EVERETT M. DIRKSEN, of Illinois in the current congressional effort to enact civil rights legislation was paid last Friday by Father John F. Cronin, S.S., of the National Catholic Welfare Conference.

"When the Congress passes a strong and just civil rights bill, much of the credit must be given to Senator DIRKSEN," the priest said at a meeting of Catholic Interracial Councils from Washington, Montgomery County and Northern Virginia.

Referring to the Dirksen package amendments to the civil rights bill, the assistant director of the NCWC Social Action Depart-

ment emphasized the value of the Senator's two main intentions.

"He tried, in the first place, to secure racial justice by good law, rather than by demonstrations and pressures. His second objective was to meet legitimate objections to the bill as passed by the House. In particular, he wanted State laws and commissions to have the first opportunity to settle disputes, provided that they were really seeking such aims."

Father Cronin further asserted: "Senator DIRKSEN has risen above partisan and sectional considerations and has sought the long-range welfare of the entire United States. Such an approach deserves to be called patriotic and statesmanlike. If, on deeper study, we find flaws in his proposals, these do not invalidate the merited tribute to his efforts."

THE WAR IN VIETNAM

Mr. CLARK. Mr. President, two of the most astute and well-informed correspondents presently writing about foreign affairs are Tom and Harle Dammann, who write for the Chicago American. Early this month, they dispatched from Hong Kong an article entitled "Our War in Vietnam—If We Pull the Plug, Reds Could Flood the World."

I ask unanimous consent that the article, which sustains the position of the administration with respect to Vietnam, be printed in the RECORD.

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

OUR WAR IN VIETNAM—IF WE PULL THE PLUG, REDS COULD FLOOD THE WORLD (By Tom and Harle Dammann)

HONG KONG—The Communist Chinese have more at stake in the South Vietnamese war than the United States, and that is what makes it vitally important for the United States to persist in its program for the support of South Vietnam.

That is the opinion of experts in this acute listening post.

This is inextricably involved in the Sino-Soviet dispute. The Soviets believe in co-existence and would prefer a negotiated settlement in southeast Asia, particularly in South Vietnam. They want to avoid war and are convinced Communist objectives can be attained without it.

The Chicomos argue that Communists must keep fighting, that they can only spread communism by force. They say to the Soviets that there is no reason to fear a nuclear war because atom bombs would accomplish little in the jungles and rice paddies of South Vietnam except to obliterate the very people the "American imperialists" are supporting, and because, if the Americans were to resort to nuclear weapons, world opinion would turn against them.

If the Chicomos succeed in forcing a U.S. withdrawal, they will not only seriously bloody the American image, they will upset Premier Nikita Khrushchev's policies and set the pattern for Communist aggression in Asia, Africa, and Latin America, over which Moscow and Peking already quarrel. In short, South Vietnam is the hot spot in the new cold war between the Soviets and Chinese Communists.

For our part, if we withdrew, we would lose what allies we have left in southeast Asia, notably Thailand and Malaysia, questionable nations like Laos would swing into the Peking orbit, and our influence in Japan and Formosa would diminish.

So Peking is steadily forcing the issue and almost welcomes the increase of American

commitment in South Vietnam on the grounds that the higher we climb the harder we will fall.

In addition to the advantages the stealthy guerrilla has in any war, the Chicomos are banking on the fact that much of the Vietnamese population is fed up with wars, which have plagued it for 20 years almost without interruption.

But there is another side to the coin. As Peking steps up the pressure in its cold war with Moscow, it places its friends on the spot and even the Communist North Vietnamese are squirming, trying not to commit themselves too deeply to the Chicomos, whom they know have many serious, handicapping internal problems.

It is suggested, too, that recent events in Laos may reflect doubts that the South Vietnamese Communists, the Vietcong, can win against the great efforts of the South Vietnamese Government supported by the United States.

Certainly, when we talked a few days ago in Saigon with senior American diplomats, military officers, and the prime minister, Gen. Nguyen Khanh, we could detect no loss of confidence. Those authorities subscribe to the above analysis, but, as one of the most responsible officials told us privately, "I am guardedly optimistic for the first time."

"The American people must appreciate that this is going to be a long, costly, and deadly process," this official warns. "First off, it is difficult to identify the enemy because Vietnamese are fighting Vietnamese. We ourselves are at a disadvantage, for our troops are white or black, not yellow, which means we can't actually get into the guerrilla fighting and must support our friends in every other way conceivable."

"Another reason for our difficulties is that we have gone through a period of 9 months of disruption by three coups. But now we have General Khanh as prime minister and he is a dedicated citizen trying to make the common folk understand that his government is solidly behind them, and that the war is in the country, not in the bars of Saigon."

"Still another problem is that there is no real sense of unity in this country of diverse religions, ethnic groups, and tribes. The family is the real unity. The army suffers many desertions, but the deserters don't think they are being disloyal to their country for they have merely gone home to see their family, to learn whether they can help with planting or harvesting," the officer continued.

"This war is primarily not a military operation: It is civil and psychological," he emphasized. "We are concentrating on training civil servants so that they can go into the country and take on responsible jobs as we gain security."

"We are impressing the Vietnamese army with necessity of training its troops to meet the civilian population with tact and friendliness and not rob them of their chickens and rice."

As for the 36-year-old Prime Minister, Khanh, who is fluent in French and English, he makes you believe him when he says he is going to bring free elections to his country soon. He has a confidence and sense of public relations which, given the opportunity, can win the people over.

"The average guy here wants to be safe at night, get an education, health, and decent price for his rice," a high-ranking diplomat commented. "If we can provide these, we will win." But, as Ambassador Henry Cabot Lodge has said, "we will have to exercise greater perseverance and patience than we are accustomed to."

"The important thing is that the Communist Chinese have chosen the battle-

ground. If we let them have it, we lose southeast Asia, and their self-confidence will become the most dangerous threat to human life existent. We have to stay and win, for the sake of the entire free world," he concluded.

MESSAGE FROM PRESIDENT JOHNSON, ADDRESS BY MAYOR WILLY BRANDT, AND RESOLUTIONS AT 17TH ANNUAL CONVENTION OF AMERICANS FOR DEMOCRATIC ACTION

Mr. CLARK. Mr. President, last week, Americans for Democratic Action held their 17th annual convention in Washington, D.C. They received from the President of the United States a most cordial message in which he asked for the help of the ADA in connection with his domestic programs and his foreign program. They also heard an inspiring address by Willy Brandt, the mayor of Berlin; and they adopted a number of resolutions dealing with matters of considerable interest to the Congress.

As a member of the national board of directors of the ADA, I ask unanimous consent that the President's message, Mayor Willy Brandt's speech, and the resolutions be printed in the *Record*, in connection with my remarks.

There being no objection, the message, speech, and resolutions were ordered to be printed in the *Record*, as follows:

THE WHITE HOUSE,
Washington, D.C.

I welcome the Americans for Democratic Action to Washington.

Your cause has been the cause of liberal democracy. Your creed has been the belief that democratic government exists to serve the needs of all the people. The pursuit of that creed has not been easy. But you have never retreated from commitment to the political struggle as well as the clash of ideas, from carrying the fight both to the public prints, and to the political precincts.

As a result, you have now endured, despite frequent premature burials by your critics, to see many of your ideas become policies, your policies become programs, and your programs become laws.

Your Government today is in the midst of a struggle on many fronts, to extend the blessings of our democracy to the dispossessed in our own country and to the disinherited around the world. As always, our adversaries in this struggle are strong and persuasive. As always, it will require untiring dedication and unyielding commitment if we are to win the battle.

Therefore, I ask you to do for me what you have done for so many of our past leaders—to use your imagination and intellect, your persuasion and power, your work and will, to help the great and crucial programs we now have before Congress.

Help us to pass the war against poverty; to pass our civil rights bill, which is the strongest since the Civil War; to pass a foreign aid bill that will permit us to meet our commitments to the poor of other lands; to pass minimum wage extension, aid to education, and all the other programs designed to give all Americans a full opportunity to develop their capacities.

These programs are your programs. They are the programs of all who believe the cause of Government is the cause of humanity.

I look forward to your support in these battles and in the other struggles that will mark our forward progress in the years to come.

LYNDON B. JOHNSON.

SPEECH BY WILLY BRANDT, GOVERNING MAYOR OF BERLIN, AT 17TH ANNUAL NATIONAL CONVENTION BANQUET, AMERICANS FOR DEMOCRATIC ACTION, WASHINGTON, D.C., MAY 16, 1964

My friends, I cannot address you without first saying a word about the great American with whom we felt so closely linked. John F. Kennedy will not be forgotten. His ideas could not be shot down. His hopes for a peace worthy of the name live on. The assignment he gave to us all remains a solemn obligation.

Today we know better than we did half a year ago how well President Kennedy personified a vision of a better future for a tormented humanity. We know, however, that now there are new as well as old obstacles in the way.

We see with satisfaction that President Johnson with firm determination is continuing and developing further what was begun in the last few years. We not only wish him much success, but in our way we must try to make his task easier at the helm of the leading Western power.

My friends, you have discussed at your meeting here problems which go to the heart of America's strength. I should not and will not express myself specifically on this question. But this much we all know: the inner strength of a nation has a vital influence on its foreign policy.

All true friends of the United States and all true fighters for freedom are watching with deep concern and compassion your struggle for the rights of all citizens of this great country. They hope for a peaceful outcome and for continuing progress.

Anyone who comes from Germany should not try to lecture you in this connection. But since the black night of our existence and the bitter hours of our experience we Germans learned to understand the value of the concept that all men are created equal. Under different circumstances we are still involved in the struggle for the indivisible rights of citizens and nations.

You know what city I work in. And you know how heavy a burden my city has carried and must continue to carry in the East-West conflict. This certainly prevents me from having illusions.

But I see no other way than that of patience, tenacity and constantly renewed efforts to lessen the dangers and reduce tensions. Dangers do not decrease because one fails to notice them or refuses to face them. When it comes to a detente, blind faith and wishful thinking are no great help. And weakness only increases the hazards.

We will achieve a good peace only if we remain sufficiently strong. But strength is not a goal in itself. It makes it safe for us to look for all possible roads and to achieve real security by other means than only arms.

This is the course we follow. I know that for some people the cold war in its old form probably seemed much more simple. But it only abnormally postponed our long-range problems. It could not solve them.

The United States has taken a series of steps in order to reduce tensions. Further attempts will have to follow. But detente is no more a goal in itself than is strength. Detente must not be regarded as if it were some kind of pain killer. Its purpose must be to help cure the causes of the trouble. This means that we must constantly work for the solution of the problems that created tension. This is a tremendous task. It cannot be accomplished in 1 year, nor can it be accomplished in 5 years.

In following this course, we meet and are accompanied by the German problem. And we must talk about it. It serves no purpose to hide our heads in the sand. John F. Ken-

nedy was absolutely right when he said that a real peace in Europe could not be guaranteed as long as every fourth German is deprived of the basic right to free choice. Only a few days ago Secretary of State Rusk emphasized very much the same point.

At every step we take toward detente we must ask whether that step can be tied to another which leads to a solution of the cause of tension. Not that we should hinder a positive development, or block it altogether because it does not go far enough; rather we should make it our business to influence every development in the most positive way we can.

In this connection every single initiative will have to be examined for timeliness and suitability. Hollow demonstrations will do no good. However, we should never forget what distinguishes the world of freedom from the world of totalitarianism: respect for the value and dignity of individuals and their collective self-determination.

The human being is and will always remain for us the center of our philosophy and our political policy. In Berlin we tried to give this principle meaning even under particularly trying circumstances. Through technical arrangements hundreds of thousands of people in the divided city were brought together last Christmas. This was a great human event and thus also a great political event. But it did not come off without controversy. Therefore, I would like to say:

We have not wavered in our principles. Neither did we get caught in a trap by making a gain in the cause of humanitarianism.

Hundreds of thousands of West Berliners brought some of their commitment to freedom—and thus returned it—to a region they had not been allowed to enter for 2½ years. They met with millions of their friends and relatives in the Soviet sector of Berlin. They also met with people who came for this special purpose from the Soviet Zone of Germany.

We know that during these days the people who got together talked to each other as we talk in the West among ourselves, that is, as if they were not in a Communist-controlled area.

This millionfold encounter of people was a great success, because wherever a degree of humaneness can be realized, the hope for greater progress increases. Wherever a bit of humaneness is achieved another stone has been contributed for building a better world.

The subject of self-determination remains on the agenda. It has to remain on the agenda for the sake of peace and freedom. But if we cannot achieve everything we want, that is no reason not to try, or to do nothing. No; we must not be inactive but rather we must continue trying to alleviate, step by step, the harshest effects of the unnatural division. This struggle for every relief that can be achieved, for every possible change in the interest of humanity, will serve peace and will also promote a better political future.

I believe this German experience has meaning beyond the borders of my own country. We cannot be satisfied with general political formulas. The people want to participate in the fight against fear, against want, and against inhumanity and we must let them participate, in little ways and in big ways. Each nation has its burden to bear. But let us never forget that we have learned to stand together, shoulder to shoulder, each in his place, when the question of more freedom and security arises. If we stand firm on the ground of hard realities, yet keep our eye on the future, then we will certainly contribute to the victory of justice and freedom in a world where peace can prevail.

RESOLUTIONS ADOPTED BY AMERICANS FOR DEMOCRATIC ACTION, 17TH ANNUAL NATIONAL CONVENTION, WASHINGTON, D.C., MAY 15, 16, AND 17

FOREIGN POLICY

Preamble

World peace requires a sober readiness to negotiate all differences with other nations, irrespective of ideologies. General war has become an intolerable option in the nuclear age. The obligation rests all the more on the United States to offer concrete and realistic proposals which will promote democratic liberties and lay the foundation for lasting peace.

Support of the principles of the United Nations Charter should be the cornerstone of our foreign policy. But that support does not in itself constitute a foreign policy. We must make full use of the U.N. to weld, as rapidly as possible a community of effort for collective actions broad enough to encompass the ideals and hopes and allay the fears, of all the peoples.

The great challenge to America is now more political and economic than military. In the face of a military stalemate, between East and West, the rift in the Sino-Soviet bloc and the emergence of polycentrism in world communism, a totally new situation confronts us, with new challenges and opportunities.

Our policy toward the Communist nations should embody concepts of defense without provocation and conciliation without the sacrifice of essential principles and interests. Our first priority is the negotiation of agreements on arms control and ultimate disarmament. As the Communist nations evolve into diverse behavior and goals, American policy should be pragmatic and flexible, welcoming and reciprocating any movements in these nations toward normalization of their relations with the non-Communist nations. It is in the interest of the United States and in the interest of peace and freedom in the world to do publicly, explicitly, and wholeheartedly what we are already doing halfheartedly and almost surreptitiously—that is, to seek the maximum normalization possible.

The great task of the 20th century is to help the developing nations achieve decent living standards and real human dignity. We welcome this kind of peaceful competition with the Communist nations, so infinitely preferable to a continuation of the arms race, but we should also seek opportunities to cooperate with them in the same great enterprise.

Our ultimate goal is the creation of a world community under law, in which all peoples will have the opportunity to make their contribution to the advancement of human civilization.

FOREIGN POLICY COMMISSION RESOLUTIONS

Latin America

While each country of Latin America has distinct problems that must be viewed separately, there exist certain common features. Among these are language, geography, extreme poverty, underutilized resources, and in many instances undemocratic governments. There is also a common struggle by the people of these countries to move into the industrial and economic environment of the 20th century.

Since existing U.S. policies have not substantially nor effectively aided the economies of Latin American countries or prevented the spread of Communist influence or decreased dictatorships of terror from the right, it is necessary to reexamine those policies.

The failure of the Alliance for Progress to move at a more encouraging pace to implement its objectives is caused by the resistance of governments and other sectors of Latin American life which thus far have been charged with implementing the Alliance, but

whose historic, economic, social, and political entrenchments in their countries could be drastically dislocated by the very aims of the Alliance. The insistence of the United States to press its own preconceived ideas about aid and conduct on Latin America is also a serious impediment to the Alliance.

The U.S. Government must show increased awareness of Latin America's revolutionary struggle for essential economic, social, and political reforms. Only by giving realistic support to the aspirations of the people of Latin America will it be possible to halt the growing spread of Communist influence or the rise of dictatorships of the right. Latin American policy presents one of the severest tests of the maturity of the United States and our ability to adapt to a changing world.

The United States should encourage balanced economies in all Latin American countries and lessened dependence on a narrow range of export commodities. The United States must reduce or eliminate the tariffs and quotas which discriminate against imports from Latin America and explore measures to achieve greater stability in the prices of basic commodities. The United States should deal with Latin American States on the basis of sovereign equality.

The Alliance for Progress may have begun a new and more realistic chapter with the recent organization of the Latin American Committee proposed at Sao Paulo, and headed by Dr. Sanz de Santa Maria. We hope that the aim of U.S. policy will now accelerate the political, economic, and social reforms implicit in the Alliance geared, above all, to bring benefits to the masses of people. This policy should be coordinated with enlightened conclusions arrived at in the present Geneva Conference and the Kennedy Round, especially in reference to the stabilization of commodity prices and the encouragement of the Latin American common market communities.

Above all, it is imperative that the United States should develop enlightened orientation toward Latin America. The United States should of course foster democracy where feasible, but any government regardless of its form should be judged on the basis of its performance in economic, social, and educational reform which provides the basis for advanced political democracy.

Asia

Asia is the scene of the most crucial struggle to influence the minds of men. The issue is simply whether variations of the democratic approach, adapted to local conditions and experience, can satisfy the Asian peoples' aspirations or whether the Asian peoples in their frustration and desperation will turn to authoritarianism for solutions. The outcome of the struggle in Asia may well set the pattern for the rest of the world. The future of democracy hinges upon the capacity of the free nations to see to it that freedom can be coupled with economic and social progress in Asia.

The economic-political-military mix which we have been employing in our Asian policy must be reviewed and revised. Our past emphasis has been and continues to be overly military. For example, fixed American bases in populous areas of Asia are becoming increasingly obsolete, due to changes both in the political climate and in military technology. But, more broadly speaking, unless we join battle on the corresponding political, economic and social fronts, all military programming and military aid is precarious indeed, opening the way to humiliating defeats.

Southeast Asia

ADA reemphasizes its profound dissatisfaction with the continuing deterioration of peaceful conditions in southeast Asia. Ongoing military operations and resorts to force to resolve political issues coupled with internal instability of the new states makes

the entire area an inviting arena for great power conflict rather than cooperation. Because the area is so unstable and the Communists continue to advance in southeast Asia generally, and in South Vietnam and Laos in particular, a basic reassessment of American policy is required. The goal of the new policy should remain to strengthen those countries which seek to maintain their independence from external aggression and internal subversion. However, pacification by military means alone cannot succeed. ADA particularly opposes proposals to extend combat operations into North Vietnam and other adjoining areas by Vietnamese armed forces. Escalation of the existing conflict can only jeopardize the peace of southeast Asia.

Our policies in South Vietnam and Laos and in all of southeast Asia will succeed only within a framework of political, economic, and social policies that win support from the people for the local governments. No outside force can create such support. Only nationals of the country concerned can do it.

The new American policy should build on the efforts by the independent southeast Asian states to promote bilateral and regional economic and political cooperation. It should help these states avoid military alliances and the crushing burden of military expenditures by actively promoting a major power agreement to guarantee the neutrality, peace, and security of these states. In this respect, ADA approves of the present strong initiatives taken by the administration to maintain the truce in Laos. The position of the International Control Commission must be strengthened to minimize opportunities for the resumption of hostilities and the subsequent breakup of the existing coalition government. The United States should continue cooperating with other interested powers to provide the necessary support to help stabilize the Government of Laos and provide opportunities for the people of Laos to peacefully reconstruct their country. The aid program of the United States must be directed toward realizing these objectives. We do not favor the continuation of aid to regimes that by irresponsible economic policies and repressive social and governmental practices undermine the basis for peace and stability of the area and pave the way for authoritarian rule.

Japan

Japan, employing democratic means, has built a modern industrial society from the ruins of total defeat. The future of its democracy and prosperity, however, will be in doubt unless it has an assured position as one of the major trading nations. If our alliance with Japan is to grow in strength, economic relations must remain healthy and expand. Japan's recent admission to the OECD is a step in the right direction. Contrariwise, the building up of tariff and quota walls against Japan is destructive of our alliance. An enlightened American policy must seek to expand our political and cultural ties with Japan and encourage her, as a partner, to play a greater role of political and economic leadership in the world.

Korea

Because of growing dissatisfaction and political instability, the primary issue in the Republic of Korea remains: meeting the demands of the Korean people for effective government which will provide employment and economic stability while putting an end to corruption. We should give continued support to those forces in Korea who represent economic, social, and political democracy. The unification of Korea under U.N. auspices is a goal which the United States should persistently pursue. We favor steps toward the normalization of relations between North and South Korea which can contribute to the goal of unification.

India

The future of India will determine to a great measure the future of freedom in Asia. All the aspiring peoples of the world are watching this democracy and comparing it with the performance of China. The magnitude of Indian problems and needs is such that there is no possibility of success without massive outside assistance. Therefore, we believe that the United States should continue to strengthen its economic and cultural ties with India. We recognize the need to use both public and private instrumentalities to develop their economy. We deplore the refusal of Congress to grant economic aid to the Indian public program for expansion of her needed steel production. We urge the granting of increased economic assistance, on a long-term basis, to India in order that she may fully develop her human, natural, and industrial resources.

Europe

The European crisis, as seen in the Common Market and in NATO, is not merely a crisis of the whole Western community. It must be seen both as a strategic and, more profoundly, as a cultural and political problem for the West and for America's relation to Europe. That the Atlantic Alliance and the communities of Europe which the Alliance contains and protects do not degenerate into quarrelsome and rival Balkanized States, pursuing special prestigious aims at the expense of others should be a prime objective of Americans and Europeans alike. A healthy and free Europe may well exert a magnetic influence over the Communist bloc furthering its transformation into a society of greater freedom and justice.

As European power and vigor continue to grow, American influence over essentially European events will continue to diminish. Yet at the same time, American responsibilities and commitments to its defense continue unlesened. The wish of some Europeans to take a greater share in their common defense is a natural one. It should be an object of American policy to hospitably respond to such wishes, but such a response should not be one which appeases the nationalist aspirations, represented by De Gaulle, or encourages the diffusion of nuclear weapons, and control and management of them, into the hands of many States.

Alliance stability in the West is directly related to stability between the two blocs in Europe. The present state of Sino-Soviet tensions has had a sobering effect on Russia's own relations with the West. The tendencies toward polycentrism in the Communist bloc facilitate new Western initiatives and opportunities in dealing with individual Communist states, including those of Central and Eastern Europe. The magnetism of Western prosperity and living standards of free societies cannot but fail to reveal the deep flaws in the parochial political and economic systems of the East. This attractive quality of the West should cause the increased cultural affinities of moderate East Europeans to the West, but such affinities will be impeded if European nuclear forces further diffuse, increasing Eastern fears of thermonuclear power in Central Europe controlled in part by Germans.

ADA opposes all policies having as their consequence the further diffusion of nuclear weapons in Europe; we urge opposition not only to independent nuclear capabilities for individual European states, but also to the proposed NATO multi-nation force, which could easily speed up the very diffusion process it ostensibly seeks to avoid. We urge French and Chinese adherence to the partial Nuclear Test Ban Treaty as additional steps to halt the spread of nuclear weapons.

A multination nuclear force may bring about short-range alliance stability, but at the too costly price of sacrificing the possibilities of a workable system of nuclear arms

control. The diffusion of weapons would create instability concerning control over the use of nuclear weapons, and, if Germany were allowed to participate in the nuclear force with devices of its own, it would needlessly place new and grave obstacles to improvement of East-West relations.

The American commitment to the short-range goals of West Germany's defense, and that of West Berlin, are legitimate and should continue; also, the long-range commitment to German reunification in freedom. These special goals, however, should not be seen as necessarily incompatible with East-West agreements, either for Central European reductions in military force, for a nuclear arms freeze, or for the creation of thermonuclear-free zones embracing both Central and Eastern Europe so long as these do not radically affect the existing balance of forces. There are democratic forces in the West which share Americans' concerns lest the unity of the West be irretrievably split. Europe needs American reassurance that the American presence will remain; but East-West tensions cannot abate unless tangible and reciprocal arms reductions between blocks take place.

Aid and trade

The \$20 billion trade gap which may face the developing countries in 1970, and the accompanying gaps in education, living standards, cultural opportunities, etc., can, should, and must be closed. The United States must make a firm, long-term commitment to do its full part in meeting these needs. A successful war on poverty and prejudice at home and abroad will provide a better climate for a successful and lasting peace. The American response to the clamor for new directions in foreign aid must be "forward"—not sideways, not backward, not downward.

By "forward," the ADA means the provision of assistance to the less developed countries of Africa, Asia, and Latin America:

1. On a scale commensurate with their growing ability to use such assistance productively and our own ever-increasing ability to supply it;
2. With decreasing emphasis on military and increasing emphasis on other forms of aid;
3. In accordance with standards and incentives that maximize the chances for economic, social, educational, and political development along democratic lines;
4. Insofar as feasible, under multilateral arrangements that encourage a true partnership of donors and receivers in the supremely important task of international development;
5. As a supplement to, and not a substitute for, changes in international trade, fiscal, and monetary policies which will enable the less developed countries to earn through trade and unilateral transfers more of the foreign exchange that they require. They need to obtain reasonably equitable terms of trade; to enjoy greater stability in their earnings from international trade; and to be relieved of balance-of-payments crises which may be attributable to the present, inflexible, increasingly obsolete system of reserves for meeting trade needs.

DOMESTIC POLICY COMMISSION RESOLUTIONS

Civil rights

The dramatic civil rights revolution in the last year has placed the American community on notice that all of those who believe in social justice throughout the Nation intend to make equality and dignity a living reality and not an increasingly frustrating dream. Freedom now must not only expunge racial discrimination but it must provide tangible opportunities for all Americans to lead a complete life of dignity.

Dignity requires the abolition of poverty; it requires the restoration of full employment; it requires integrated and high quality

education at all levels; it requires adequate nutrition; it requires excellent medical care for all ages; it requires a decent, safe, and sanitary house in an integrated neighborhood.

We recognize as an enormous, if not insuperable, hurdle to the equality of opportunity inadequacy of public goods and services. Equal employment opportunity, for example, would be easier to achieve if there were not a desperate struggle for an inadequate number of jobs.

Only when all Americans can participate and share equitably in the rights and benefits of a dynamic free society will we attain our cherished goal of freedom and opportunity for all Americans.

But the ultimate achievement of full freedom and opportunity requires American liberals to participate even more actively, energetically and vigorously in the current struggle.

Civil Rights Goals

1. An immediate end to the filibuster in the U.S. Senate and passage of the pending civil rights legislation without weakening amendments. Passage of the legislation in its present form will meet many of the objectives set forth in prior ADA platforms, including enforcement by the Attorney General of school desegregation, the establishment of an enforceable right of equal access to public accommodations, and the establishment of an enforceable right to equal employment opportunity. The adoption of any amendments which would reduce the scope of the legislation, weaken enforcement by shifting the burden from the Government to individuals, or weaken the bill in any other respects, could well be a fatal blow to hopes that racial injustice can be corrected through the legislative process.

2. Vigorous enforcement of the rights guaranteed by the new law: We recognize that enactment of the pending legislation is only the first step toward actually securing rights for American citizens. Passage of the bill should be followed immediately by vigorous court action on the part of the Attorney General to secure the right to nonsegregated public education and to equal access to places of public accommodation. Implementation of the law will require a staff far beyond the present strength of the Civil Rights Division of the Justice Department. The Attorney General should act promptly to secure the personnel necessary to carry out his responsibility. Passage of title VI should remove the last barrier to action assuring the nondiscriminatory expenditure of Federal funds. President Kennedy established this principle and President Johnson reaffirmed it, but Federal departments and agencies—especially the Housing and Home Finance Agency—have been notably weak in translating principle into practice.

In housing, for example, the Federal Government should not only take speedy action to eliminate its past practices of discrimination but should plan its programs affirmatively as instruments to implement residential desegregation.

3. New Federal action to assure the right to vote and equal justice under law: While the pending civil rights bill is designed to guarantee equal justice to Americans wherever they live, it must be recognized that laws are no better than the judges who enforce them. President Johnson has a unique opportunity to remedy the damage caused by the appointment of Federal judges in the Deep South whose known racial prejudices interfere with the performance of their constitutional duties. The present vacancy in the Fifth Circuit Court of Appeals requires the appointment of a judge whose devotion to the 14th amendment is unquestioned. The appointment of a segregationist would be a betrayal of the hard struggle to enact strong and effective civil rights legislation.

Apart from the need for effective enforcement of existing voting rights legislation, it is evident that voting suits by the Attorney General are unlikely to produce adequate results. Thus we will continue to urge Federal administration of the registration system in areas where there is a pattern of voting discrimination. In many of the same areas, local law enforcement has abdicated to the vigilante rule of the Ku Klux Klan or other white supremacists. Negro citizens attempting to exercise constitutional rights are subject to private violence, police brutality, economic retaliation, harassment, and intimidation. There must be new Federal action to reestablish the rule of law in these areas. Such action should include the use of marshals and other Federal officers to protect the physical security of citizens, and civil suits by the Attorney General to prevent the denial of all constitutional rights.

4. Public school desegregation: In recent years the Nation's attention has been focused primarily upon school segregation in the South. The problem is serious in the North and West where segregation is prevalent. Some of the segregation is the result of local governmental action. Recent studies have shown that our large urban centers contain many public schools with nonwhite enrollments ranging from 80 to 90 percent.

Last year we noted the patterns of de facto segregation and their implications. We lament the fact that too little progress has been made in overcoming this condition. We call upon all levels of government and upon private groups to utilize their resources to accelerate the painfully slow process of eliminating these patterns.

ADA urges the State and local authorities to take immediate affirmative action not only to eliminate segregation in the public schools but to act positively to bring about integration in public schools.

5. Federal, State, and local action to eradicate economic and educational deprivation: The oppressed condition of millions of Negro and Puerto Rican citizens in northern cities demonstrates dramatically that merely passing civil rights laws does not guarantee equality of opportunity. Civil rights can only be made meaningful if the conditions for their enjoyment are established through a massive attack upon poverty and an all-out effort to create full employment. This requires a substantial increase in public expenditures at all levels of government to improve the quality of education, and to end economic, cultural, and social deprivation. At the same time we will continue to work for the promulgation of laws and policies which will break down the barriers of housing discrimination, achieve full integration of public schools, and eliminate practices of employment discrimination by both management and labor.

To achieve these urgent goals will require an all-out commitment of our energies and resources. This means stepped-up political and legislative action; it also means increased efforts by ADA members to organize and participate in local campaigns to rid the communities in which we live and work of the last vestiges of racial discrimination.

At the same time we will engage in direct action against institutions which discriminate or segregate, as a form of lawful protest and pressure compatible with democratic action. We will not be inhibited by laws which violate our constitutional rights. We will sit-in and demand services for all. We will engage in picketing and other efforts to persuade the public not to patronize business establishments which follow policies of racial discrimination. We will march to arouse the conscience of the community. These and other forms of peaceful protest against racial discrimination are recognized

exercises of free speech, free assembly, and the right to petition for redress of grievances.

As appeals to law, to conscience of the community, and to economic self-interest, these techniques of direct action have already proved an indispensable means for actually securing the rights won by legislation and court action.

Nonviolent direct action must continue in order to achieve further human rights advances through the legislative and administrative processes.

Finally, we applaud the leaders of the major civil rights organizations, not only because of their efforts on behalf of the pending civil rights legislation, but also because they have effectively dramatized the plight of the poor people in this country. Around the civil rights bill there has been built a powerful coalition of civil rights organizations, church groups, labor unions, civic and religious organizations. We trust that when the civil rights bill is enacted, this coalition will not dissolve but will go on to fight for the social and economic legislation to make the guarantee of rights meaningful. Such an effort could be the dawn of a bright new day for all Americans. It will have our full support.

Economic policy

"Never in the history of America has there been a greater and more complete identity between the ideals of social justice and the requirements of economic progress." (Myrdal, Gunnar, "Challenges to Affluence" (New York 1963), p. 64.)

We in the United States have at our command the basic resources to wipe out deprivation, want, and hunger in our country; to offer every citizen a life of human dignity, comfort, and security; and to contribute with compassion and generosity to the advancement of mankind throughout the troubled world.

These goals accord with those ideals of social justice which ADA shares with other responsible citizens. Furthermore, they are practical requirements for basic economic progress.

Our power to meet these goals is reflected in our potential to increase total national output. But that potential can never be realized while two-fifths of our people are prisoners of poverty or deprivation. As long as they are denied their necessary share in the fruits of our economy's output, the economy itself is denied the essential stimulus to growth which their consumption needs would provide; and thus our economy is unable to offer work to all who seek it, or to realize the abundance that would come with full production.

ADA vigorously reaffirms its conviction that the cornerstone of economic policy must be full employment and vigorous economic growth. After full employment is restored, we must sustain a growth rate of at least 5 percent. That rate of growth can be sustained if we have the courage and intelligence in planning to meet our national needs by making sensible use of fiscal and monetary policies and of a positive wage policy that recognizes the role of wages as a source of demand as well as a cost.

Through basic budgetary policy—spending and taxing—and control over the money supply and interest rates, the Federal Government and the Federal Reserve System together, in effect, are largely determining the level of business activity and employment in our economy. But to sustain a 5-percent growth rate and to substantially reduce unemployment requires more coordinated planning directed to the achievement of these national economic goals.

The blind forces of the marketplace cannot be depended on either to achieve full employment and vigorous growth or to direct economic resources in accordance with national priorities. For these purposes we

need democratic national economic planning to evaluate our resources and our needs and to develop an order of priorities for the application of resources to the meeting of needs in both the public and the private sectors. We call upon the Government to implement the national commitment expressed in the Employment Act of 1946 by initiating the necessary planning. For this purpose the Council of Economic Advisers should bring together representatives of all major economic groups in our society and qualified technicians to enlist them in the planning process. Governmental tax, budget, and monetary policies and programs, borrowing, lending, subsidies and regulations should be designed to mobilize our resources of capital and labor to accomplish the chosen goals.

The recent tax cut, despite its many inequities and the failure to achieve needed reforms, is providing a needed support to current economic activity. But the current level of Federal spending is grossly inadequate to meet the needs of a growing population. We cannot support a fiscal policy which offers tax reduction at the expense of investment in essential public facilities and public services.

A high rate of sustained growth is an absolute requirement if unemployment is to be brought down to tolerable limits (no greater than 2 to 3 percent) and if any meaningful effort to meet the many-sided problems of poverty is to be successful. And, perhaps most meaningfully of all, sufficient job opportunities for a growing labor force are essential to give real meaning to "equal job opportunity" and thus sustained economic growth becomes a critical factor in one of the most vital areas of civil rights.

While increasing general demand for the goods and services our economy can produce is a necessary condition to substantially reducing unemployment and eliminating the persistent pockets of poverty, it is not a sufficient condition. Along with increased national output we must pursue programs directed specifically to the employment, education, training, and support of those whose skills, age, color, location, or disabilities make them unable to support themselves or restrict their adaptability in an economy of rapid technological advance. Both sets of programs reinforce each other. They must go hand in hand.

In particular:

1. Initiate the war on poverty by passing a broadly based bill as asked for by the President.

2. Substantially increase the social security pensions by providing for Government contributions financed out of taxation as well as employer and employee contributions that presently finance the program.

3. A national program of public assistance with benefit levels adequate to support families in decency and health, and administrative practices to allow them to live in dignity and look forward to rehabilitation.

4. Provide for a nationally insured program for medical care of the aged and a national health care insurance program for all which would insure that no person or family would be pushed into poverty by medical expenses.

5. Government reinsurance of private pension plans which would insure that company pension plans would not fail to protect workers because of company failure, and special early retirement pensions for workers over 55 for whom suitable employment cannot be found.

6. An increase in funds and a strengthening of the Area Redevelopment Act to provide for rehabilitation of distressed communities, including new provisions for Swedish-type investment reserve funds which can be used tax free in redevelopment areas, increasing technical assistance to communities, reducing community investment requirements, and creating jobs for the unemployed.

7. Provide for a national system of employment exchanges with a mandatory listing of job openings by employers and a national system of unemployment benefits so that we may have a national employment policy rather than one oriented to local labor market areas. This program should include provision for relocation allowances to increase the mobility of workers where jobs cannot be brought to the workers. We advocate a revolving loan fund to help unemployed workers meet their installment payments; the Home Owners Loan Corporation should be revived to protect workers' homes from foreclosure.

8. Minimum wage coverage should be widened to include all farm, domestic, retail, hotel and motel, restaurant, factory, laundry, and hospital workers. The minimum wage should be raised to \$2 per hour.

9. Farm policy should be redirected. Price support programs should be quickly phased out in favor of income support programs which help the low-income farmer.

10. Aid to education at all levels should be instituted. In particular, financial barriers to higher education for all young people with ability should be removed. Vocational education should be more closely tied to current and future needs and a rational division of responsibility between vocational schools and employers must be worked out. Training programs for the unemployed, for workers disadvantaged by lack of basic education, race, and age must be included. Training allowances under both manpower and area redevelopment programs should be increased sufficiently to support workers with families. Greater efforts to bring the less able into training programs should be made.

11. As a necessary step in a genuine and fully expanded manpower policy, ADA urges that the Manpower Development Training Act be extended beyond July 1965. The failure or inability of many States to provide the necessary matching funds suggests the need for a federally financed manpower and development training program.

12. The Federal Government must use every device to use Government contracts to remedy economic dislocation, to locate new Government facilities in distressed areas, to prevent runaway employers, to provide a comprehensive, adequate, and integrated readjustment program for workers unemployed as a result of Government procurement actions, and to raise minimum wages under Fair Labor Standards and Walsh-Healey Acts.

13. The accelerated public works program should be extended beyond June 1964 and enlarged to \$2 billion.

14. The food stamp program should be substantially expanded.

15. The physical and vocational rehabilitation programs should be expanded and made less dependent upon State funds.

16. Every economic and social program improvement desired in the above should be so constructed and administered as to maximize the benefits flowing to the culturally deprived. Particular attention should be paid to disadvantaged pre-school-age children, school dropouts, delinquents, draft rejectees, and other groups whose circumstances prevent or retard their productive use in the economy.

ADA believes that America's goals of economic growth and the elimination of poverty cannot be achieved without planned, progressive policies in the areas of:

1. Economic upgrading and cultural integration of migratory farmworkers.

2. Further liberalizing of foreign trade and tariff policies.

3. Fostering true competition by preventing price fixing—private and statutory.

4. Eliminating our inequitable Federal, State, and local tax structures.

5. Converting defense industry to peace-relevant production.

6. Stimulating private and public research and development activities.

7. A wage policy that recognizes the demand stimulation effect of wages and the relationship between real wage level growth and productivity as a means to maintain the full use of resources.

8. A national collective bargaining policy that positively encourages collective bargaining.

9. General and effective enforcement of antitrust laws.

It is incumbent upon the National Board of ADA to provide for the intensive study and development of comprehensive policies in these areas.

Poverty in America

We wholeheartedly applaud and welcome President Johnson's declaration of unconditional war on poverty. Such a pronouncement embodies a firm commitment to eradicate conditions that submerge and isolate one-fifth of our Nation. Moreover, the administration's leadership has started a much needed dialog that might lead to an important redefinition of America's goals.

However, the mere announcement of war is a far cry from waging an all-out, concerted attack that will, hopefully, bring final victory. The Economic Opportunity Act of 1964 now pending in the Halls of Congress merely represents the first skirmish in a long war. This legislation by itself cannot be expected to eliminate poverty overnight. At best, it can only heal some of its more festering sores.

If poverty is to be eliminated, a much more extensive set of programs is urgently needed. Such programs must adequately deal with the awesome economical and motivational problems raised by the plight of the unemployed, underemployed, underpaid and unemployable.

In this respect, we urge the immediate adoption of the following program as the first major step toward abolishing poverty:

1. Extend coverage and raise the level of the Federal minimum wage: For the approximately 16 million men and women not now covered by this law, employment can and often does result in poverty. Consequently, we must extend coverage and, hence, protection to all farm, domestic, retail, hotel and motel, restaurant, factory, laundry, and hospital workers. Over 12 million of these people earn less than \$1.50 an hour. If all were covered by the existing minimum of \$1.25 an hour, they would earn \$2,500 a year—assuming they were employed on a full-time basis. Since this level of income is woefully inadequate to raise a family, we urgently recommend that the minimum wage be increased to \$2 an hour.

2. Public Works and Appalachia: We urge the immediate enactment of, at least, a \$2 billion accelerated public works program to create jobs where they are most needed. We also recommend the adoption of a special program for other depressed areas such as Appalachia.

3. Increased transfer payments: Because of the existing patchwork approach to human needs, a progressive and realistic welfare and social insurance program is more myth than reality. Therefore, we strongly recommend that the low benefits presently paid to the aged, disabled, and family survivors under social security be doubled by 1968 by raising the income tax base and by allocating general revenues, and that health insurance financed through social security be adopted to lessen the financial burden of our elder citizens. We recommend that aid to dependent children benefits be extended to families where a male breadwinner is unemployed and that this program be realized at the State level. We urge a realistic Federal insurance program for those temporarily disabled. We ask that unemployment insurance provide at least two-thirds of a worker's wage or salary for as long as he is forced into joblessness. To achieve this end,

we recommend Federal standards be adopted and State funds be placed on a solvent basis. We recommend that a Federal general assistance program be adopted which will cover all needy and deserving persons not elsewhere protected.

The ultimate elimination of poverty awaits the realization of full employment and economic growth—the most important step in the elimination of poverty. Only full employment can relieve the plight of the unemployed and the underpaid because it can provide jobs at decent and fair wages to all able Americans.

The overriding goal of full employment as enunciated in the Employment Act of 1946 has never been more important than today when new labor force entrants, part-year unemployed and the long-term jobless are enlarging this country's "underclass" of deprived and impoverished persons.

There is no longer time nor reason to debate the role of full employment in relation to "other" national objectives. There can be no doubt that full employment is still our top domestic priority, our most pressing economic problem. An effective and active labor market policy can be fully utilized to help achieve full employment, but a manpower program in the present economic milieu is a hollow concept.

A realistic approach to provide every able-bodied American with a decent job and to create much-needed public services necessitates a huge public investment. Federal, State, and local governments should undertake the construction of schools, the building of public housing for low and middle income groups, the rebuilding of our decayed cities, the construction of hospitals and health centers, the creation of a realistic mass transit and highway system, and the full development and preservation of our natural resources.

The poor would benefit twice over from such a program: they would be employed at decent wages on the actual construction of projects designed to fill our unmet social needs and they would receive, more proportionately than others, the services which these institutions would provide. The rest of Americans would benefit enormously because the fulfillment of these public needs would also enrich their lives and would promote further economic growth.

A massive multibillion-dollar commitment of resources is needed to undertake this program in any meaningful manner. The complete realization of this, in turn, rests upon an effective political force not now present—an effective liberal-labor-civil rights coalition.

As each month and year pass, these great unmet needs grow larger. As they increase in number, the costs of fulfillment become greater. So let us all join in making America a better place for all its citizens. Let us begin now.

Health needs of the Nation

It is clearly evident that action to improve the health of the American people is urgently needed on several fronts. National mortality figures for the United States compare unfavorably with many other countries. In addition, there are striking contrasts in health levels within the United States. At present, for example, the United States stands in 11th place in infant mortality rates, and showed less improvement in the prevention of the death of newborn infants than any of the 15 countries for which such statistics are available. The life expectancy of persons over the age of 60 is greater in 10 other countries than it is in the United States.

Over 44 million Americans still have no insurance protection whatsoever against the cost of hospital care, and an even greater number are without protection against the heavy burden of surgical or medical bills. Despite the growth of Blue Cross-Blue Shield and private health insurance programs, more

than two-thirds of the costs of consumer medical care costs comes directly out of the pocket of the patient.

The serious defects and deficiencies in health care can only be effectively overcome by developing bold programs that tackle effectively the basic shortages involved. These shortages exist in the area of financing, personnel, and the organization of services. Decisive immediate action to deal with these three fundamental shortages will provide the best experience from which to proceed with further developments leading to a health program for the Nation as a whole—a program which will provide equal opportunity for all to protect and restore their health, based upon fullest use of all the relevant scientific techniques, with the necessary balance between effectiveness and economy.

1. There can be no question that there are important sections of the population which cannot meet the cost of their medical care needs through Blue Cross-Blue Shield and private insurance. Nor can they be met through the implementation of the Kerr-Mills legislation. We especially oppose use of a means test, asking recipients of Kerr-Mills benefits to attest to their poverty. We endorse the use of the Social Security mechanism to provide financing for this essential element of a decent minimum American standard of living. The section of our population which has the most crucial need in this regard is the older population—those over 65. We urge the passage of the King-Anderson bill which implements this financing mechanism. We urge further that this mechanism be used to provide a broader range of services for the older citizens, so as to include preventive comprehensive services which will prevent illness and which will provide the necessary followup after hospitalization in order that persons eligible for these services may obtain maximum benefits. Experience with this method of financing health services will be useful in the broadening of this approach to other sections of the population which may need to participate in it.

2. The great shortage of health services personnel, such as physicians, dentists, nurses, and other comparable groups, is now well recognized. The groundwork has been laid for an increase in the number of such personnel through the legislation that has been passed by Congress this year—legislation which provides Federal financial assistance for physical facilities, for increasing the enrollment in schools, and for scholarship aid. The funds provided for the implementation of this program are, however, extremely small. We therefore urge that financial support for this program be vastly increased.

3. Experience with health services organized in different ways has demonstrated that there is a wide range of performance, in terms both of quality of care and of cost. There are demonstrations of medical care for insured populations which indicate clearly that the complexity of modern medical services requires organization of service, so that comprehensive care can be provided with the full implementation of preventive measures, at the same time taking advantage of the economies that can be effected through such programs as medical group practice. Special attention therefore should be given to the increasing evidence that health services need to be organized so that the funds are used most effectively, consistent with a high standard of care. This standard should incorporate the fullest application of modern knowledge with due emphasis on prevention and on followup.

The grave deficiencies in the structure and function of the health services of our Nation will not be overcome short of the adoption of a comprehensive national health program, which includes a system of health insurance for all our citizens.

Housing and urban renewal

ADA supports the right of all Americans to obtain decent housing in good neighborhoods at sales prices and rentals that they can afford to pay.

Although this is the most affluent nation on the face of the earth, approximately 13 million families and individuals, even today, live in housing that is either substandard, or unfit for human habitation. There are 36 million individuals that are members of families with incomes below \$5,000; 14 million families with incomes of less than \$4,000, and more than half of these with incomes below \$2,500. Yet the median price of new dwelling units being built in this country at the present time is in excess of \$17,000, well out of the practical reach of all of these families as well as a substantial segment of the total national population.

Thus, there is a continuing urgent need for additional low income and moderate income housing, especially including housing for the burgeoning aged and retired segment of the Nation's population. Greatly stepped up efforts designed to encourage the rehabilitation and conservation of the existing housing supply are sorely needed to prevent slums and blight from spreading faster than new housing and improved housing is created.

The present annual level of new residential construction is woefully inadequate. Two and a quarter million units a year are needed to meet the minimum shelter needs of the American people. Private enterprise alone cannot meet these basic needs. ADA strongly urges increased Federal, State, and local aids and incentives to private enterprise to help meet this goal.

The Housing Act of 1949 envisioned the building of 810,000 low rent public housing units within a few years following its enactment; yet, 15 years later only 525,000 units of this total have been constructed.

The need for decent, safe, and sanitary relocation housing for low income families displaced by various types of public action, including urban renewal, code enforcement and new highway construction, is expected to increase in the years ahead. The only effective source for standard housing for the majority of these families continues to be the low rent public housing program. This program, while it must be improved, still is the best available resource for adequate housing for those families whose incomes are so low that they cannot afford to enter the private housing market.

The Federal program of loans and grants for urban renewal and development has great potential for enabling local communities to clear slums and blight, renew older but basically sound neighborhoods, and improve housing and living conditions. This potential, however, will be realized only if local programs are "people-oriented" with broadly representative citizen participation, beginning with earliest planning stages and continuing until the programs are finally accomplished.

The elimination of discrimination and segregation in the sale and rental of housing accommodations, both public and private, is essential to any effective attack on the nation's overall housing problem. These twin evils trigger a vicious pattern of exploitation and ghettoization which contributes substantially to the development of many of the serious economic and social problems that increasingly plague our major urban centers, including poor health, juvenile delinquency, major crime and social unrest. It is significant to note that good housing is the only major commodity in the American economy that is not freely available to all American citizens on an equal basis.

In consideration of the foregoing, we recommend the following:

1. Moderate Income Housing

New housing production must be increased to a minimum of at least 2¼ million units per year to meet the still unmet shelter needs of the ever-growing segment of the American people, including the elderly and retired, and those whose incomes are too high to qualify for admission to low rent public housing, but at the same time insufficient to enable them to compete for privately financed housing at current rentals and sales prices.

Housing construction at this annual level is needed over at least the next decade to begin to satisfy the backlog of housing demand, to meet the needs created by future new family formations, and to serve as an alternative for obsolescence, condemnations, and demolitions in the existing housing inventory. Because of the chronic inability of most states and local communities to adequately share these financial responsibilities, Federal assistance in the form of increased loans and grants, lower interest rates and other types of subsidies must be made available. However, these Federal aids and incentives should be directed so as to encourage a closer working partnership between government at the national, state and local levels and to provide the incentive to private enterprise to do a large part of the job.

2. Low Rent Public Housing

The public housing program must be enlarged to include the authorization for a minimum of 200,000 units in the next 2-year period. The achievement of this modest goal will not only very belatedly enable the Nation to provide the number of such units envisioned in the Housing Act of 1949, but will represent a necessary source of relocation housing and a meaningful contribution to the developing national antipoverty program.

We recommend that local public agencies be encouraged to engage in appropriate programs of training and community organization, directed toward the preparation of slum families for their movement into standard housing.

We further recommend that additional efforts be undertaken to improve public housing design and to create a variety of means to meet low-income housing needs. Such measures as smaller projects on scattered sites; acquisition of sound used housing which can be renovated and converted for use as public housing; and programs for occupant families to eventually purchase such housing as their incomes reach qualifying levels need to be expanded, and others should be tried.

In line with efforts to expand low-income housing, the Federal Government should encourage better use of code enforcement in local areas through demonstration grants or perhaps through financing of special renewal-oriented enforcement programs. At the least, the Federal Government should insist on comprehensive code enforcement efforts that are more than mere phrases in the "Workable Program."

3. Urban Renewal and Redevelopment

ADA urges Congress to adopt a 10-year program of Federal aids to urban renewal and development including grants of at least \$1 billion a year to enable local communities to clear slums and blight and to improve the housing and living conditions of people. This minimal program is urgently needed to begin to rehabilitate and maintain our Nation's cities, towns, and metropolitan areas as wholesome centers for residence, work, recreation, and culture.

We recognize that a reasonable level of Federal financial assistance is needed to help cities to alleviate conditions of blight and

obsolescence in their commercial, industrial, and cultural areas, but we emphasize that such financial aid stems from a housing act and that the overriding purpose of urban renewal and redevelopment is still to provide decent housing for all Americans.

The need for communitywide, comprehensive renewal is so great that no artificial restrictions as to the number of redevelopment programs in a given locality ought to be established. Redevelopment in new areas should not await the substantial completion of any earlier project, but instead should be carried forth in concert as much as possible.

We strongly urge that there be no increase in funds for nonresidential purposes at the expense of the already too meager authorizations provided for residential renewal requirements. Instead, where the beneficiaries are commercial enterprises, the funds should be made available, whenever possible, through long-term loans rather than grants.

Additional safeguards are still sorely needed to require local communities to develop sounder and more realistic relocation programs to rehouse families affected by federally aided urban renewal programs in standard accommodations that are within their financial means. We particularly deplore the continued development of so-called luxury housing in areas from which low- and moderate-income families have been moved, without a compensating supply of housing made available for their use in other sections of the community. Nor should any redevelopment area be devoted solely to one class of housing, but should be an integrated design offering facilities to all groups of the community. Redevelopment land costs should not be a bar to the construction of lower rental housing.

We ask the Federal Government to demand evidence, not rhetoric by local agencies, that realistic and humane relocation programs are available to displaced families and that the local supply of decent low-income housing will increase rather than decrease as a result of renewal activities.

We also urge the development of further protective procedures to insure that there be broadly representative citizen participation at all stages in the planning and execution of federally aided urban renewal programs.

The growing and disquieting opposition to the entire urban renewal and redevelopment movement presently evidenced in many areas of the Nation is to a considerable extent due to the fact that grassroots elements in local communities are not being properly advised, consulted, or otherwise being permitted to participate in programs which, though necessary, create real hardship and inconvenience within these groups.

We urge favorable consideration for those sections of the Administration's Housing and Community Development Act now before the Congress, providing FHA mortgage insurance for land development programs which will be utilized for new subdivisions and for entirely new communities. Proper provisions should be made to assure that low and moderate income families and the elderly and retired will be able to obtain housing in such new subdivisions and communities.

4. Equal Housing Opportunity

The elimination of discrimination in the rental or sale of housing both public and private is an essential ingredient to any meaningful attack on the Nation's housing problem. Discrimination continues to force non-whites and other racial minorities regardless of income to live in the most rundown housing in the poorest neighborhoods in the general community. Not only is housing discrimination a prime factor in the development of slums and blight, but it is the greatest deterrent to the development of communication between the races and principal culprit in the current explosive white and non-white imbalance to be found in the Nation's public school systems.

We favor integration in housing and we reject tokenism.

We support the President's Executive order on equal employment opportunity in housing, and strongly urge that this potentially useful tool be broadened in its coverage to include all housing that enjoys any measure of Federal financial support, either direct or indirect. Any programs that receive grants, loans, or other forms of subsidy that are made possible by the dollars of the Nation's taxpayers should be made available equally to all Americans regardless of race, color, creed, or national origin.

We recommend the enactment of fair housing practices legislation both on the State and on the local level and particularly urge our chapters to use their influence and leadership to fight for legislative protection and good administration of equal opportunities in housing.

Education

ADA supports a massive broad-scale Federal program of aid to education to the end that quality education should meet the needs of the student. Such aid should include grants, loans, pledges of Federal credit, and scholarships. It is self-evident that State and local governments and private facilities alone cannot attain our educational goals. Only by a soundly conceived Federal program will the Nation develop its most precious resource—its young people. Through our neglect, comprehensive Federal aid to education remains a critical unmet need. An increased erosion of our human resources is the end product of our failure to provide for our educational needs. The Nation is the permanent loser because we have regularly neglected to develop the talents of our young people. It is high time that we educate all our citizens adequately, facing up to what we must do to implement our national goal—educational opportunity for all.

Support for Federal aid to education is the only effective beginning. Nonsupport for an adequate elementary and secondary school system is one of our great failures. Here lies the root of the problem; the fault is ours. Dropouts increase and flood the job market—unskilled and ill-prepared for our increasingly complex society.

It is necessary to recognize that automation is the fact, subject neither to denial nor rational opposition. What this technical revolution is doing is diminishing greatly the proportion of unskilled jobs available in the economy; on the other hand, the proportion of semiskilled, skilled, technical, and professional jobs will greatly increase. Thus, demands will be placed upon our educational system as never before. When children leave high school because of inadequate facilities, caused by overcrowding or unqualified teachers or inadequate vocational training opportunities, they create an unemployment problem running in excess of 13 percent of youth between the ages of 14 and 19. This high rate of unemployment not only leads to criminal activities but is a frightening waste of human resources.

Since the cost for public education will increase rather than decrease, we must be prepared to invest in our educational needs whether or not the expenditures will unbalance the budget.

1. We favor the use of Federal funds to aid educational development beginning with pre-school-age children and continuing through adult education.

2. We favor the use of Federal funds in those areas of greatest need. This should include areas that have high unemployment rates, low average incomes, and areas that tend to perpetuate unemployment from generation to generation. In such areas particular attention should be given to the pre-school child for entrance into primary school. There are few schools in the United States where Negroes and other underprivileged

groups receive adequate primary and secondary education.

3. We favor the use of Federal funds to aid benefits for public elementary and secondary teachers. If we want quality education, we must compensate teachers as professionals. We must encourage them to enter and remain in the teaching profession.

4. We favor the use of Federal funds to construct public elementary and secondary education schools.

5. We believe that major improvements must be made in the quality of vocational education. It is scandalous that much of vocational education results in training for jobs that are now nonexistent or will soon be obsolete.

6. We support scholarships covering tuition and, when necessary, subsistence to individual students studying in institutions of higher learning, whether public or nonpublic, where such scholarships are granted solely on the basis of genuine merit and financial need. To supplement an undergraduate scholarship program, we suggest a substantial increase in the number of graduate scholarships awarded under the National Defense Education Act, with an increased share of these scholarships allocated to the social sciences and humanities.

7. We favor the employment of Federal funds to subsidize the educational development of accredited colleges and universities, both public, and private, provided the institutions are nonsectarian.

Higher education should today be the normal expectation of American young people. The increasing educational demands which modern technology places upon all citizens and the rapid multiplication of knowledge mean that 12 years of school is no longer adequate to meet our national need.

It is an encouraging fact that more of our young people than ever before enter institutions of higher education. Yet the growing college age population and mounting costs of higher education are rapidly pricing education beyond the means of low and even middle income families.

ADA has always supported and continues to support a Federal program of scholarships. Yet it is becoming increasingly evident that scholarships help most those young people who have had the greatest educational advantages. Low income and minority group young people are at a severe disadvantage in all scholarship competitions.

The time is ripe to extend the principle of free public education to higher education. Only such an approach is consistent with the needs of our times.

Present methods used for college entrance work to the disadvantage of many qualified students. Those students, denied a good basic education in the elementary and secondary schools, cannot possibly compete with those students who from kindergarten through high school had all the educational advantages.

We therefore urge a special program starting with the secondary level to seek out potential students and to give them the remedial guidance and training they need to meet college entrance requirements.

If we are to make higher education generally available, there is need for increased Federal aid to expand the facilities available in both public and nonpublic institutions of higher education, provided the funds are used for nonsectarian purposes. There is particular need for the development of more community colleges which can further contribute to bringing higher education within easy access of young people from low income families.

Perhaps of all Government programs, education ranks as the most important investment. Certainly it is the most prudent. It is a demonstrable fact that lifetime earnings will be affected by the extent and quality of education, and a quality education encourages more students to not only attend

college or receive advanced technical training, but to become the employable and useful citizens of tomorrow.

The harsh fact is that the education program to aid public elementary and secondary education before Congress is incapable of denting our ever-increasing needs. The present \$1.5 billion aid to public elementary and secondary education program, calling for a 4-year authorization, and now languishing in the appropriate House and Senate committees, is a pittance when measured against what is needed. This is particularly true since the purpose of the authorization is to phase the program out after 4 years. This is planned folly. Ten billion dollars per year should be spent on aid to public education by the Federal Government on a continuing basis.

POLITICAL POLICY COMMISSION RESOLUTIONS *Congressional reform for January 1965*

Since 1938 this Nation has confronted a national legislative system that revels in its apathy, delights in its dilatory tactics, and flaunts its resemblance to a monstrous obstacle course.

The system has torn the flesh from programs of social reform and offered a prop of power to those legislators who find comfort in the mores and customs of the 19th century.

It has thwarted the will of the majority; it has frustrated the men who attempt to truly represent the voters who have chosen them.

The President of the United States is unable to have the substance of his program discussed by the Congress.

The seemingly successful quantitative scorecard for Congress on passing legislation falls far short of meeting the needs of the Nation.

The illness is apparent. The moribund nature of Congress in the last 25 years has demonstrated with increasing clarity the need to change the rules that now bind the U.S. Congress to inactivity, irresponsibility, and inefficiency. Congressional reform must be achieved if this country is to meet and solve its problems.

The most important immediate reforms that must be achieved are those that are decided at the start of the session, in both the House and the Senate. The adoption of the rules of each House and the decisions made in each party caucus at the start of each session are primary means that must be utilized to structure the Congress in a manner to allow it to consider the basic issues of the times.

Abuse of Current Rules

The rules that now govern Congress are man made. They are not found in the heritage of the Founding Fathers or in the prescriptions of the Constitution.

These rules determining the structure of Congress and the committee system have been the tradition of the U. S. Congress. But the rules and committee structure have gagged the national political dialog, and rendered inoperative the democratic process.

Bills have been introduced, but needed legislation now pending before Congress is hopelessly stalled. Major legislative proposals are either crippled in the process of being enacted or never even reach the floor of the House or Senate for approval or rejection. Here are but a few examples of legislation weakened or stymied by this destructive process: Tax reduction and reform, aid to public elementary and secondary education, Federal scholarships, aid to teachers' salaries, protection to migratory workers, civil rights, revised immigration legislation, consumer protection, District of Columbia home rule, foreign aid appropriation, Arms Control and Disarmament Agency appropriation, medicare, social security improvements, and Federal standards for unemployment compensation.

This list runs the gamut of legislation that is designed to meet the needs of the American people. While the country cries out for leadership and searches for solutions to the continuing crises of the 1960's, the Congress of the United States has used its energies and brainpower to perpetuate a program of antilegislation and nonconsideration of major matters. The Congress has proven itself to be powerful enough to devise methods to paralyze action, but to plead impotence when called upon to move.

A Congress that refuses to represent the citizens—refuses to consider the expressed interests of the voters—abandons its functions to the other two branches of the system. By its self-inflicted paralysis, the Congress has corrupted the legislative process which is essential to the constitutional principle of checks and balances.

Congressmen and Senators themselves have created the necessity for the Chief Executive to devise and employ all possible tactics to get legislation considered. A President's program always deserves critical scrutiny, but scrutiny by majority rule and discussion by representative groups of legislators within the committee structure.

ADA applauds Senators CLARK and CASE and Congressmen BOLLING and REUSS for their tremendous efforts in providing the leadership that will help restore integrity and substance to the legislative process.

But unless action is taken to insure rules changes and democratization of the party caucuses when the 89th Congress convenes in January 1965, a system of bondage and irresponsibility with its blind acceptance of feudal seniority rules will continue. Minority rule will be perpetuated.

The ADA national convention calls upon its chapters to give major emphasis to the campaign for congressional reform in the 1964 elections. Only by making congressional reform a major campaign issue can the opportunity exist to make this major fight on democratizing the rules of Congress in January 1965.

House Rules Changes

The ADA convention supports the following rules changes in the House of Representatives:

1. A 21-day rule for reporting legislation. A rule reform should stipulate that after a bill is approved by a committee and sent to the Rules Committee for scheduling of floor debate, the chairman of the bill's parent committee (or the senior committee member favoring the bill if the chairman opposes it) may request that the Rules Committee report out the measure within 21 days. This procedure allows for House consideration of committee-approved measures that otherwise are blocked by the Rules Committee.

2. A 7-day conference report rule: A procedure affecting accommodation between different versions of legislation passed by the House and Senate should give the House Rules Committee a time limit of 7 days to send the bill to the joint conference. If the Rules Committee failed to act, the House by majority vote should be able to order the bill sent to conference. This reform would give both the House and the Senate a legitimate opportunity to resolve differences between their measures.

3. Conference committee membership: Instead of leaving the composition of the conference committee delegation to happenstance, it should be required that the Speaker of the House appoint to the conference committee a majority of the Members who support the particular legislation approved.

4. Discharge petition: Lowering the number of signatures required on a discharge petition from 218 to 150 would give an opportunity, when all other methods are not available, to bring to the floor a measure supported by a substantial number of Congressmen.

5. Committee bill of rights:

- (a) Meetings: In the event the chairman of a committee refuses to call a meeting, a procedure should provide a means by which a majority of the committee members can hold a meeting.

- (b) Agendas: A majority of the committee members should have the authority to determine the agenda of the committee meetings and the right to determine the items of legislation to be considered and voted upon.

- (c) Temporary chairmen: In the event of the disability of the committee chairman, the Speaker should select a temporary chairman to allow continued deliberations of the committee.

- (d) Subcommittees: A majority of a committee should determine the various subcommittees to be established and the ground rules under which they would operate.

- (e) Staffing: Provision should be made to assure adequate staffing for the minority members of the committee.

- (6) Administration proposals: The administration should be given the authority to designate its major proposals out of its entire program. The committees and the Rules Committee should be required to report out these major measures for a vote by the full House within 6 months of their presentation. Still safeguarding the right of the legislature to make a negative judgment about Executive recommendations, this procedure would provide for at least courtesy consideration of the program of the President of the United States.

- (7) Conflict of interest and financial disclosure: Congress should adopt strict conflict-of-interest regulations for its Members, starting with a full disclosure of financial holdings and sources of income.

House-Party Caucus Changes

A necessary supplement to rules changes in the House is increasing democratic procedure within the party caucuses of the major parties, particularly the Democratic Party.

The most powerful committees in the House—Ways and Means, Rules, and Appropriations—fail to reflect the liberal majority of the Democratic caucus. Hence the conservative and reactionary Democrats team up with conservative and reactionary Republicans to dominate these committees and perpetuate their outmoded ideas. The following reforms of Democratic Party rule would give the Democratic House Members and their caucus real power in the selection of committee members:

1. Selection of Rules Committee members: Instead of the Democratic members of the House Ways and Means Committee nominating the Democratic members of the Rules Committee, they should be selected by the Speaker, subject to veto by the caucus.

2. Selection of committee chairmen: The caucus should by secret ballot initially nominate three choices for committee chairman, and the Speaker should select one of the three choices. Although the caucus might consider seniority a valid factor in its choice of nominees, a system should alleviate complete reliance on the seniority system and take ability into consideration. Committee chairmen will be more responsive to the party's majority viewpoint.

3. Selection of committee members: Assignment of committee members should be subject to the veto of the caucuses of the parties.

Senate Rules Changes

1. Filibuster: Still safeguarding provisions for adequate debate in the Senate, a change should stipulate that a motion supported by 51 Members of the Senate—a majority—would terminate a filibuster. The proposed modification would maintain the right of extensive debate but would structure the rule to diminish the effect of a threatened filibuster or an actual filibuster.

2. Administration proposals: The administration should be given the authority to designate its major proposals out of its entire program. The committees should be required to report out these major measures for a vote by the full Senate within 6 months of their presentation. Still safeguarding the right of the legislature to make a negative judgment about Executive recommendations, this procedure would provide for at least courtesy consideration of the program of the President of the United States.

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(a) Meetings: In the event the chairman of a committee refuses to call a meeting, a procedure should provide a method by which a majority of the committee members can hold a meeting.

(b) Agendas: A majority of the committee members should have the authority to determine the agenda of the committee meetings and the right to determine the items of legislation to be considered and voted upon.

(c) Temporary chairmen: In the event of the disability of the committee chairman, the majority leader should select temporary chairmen to allow continued deliberations of the committee.

(d) Subcommittees: A majority of a committee should determine the various subcommittees to be established and the ground rules under which they would operate.

(e) Staffing: Provision should be made to assure adequate staffing for the minority members of the committees.

Senate-caucus changes

Just as in the House, party rules changes are a necessary supplement to real congressional reform, so party rules in the Senate are a real necessary supplement to effective congressional reform.

The Democratic steering committee and Republican committee on committees—the groups that make committee assignments—are now the legislative bodies that can determine the fate of an entire congressional session.

The Republican committee reflects the Republican composition in the Senate—the party's liberal contingent, though a minority is represented on the committee.

The Democratic committee, however, gives undue influence to the conservatives in the party. The South is overrepresented. All other sections are misrepresented or underrepresented.

There is a real need for a representative steering committee, one that can have its decisions subject to control by the Democratic caucus. Recent decisions by the steering committee have acted to retain conservative control of key committees by denying senior liberal Senators, particularly those who have voted against the establishment on rule XXII, the committee assignments of their choice.

Although the Senate committees of each party should continue to select members of the standing committees, reform should make these improvements:

1. The Democratic steering committee and the Republican committee on committees should reflect the composition of their respective parties.

2. The decisions of the steering committee (and thereby the composition of the standing committee) should be subject to the approval or veto of the party caucus.

Action

If the 89th Congress convening in January 1965 is to be effective and make a break in the tradition of congressional stagnation and inaction, it is necessary to adopt congressional reform as a major program. The ADA convention calls on the ADA chapters to participate fully in this campaign. Such action necessitates that our chapters:

1. Strongly urge both Republican and Democratic nominating conventions to adopt

a platform plank supporting specific, comprehensive congressional reforms.

2. Make congressional reform a major campaign issue in every congressional and senatorial race.

To implement this action the ADA national convention directs the chapters and staff to take all appropriate action including, but not to be limited to:

1. Organizing a national committee for congressional reform.

2. Organizing a national and local leadership conference for congressional reform.

3. Holding areawide and statewide conferences supporting congressional reform early in the campaign. Such conferences should be broadly based and include religious, labor, civic, and civil rights organizations.

4. Questioning all candidates for Congress and the Senate, in primaries and general elections, as to their views on congressional reform. ADA chapters should stimulate civic groups to also use questionnaires that include questions on congressional reform.

Equal representation

The democratic premises of our society require not only that all adults shall have the right to vote as a means of choosing who shall govern and as a check on tyranny, but also that each vote shall have equal weight, so far as possible.

These ideals cannot be realized where voters are systematically accorded disproportionate representation through malapportionment of legislative seats among voting districts of grossly unequal population nor where districts are drawn with the design of perpetuating the legislative dominance of one faction.

We deplore the long-continued failure of our State legislatures to act responsibly in the light of these ideals. Traditions of malapportionment and gerrymandering within our States of legislative and congressional seats both belittle our democratic resolve and betray the loyalty and confidence of our people in our representative institutions.

Once again, the internal defense of democracy has been thrust upon the Supreme Court. In *Baker v. Carr* and in *Westberry v. Sanders*, the justices have promised remedies for malapportionment of legislative and congressional districts if our legislatures do not act promptly.

Judicial defenses against unfair definition of districts by gerrymandering are not as yet available. Although the primary obligation of fair play rests with State legislatures, Congress has the power, under the 14th amendment and under article 1, section 4, of the Constitution, to establish enforceable standards for compact and contiguous districts. We call upon Congress to exercise this power.

Freedom party of Mississippi

The basically undemocratic character of the traditional Democratic Party of Mississippi represented by its denial of participation to many of the citizens of Mississippi because of their race has led to the establishment of the Freedom Democratic Party.

The Democratic Party in Mississippi failed to support the candidates and the platform adopted at the National Democratic Convention in 1960 despite a pledge of party leaders to do so.

The Mississippi Democratic Party has stated in its literature that it is not a part of the national party.

The Freedom Democratic Party has been established and is open to all citizens of Mississippi regardless of race. The party is being sponsored by a coalition of liberals and civil rights organizations called the Council of Federated Organizations. It has decided to aid local citizens in setting up a Democratic Party structure to challenge the existing party and give Negroes an experience in the politics from which they have been excluded. This party will be open to citizens

of both races, will encourage political participation on the part of all, and will conform to the platform and support the candidates of the National Democratic Party. Delegates will be chosen in party meetings, closely paralleling the Mississippi election laws. These delegates will then attend the National Democratic Convention, where they will challenge the credentials of the regular party through the Credentials Committee.

We urge the Democratic National Convention to seat the integrated Freedom Democratic Party delegation and refuse to seat the traditional segregated Democratic Party of Mississippi.

Succession to the Vice-Presidency

ADA calls upon Congress to enact by statute, and not by constitutional amendment, more careful safeguards than now exist to guarantee a line of orderly succession to the Presidency. We, therefore, urge the Congress at this session to pass legislation which would require a President to nominate an acting Vice President within 30 days after the office of Vice President becomes vacant as a result of elevation of the Vice President to the Presidency or at any other time the Office of Vice President becomes vacant. Such an appointment by the President would be for the duration of the then current term and should be subject to the ratification by vote of the full body of both House of Representatives and Senate.

Campaign costs

Some of the most serious problems this country faces originate in the financing and conducting of political campaigns. The cost of waging modern election campaigns, utilizing television, radio, billboards, direct mail, and newspaper advertising, is staggering and ever increasing. The Commission on Campaign Costs appointed by the late President Kennedy reported that expenditures in behalf of all candidates for public office probably reached \$165 to \$175 million in 1960.

Congress must introduce reforms to curb the dangerous practice in American politics of solicitation by candidates for public office of huge sums of money from private interests to underwrite election campaign costs. The conflict-of-interest situations which confront Members of Congress and candidates for office are enormous. Various proposals have been made, from the encouragement of voluntary bipartisan political activities to tax incentives in varying forms and degree. ADA believes that the tax credit proposal in modest amounts is an excellent device and can serve to stimulate small contributions.

Although tax incentives offer a partial solution to the financial problem, there are collateral problems which require close examination and carefully constructed proposals for solution. Among these are:

1. A plan to control the upper limits of campaign spending;

2. An equitable and workable method of limiting the total campaign time;

3. A way to distribute campaign contestants' basic statements by State and/or Federal means (e.g., franking privileges, FCC guarantees of free and equal radio and television time, etc.);

4. A method for exercising improved controls on campaign procedures and contributions to minimize the advantages of an incumbent officeholder over a contender for the office.

The above set of proposed solutions do not exhaust the needed remedies. These are intended to initiate reforms as a basis upon which improved reforms can be reliably constructed.

Today there prevails widespread cynicism toward regulation of campaign financing. Most of the existing statutory regulations have proved inadequate, impossible to enforce, and honored mainly in the breach.

As political campaigns increase in cost, pressure and conflict in the legislative and executive branches increase in complexity, and the urgency of resolving the campaign problems becomes more serious.

ADA urges prompt action to solve this major political problem at all levels, a drive for Federal legislation and for State legislation for elections at State and local levels.

We recommend at the same time that ADA refer the matter to the national board for further study of methods proposed to meet campaign costs, including a useful one by Senator NEUERGER to provide matching Federal funds.

The role of the independent liberal in American politics

The election year of 1964 is a crucial one. The accelerating pace of social and economic change has contrasted sharply with the stagnation of American politics. Hanging in the balance now is the resolution of an accumulation of great needs of our society—civil rights and civil liberties, economic growth and the elimination of poverty; education of all; full employment and peaceful labor relations; urban development; social welfare; political reform and the development of a peaceful community of nations devoting human energies to human fulfillment.

What is the role of ADA? It is to identify liberal goals and seek their attainment in the political arena. We seek to energize liberals to press the fight for liberal programs. We believe that whether liberals work as individuals within the parties or outside the party system, the dictate of conscience is the same—an unswerving emphasis on liberal programs, devoid of blind party allegiance or unthinking adherence to any single political figure.

The role of the independent liberal must include the seeking out and supporting of candidates who will unceasingly work for the enactment of liberal programs. It must include stimulating, educating and arousing the electorate to the need for the programs and the candidates who will support them.

There is no shortage of areas of unmet social need. This convention will indicate many of them in detail. We urge all chapters to find and support candidates who will pledge themselves to support our resolutions. We call upon all ADA members and chapters to give their time, their money, and their energy to insure the election of a liberal administration and Congress.

We urge a greater recognition by liberals everywhere of the essential interrelatedness of groups working for racial justice, adequate education for all, an economy of abundance and full employment, and world peace. With a sweeping humanitarianism, a new united American force can generate the power to overcome national inertia and initiate a national revitalization. We welcome this development.

By contrast the assassination of President John F. Kennedy epitomizes the consequences of hate and the totalitarian mentality of political extremes. The emergence of a radical right wing is especially dangerous today. Liberalism must oppose these forces with redoubled vigor.

Direct presidential election

We recognize the evolution of the office of President from presiding officer of the weak central government of a tiny federation to the natural leader of a great nation and its allies. Our electoral college system, a side-product of the great compromise which brought jealous colonies into a single nation, is not appropriate for the selection of the world's chief spokesman for Western concepts of democracy.

As the popular symbol of national unity and as the possessor of previously unimaginable potential for creation of a new world

or the destruction of a quarreling civilization, the President should embody our democratic faith that each man has an equal vote. We urge a constitutional amendment to provide for direct popular election of the President.

CIVIL RIGHTS—RESOLUTION

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the 180th annual convention of the Episcopal Church, Diocese of Pennsylvania, meeting at Valley Forge, Pa., on May 5, 1964, relating to civil rights, together with the letter of transmittal from Rev. Arthur C. Barnhart, executive secretary.

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

THE DIOCESE OF PENNSYLVANIA,
Philadelphia, Pa., May 7, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CLARK: I am enclosing herewith a copy of the resolution concerning civil rights which was adopted by the 180th annual convention of the Diocese of Pennsylvania meeting at Valley Forge, Pa., on May 5, 1964.

In the light of the current debate in the Senate, it would seem to me that it would be a document that would bear inserting in the CONGRESSIONAL RECORD. We would be much in your debt if you would do this for us.

If you accede to our request, I would welcome it if your office could make 50 copies of this portion of the RECORD available to me for the clergy and lay members of this department.

Perhaps it bears mention that there were 1,200 clergy and laymen of the diocese present at the time this resolution was unanimously adopted.

Sincerely,

ARTHUR C. BARNHART.

RESOLUTION CONCERNING CIVIL RIGHTS

Whereas Bishop DeWitt in his first address to a convention of the Diocese of Pennsylvania has commended to our attention the radical injustice suffered by racial minorities in our midst; and whereas he has charged all churchmen with responsibility to participate actively in endeavors to redress the grievances of these minorities, especially in the light of the manifestly mounting impatience of whites with the growing impatience of Negroes and the implications of potential human tragedy therein; and whereas he has called our attention to the magnitude of the present crisis in Chester, where a number of clergy and other churchmen have become deeply involved, even to the point of going to jail for their convictions; and

Whereas the convocations of west Philadelphia and south Philadelphia, and a committee from the convocation of Chester, have memorialized this convention, asking that it initiate study and action relevant to our local situation in the diocese in pursuit of civil rights and equal opportunity for all men; and

Whereas our general convention has declared (1952) that "we consistently oppose and combat discrimination based on color or race in every form," and (1958) that "we call upon our fellow churchmen by God's grace to cleanse themselves of all spirit of racial discrimination; and then [call] upon all persons, especially the members of our church, to work together in charity and forbearance toward the establishment, without racial discrimination, of full oppor-

tunities, in fields such as education, housing, employment, and public accommodations"; and whereas, the house of bishops of our church declared (1963) that "it welcomes the responsible discipleship which impels many of our bishops, clergy and laity to take part in peaceful assemblage and supports them fully (in such a proper expression of Christian witness and obedience)"; and whereas, our presiding bishop on Whitsunday 1963 expressed at length our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society and declared that "present events reveal the possible imminence of a catastrophe; the entire Christian community must pray and act"; and

Whereas the city of Chester in the diocese of Pennsylvania is torn by internal strife centered in the activity of civil rights groups seeking to have their grievances heard; and

Whereas numerous statistics and studies are available, including reports by a special committee convened by Bishop Armstrong, which statistics, studies, and reports indicate the magnitude of the gulf between the Negro and white portions of the city of Chester, as to income, employment opportunities, community representation, housing, and equality of schooling; and

Whereas a situation now exists in which responsible civil authorities and persons who believe themselves aggrieved have inadequate lines of effective communication; and

Whereas there is a grave threat of the miscarriage of justice unless there is highly responsible exercise of power by constituted authority: Therefore be it

Resolved, That this convention gives its prayerful support to the struggle for civil rights and equal opportunities, both in Chester and throughout the Greater Philadelphia area; and that this convention approves of the recent intervention of the Governor and human relations commission of the Commonwealth in the Chester crisis, and urges that persons in high authority make no peace with oppression; and be it further

Resolved, That all churchmen in this diocese be urged to involve themselves personally, through the giving of concern, time and money, in the work of securing civil rights, and of building a more equitable society in which the needs of all for jobs, housing, and good schooling are taken into account; and be it further

Resolved, That all Christian men and women who hold responsible positions in the governmental or industrial structures of our society be urged to utilize their power to correct the injustice done to racial minorities; and be it further

Resolved, That this convention asks the diocesan department of Christian social relations to conduct studies designed to reveal facts concerning the distress of racial minorities, and to identify various principles and strategies pertinent to handling these facts, and to arrange area meetings designed to keep open the necessary lines of communication concerning such matters; and be it further

Resolved, That this convention encourages the participation of this diocese and its people in interfaith and intergroup activities in pursuit of civil rights; and be it further

Resolved, That this convention states its appreciation to Bishop DeWitt for his forthright statement, in his address to convention, on Christian conscience in the matter of racial tensions within the church and society; and be it further

Resolved, That this convention also expresses its appreciation to the presiding bishop, the house of bishops, and the national council of our church, and to the general board of the National Council of Churches of Christ in America for their strong leadership in furthering the cause of civil rights.

TRIBUTE TO THE LATE PRESIDENT KENNEDY

Mr. CLARK. Mr. President, there has come to my attention a very moving letter written by a niece of mine, Miss Marianna Merrill, to the editorial board of *Salmagundy*, a newspaper published by Miss Porter's school, in Farmington, Conn., in the State of the present distinguished Presiding Officer [Mr. RIBICOFF]. I was so much struck by the keen understanding, expressed in the letter, of the great loss our Nation has suffered through the assassination of the late President Kennedy, that I ask unanimous consent that the letter be printed in the RECORD.

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

To the Editor:

On Friday, November 22, 1963, at 1:30 p.m. President John F. Kennedy was shot. At 2:00 he died. By 2:30, the people of the United States of America were either shocked, stunned, grief stricken, unbelieving, frightened, angered, or just sad. Whatever feelings each individual had, the people of America were suddenly united—thrown together, not in a time of pride and glory, but in a time of humility and tragedy. And what exactly was this tragedy? A young woman who had everything at one moment, and at the next was left with nothing but her two small children, her religion, and her courage? A man in the prime of his life with everything to live and fight for, suddenly shot down by a stranger? A new President upon whom the responsibility of his people, their troubles and fears were thrust? A leading nation of a sudden become a nation to be pitied? These are certainly in themselves tragedies; but I think, when put together, they become something different.

And what is this something? Perhaps it is a warning—a warning to America that there is too much hatred among her people—that there are too many prejudices. Or could it be a symbol—a foreshadowing that just as a President was destroyed, so shall a nation be destroyed?

But whatever it was meant to be, it has served a great purpose. It has opened the eyes of a people—a people in danger of letting their country be run by others instead of running it themselves, and each one doing his best in a democratic government. And what shall these Americans do—now that they have seen reality? Will they unite and become a people at peace among themselves, and striving for peace among others? Will each one do his best for his country, beginning in schools, homes, and communities?

Perhaps, with a great deal of faith and courage, and with the help of God, we may become a truly great nation, respected by others and trusting in God.

ANONYMOUS.

THE CIVIL RIGHTS BILL—LETTER FROM MRS. KARL S. LEWIN

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD, a letter addressed to me, almost 2 months ago, by Mrs. Karl S. Lewin, of Pittsburgh, Pa. In her letter, she outlines the most encouraging results of a poll which she took of a night school English composition class she teaches at the University of Pittsburgh. Her letter indicates a very heartwarming interest in the civil rights bill by individuals whom one would think might

be opposed to the bill, but for their conscience.

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

PITTSBURGH, PA., April 15, 1964.

HON. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CLARK: I teach a night school English composition class at the University of Pittsburgh. A recent class assignment was to write a letter to either you or Senator SCOTT giving the students' views on the civil rights bill. I thought you might be interested in the results.

Out of 45 students involved, 36 wrote letters in support of the bill, 8 were not in favor of it, and 1 neatly straddled the fence. Moreover, of the eight who were against the bill, seven were low C and D students.

It is further interesting to note that these night school students are of a rather different social and economic strata from the average day student. Most of them hold poorly paid jobs during the day, and they are predominantly of lower middle class backgrounds. They are the ones who conceivably might be threatened by a radical change in hiring policies, but still their consciences are apparently operating in favor of the bill.

You may count me as one more strong supporter of the bill.

Sincerely,

LOIS S. LEWIN.

CESSNA'S WORLD TRADE

Mr. PEARSON. Mr. President, last week, I was privileged to participate in the ceremony at which the President of the United States presented an "E" award for excellence in world trade to the Cessna Aircraft Co., of Wichita, Kans.

This was a proud moment for the Cessna Aircraft Co., its officers, and its employees. I am pleased again publicly to congratulate this Kansas company for its aggressive program of foreign market expansion. I ask unanimous consent that an editorial entitled "Cessna's World Trade," which was published in the *Wichita Eagle* on May 20, 1964, be printed in the RECORD.

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

CESSNA'S WORLD TRADE

Cessna Aircraft Co. reaped another laurel Monday when it was presented an "E" award by President Johnson for excellence in world trade. The firm was one of nine to receive awards for contributions to increasing America's share of foreign markets by expanding the national export program.

Cessna has 100 distributor-dealer franchises located around the globe. The dealers sold 54 percent of all American light airplanes exported in 1962. In 1963, 22.9 percent of its total sales were in foreign markets.

The accomplishment has not been without effort. Cessna has worked energetically to display its products at world trade fairs to increase volume. The company has maintained a cost-price stability so that it could compete in a world market where so often American domestic prices are higher than foreign competitors.

Cessna employees may rightfully take pride in the Presidential award. The impact of their success is immediate to Wichitans who benefit from our thriving aircraft industry.

The Presidential award demonstrates the importance of the industry, not only for the city, but for the Nation.

TRIBUTE TO STATE SENATOR LAURIN JONES, OF DODGE CITY, KANS.

Mr. PEARSON. Mr. President, for several years it was my privilege to serve as a member of the Kansas State Senate. Among my colleagues were many men who served their constituents and their State with dignity, sincerity, and diligence. Outstanding among these was Laurin Jones, of Dodge City.

Senator Jones represented his section of the State as both a member of the Kansas House of Representatives and as a member of the Kansas Senate. He attained stature as the State's outstanding legislative authority on education. The steady progress of Kansas education, the quality of the graduates of our Kansas educational system, and the State's low level of illiteracy all testify to the soundness of our State educational program, which has maintained sound, progressive growth under the most trying circumstances. Not the least of the factors which has assured the present educational product has been the sympathetic but cautious support and understanding of Laurin Jones.

Senator Jones has now announced that he will not seek reelection. This decision is a distinct loss to the Kansas Senate and to the people of Kansas. They will lose a fine public servant and an able leader.

In his retirement from this aspect of public service, Laurin Jones can look with pride on his record. The people of his district can look with satisfaction on their support of a man who has contributed much to the welfare of their district and their State. Future generations will remember him for the leadership he provided in strengthening the educational system of the State for their benefit.

I ask unanimous consent that an editorial entitled "Another Veteran Legislator Retires," which was published in the *Topeka State Journal* of May 20, accompany an editorial from the *Wichita Eagle* of May 22, be printed in the RECORD.

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

[From the *Topeka State Journal*, May 20, 1964]

ANOTHER VETERAN LEGISLATOR RETIRES

Another familiar face will be missing from the Kansas Senate when it assembles next January. Laurin Jones of Dodge City, whose record includes a long string of legislation dealing with education, has announced he will not seek reelection.

Jones has been one of the stalwarts of the Kansas upper body almost from the day he moved over there a dozen years ago from the house. He was a key figure in the school unification plan and the leader in many measures designed for the upgrading of the schools of the State.

Jones served in other capacities but he was best known as an authority on legislation in connection with education. For this he had a solid background from teaching and school administration through long service on the board of education.

The State can ill afford to lose a legislator of the stature of Senator Jones but his desire

to retire after a long service is understandable. As for himself, he remains unimpressed as to his importance on the Kansas legislative scene. "Good legislators can and will solve our problems," he said, "along with a well-informed Governor."

The senator, himself notwithstanding, will be missed in legislative halls come next January.

[From the Wichita Eagle, May 22, 1964]

SENATOR JONES RETIRES

The cause of education in Kansas has lost an influential friend with the announcement of Senator Laurin Jones, Republican, of Dodge City, that he will not seek reelection.

During his three terms in the senate, and recently as chairman of that body's education committee, Senator Jones has consistently favored such progressive measures as district unification, foundation financing, and educational television, and has worked hard in their behalf.

With only a few of education's battles won in the legislature, new leadership will have to be provided to take Senator Jones' place.

URGENT NEED FOR THE ESTABLISHMENT OF A GRAIN MARKETING RESEARCH CENTER

Mr. PEARSON. Mr. President, on numerous occasions my colleague, the senior Senator from Kansas and I have called to the attention of the Senate and its appropriate committees the urgent need for the establishment of a Grain Marketing Research Center.

I do not want to repeat at this time the many reasons previously stated which make the establishment of such a research center vital to the future of American agriculture in general and to the vast businesses associated with grain in particular. The record is complete in this respect. For any who may question the importance and value of expanded research in this field I urge a careful study of the record.

All who have objectively studied the proposal to establish such a center have agreed that its logical location is at Kansas State University in Manhattan, Kans. This conclusion is justified. The best evidence of this is the willingness of private industry to invest substantial sums in related fields of research at this great agricultural institution. Last week there was dedicated on the campus of this first land-grant college in the United States—a new baking school. With this addition, Kansas State University now possesses the most comprehensive program of research and instruction in the cereal grains of any place in the entire world.

The three major segments of the grain industry—milling, feed manufacture, and baking—have all designated Kansas State University as their national research center. This center, sponsored and conducted in close cooperation among government, education, research, agriculture, and business interests, will assure that the Federal investment in the Grain Market Research Center will be multiplied many times over as a result of the ability of participants to quickly utilize the products of the center.

I am pleased to acknowledge the enthusiastic support of the grain market-

ing research proposal and its location at Kansas State University as recently expressed by both of my colleagues from the State of Missouri. This support is greatly appreciated by all who have had a long interest in this proposition. I am sure, however, that this support represents a sincere conviction concerning the merits of expanded grain marketing research and the capability of Kansas State University to fulfill that function.

Mr. President, the very able president of Kansas State University, James A. McCain, recently addressed a combined meeting of the Millers' National Federation, the Bakers' Ambassador Club, and the Kansas Wheat Improvement Association in Kansas City in advance of the dedication of the new baking school. The summary of his statement as reported by Roderick Turnbull, farm editor of the Kansas City Star, have significant bearing on Senate consideration of the merits of the proposed Grain Marketing Research Center.

I ask unanimous consent that Mr. Turnbull's report of Dr. McCain's comments be printed in the RECORD at this point, along with an editorial from the Topeka State Journal, of May 21, and an editorial from the Wichita Eagle of May 22.

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

KANSAS STATE LEADS GRAIN RESEARCH—INAUGURATION OF BAKING SCHOOL CLINCHES ITS WORLD LEADERSHIP—PROGRAM UNEQUALED—PRESIDENT MCCAIN REVIEWS ADVANTAGES TO CEREAL INDUSTRIES

(By Roderick Turnbull)

Kansas State University leads the world in research and instruction in cereal grains, James A. McCain, the university's president said here last night.

President McCain addressed millers and bakers from across the Nation and others interested in wheat production and processing at a dinner at the Kansas City Club.

The dinner preceded the dedication today of a new baking school at the university. The millers and bakers will travel in a special train to Manhattan for the event. The dedication will be held in conjunction with the 20th annual field day of the Kansas Wheat Improvement Association.

INAUGURATED LAST FALL

Kansas State first offered a curriculum in baking management last fall. This coming year an enrollment of 25 students is expected, with an eventual enrollment of 100 anticipated. It had been offering professional degrees in flour milling and feed manufacturing.

The baking management course is being transferred to Kansas State from Florida State University.

With the new curriculum, McCain said, "Kansas State has the most comprehensive program of research and instruction in the cereal grains of any place in the entire world."

All three of the grain industries—flour milling, feed manufacturing and baking—have designated Kansas State as their national research center.

The advantages of having such a concentration of these unique resources at one strategically placed university are substantial, McCain said. He listed some of the advantages:

"The opportunity to assemble data from many separate fields of research and investi-

gations in promoting this economic progress of producers and processors in the cereal grains and seeking solutions to problems in such areas as storage, transportation and production imbalance.

WIDE RANGE IN RESEARCH

"Kansas State, for example, is preeminent among the land-grant universities in wheat and sorghum investigations, and has a comprehensive livestock research program, strong faculty and laboratory resources in human nutrition, and a staff of agricultural economists, including market specialists, second to none in the Nation. These resources are invaluable supplements to the staff of scientists and the \$3 million laboratories in flour milling, feed manufacturing, and baking. Less obvious but nonetheless valuable are contributions to the cereal grain complex by other strong colleges and departments of the university, such as business administration, engineering, industrial psychology, and physics.

"An incomparable opportunity to prepare for attractive professional positions in three major national industries, flour milling, formula feeds and bakery management, is afforded youth from Kansas and throughout the Nation. These three industries support a generous program of scholarships for their respective students and offer jobs to graduates at starting salaries and with prospects for advancement excelled by no other occupational fields.

"The resources concentrated at Kansas State in these areas can contribute substantially to the industrial development of Kansas and the Great Plains States. Private corporations in agricultural processing and foods industries should be impressed with the economic advantages in having access to these unique staff and laboratory resources. Because of all these facilities, Kansas State University has been recommended by authorities throughout the Nation as the site for the proposed new \$3,500,000 Federal Grain Market Research Center.

"The new bakery management program is a striking example of a rewarding partnership between private industry and a university. Baking companies throughout America have pledged almost a million dollars of support to Kansas State for this new program to endow professorships and student financial aids, including scholarships. The university in turn assures the industry an annual supply of graduates well trained for responsible positions in management, operations, research, and sales.

"Certainly, enormous credit is due the Bakers' Ambassador Club for its farsighted sponsorship of the fund drive to support the Kansas State bakery management program. The Southern Bakers' Association deserves special recognition for its own pioneering support of the Florida State University school and its active participation in development of the new program in Kansas.

"A great industry such as baking, which is so effectively enlisting support and cooperation from a major university, has every reason to anticipate unusual growth and development," McCain concluded.

The dinner was sponsored by the Millers' National Federation, the Bakers' Ambassador Club, and the Kansas Wheat Improvement Association.

The dedication of the baking school will be at 11 o'clock today in the new flour and feed milling technology wing of Waters Hall at Kansas State. This will be followed by a luncheon at which representatives of the baking industry, the wheat improvement association, and the university will speak. The visitors also will tour the university's agronomy farm to see wheat experimental plots.

The special train will return to Kansas City tonight.

[From the Topeka State Journal, May 21, 1964]

KANSAS STATE A GROWING GRAIN CENTER

Research and educational facilities for the cereal grain industry are being concentrated at Kansas State University to such an extent that the university leads the world in this respect. The Nation's millers and bakers now look to the university for the development of new processes and new products just as wheatgrowers for many years have looked to Kansas State for the improvement of their product.

The new baking school on the campus at Manhattan was dedicated yesterday with leaders in the grain industry among those in attendance. Studies in baking management have been moved to Kansas State from Florida State University and professional degrees will be offered for the course. Professional degrees in flour milling and feed manufacturing have been offered at the university for some time.

Three phases of the industry—flour milling, feed manufacturing and baking—have designated Kansas State University as their national research center. This has come about through no haphazard course but through steady development and concentration in years of research and instructional facilities.

This is no simple thing, as Dr. James A. McCain, Kansas State president, points out. It involves many things—supplemental to meeting the needs of the grain industry. These include wheat and sorghum investigations, a comprehensive livestock research program, laboratory resources in human nutrition, a staff of specialists in agricultural economics, market experts and such widely removed departments, but nevertheless important to the grain complex, as business administration, engineering, industrial psychology and physics.

These resources of the institution hold much of importance for Kansas as well as the other Plains States in the matter of economics connected with the grain trade's product all the way from the farms to its use by the consumer.

As explained by Dr. McCain, private corporations in agricultural processing and foods industries should be impressed with the advantages of having access to this unique staff and laboratory resources. Because of all these facilities Kansas State University has been recommended by authorities throughout the Nation as the site for the proposed new \$3.5 million Federal Grain Market Research Center.

The comprehensive grain facilities mark a fine example of how closely private industry and a university can work together not only in developing new and improved products but seeking solutions to such problems as storage, transportation, and surplus production.

[From the Wichita Eagle, May 22, 1964]

KANSAS STATE'S BAKERY PROGRAM

While many Kansans have been talking about the need for a closer alliance between education and industry, Kansas State University has without much fanfare been doing something about it.

One of the fruits of the Kansas State alliance is the addition of a new bakery management program which was dedicated Wednesday. It is part of a \$3 million complex devoted to the improvement in growth, processing, and use of grain cereals.

The program has its vocational aspects, but Dr. James A. McCain, Kansas State president, has said that its purpose is to educate as well as to train. "The character of the industry will be elevated as progress is achieved," McCain said. This, of course, is one of the highest contributions schools can make in their association with industry.

About half the Kansas State cereal complex is supported with industry funds, amply demonstrating the business world's eagerness to participate in educational programs that are realistically attuned to the practical needs of specific fields.

For a long time Kansas State has had the Nation's outstanding educational program in flour and feed milling. The addition of the bakery management program will round it out, making it more valuable to industry and giving the school added stature.

WORK OF THE NEWARK BUSINESS AND INDUSTRIAL COORDINATING COMMITTEE

Mr. CASE. Mr. President, I wish to have printed in the RECORD an article, published in the Newark News of March 22, 1964, which describes the work of the Newark Business and Industrial Coordinating Committee.

This committee was established to help eliminate discrimination in an area where its effects are most blighting—that of employment. As one who has particular responsibility for title VII—the equal opportunity in employment title—of the civil rights bill, I call the attention of the Senate to the concrete results already achieved, in the few months of the committee's existence, in providing more and better jobs and training for minority groups.

Therefore, Mr. President, I ask unanimous consent to have the article to which I have referred printed in the RECORD.

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

INTERFACIAL ACTION—EXPERIMENTAL PARTNERSHIP SEEKS JOBS, NOT PLATITUDES

(By Douglas Eldridge)

After nearly foundering on several occasions, some of Newark's top businessmen and civil rights leaders have set sail together on a unique voyage to find job opportunities for Negroes and Puerto Ricans.

During the last 8 months, a growing band of representatives of the business and Negro communities have been busy building, patching, and trying to keep afloat a new kind of vessel—christened the Business and Industrial Coordinating Committee.

After batten down some procedural hatches, they have cast off once again—this time in the knowledge that the next few months must tell whether their ship is really seaworthy, and whether its crew can master the shifting winds, skirt the hidden shoals, and make real headway through the uncharted waters ahead.

The Business and Industrial Coordinating Committee is a prosaic name for what is believed by many to be one of the most significant efforts ever made in Newark to provide more and better jobs and training for Negroes.

Much is at stake. If this unprecedented partnership succeeds, it could wipe out some persistent pockets of discrimination, relieve joblessness among Negroes, give new hope to potential school dropouts, improve race relations, lead the way to business involvement in other community problems, and set an example for other cities.

But if both sides don't make the most of this opportunity, and the committee fails—or doesn't show marked success by summer—there could be renewed hostility between downtown business and Negro communities; a deeper-than-ever distrust of peaceful, cooperative efforts and demonstrations that might disrupt local economic life.

Success is hard to measure. But most BICC participants agree that their biweekly sessions have provided—for the first time in Newark history—a regular channel of communication between business and Negro leaders, and have dispelled much misunderstanding between them. Moreover, the BICC has speeded the hiring of Negroes by some employers, and has scored breakthroughs in finding jobs for nonwhites—but nobody is sure just how many.

It was reported at the last meeting that 2,604 Negroes and Puerto Ricans had been hired since August 1 by 42 major employers cooperating with the BICC. The nonwhites represented 30 percent of the 8,670 new workers hired by the companies.

However, only 84 Negroes were hired directly through the BICC's own channels during that period, according to the Urban League of Essex County. But employers in the BICC have accounted for 75 percent of the league's placements since last summer, and have supplied more than half the 500 job openings—a new record—now in the league's files.

Most business and civil rights leaders agree that hiring of nonwhites has been on the rise during the last year. But since no comparative figures are available for earlier periods, nobody can say how large any increase has been.

Employers have given the civil rights groups in the BICC first crack at trying to fill a wide variety of openings—188 of them in the last 2 months. There have been jobs for chemists, salesmen, buyers, and bank tellers, as well as for laborers, porters, and messengers.

In recent weeks the BICC has been hammering out agreements on basic goals and procedures. While trying to find and match good jobs and qualified workers now, it hopes also to develop better training—both in schools and on jobs—so more nonwhites will qualify for future opportunities.

Most participants agree that the mere survival of the committee all these months represents a sort of success. And while nearly everyone voices mounting dissatisfaction with the pace of progress so far, nearly everyone insists that the BICC is still the best—and perhaps the only—way for the two sides to approach the basic problems together.

The committee has encountered many setbacks, strains, and false starts. It has few assets, no official status, no budget, no staff. Until recently, it didn't have a single written rule for membership or operations. And it has run into seemingly impenetrable suspicion and apathy in many directions.

But the committee has had one thing: The support of a slowly growing number of key people in business and civil rights. In its 19 regular meetings since last summer, the BICC has drawn the participation of 29 different firms, including all major department stores and banks in Newark, and some of the biggest employers in the area; 9 civil rights organizations, ranging from the most moderate to the most militant; 6 State and city departments; 5 private agencies; and 5 labor unions.

The spectrum of opinion represented in the BICC's dialogs is symbolized by the two co-chairmen named by the group last month—former Assemblyman George C. Richardson, a young aggressive Negro leader, and Charles C. Garrison, vice president of Bamberger's.

The committee came into being almost by accident last July when the Newark Coordinating Council, a civil rights group, threatened to demonstrate against downtown stores if they didn't join the protest against alleged discrimination at the Barringer High School construction site. The stores shunned that controversy, but agreed to develop more jobs for Negroes.

None of the participating organizations has made any formal commitment to the

BICC, although there is a tacit understanding that the employers will offer jobs to the committee before putting them on open market, and that the civil rights groups will present their grievances to the committee before demonstrating against an employer.

Since Thanksgiving some 25 or more members of the BICC have met twice a month at Bamberger's and have compiled these achievements:

A jobs available subcommittee, headed until the last meeting by Mrs. Marjorie Geerlows, personnel manager of Bamberger's, has made countless calls and visits to employers, and persuaded 55 to cooperate with the BICC. Her group also made the racial survey of hiring—believed to be the first of its kind ever undertaken in the Newark area.

A people available subcommittee, headed by James A. Pawley, executive director of the Urban League of Essex County, has distributed monthly lists of jobs in an effort to recruit more applicants. In the last 2 months, the urban league has screened 441 jobseekers, and sent 225 of them to employers—far more than during the entire first half of 1963.

A public relations committee, headed by Arnold Harris, community relations secretary of the Jewish Community Council, has put 2,000 posters in churches, clubs, and stores to notify the Negro community of new opportunities in Newark.

A training subcommittee, headed by Henry Boardman, community relations director for Western Electric Co., has been organizing a speakers' bureau to try to attract more Negro applicants for coming Federal training programs.

An upgrading committee, headed by Eugene Famula, personnel manager of S. Klein on the square, is drawing up plans for in-plant training programs to be financed by the Federal Government, and supervised by the Welfare Federation, under the Manpower Redevelopment Act.

BICC members concede that most of their machinery is barely beginning to move, and it is too early to say whether it can keep moving and can produce results. Most of them readily concede that no sets of bylaws and no piles of posters will solve any problems.

But most say they are sure the BICC can make more and faster progress, and they intend to stick with it to see that it does.

RESOLUTION BY EPISCOPAL DIOCESE OF NEWARK, N.J., IN SUPPORT OF THE CIVIL RIGHTS BILL

Mr. CASE. Mr. President, in recent weeks, I am happy to report, there has been a noticeable upturn in my mail in support of prompt enactment of the civil rights bill. I have heard from groups representing all the major religious faiths and from a wide variety of lay organizations.

One such expression of support recently came from the Diocesan Convention of the Episcopal Diocese of Newark, and I ask unanimous consent to insert it in the RECORD.

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

DIOCESE OF NEWARK,
Newark, N.J.

Subject: Resolution on civil rights bill.
From: The Diocesan Convention of the Episcopal Diocese of Newark, May 16, 1964.
Place: Trinity Cathedral, Newark, N.J.
To: Hon. CLIFFORD CASE, HARRISON WILLIAMS, MICHAEL MANSFIELD, EVERETT DIRKSEN.

Whereas the civil rights bill is presently before the Senate of the United States of America; and

Whereas the laws incorporated in the bill represent the spirit of freedom and equality for all people in our Nation; and

Whereas it is the Christian church's desire to bear witness to the truth that all men, regardless of the color of their skin, are the children of God and that all inhabitants of this land are entitled to their rights and privileges; and

Whereas these rights and privileges are presently denied in many places across our Nation to the Negro and other minority peoples; and

Whereas this condition denies our Christian heritage of the fatherhood of God and the brotherhood of man: Therefore be it

Resolved, That the 19th Annual Convention of the Diocese of Newark endorse and be in favor of the passage of the present civil rights bill before the Senate of the United States of America; and be it further

Resolved, That this convention urge the U.S. Senators of the State of New Jersey, the Honorable CLIFFORD CASE and the Honorable HARRISON WILLIAMS, and the majority and minority leaders of the Senate, the Honorable MICHAEL MANSFIELD and the Honorable EVERETT DIRKSEN, to vote and to secure passage of a strong civil rights bill without further delay; and be it further

Resolved, That we urge them to vote for cloture if necessary to cut off a filibuster and to vote against further amendments which would weaken the provisions of the present bill; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable CLIFFORD CASE, HARRISON WILLIAMS, MICHAEL MANSFIELD, and EVERETT DIRKSEN; and be it further

Resolved, That the U.S. Senators of the State of New Jersey be requested to read this resolution into the RECORD of the Senate of the United States of America.

SBA'S NEW "MOM AND POP" LOAN PROGRAM

Mr. PROXMIER. Mr. President, I am delighted to see that the administration of the Small Business Administration has taken an excellent turn for the better. I have been one of those who have criticized the SBA for concentrating too heavily on the larger of the small businesses.

As chairman of the Small Business Subcommittee of the Banking and Currency Committee I have been particularly conscious of this SBA tendency. For example, 50 percent of all loans made by the SBA are made in amounts of more than \$100,000, to only 10 percent of the firms borrowing, whereas 90 percent of the loans are made in amounts of less than \$100,000 to small firms which get only half the money.

However, a new program has been established on a pilot basis in Philadelphia and in New York. It has worked extremely well. The loans involved are below \$15,000. Indeed, most of them are below \$6,000. Since the end of January of this year—in 4 months—about one-quarter of all the loans made by the SBA have been in that category. Some 514 loans have been involved. They are made without the passage of the endless amount of time that SBA loans often take, with the required redtape and demand for collateral. They are based upon good character, a good record of debt repayment, and a promising business. The new SBA loans are made to an area of our economy that I believe has been mostly neglected by all of our

agencies. They include loans to "mom and pop" grocery stores, repair shops, laundries, beauty shops, barber shops, and other retail service operations with no more than four employees. The applicants are really independent businessmen, and they represent in many communities the really driving community spirit. So I am delighted to see that the SBA is taking an interest in the problems of such companies.

Of course, caution must be exercised. If the SBA goes into the field to too great an extent, it may compete unfairly with our banking system. That is something we must watch with great care. But my experience has been that the really small businessmen are the people who really need capital. Often they are really in trouble, and they can be helped by the kind of program which has been undertaken, and which seems to be working very well.

I ask unanimous consent that a brief article entitled "Federal Lending Plan to Very Small Firms Disclosed; 514 Loans Already Made as Test," published in the Wall Street Journal, be printed at this point in the RECORD.

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

FEDERAL LENDING PLAN TO VERY SMALL FIRMS DISCLOSED; 514 LOANS ALREADY MADE AS TEST

WASHINGTON.—A Government lending program to very small businesses, disclosed yesterday by President Johnson, has already as a test provided 514 loans totaling \$4.5 million, according to officials of the agency that runs it.

Small Business Administration officials said the program has been in effect about 4 months and has accounted for one-fourth of all loans the agency has made during that period.

The loans range up to \$15,000 and up to 6 years. The agency's normal interest rates apply: 5½ percent generally and 4 percent for businesses in depressed areas.

An agency spokesman said the program hadn't been widely publicized because it was being conducted as an experiment that might be dropped if it didn't work. But, in fact, he said, it has proved successful.

Mr. Johnson mentioned it in the White House flower garden at a gathering of the SBA's National Advisory Council. The occasion was a ceremony in which the President gave a bronze plaque to Berkley W. Bedell, of Spirit Lake, Iowa, as "small businessman of the year." At an earlier date, the President had designated this as "Small Business Week."

Mr. Bedell is president of Berkley & Co., a Spirit Lake concern that makes fishing lines and leaders, marine cables, cordage, and industrial wire and cable. Since 1960, agency officials reported, that company has received two SBA loans totaling \$350,000 to build and expand its present factory, which employs 250 workers.

The new SBA loans were designed for "mom and pop" grocery stores, repair shops, laundries, beauty parlors, barber shops, and other retail or service operations with no more than four employees.

Applicants need not put up collateral in every case if they have good character, a good record of debt repayment, and a promising business.

The SBA will take collateral under this program when it is available, including fixed assets to be acquired with the loan proceeds; but will do so on a simplified basis. It won't, for example, make title searches. The

agency normally does require collateral for its loans, with some exceptions when the amounts are small.

WHAT ONE MAN CAN DO

Mr. PROXMIRE. Mr. President, an editorial written by Perry Swisher, editor and publisher of the Intermountain weekly publication of Pocatello, Idaho, comments on my opposition to the appointment of Joe Dickerson as head of the Office of Oil and Gas. I ask unanimous consent that the editorial, which I consider refreshing, courageous, and highly encouraging, be printed in the RECORD at this point.

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

WHAT ONE MAN CAN DO

Oil was already the great money power in American politics when Lyndon Johnson became President. For a time there it seemed that its power would be quickly enlarged.

No major oil company has run an ad in the Intermountain since its editor tangled with pipeline irregularities, writeoff of fictitious service stations, and avoidance of corporate income taxes several years ago. We are aware of the power of oil, the hard cash advantage it enjoys from its scandalous Federal tax privileges, and the size of its contributions to congressional candidates.

That's why we were so impressed when Senator WILLIAM PROXMIRE, of Wisconsin, had the nerve to challenge the appointment of Joe Dickerson to run the Interior Department's Office of Oil and Gas.

Mr. Dickerson enjoys a \$20,000-a-year pension as a former Shell Oil Co. vice president. The pension can be stopped whenever he acts against the company's interests. Since he retired from Shell his job has been to lobby for the petroleum industry.

Interior Secretary Stewart Udall is a dedicated conservationist, yet we have to say he has a record of realizing that oil lubricates the party machinery. He picked Dickerson from a list, and damned if he didn't ask the National Petroleum Council to supply the list.

How about a list acceptable to the public, whom Udall serves? That is the question PROXMIRE asked once he had embarrassed the administration into dropping Dickerson.

So we're grateful there was a PROXMIRE around when that brazen appointment came up. He demonstrated again what one man can do in the face of so much of the stuff that talks.

We are tempted to set aside a nickel for every tank of gas we buy—who's to say PROXMIRE didn't save us at least that much?—for the Senator's next campaign kitty. He'll need it.

FAILURE TO PASS GI BILL IS SLOWING EDUCATION IN A HIGHLY MOTIVATED GROUP OF CITIZENS

Mr. YARBOROUGH. Mr. President, in urging Senators to pass S. 5, the cold war GI bill, I have alluded several times to the fact that these veterans who are being deprived of an education are one of the most highly motivated groups in our Nation. We saw evidence of this under previous GI bills, where veterans demonstrated avid interest, initiative, and drive in pursuing their education, and consequently made a considerable contribution to our colleges and universities.

Recently I received a letter from a young cold war veteran which portrayed

in stirring detail the lengths to which these veterans are willing to go in order to develop their potential. This young man is attending college in the home State of the distinguished Senator from Indiana [Mr. BAYH], who is presiding over the Senate at this time. He is attending college under the most trying circumstances, but is willing to endure the hardships, even though it will take him 10 years to obtain his degree. He is now 30 years of age.

He portrays his problem after serving 4 years in the Navy. His wife is unable to work. There is no possible way for him to attend college full time. He is able to attend only 1 night a week. He points out that he will be 40 years of age when he will be able to receive his degree, and that his value to society will thus be lessened.

He tells what it means to return from the cold war and to be cast upon society without having the Government accord him any training in return.

Mr. President, there are 5 million GI cold war veterans of this type. They constitute the most economically deprived group in the Nation. They are one group of veterans whom the Government pulled out of civil life and then returned to civil life without providing any economic opportunities in return. The 43 percent who have served in the cold war will run behind in the battle of life without the benefits of a GI bill. They will never catch up with the 57 percent who have not served and do not serve.

Because this letter graphically illustrates the character of our veterans who need a cold war GI bill, I ask unanimous consent that it be printed at this point in the RECORD.

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

GARY, IND.,
April 17, 1964.

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

DEAR SENATOR YARBOROUGH: In reading through several issues of the CONGRESSIONAL RECORD, I find your statements in continued support of the cold war GI bill.

I am writing you because I am one of those who would derive benefits from such a bill. Perhaps vital statistics are in order: I served on active duty in the Navy from 1955 to 1959, am 30 years old, married, no children, a high school graduate, and employed as a private secretary to the president of a local manufacturing firm. For the last year I have been attending St. Joseph's College, Calumet Center, 1 night a week beginning my studies toward a degree. Using this method I shall, in all likelihood, be 40 years old before graduation. While this is, of course, not old, the degree's value will have decreased in the business world. At least that is the way I feel about it. Since my wife is unable to work, there is no possible way for me to attend college full time. As you know at present there is no legislation that would enable me to obtain a loan sufficient to finance me through 4 years of college. Certainly passage of this legislation you support would enable me to not only procure a better job but make me more valuable to any prospective employer.

Is there a possibility that Congress will pass this bill?

Yours truly,

DEAN A. ROBINSON.

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.

The Chair recognizes the Senator from Louisiana.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 257 Leg.]

Aiken	Hart	Morse
Allott	Hartke	Mundt
Anderson	Hickenlooper	Neuberger
Bartlett	Holland	Pastore
Bayh	Humphrey	Pearson
Beall	Inouye	Pell
Bennett	Johnston	Prouty
Bible	Jordan, Idaho	Proxmire
Cannon	Keating	Ribicoff
Case	Lausche	Russell
Church	Magnuson	Saltonstall
Clark	Mansfield	Scott
Dirksen	McCarthy	Smith
Dominick	McGovern	Symington
Douglas	McIntyre	Williams, N.J.
Ellender	McNamara	Williams, Del.
Ervin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Gruening	Monroney	

The PRESIDING OFFICER. A quorum is present.

UNNECESSARY EXPENDITURES BY DEFENSE DEPARTMENT

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware [Mr. WILLIAMS] for an insertion in the RECORD, provided that in doing so I shall not lose my right to the floor.

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

Mr. WILLIAMS of Delaware. Mr. President, today I call the attention of the Senate to two recent Comptroller General reports in which he cites \$52 million in unnecessary expenditures by the Defense Department.

In the first instance, the Department of the Navy purchased 1,100 radio transmitters. The Comptroller General states that at the time these purchases were being made the Navy was aware that a radio transceiver with practically equal operational capabilities was available at

one-half the cost of the equipment they were buying.

As a result, \$29 million was unnecessarily wasted.

I ask unanimous consent to have printed in the RECORD the Comptroller General's letter of May 21, 1964, accompanying this report to the Congress, along with a brief summary of conclusions concerning this particular transaction.

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

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

To the Speaker of the House of Representatives and the President pro tempore of the Senate:

During the period June 1958 to July 1962, the Department of the Navy purchased more than 1,100 militarily developed AN/WRT-2 radio transmitters. Our review disclosed that at the time these purchases were being made, the Navy was aware that a commercially developed AN/URC-32 radio transceiver, with practically equal operational capabilities, was available at less than one-half the cost of the AN/WRT-2 communication system. The same quantity of commercially developed transceivers could have been purchased at about \$29 million less than the cost of the militarily developed communication systems. Also, Navy plans include future procurements of 768 additional AN/WRT-2 transmitters which could result in further costs of as much as \$20 million more than the cost of a like number of equally capable AN/URC-32 transceivers.

Prior to the first large purchase of the AN/WRT-2 transmitters, Navy engineers recognized the operational similarity between this set and the AN/URC-32 transceiver and recommended that the commercial transceiver be purchased. This recommendation was not accepted.

Our findings were presented to the Department of Defense for comment. In its reply for the Department of Defense, the Navy informed us that military necessity required the more expensive transmitter because its higher power output rating would give reasonable assurance that communications requirements would be met under many adverse conditions whereas a radio with lesser power would be unable to assure communications. Navy tests and fleet experience did not bear out this claim.

We are recommending that the Secretary of Defense appoint a panel of technically qualified personnel to make an independent and objective evaluation of the relative capabilities of the AN/WRT-2 and AN/URC-32 and to determine which of the equipments should be procured.

Also, we are recommending that the Secretary of the Navy establish procedures to insure that directives in which specific equipments are prescribed to meet stated requirements be revised when actual experience in the fleet demonstrates equipment capabilities to be beyond the requirements for the use prescribed. We believe that the adoption of such a policy would have the practical effect of providing more realistic guidance in the selection and procurement of Navy equipment.

Because of the significance of these matters, we are recommending that the contents of this report be widely publicized among personnel engaged in research and technical and contracting operations in the Department of the Navy.

Copies of this report are being sent to the President of the United States, the Secre-

tary of Defense, and the Secretary of the Navy.

JOSEPH CAMPBELL,
Comptroller General
of the United States.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

PROCUREMENT OF CUSTOM-BUILT COMMUNICATIONS EQUIPMENT COSTING ABOUT \$29 MILLION MORE THAN EQUALLY CAPABLE EQUIPMENT AVAILABLE COMMERCIALY

During the approximately 4-year period from June 1958 to July 1962, the Bureau of Ships purchased about 1,100 militarily developed radio transmitters designated as the AN/WRT-2, although the Bureau knew that a commercially designed radio transceiver, the AN/URC-32 with practically equal operational capabilities, was available at less than half the cost. The 1,100 militarily designed AN/WRT-2 communications systems cost about \$29 million more than an equal number of the available commercially designed AN/URC-32 transceivers (receiver and transmitter). The records indicate that the Bureau purchased the militarily designed transmitters because these transmitters had greater power than the commercially designed transceivers. In reaching its decision the Bureau apparently disregarded the results of tests and of actual usage which showed that this advantage was largely theoretical and that, in practice, there was no significant difference in the capabilities of the two units. Also, the Navy plans, which include future procurements of 768 additional transmitters (with separate receivers), if carried out, could result in costs of as much as \$20 million more than the costs of procuring a like quantity of AN/URC-32 transceivers.

The more than 1,100 AN/WRT-2 transmitters purchased cost an average of \$38,434 a unit for the transmitter, a separate compatible receiver, and installation aboard ship. When these purchases were being made, Navy personnel were aware that the less expensive AN/URC-32 transceivers were available and were being purchased at the same time. The AN/URC-32 transceivers were procured at an average unit purchase cost of \$12,429 and could be installed by ship forces with virtually no out-of-pocket expense to the Government. Had the Navy procured and installed transceivers instead of the transmitters with separate receivers, the cost would have averaged \$26,005 less for each unit installed. (See p. 8 of this report for a comparison of costs of the two communications systems.)

Before the first production quantities of the AN/WRT-2 or the AN/URC-32 were procured, Bureau engineers indicated that there were no significant differences between the operational capabilities of the two equipments. Later, laboratory tests substantiated the similarity of operational capabilities, and, in addition, our interviews with industry engineers and fleet personnel brought out the lack of significant differences in reliability and maintenance. Fleet communications personnel on a number of ships informed us that they used the two radios interchangeably.

SIGNIFICANT DIFFERENCE IN COST OF AN/WRT-2 TRANSMITTERS AND AN/URC-32 TRANSCEIVERS

From the inception of the program for improvement of fleet communications in 1952 through July 1962, the Bureau of Ships purchased, at varying prices, a total of 1,113 AN/WRT-2 transmitters and 1,631 AN/URC-32 transceivers.

The bulk (1,107) of the AN/WRT-2 transmitters were procured under five production contracts during the period from June 30,

1958, to July 16, 1962. The average unit cost of all AN/WRT-2 procurements was \$20,050.

Of the 1,631 AN/URC-32 transceivers procured by the Bureau of Ships, 1,622 were purchased between June 13, 1958, and June 30, 1962, under six contracts for production quantities. The average unit cost of all AN/URC-32 procurements was \$10,281.

Mr. WILLIAMS of Delaware. Mr. President, in the second report, dated May 25, 1964, the Comptroller General discloses that on a negotiated contract which the Air Force had with the Boeing Co. for the production of Bomarc A missiles, the company had included proposed costs which were overstated by about \$23,034,500.

As a result of the overstatement on this cost-plus contract, Boeing's additional profits would have been \$2,303,450.

After the Comptroller General discovered this overcharge, Boeing agreed to reductions of \$2,424,500 in its initial target costs, resulting in saving the Government \$242,450; however, the Comptroller General still insists that the remaining overstated costs of about \$20 million as included in the initial target price should be corrected.

I ask unanimous consent to have printed in the RECORD the Comptroller General's letter of May 25, 1964, accompanying this report, along with a brief summary of conclusions.

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

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 25, 1964.

To the Speaker of the House of Representatives and the President pro tempore of the Senate:

Our examination disclosed that the initial target prices negotiated by the Air Force and the Boeing Co. for the production of Bomarc A missiles under contracts AF 33(600)-36319 and AF 33(600)-38098 included certain proposed costs which were overstated by about \$23,034,500. The overstated initial target costs, which made available to Boeing additional profits of at least \$2,303,450, were attributable to cost estimates proposed by Boeing that (1) did not incorporate the most accurate, complete, or current cost or pricing data available at the time of negotiations even though Boeing certified that such data were used for contract -38098, (2) were not properly related to contract requirements, (3) were not based on reasonably firm designs and specifications or adequate cost data, and (4) were not adequately evaluated.

We believe that it is unreasonable for the Government to incur increased costs and for contractors to realize increased profits as a result of cost estimates which are unsupported by realistic cost or pricing data or which are based on contract requirements that are not reasonably firm at the time of price negotiations. Where realistic cost data are not available or where contract requirements are unresolved, we believe that pricing action should be deferred until realistic data become available and reasonably firm contract requirements are established.

Boeing has agreed to negotiate certain adjustments with the Air Force under contracts -36319 and -38098 to reduce a portion of the overstated initial target costs discussed in this report. The Office of the Assistant Secretary of Defense (Installations and Logistics) advised us that the Air Force agreed

that substantial additional downward adjustments in the overstated initial target prices should be sought from Boeing under these contracts, but that it intended to defer negotiations for this purpose until complete Air Force audits of the contracts had been made and evaluated. We were advised that the negotiations were expected to begin in May 1964. In our opinion it would be unreasonable for the Government to bear increased costs because of any portion of the overstated cost estimates disclosed by our review and for Boeing to benefit by obtaining increased profits because of these overstated cost estimates.

We are recommending that the Secretary of the Air Force take aggressive action to obtain appropriate adjustment of the overstated initial target costs discussed in this report and, in coordination with the Department of Justice before an administrative settlement of contract 38098 is reached, take steps to enforce rights which the Government may have because of the false certificate given by the contractor with respect to making known to the Air Force negotiator all available cost and pricing data for his use in evaluating Boeing's cost proposal.

We are recommending also that the Secretary of Defense establish policies, and have appropriate officials establish criteria and procedures to properly implement such policies, which will provide (1) that, whenever adequate data for the development of realistic estimates of the probable cost of future production for areas of contract cost or performance are lacking, negotiation of prices be deferred for those areas until such time as sufficient and adequate data for developing realistic prices become available, (2) that, wherever an audit of a contractor's initial price proposal is appropriate, the audit be performed, whenever practicable, prior to negotiating contract prices and that, where it is impracticable to perform the audit before prices are negotiated, the audit be performed as soon as possible after the prices are negotiated, and (3) that, where it is found that prices included in the contract are not based upon the most accurate, complete, and current pricing information or experience available when the contract prices were negotiated, the contracting officer negotiate prompt adjustment of all such prices and initiate action to enforce all rights that vest in the Government because the contractor used cost or pricing data that were inaccurate, incomplete, or not current.

Copies of this report are being sent to the President of the United States, the Secretary of Defense, and the Secretary of the Air Force.

JOSEPH CAMPBELL,

Comptroller General of the United States.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

INITIAL TARGET COSTS WERE OVERSTATED BECAUSE OF UNREALISTIC BOEING ESTIMATES NEGOTIATED WITH THE AIR FORCE

The initial target prices negotiated by the Air Force and the Boeing Co., for the production of Bomarc A missiles under contracts AF 33(600)-36319 and AF 33(600)-38098 included certain proposed costs which were overstated by about \$23,034,500. The overstated initial target costs, which made available to Boeing additional profits of at least \$2,303,450, were attributable to cost estimates proposed by Boeing that (1) did not incorporate the most accurate, complete, or current cost or pricing data available at the time of negotiations even though Boeing certified that such data were used for contract 38098 (see exhibit B), (2) were not properly related to contract requirements, (3) were not based on reasonably firm de-

signs and specifications or adequate cost data, and (4) were not adequately evaluated.

After we brought these matters to the attention of the Air Force and the contractor, Boeing agreed to reductions of about \$2,424,500 in the initial target costs, resulting in savings of about \$242,450 to the Government. Boeing advised us that some further adjustments would be offered the Air Force. However, unless substantial additional reductions are made in the initial target costs, the Government will incur increased costs of about \$2,061,000 representing revised target profits on overstated costs of about \$20,610,000 included in the initial target price prior to reset, as shown in the following summary [not printed in the Record].

Mr. WILLIAMS of Delaware. Mr. President, these are but two glaring examples of gross inefficiency on the part of procurement officers in the Defense Department.

Apparently, the only manner in which Congress can correct this situation is to trim the appropriations down to the point where they will not have this excess money which is being squandered.

On several previous occasions, I have suggested that the Defense Department replace these careless procurement officers with competent men, but for the past several years all that we get from that Department as to corrective methods is lip service.

SOIL AND WATER CONSERVATION—THE TREND TOWARD ABANDONMENT OF THE PROGRAM

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota [Mr. MUNDT], provided that in doing so I shall not lose my right to the floor, and that it will not count as a second speech.

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

Mr. MUNDT. Mr. President, I also ask unanimous consent that the rule of germaneness may be waived.

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

Mr. MUNDT. Mr. President, during my more than 25 years in the Congress—in the House beginning in 1939 and in the Senate since 1948—one of my major interests has been the conservation and development of our natural resources.

I came to the Congress with this interest. I had long been active in the Izaak Walton League, serving as national vice president in 1937 and I was earlier the president of the South Dakota Izaak Walton League. For more than 6 years I served on the South Dakota Game and Fish Commission.

This was a nonpartisan, bipartisan, nonpaying commission of citizens who had charge of the development of natural resources and recreation in the State of South Dakota.

I was a member of the Izaak Walton National Executive Board when elected to the House. I have written many articles and given many talks on conservation principles and their relationship to successful farming and healthful recreation. I still do. My interest in these programs remains undiminished.

I recite the foregoing merely to indicate that this background in conservation, plus a quarter century of close observation and participation in resource conservation affairs in the Congress, including service on the Committee on Agriculture and Forestry and the Appropriations Subcommittee on Department of Agriculture and Related Agencies, qualify me to speak on this subject with some degree of authority.

When I came into the Congress in 1939 the Soil Conservation Act, which had been passed by the 74th Congress without a dissenting vote, was less than 3 years old. This historic legislation had established soil and water conservation as a national policy and created the Soil Conservation Service in the Department of Agriculture.

The program was just beginning to flower. The first self-governed local soil conservation districts were being organized by farmers and ranchers in several States under State law. A new and dynamic movement was underway.

For 25 years I have watched and helped this program progress from humble beginnings to its present high level of accomplishment. I have consistently supported these efforts, and have been associated intimately with them. For me, no undertaking is more imperative than to protect and improve our soil and water resources. On that depends our future as a Nation. We can prosper and be strong only as we use wisely our natural resources. The soil is our base. The wise utilization of our water is our basic tool in making progress.

Today about 3,000 soil and water conservation districts blanket the Nation. They include more than 97 percent of the farms. Twenty-five States are completely covered by districts, which have nearly 2 million cooperators operating more than 634 million acres of land. More than 15,000 unsalaried local people manage and operate these districts.

Soil conservation districts are firmly established. They have the respect and admiration of informed people who have a genuine interest in soil and water conservation. They constitute the only real organized effort to apply our fund of technical knowledge to the conservation management of land. As no mechanism has heretofore done, they serve as a catalyst to bring together at the local level all available public and private resources in a program designed first to understand what the conservation needs and attendant problems are and, second, to attack those problems and fulfill those needs in an organized, effective, and efficient manner. They are probably our most splendid example of grassroots Americanism in action.

The job of the Congress in supporting the policy it created in 1935 has been to supply needed legislative tools and funds for technical assistance through the Soil Conservation Service.

The Congress has made many contributions to broadening and strengthening our national soil and water conservation program through the years.

I am especially proud that several major advances were made during the Eisenhower years.

The Watershed Protection and Flood Prevention Act, Public Law 566, was enacted in 1954. This enabled the local people to supplement their regular soil conservation work with small dams and other watershed protection measures. This legislation filled such a great need, and proved so popular, that today over 550 watershed projects have been approved for operations and an additional 400 are in the planning stage. In all, more than 2,100 communities have asked for assistance under this act.

Another Eisenhower administration conservation advance was the Great Plains conservation program, Public Law 1021, enacted in 1956. This is a long-range, guaranteed cost-sharing and technical-aid program tailored to the special climatic conditions of the 10 Plains States, including my own South Dakota. Today, 15,000 Great Plains farmers and ranchers operating nearly 32 million acres are droughtproofing their holdings through this program.

The Eisenhower administration in 1955 appointed the first Soil and Water Conservation Advisory Committee in the history of the Department of Agriculture. That Committee, I am happy to note, is still functioning and meets yearly to advise the Department and other conservation agencies on program needs.

The Eisenhower administration contributed to conservation progress also by amending the Water Facilities Act and the internal revenue law. The amendment to the Water Facilities Act extended to residents of all States eligibility for Federal low-cost loans for certain soil and water conservation practices. Eligibility for such loans had been limited to the westernmost States. The internal revenue amendment permitted individuals to deduct from their income taxes expenditures made for installing certain soil and water conservation practices.

I have briefly reviewed these advances in resource conservation under the Eisenhower administration to illustrate the point that this great national soil and water conservation movement is not a partisan issue, nor is it the exclusive property of either party or of any administration. It is a program for Americans—all Americans—and it is deserving of, and for the most part, in the past, has received, the nonpartisan support it deserves.

Mr. President, my major purpose in these remarks is threefold: First, to express my concern that a disturbing trend toward abandonment of adequate support for this great program has developed; second, to show that this administration is much stronger in words than in action on soil and water conservation; third, to suggest one way in which our city people can be shown that they have an enormous stake in this work.

In my opinion, not enough attention is being paid to the soil and water and watershed program at high levels within the executive branch.

I well recall the Democratic pledge made during the last presidential campaign on resource development. This pledge was to appoint a Presidential

Advisory Commission on Resources, similar to the President's Council of Economic Advisors.

This was a sound proposal. For the heart of the matter concerning funding and programming of national resource enterprises is how to adequately apportion the Federal dollars on the basis of merit, need, and national interest.

This pledge was not kept by the administration. So far as I know, it is not even being considered at this late date.

As a consequence, we still have a ridiculous situation wherein two employees of the Bureau of the Budget are the only persons who review in detail all the multimillion-dollar proposal from various Government agencies for conservation programs. The conservation parts of the President's budget are made up almost entirely on the basis of decisions made by these two functionaries in the Budget Bureau.

This is a job that no two men—no matter how able—can do, or should be asked to do.

About all they can do is to juggle figures to come out with totals that the administration may have established. To expect logic, wisdom, and equity to emerge from such a situation is expecting far too much.

The Presidential Resources Commission promised by the Democrats would do much to solve this problem. National policies and timetables and priorities could be set. Guidelines could be laid down for orderly year-by-year development of various aspects of our resource programs to eliminate duplication, overlapping, waste, and yes, even projects that may not be worthy of any part of the Federal dollar.

The President's budget for fiscal year 1965, now before the Congress, and manpower ceilings established by the administration, can be offered as additional evidence that our soil and water conservation program is not receiving the support it deserves.

The budget proposal of the administration called for a decrease in technical assistance to soil conservation districts that would have required closing about 60 Soil Conservation Service field offices and a reduction of about 162 man-years in assistance.

I am gratified to note that the House Appropriations Committee, however, recommended that the Soil Conservation Service budget cuts for assistance to soil conservation districts be restored. The House committee also increased the amounts the administration's budget had allowed for watershed planning, flood prevention, and ACP cost sharing.

In this action, the House showed great wisdom than the administration.

I am confident that the Senate will show its wisdom in this matter also. I shall do my best as a member of the Appropriations Subcommittee on Agriculture to provide the optimum funds required by these highly important programs.

Unfortunately, the Congress can do nothing about the Executive order establishing year-end maximum employment levels. One aspect of this pertaining to the Soil Conservation Service borders on

the unbelievable. In effect, it bars the use of non-Federal funds provided by State and local governments to assist in watershed planning and soil surveys because Soil Conservation Service career employees paid from these funds, under present orders, must be counted in the employment ceilings. Currently, some 400 Soil Conservation Service employees are paid from non-Federal funds placed in trust with the Soil Conservation Service by State and local governments.

Federal employees paid from such trust funds should be eliminated from Federal personnel ceilings and employment reports. This is an inequity that can and should be corrected by the administration.

Mr. President, we have developed the mightiest industrial Nation the world has ever known. We have harnessed the atom. We are conquering outer space. A man on the moon is no longer exclusively a science-fiction character.

But the miracles of this age and all our scientific advances have not altered by one iota the single, simple fact that our way of life rests upon an agricultural resource base. Under all is the land. How we manage the land and its resources of soil, water, timber, and wildlife pretty largely will determine what tomorrow will be for us all.

How many Americans realize this?

The answer, I would say, is "not very many." This is so despite the fact that agriculture directly affects every citizen who eats or wears clothing; that it economically affects millions of nonfarm people engaged in processing farm products, in manufacturing and marketing goods from farm-produced raw materials, and in manufacturing products that farmers buy.

There is little general public concern over the growing competition for land and water—far too little concern, Mr. President. Little thought is given to the new demands we are imposing on our resources as our population grows and our economy expands. Too many of us are not particularly worried about the more than a million acres of highly productive land that each year are being gobbled up for nonagricultural purposes.

Public attention is centered more on the terrain of the moon than it is on the land of our own planet. The subject of diminishing productive land in the face of rising needs, when it is discussed at all, too often is dismissed with the comforting thought that science will solve this problem when the need arises.

Science, of course, is wonderful. And by applying all presently known scientific techniques, we can raise food and fiber on the poorest of our land, even in water alone through the science of hydroponics.

But this is to miss the point completely. Although we have plenty of land, and we are not likely to starve, we do have a limited supply of productive land. Food grown on other than our most productive land costs a great deal more to produce and consequently will cost the consumer a considerably larger amount of money to buy.

Our industrial economy is based on a plentiful supply of food available, on the

average over the years, at not more than 25 percent of our spendable income, leaving a large part of our spendable income for the nonessentials and luxuries that keep our industrial wheels turning.

The more the cost of food production rises, the less Americans will have to spend for other things. How many automobiles, automatic washers, electric refrigerators, and air conditioners are manufactured and sold in countries where 50 to 90 percent of human effort is devoted to obtaining enough food to stay alive?

To repeat, how many Americans realize these facts of life?

How many realize that what happens or does not happen on a remote upstream watershed, or in a farm pasture or a cultivated field miles from any town or city is linked in a most intimate way to the welfare of us all no matter where we live or what we do? John Donne, the great English poet-philosopher, expressed it well when he wrote:

No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

Our national soil and water conservation program has always been of vital concern to all our citizens, whether they realized it or not, but soil and water conservation problems today are of increasing direct concern to urban people as well as rural, for the interests between these two formerly separated groups of our society have become so interrelated in our expanding society that it is difficult to tell where a rural problem ends and an urban problem begins.

But I submit, Mr. President, that these facts are not generally known and appreciated, and are little understood by those who many recognize them.

Our national forests and our national parks and our great reclamation and flood control dams, such as the Hoover Dam and those in the TVA, are accessible to and visited by millions of Americans annually.

But the down-to-earth soil and water conservation work going on on the Nation's farms and ranches and in its small upstream watersheds, which may be far more important in their effect on our economy and our welfare, are little known and seen by relatively few. They are not on the map. No uniformed guides point the way. They are on our private lands, which constitute, happily, three-fourths of all our land.

But there is a way in which this vital soil and water and watershed conservation work could be made available to the general public for its observations.

I suggest, Mr. President, that we should establish, in representative sections of the Nation, demonstration centers for soil and water and watershed conservation where the general public and schoolchildren and writers and re-

searchers could go to see at first hand this story that so few seem to understand, including our present administration.

These demonstration centers would not need to be elaborate. They could encompass, within a few square miles, the major soil and water conservation and watershed protection and flood prevention measures general to the area.

I am sure that there are tailor-made representative areas, say five or six in the Nation as a starter, where the things city people need to see already exist. The only extras required might be a headquarters building and perhaps some parking areas and qualified conservationists to provide information to visiting groups.

Mr. President, I believe a relatively small investment in this educational effort would pay great dividends and I would support such a proposition enthusiastically.

Americans need to become familiar with, and to understand, their stake in the basic conservation program underway in soil and water and watershed conservation on the Nation's private lands.

I am convinced that once they see they will understand. And when they understand we shall no longer have to worry about adequate public support for its policies and practices.

MASS TRANSIT SUBSIDY

Mr. ELLENDER. Mr. President, I yield to the distinguished Senator from Ohio on the same conditions that I yielded to the Senator from South Dakota.

Mr. LAUSCHE. Mr. President, last week the House Rules Committee voted to send the mass transit subsidy bill—H.R. 3881—to the House floor for final action. In my opinion, if this legislation is enacted, it will have a definite impact on the Nation's respective communities. And because of its precedent-setting significance, I again address myself to the program embodied in this proposal.

It is quite apparent that last year this bill did not have sufficient support in the House to be passed by that body—although it was passed by the Senate over a year ago by a 52 to 41 vote. Statements to that effect were made by the House leadership from time to time. Now, however, primarily because this is an election year and because such legislation has political appeal, particularly within the larger urban areas, efforts are being made to muster the needed votes to have it enacted by the House. Regardless of what its outcome may be in the House, I feel compelled to rise on the Senate floor again and voice my views on the dangers inherent in this transit subsidy bill.

THE NATURE OF THE TRANSIT SUBSIDY PROPOSAL

The legislative history of H.R. 3881—and its counterpart in the Senate, S. 6—goes back to 1960 when, as then constituted, it proposed a rather simple approach involving:

First. A program of Federal grants for planning transportation systems in

metropolitan area under section 701(a) of the Housing Act of 1954; and,

Second. A public facility loan program of \$100 million under section 202 (a) of the Housing Amendments of 1955 to finance the acquisition, construction, and improvement of mass transit facilities and equipment.

Since then, this proposal has undergone some very significant and expansive changes. Before I explain what the present program embraces, however, I ask unanimous consent to include in the RECORD, following my statement, to be designated as exhibit A, a legislative history of the mass transit subsidy proposal.

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

(See exhibit A.)

Mr. LAUSCHE. Mr. President, a reading of the legislative history will provide helpful background to those interested in better understanding the object of my statement today.

THE TRANSIT SUBSIDY PROPOSAL IN THE 88TH CONGRESS

As introduced in 1963, the 1st session of the 88th Congress, the legislation in question—S. 6 and H.R. 3881—briefly described, embodied the following:

First. A long-range program involving an initial 3-year loan and \$500 million grant authorizations "to assist States and local public bodies and agencies thereof, and mass transportation companies both public and private, in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use in mass transportation service in urban areas."

Second. An emergency program of 3 years' duration during which a Federal subsidy, not to exceed one-half of the net project cost, is made available.

Third. A \$30 million, 3-year transit research program.

Fourth. Relocation payments, \$200 for families and \$3,000 for business concerns, affected by this program.

Fifth. A requirement that the Administrator of the program—from the Housing and Home Finance Agency—consult with the Secretary of Commerce on matters affecting urban transportation.

Sixth. The consent of Congress in advance for interstate compacts to implement comprehensive urban planning.

Seventh. Provisions requiring that the labor standards of the Davis-Bacon Act apply on all projects receiving aid under this program.

Eighth. The requirement that the Secretary of the Department of Health, Education, and Welfare pass judgment on the equipment financed under this program so that it is in accordance with the air pollution criteria established for this purpose.

S. 6 AS PASSED BY THE SENATE

The Senate version of the transit subsidy legislation passed the Senate on April 4, 1964, by a vote of 52 to 41. S. 6 underwent significant changes before it was passed. Here briefly is what it would do. It would:

First. Establish a revenue bond guarantee program by which the Federal Government would guarantee bonds sold by local agencies to develop mass transit

facilities to aggregate not more than \$375 million.

Second. Provide for direct loans for transit development programs.

Third. Initiate a program of Federal subsidy for local transit development amounting to \$375 million for the first 3 years.

Fourth. Establish a transit research, development, and research program totaling \$30 million over a 3-year period.

Fifth. Provide for relocation payments for any family or business affected by projects coming under this program—\$200 for families and \$3,000 for business concerns.

Sixth. Require that the Administrator consult with the Secretary of Commerce and with the Chairman of the Interstate Commerce Commission as to coordinate mass transit responsibilities.

Seventh. Require that the labor standards of the Bacon-Davis Act be met in projects financed under this program.

Eighth. Make it mandatory that all transit employee interests, involved in projects under this program, be protected as determined jointly by the Administrator and the Secretary of Labor.

Ninth. Require that transit facilities affected by this program be equipped to prevent and control air pollution using criteria established by the Secretary of the Department of Health, Education, and Welfare.

H.R. 3881 AS PENDING IN THE RULES COMMITTEE

In reporting out H.R. 3881, the House Banking and Currency Committee made certain changes in the original version I previously outlined. First, the section dealing with compacts was entirely deleted.

Second. Additional labor provisions protecting the interests of transit workers that would be affected by this program were included.

Third. A new section was added which would prevent any one State from getting not more than 12½ percent of the aggregate amount of the subsidy funds authorized under the bill.

ARE FEDERAL DOLLARS REALLY THE ANSWER?

As with much Federal legislation, H.R. 3881 proposes to deal with the mass transit situation largely by an expenditure of taxpayers' dollars. How many dollars is any man's guess, really. That it will run into the billions and will be a permanent program is certain. The bill authorizes a certain sum, but that authorization is merely a foot-in-the-door technique.

Last year I made the point that we do not know enough about the characteristics of mass transportation and the problem of congestion to initiate a new Federal subsidy program to local transit. I said then that congestion in the big cities is something that can only be minimized and not eliminated entirely. Certain Members of the Congress are of the belief that the Federal research programs now going on in the mass transit field should first be completed, reviewed, and analyzed—and related to the urban transportation planning studies simultaneously going on under the Highway Act of 1962 and due to be completed by July 1, 1965—before the Congress ap-

proves a permanent Federal subsidy program. Unless we carefully approach this matter, we—the Congress—could very well be guilty of needlessly burdening the American taxpayer with another grandiose giveaway program. Dollars alone—Federal or otherwise—will not eliminate congestion in the big cities. Listen to what a national transportation specialist, Wilfred Owen, of Brookings Institution, said not too long ago on this matter. He stated:

I was recently looking at the transportation system of Tokyo. And for those who get the idea that transit is going to solve the problem of urban congestion let me reassure you that Tokyo is more and more congested.

It has many subways, and its commuter trains run three abreast, and it has a tremendous amount of bus and streetcar coverage on the surface. It is building a monorail; it is building an expressway system around the city, and down to the south it is building a high-speed railway line.

We do need to concentrate on the supply of transport facilities, but no one seems to be much wedded to the idea that we also have to look at the demand side of our problem.

And here Mr. Owen really underscores the problem, as it concerns us. He says:

As long as Tokyo is going to have 10, 15, 20 million people concentrated in that Tokyo-Yokohama area, there is going to be congestion, no matter how good a rapid transit system is developed.

Mr. President, with respect to that thought, I point out that the efforts to concentrate populations in metropolitan areas are the cause of this problem. The congestion in connection with the movement of people in the morning rush hour and in the evening rush hour has not been solved anywhere by means of the new roads being built. In my judgment, that is because the cause has not been reached.

In short, for Tokyo we can substitute the names of our largest American centers of population concentration, and much the same answer will apply. The simple lesson is this: The amounts of authorizations and ensuing appropriations that H.R. 3881 would provide, if enacted, would not and could not overcome the mass transit challenge in the Nation's large cities. And it is deceptive to assure our fellow Americans that this bill, or any similar Federal bill on this issue, can bring effective results by any foreseeable expenditure of Federal taxpayers' dollars.

What would be the cost of the fantastic program that has been conceived as one for the national taxpayers to provide in subsidizing the operations of street-railway and bus systems in what are called the metropolitan communities? In the hearings held by the Commerce Committee, the most optimistic expression of the cost was that it would be at least \$6 billion. That was an optimistic and conservative opinion.

Of one thing I am certain, and that is that if this program were adopted, it would inevitably be a permanent one; and from the day of its adoption, and forever after, the Federal taxpayers would be providing the funds with which to purchase buses, diesel engines, terminal facilities, parking facilities, and all other equipment in that connection.

My question is this: By what stretch of the imagination does that properly become a Federal Government function?

One can select virtually any sum he wishes as the amount of Federal spending that would be unleashed with passage of H.R. 3881—an amount extending into the billions of dollars—\$5 billion, \$25 billion, \$50 billion. The limit would be the sky and the taxpayers' patience. Congress, by defeating this bill, can save the taxpayers the many, many billions of dollars that would be doled out without a solution of the problem if the bill were passed.

It is admitted by the proponents that the cost of the program could be at least \$6 billion. But this figure is based on a study of only 40 cities in the country. It obviously would be higher if all 217 standard metropolitan areas were invited to lay claim to a portion of the subsidies that would be authorized. But let us contemplate the significance of the \$6 billion figure only. Just how much is \$6 billion in tax money? Six billion is more than the total individual Federal income tax returns from 26 of the 50 States in 1961: Alabama, Alaska, Arizona, Arkansas, Delaware, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wyoming.

Six billion dollars in taxes represents to these States the total of their State's individual Federal income-tax payments for quite a few years. For instance, using 1961 as a base year, \$6 billion is all of Alabama's share of individual Federal income taxes paid over an 18-year period. It would take Arizona 30 years to pay \$6 billion in Federal income taxes. It would take Idaho 60 years; Maine, 42 years; and Nevada, 66 years—just to give an idea of how much \$6 billion is in Federal income taxes. These figures are obtained from a chart I have prepared; it is based on data developed by the Secretary of the Treasury. I ask that this chart be printed in the RECORD following my statement, and be designated "Exhibit B."

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

(See exhibit B.)

MR. LAUSCHE. Yet, Mr. President, we speak of \$6 billion as if it were inconsequential. In addition, we refer to it even though we know that \$6 billion would be merely the beginning of the cost.

I feel irritated at times when I hear some persons say that the \$6 billion would be "seed money"—\$6 billion seed money to provide for 40 cities—without recognizing that in the country there are 217 metropolitan areas.

When I ponder the amounts involved in this subsidy bill, it galls me to hear some people refer to it as a means for providing "seed money." Seed money, indeed! It is seed money of the Jack-and-the-beanstalk variety; and once the seed is planted, the stalk will grow overnight beyond the wildest of dreams. It, too, like Jack in his classic experience, will bring on—in this case, to the Nation's taxpayers—a formidable giant—

this time, a backbreaking debt fed by irresponsible fiscal policies.

Mr. President, if the Federal Government gives to 217 cities subsidies, by way of gifts, how will the Government avoid giving such subsidies, by way of gifts, to every other area in the country?

A great example of that is immediately before us; I refer to the well-publicized Appalachia program which is before the Senate. In Ohio, 13 counties were originally included; but now I have received petitions from 5 additional counties which want to "get under the umbrella" of "Appalachia." Wisconsin and Minnesota want a so-called Appalachia program for the Mesabi Range; and currently there is word that Arkansas wants, in the Ozark Mountains area, a program similar to the Appalachia program.

Is it not reasonable to assume that once one community is given Federal funds, as a gift, the hearts and the minds of the people of all other communities in the Nation will be stirred to a desire to receive similar largess, so as to be placed on a basis equal to that of those which were to be the original beneficiaries?

TAX CUTS AND FEDERAL SUBSIDY SPENDING

Not many months ago, a majority of Senators voted for a tax-cut bill. As a result, withholding for the Nation's taxpayers—our constituents—has been cut to 14 percent. Are we now going to pass subsidy legislation which will eventually require us to reimpose the taxes recently cut by Congress? Who in Congress is prepared to defend this move to his constituents—particularly in the light of talk in Congress about a further tax cut?

No further tax cut can be prudently and honestly considered if spending bills of the character of the mass transportation subsidy are to be enacted. The stalwart, diligent chairman of the Ways and Means Committee of the House, the distinguished WILBUR D. MILLS, is credited largely with authorship of the model-setting portion of the tax-cut measure recently enacted by this 88th Congress—section 1—from which I now quote:

It is the sense of Congress that the tax reduction provided by this act through stimulation of the economy, will after a brief transitional period, raise (rather than lower) revenues and that such revenue increases should first be used to eliminate the deficits in the administrative budgets and then to reduce the public debt. To further the objective of obtaining balanced budgets in the near future, Congress, by this action, recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective.

What made that latest cut possible—and the reduction on withholding to 14 percent for America's working men and women? When the tax cut bill was passed restraints on future Government spending were promised and implied. Shall we keep or break the promise which was made to the Nation's taxpayers. The transportation subsidy will be a permanent built-in and inextricable program of Federal spending to provide local communities with buses, terminals, parking facilities, and other transporta-

tion equipment. This is not a proper function of the Federal Government.

WHY A FEDERAL SUBSIDY FOR LOCAL TRANSIT?

The proponents of H.R. 3881 say the bill is supposed to help overcome the so-called mass transit problem. First of all, where would this problem likely exist? The mass transit problem is, if anything, an area problem. In this instance, something depends on how you define area. For example, States are areas, as are counties and regionally homogeneous zones. In a sense, mass transit is not even a State problem. In any State of the Union that I can recall, the State of New York, say, or the State of California, does not have, literally speaking, a mass transit problem. In the former, the problem more certainly is that of New York City and environs—the metropolitan area; the far northern and western reaches of the State have no such problem. In California, similarly, the major problem as it currently presents itself involves metropolitan areas as San Francisco and Los Angeles. Up in the redwoods of northern California and the deserts and oases of southeastern California no such counterpart problem exists. In a word, under no circumstances can mass transit be considered a national problem.

As I stated a moment ago, the transportation subsidy bill would provide a permanent, built-in and inextricable program of Federal spending for the benefit of communities to operate their local transportation systems.

Mr. President, for a moment I wish to examine what I believe are the causes of trouble in the mass transportation business.

THE MASS TRANSIT PROBLEM DEFINED

First. There are problems in the mass transit business when unrealistically low fares are set, which city officials maintain because it is the political thing to do. I shall not begin to identify the communities, but the communities to which I refer have never made an attempt to place their mass transportation systems on a self-sustaining basis. Fares have been kept inordinately low—low to the point at which it was obvious that bankruptcy would result unless the general taxpayers contributed by way of subsidies to the operation of the plant.

Several months ago I was told that in Argentina, for less than 3 cents a passenger can travel 60 kilometers. I did not believe it. I had an investigation made, and the report came back that the statement was true. For less than 3 cents a passenger is carried 60 kilometers by governmentally operated transportation systems. The very statement of the proposition demonstrates the fantastic conduct in which public officials can indulge when they try to ingratiate themselves to some at the expense of the many.

Second. There are problems when there is poor transportation planning within an urban area having transit difficulties, although section 9 of the Highway Act of 1962 is helping to minimize this.

Third. There are problems with respect to which there is no local and

State tax relief, and when carriers operate under archaic franchises.

We have heard about the Boston & Maine railroad station in Boston. The railroad company wants to give away its depot. It begged the city of Boston to take it. Boston said "No, you will keep the station and pay us taxes." Boston has been one of the very vigorous demanders that subsidies be provided.

There are ways and means of giving tax relief on a local level and on the State level to transit companies for their operation which is far preferable than coming to the Federal Government, which already has a huge debt and a huge budget, to begin subsidy of local operations.

Fourth. There are problems when different political jurisdictions do not get together to work out a mutual transit system and a method to finance improvements.

Fifth. There certainly are problems when people decide not to use the transit service.

In the latter respect, let me quote Mr. Paul Dittmar, chairman of the board of South Suburban Safeway Lines, Inc., of Harvey, Ill., and ex-president of the American Transit Association. He made this statement during hearings on the transit bill which he strongly opposed:

No serious transit problem exists. Transit has problems, but the public does not have problems with transit.

It is people who have left transit, it is not transit that quit.

To listen to the proponents of the transit bill, however, the uninformed on this issue would get the impression that transit is withering on the vine because of some strange and invidious external force—and that, like the boll weevil, the Federal Government should help exterminate it by subsidization.

When we get to the heart of the matter—the problem is people. People who prefer to travel according to their own likings. And no amount of superficial enticing will get people to use transit even if it is given away free—using their tax money, of course. In fact, in 1962, Dr. Leon N. Moses, director of research of the Northwestern University Transportation Center, testified before the Senate Commerce Committee to the effect that in some instances people could not be enticed to ride transit even if they were paid. Here is a part of what Dr. Moses said in his testimony:

What I did in this study was make an effort to figure out what kind of price structure—on the use of automobile versus the various modes of private-public transportation—what price structure would serve to divert automobile users to public transportation.

In other words, given what it now takes you to go from your house to your office by car in terms of time, what it costs you in money, what would be the time by the alternative modes, what would be the money cost by the alternative modes, and the wage rate, your income, I was able to figure out a series of prices which I called diversion prices.

I only have such data for Chicago; in fact there is no other data like it in the rest of the country. This is one of the things that bothers me. No one has studied or collected

this kind of information. But for the Chicago area, suppose you wanted to divert 5 percent of those people who now go to work by car. What would you have to do to reduce the price of the alternative mode that is best for them, or how would you increase the price of the automobile?

The results indicated for this sample of Cook County commuters, that to divert some significant proportion of those people now commuting by car—say a significant portion would be 33 percent—that you would have to have fare reductions which are greater than the present level of fares; in other words, you would have to have negative fares. You would have to in some sense pay a man to get on the bus in order to carry out that level of diversion.

The Government subsidized commuter demonstration project in Boston proved to a considerable extent what Dr. Moses was trying to explain to the Senate Commerce Committee. Under a demonstration project approved by the Housing and Home Finance Agency, the mass transportation commission in Massachusetts was given \$1.3 million in subsidy to try to determine if people would return to commuter railroad service in the Boston area. Fares were drastically reduced and service was increased and improved. In spite of this—plus all the publicity given to it—the experiment failed to attract sufficient riders to prove that such an operation could be self-sustaining—at least in the Boston area. The railroads involved, after only 9 months trial, petitioned to abandon their experimental, and in some instances their regular, commuter service.

I ask unanimous consent to have printed in the RECORD following my statement a newspaper article on this subject, and that it be designated exhibit C.

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

(See exhibit C.)

MR. LAUSCHE. The Boston experience proves that it takes more than Federal subsidies and regulations to get adequate transit. And I will show later that where there is a realistic, down-to-earth, locally inspired and supported approach used, success can be achieved where transit or commuter service is necessary. Mr. Ben Heineman of the Chicago & North Western Railway Co., and Mr. Paul Dittmar, past president of the American Transit Association among others, have proven that good efficient and modern-day transit can be provided without a Federal subsidy program.

THE CHALLENGE IS BEING MET WITHOUT FEDERAL SUBSIDY

Mr. President, during the past congressional hearings and debate on the mass transit subsidy bill, we have heard frequent reference to the fact that transit patronage is declining. It is quickly pointed out, however, that this decline is due to poor service, deteriorating equipment and a host of other factors—all of which, it is alleged, can be remedied by the proposed Federal subsidy program. We know also that certain bus transit operations, particularly in the comparatively smaller cities, have had to discontinue operations—as well as certain commuter railroads in the larger cities. My immediate concern is this: If patrons cannot be lured back to commuter service—as was the case in

Boston—and the decline in patronage continues unabated notwithstanding the spending of Federal funds to halt this decline, who is going to be left holding the bag if a permanent Federal subsidy program is passed? Obviously there can be but one answer—the good old exploited American taxpayer.

Figures developed by the American Transit Association show that for all cities having transit, and reporting to this organization, there was a 3.59-percent decline in overall transit patronage during 1963. This decline was even higher—about 6 percent—in cities of 50,000 or less in population. I have figures which I would like included in the RECORD at this point showing the decline in transit patronage for the year 1963. Now my question is this: In the light of this continuous yearly decline, is it wise to enact a permanent subsidy program to try to halt declining transit patronage if the trend is going to persist year after year? Is this a realistic approach? There are many that would answer in the negative. I share that view.

What is the approach, then? I would say that instead of shackling the taxpayers around the country with an additional burden—particularly those areas having no need for transit service—let our urban communities work out their own situation to their own likings—and, since they will benefit from it, they should pay the cost involved—and they definitely have the resources to do this. Let me explain this in more detail.

According to the Bureau of the Census, there are 217 so-called standard metropolitan areas in the United States. These are areas having 50,000 or more in population. How many of these have a transit crisis depends on the definition given to the word "crisis." That some of them have transit problems is certain. But how severe are these problems? In certain cases the transit situation may well have reached crisis proportions. Usually this is due largely to the lack of proper attention over the years that should have been given to the transit situation by responsible government and citizenry in the areas. No amount of funds as such will bail those areas out. It will require some hard work by the various elements of the community to come to a realistic solution. It is happening with transit development all over the country. I would like to give a rundown of all 217 standard metropolitan areas if it were possible. Hopefully, the results of the studies going on under the planning provisions of the Highway Act of 1962 will give us a more complete story. These studies will not be completed, however, until July 1, 1965.

But here is a quick rundown of what was done—and is being done—in a selected number of urban areas of various sizes.

SAN FRANCISCO BAY AREA—POPULATION, 3,674,600

Initial construction of the \$1 billion 75-mile rail transit system will begin in June of 1964. Three counties are involved: Alameda, Contra Costa, and San Francisco Counties. As proposed, this vast and complex project will be paid for out of fare-box revenues and a property

tax assessed against the residents of these three counties. It will be the most modern of automatic transit systems ever devised. The majority of the residents of the three counties wanted this system because over 61 percent of them voted their approval in a referendum. They are to be commended for their decisive action. And even though their system may receive Federal funds under the transit bill now pending in the House—although this would be in contradiction with the Senate passed version (S. 6)—over the long run the residents of this area would be penalized by the burden of additional Federal taxes to cover the cost of the national program. In effect, bay area residents would have to pay not only for their own system but in future decades for those other areas which are now shirking their responsibilities. If I were a resident of the bay area, I would certainly try to influence my Congressman to vote against the bill. I would say we will pay for our own transit system—we have competent people doing a good job. Let the other areas do the same and we will all be better off over the long pull.

LOS ANGELES METROPOLITAN AREA—POPULATION, 7 MILLION

Efforts are underway in the Los Angeles area to construct a 64-mile cross-shaped rail rapid transit network. The cost is estimated at \$669 million. It would supplement the existing extensive bus service now provided throughout the area. The suggested method for financing this program would be through the system's revenues and special taxes. The legislation to get this program going was recently passed by the State legislature.

The interesting thing about the Los Angeles transit proposal is that although the area has a population rivalling that of New York City—and that it is considerably more spread out—authorities from the Los Angeles area have repeatedly said before the committees of Congress that the Los Angeles area can pay for developing its own transit system. Coming from the most auto-oriented city in the country—if not the world—this certainly disproves the argument that urban areas cannot pay for their own transit needs.

PHOENIX, ARIZ.—POPULATION, 663,510

The mayor of Phoenix testified last year before the Senate Commerce Committee to the effect that his city had, up until a few years ago, an inadequate and costly municipally-owned transit system which was turned over to a private operator. Operating under a realistic franchise, this operator has not only improved the quality of the service in that area but has extended it to adjacent areas heretofore not served. As Mayor Mardian stated in his testimony: "Each city should determine its own system based upon the ability and willingness of the people to pay for it keeping individual community values and objectives in mind." There is no doubt Phoenix residents are getting the transit service they need.

HOUSTON, TEX.—POPULATION 1,243,158

The Houston Chronicle of December 4, 1963, in an editorial summed up that

city's transit achievements. It read in part:

The marked improvement in Houston's public transit facilities during the last 3 years must be acknowledged as one of the major achievements of Mayor Lewis Cutrer and his administration.

For years Houston's transit system had been on the downgrade. Both equipment and service were atrocious. City officials persuaded Calkins, a successful transit operator in other cities, to try his hand in Houston and assisted him with a franchise which made the Houston investment attractive. With a realistic franchise, Mr. Calkins, in the words of Metropolitan Transportation magazine of October 1961, stated:

Jerked the old city transit company from the doldrums, rejuvenated the system, modernized the equipment, and expanded the service to increase the revenue on a true, free enterprise basis. * * * Houston riders are enthusiastically celebrating the end of an obsolete system and the beginning of a brand-new one.

OTHER EXAMPLES

Other examples of how the Nation's urban areas are meeting their transit challenge abound throughout the country. The city of Dallas, Tex., just recently took over the privately owned system because of the difficulties it was experiencing. The Dallas city auditor, Mr. E. Lynn Crossley, immediately made the statement:

I am determined that the public transit operation of Dallas will not be subsidized by the city.

He was quite optimistic about the transit operation paying for itself, which includes meeting the bond issue requirements sold by the city and backed by transit revenues to upgrade the system's service.

I have numerous current articles and reports in my files telling of the great progress being made by those urban areas moving ahead in their transit program. Some examples of the cities involved are: Atlanta, Baltimore, Boston, Chicago, Philadelphia, and Pittsburgh, to name just a few. And although some cities have been sitting back on their haunches waiting for a Federal handout, there has been considerable activity. To illustrate what I mean, I ask unanimous consent to place in the Record following my statement four articles on this subject—exhibits D through G—which I heartily recommend to my colleagues.

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

(See exhibits D, E, F, and G.)

Mr. LAUSCHE. Mr. President, no matter what the proponents of the transit subsidy say, such articles do not represent the exception. This is clearly shown in one of the recent newsletters, dated February 15, 1964, issued by the Institute for Rapid Transit. The authors of the newsletter made this statement:

The new era for rapid transit took greater shape during 1963 in the growing metropolitan areas of the United States and Canada.

As of December 31, 1963, a total outlay of \$1.594 billion had been committed for new rapid transit facilities either in construction

or about to be constructed in major cities of the United States and Canada.

Special attention was focused on San Francisco where detailed engineering began in 1963 on a \$1 billion, 75-mile rapid transit system to serve three counties of that metropolitan area. Initial construction of a test line for this new system is scheduled to begin in June of 1964.

In Boston, the State gave its approval to a \$31 million rapid transit line extension of the metropolitan transit authority, along with approving studies for additional rapid transit facilities.

New York City and Chicago made history in 1963 in their ordering of rapid transit equipment. New York contracted for 600 new rapid transit cars, which is the largest single order for such equipment ever placed. An order for 180 new air-conditioned rapid transit cars will give Chicago the largest fleet of rapid transit cars so equipped.

Perhaps still more significant, however, was the fact that 1963 marked the beginning of a new movement in transportation planning on a comprehensive, metropolitan basis. For the growing urban centers, the new planning efforts are being aimed at developing balanced transportation systems in which all modes of travel—the automobile, the bus, the commuter railroad, and rapid transit—would be enabled to perform their respective roles in the most efficient manner possible.

In addition to this overall transportation planning, many cities in 1963 undertook or authorized specific studies for improving and extending rapid transit and creating entirely new rapid transit systems.

I particularly submit, therefore; in no American community is the problem not being worked on. This is a fine record for local leadership; let us not spoil it with congressional intrusions, such as H.R. 3881.

When this matter was before the Senate a year ago, I set forth my reasons for opposing the bill. I wish to read from my statement at that time:

BASIC ARGUMENTS AGAINST A FEDERAL TRANSIT SUBSIDY PROGRAM

Mr. President, on several occasions during the 3 years this transit subsidy proposal has been before the Congress, I have taken the approach that progress in developing adequate transit service can be—and is being—achieved without the passage of a Federal subsidy program. I cannot for the life of me see the wisdom in imposing more of a Federal tax burden on 85 percent of the people to pay for a subsidy program that will benefit the 15 percent who ride transit to and from their work. In addition to the fact that I have consistently stated that each of our urban areas have the resources to pay for what transit service they need (a fact that has been clearly proven), I have from time to time given other reasons why this subsidy proposal is unwarranted. I would like to enumerate these reasons now.

If enacted, the transit subsidy legislation now pending in the House will:

1. Require the citizens of our Nation living in many communities throughout the 50 States who are capable of fiscally operating their own local transportation systems on a business basis to pay taxes to take care of the city of New York and Newark, Boston, Philadelphia, etc., and other larger communities which have failed to take care of their local transportation systems on a business-like basis, believing that it was better to indulge in subsidization.

2. Make available subsidy grants of the Federal Government to those communities of the Nation which showed the least purpose of attempting to solve their mass transportation problems on a local basis.

I do not wish to be vain when I say this, but I say it to show that it has some applicability to the subject before us. I was mayor of Cleveland in 1942. The city acquired the privately owned transportation system, to be operated by the municipality. I went before the voters of Cleveland and urged them to "adopt a charter amendment to make this transit system solvent and self-managing. Do not allow the councilmen of the city of Cleveland to set the fares, to fix the areas that shall be served, and the frequency of the service." I foresaw that, if the councilmen were to fix the fares, at each election time there would be promises of reduced fares.

The citizens of the city of Cleveland adopted the charter amendment. The transportation system has been self-sustaining. My query is, What has been done in other communities in the Nation? Fares, frequency of service, and location of service have been a political football. There has been no thought of making the operation independent and self-amortizing. Cleveland paid off its debt. It had money with which to proceed with expansion of the transportation facilities, but decided not to do so when it was learned that Congress might pass this subsidy bill. I shall get to that subject a little later.

To continue reading from the statement I made, the transit subsidy legislation would:

3. Give to the Administrator of the HHFA discretionary powers making him a czar in the assignment eventually of billions of dollars of taxpayers' money to the communities of the Nation.

4. Create disorder and chaos and political manipulation by the administration in power in making the allocation of the funds that will be immediately available and for which the applications, from the standpoint of the moneys involved, will far exceed the available funds.

5. Cause the already bloated cost of the Federal Government with its backbreaking taxes to suffer annual fiscal deficits in increased amounts, lessening the ability of the Federal Government to ever again achieve a pay-as-you-go financial basis.

How meaningless is a pay-as-you-go financial basis in Washington and especially in the U.S. Congress. The word is that "Deficits are not wrong. We can continue to accumulate them year after year without the need of fear that some day the piper will have to be paid."

I continue to read from my remarks. The subsidy bill would:

6. Increase the already excessive interest-paying burden that the Federal Government has to pay on its more than \$300 billion debt.

7. Aggravate the problem of the administrators of the local transportation systems reaching reasonable agreements on wages, working conditions, and working hours. The labor leaders, knowing that the Federal Government is contributing money by way of subsidization, making ever-increasing demands from their employers.

8. Entail a cost to the taxpayers incapable of being estimated at this time, but in my opinion running indefinitely at an ultimate cost of many, many billions of dollars.

9. Debase the integrity and the morality of the administrators of local transportation systems, causing them not to solve their own problems back home but to turn to

Washington, begging for alms on the basis that it will aid in the rendition of local service without any cost to the local taxpayers.

We have an example of what we mean by this last statement. In Cleveland the board in charge of operation of the transit system decided to extend the rapid transit a number of miles. A vote was taken. It passed. Then came word that money would come from the Federal Government by way of gift. A majority of the board decided they would revoke the resolution and wait until the money came from the Federal Treasury.

I conclude reading what I stated previously:

10. Give encouragement to the extravagant spenders of the taxpayers' money and discouragement to those citizens—business and professional men, farmers, workers, and merchants—who believe in individual effort, independence, and freedom from undue Federal interference.

In conclusion, I should say that the hour is at hand to take a look at new programs of Federal spending being advocated, and, as we examine them, consider not only the year 1964, but the long-range future, asking ourselves what is to happen when the time comes for paying the debt. We should ask ourselves what is to happen if we become involved in an international conflict and huge sums of money are needed, and we are faced with the fact that in a period of abundance we did not pay off our debt, but increased it—increasing also the tax burden.

I hope, Mr. President, that citizens in Ohio will obtain some knowledge of what I have said on the floor of the Senate today, and that they will call upon Congress to recognize what is being done and put a stop to the idea that Federal tax money is the solution to all problems.

Mr. President, I ask unanimous consent to have printed following my statement a table showing the revenue passengers carried on transit lines of the United States in December 1963, and during the 12 months ending December 31, 1963, distributed by population groups.

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

(See exhibit H.)

Mr. LAUSCHE. Mr. President, I yield the floor.

EXHIBIT A

LEGISLATIVE HISTORY OF THE MASS TRANSIT SUBSIDY PROPOSAL BEFORE THE CONGRESS

THE YEAR 1960, 86TH CONGRESS, 2D SESSION:
S. 3278, MASS TRANSPORTATION ACT OF 1960

This bill proposed:

1. A program of Federal grants for planning transportation systems in metropolitan areas under section 701(a) of the Housing Act of 1954.

2. A public facility loan program of \$100 million under section 202(a) of the Housing Amendments of 1955 to finance the acquisition, construction and improvement of mass transit facilities and equipment.

Hearings were held in May of 1960 by the Housing Subcommittee of the Senate Banking and Currency Committee whereupon it was reported to the Senate favorably (S. Rept. 1591), amended slightly and passed by a voice vote in the Senate on June 27, 1960. It was then sent to the House and referred to the Committee on Banking and Currency. No action was taken by the House during the remainder of the session.

THE YEAR 1961, 87TH CONGRESS, 1ST SESSION

1. S. 345, Urban Mass Transportation Act of 1961:

This bill proposed:

1. A \$75 million program of mass transportation planning and demonstration project grants to help finance comprehensive mass transportation surveys and plans (for which appropriate regulations would have been prescribed by the HHFA Administrator) and research projects.

2. A \$250 million loan program to finance the acquisition, construction, reconstruction, and improvement of mass transit facilities and equipment.

Hearings were held on S. 345 by a subcommittee of the Senate Banking and Currency Committee on March 20-22, 1961. The bill was not reported to the floor of the Senate and no further action thereon was taken by either body. However, sections of this bill were included in the Housing Act of 1961.

2. Public Law 87-70, the Housing Act of 1961:

Although embodying provisions primarily concerned with the Federal housing program, this act contained provisions involving a limited program of Federal aid to local transit. This program was patterned on the broader program in S. 345. The transit provisions in this act provided for the following:

1. Contract authority for a \$25 million program of grants for demonstration projects to undertake research in mass transit equipment and facilities.

2. A temporary \$50 million loan program for mass transit facilities and equipment limited to commitments made on or before December 31, 1962. In appropriating funds for these programs, however, Congress made available only \$42.5 million, with \$30 million for loans and \$12.5 million for demonstration grants.

The time limitation under which funds would be available for direct loans for mass transit facilities authorized under the Housing Act of 1961 was extended to June 30, 1963, by the enactment of Public Law 87-809.

THE YEAR 1962, 87TH CONGRESS, 2D SESSION

1. President's transportation message of April 5, 1962: In his 1961 message on housing and community development, President Kennedy directed the Department of Commerce and the Housing and Home Finance Agency jointly to undertake a study of urban transportation and to submit recommendations thereon.

In compliance with this directive, the Institute of Public Administration (New York City) was commissioned "to do a special study involving field investigations in some 40 representative urban communities in various parts of the country." On the basis of this study, the Secretary of Commerce, and the Housing and Home Finance Agency Administrator submitted a report to the President calling for an eight-point program of Federal assistance for urban mass transportation and a five-point program for urban highway programs.¹

The eight mass transportation recommendations became the basis of a proposed Federal aid program set forth in the President's transportation message of April 5, 1962. Part II of this message dealt exclusively with this program. In turn all of the recommendations in this section were incorporated in a bill introduced shortly after the President's transportation message. In order to avoid repetition, the substance of these Presidential recommendations are outlined in the following treatment of the transit proposal subsequently introduced.

¹ Letter of transmittal of Mar. 28, 1963, from the Secretary of Commerce Luther H. Hodges and the Administrator of the Housing and Home Finance Agency, Robert C. Weaver, to the President.

2. S. 3126, S. 3615, and H.R. 1158: The Urban Mass Transportation Act of 1962: Shortly after the President's transportation message of April 5, 1962, a bill proposing a program of Federal aid for local transit development was introduced. Although the program embodied in this bill closely followed the recommendations made by the President, this proposal went beyond the loan program advocated in previous sessions. It provided for the following:

Long-range program

Federal grants: Federal grants would be provided for mass transportation facilities and equipment, with strict planning requirements, including the preparation of an area-wide transportation plan as a part of comprehensive planning for the development of the urban area. The grants would be limited to two-thirds of "net project cost"—that portion of project cost which cannot reasonably be financed from revenues. Local grants would be required for the other one-third part of all of which could later be repaid from any surplus revenues if there is a proportional repayment of the Federal grant.

Federal loans: Federal loans would be authorized for projects where loans cannot be obtained privately on reasonable terms, if such loans would make effective mass transportation possible without grant assistance.

Emergency 3-year program

For a 3-year period Federal loans and grants could be made on an emergency basis, with less strict planning requirements but with a one-half rather than two-thirds Federal grant. The remaining one-sixth Federal grant would be available if full planning requirements are met within 3 years from the date of the grant agreement.

Financing for long-range and emergency programs

Authorization would be provided for grant appropriations of \$500 million, to be available, over a 3-year period in the following manner: \$100 million upon enactment, \$200 million on July 1, 1963; and another \$200 million on July 1, 1964. The present \$50 million loan authority would be retained, but without expiration date.

Research, development, and demonstration program

Research, development, and demonstration program would be authorized, to apply to all phases of urban mass transportation, in place of the present demonstration grant program. This program would be financed through the present \$25 million demonstration grant authority, plus up to \$30 million of the new \$500 million grant authority.

Relocation provisions

An adequate relocation program for families displaced by each project would be required. Federal grants for relocation payments to families, individuals, business concerns, and nonprofit organizations would be authorized similar to those applicable to the Housing Agency's urban renewal program.

Hearings were held:

(i) By a special subcommittee of the Senate Banking and Currency Committee on April 24-27, 1962, whereupon it was reported back to the Senate on August 7, 1962 (S. Rept. 1852) with dissenting views expressed by the chairman of the committee, Senator A. WILLIS ROBERTSON. Also taking exception to the proposed program was Senator LAUSCHE, a member of the Senate Commerce Committee, who asked to have the bill sent to the Commerce Committee for further hearings. The Senate agreed to the referral and requested that the bill be returned to the Senate by September 24, 1962.

(ii) By Subcommittee No. 3 of the House Banking and Currency Committee on May 1-4, 7-11, 1962, whereupon it was reported back to the full committee for further action (subcommittee print of April 23, 1962).

The House version was then reported out of committee on July 3, 1962 (H. Rept. 1961), with dissenting views being expressed. The bill was not scheduled by the House Rules Committee and no floor action was taken in the House where it died upon adjournment.

(iii) By the Senate Commerce Committee, on September 17-20, 1962. Most of the witnesses testifying at this hearing opposed the proposal. In accordance with the instructions of the referral, the bill was reported back to the Senate (S. Rept. 2119) without recommendations. No further action was taken by the Senate on S. 3615.

3. S. 2390, the Transit Revenue Bond Guarantee Act: This bill was to provide an additional method of financing for those communities not wanting direct Federal subsidies but having difficulty in securing bond issues simply on the merits of prospective fare box revenues, as in the case of Los Angeles. This bill would have provided for Federal guarantee of bond issues made by commercial establishments for transit improvement projects.

This bill was referred to the Senate Banking and Currency Committee where it was combined in the hearings on the proposed Urban Mass Transportation Act of 1962, S. 3615. The committee rejected this method of Federal aid as being inadequate and unsound. The bill was not reported out of committee and no subsequent action thereon was taken.

4. S. 3122, to amend section 701 of the Housing Act of 1954 to encourage balanced urban transit development: This bill was introduced by Senator CASE, of New Jersey (and cosponsored by Senators JAVITS, SALTONSTALL, and SCOTT).

The bill would have required:

1. That locally initiated land-use plans developed with Federal assistance under section 701 include comprehensive urban transportation plans.

2. The Administrator of the Housing and Home Finance Agency to designate specific urban areas whose transportation needs can only be coordinated with urban highway and mass transportation systems.

3. That after a 3-year period, all Federal financial assistance available for mass transportation purposes and highway construction within an urban area designated by the Administrator be granted only if the Administrator would determine that the purpose of such assistance is consistent with a comprehensive area transportation plan locally developed and approved by the Administrator.²

S. 3122 was referred to the Senate Banking and Currency Committee for hearings where it was combined with the proposed Urban Mass Transportation Act of 1962, S. 3615.

No further action was taken on this bill by the Congress.

THE YEAR 1963, 88TH CONGRESS, 1ST SESSION

1. S. 6, S. 917, and H.R. 3881 (and other House bills), Urban Mass Transportation Act of 1963: These bills embody a Federal subsidy program for local transit improvement—identical to that proposed in the 2d session of the 87th Congress (S. 3126 and H.R. 1158). However, certain significant additions to S. 6 and S. 917 provided for: (1) the implementation of the Davis-Bacon Act in contracts receiving Federal aid under the

program; and, (2) the authorization for the Secretary of Health, Education, and Welfare, to establish air pollution control standards for transit equipment used in any project receiving aid under the program.

S. 917 was introduced at the request of the administration and differed with S. 6 in that the administration's bill did not contain back-door spending provisions; that is, prior contract authorization.

2. S. 807 and H.R. 4890, Urban Transit Development Act of 1963: Introduced by Senator FRANK J. LAUSCHE, of Ohio, on April 14, 1963, and later in the House by Representative CLARK MACGREGOR, of Minnesota, this bill was referred to both the Senate Commerce and the Senate Finance Committees (the House version to the Banking and Currency Committee). This proposal would:

1. Establish a Division of Urban Transportation in the Office of the Under Secretary of Commerce for Transportation. This new Division would: (1) Help develop overall urban transport policy recommendations; (2) achieve greater coordination of Federal urban transportation activities; (3) undertake a program of urban transportation research and planning; and (4) perform other related functions.

2. Provide for the transferring of the existing mass demonstration grant and loan programs from the Housing and Home Finance Agency (authorized in the Housing Act of 1961) to the Department of Commerce (for administration by the Division of Urban Transportation).

3. Require the Secretary of Commerce to evaluate the urban transportation programs transferred to the Department of Commerce from the HHFA to determine the need, if any, for expanding or discontinuing such programs, and to make recommendations thereon to Congress as soon as possible.

4. Provide Federal guarantees of revenue bonds sold to private investors so as to make private money available, at a low rate of interest, for the construction of needed rapid transit projects. The U.S. Government would guarantee payment or repayment of the interest and principal on qualified bonds issued by public transit agencies to construct new rapid transit systems. This bond guarantee program would be administered by the Secretary of Commerce (acting through the Division of Urban Transportation). The Secretary would be responsible for paying the trustee of the trust indenture or supplemental trust indenture under which the guarantee revenue bonds of the local public transit agency were issued. Transit agencies or authorities taking advantage of this program would submit reports to the Secretary of Commerce in accordance with the Secretary's instruction. A Federal Transit Revenue Bond Guarantee Revolving Fund, not to exceed \$50 million, would be created for carrying out the program.

5. Amend the Internal Revenue Code of 1964 so that: (1) Local transit carriers could fully benefit from State and local government tax concessions by exempting such tax concessions from Federal income tax when so granted; and (2) urban transit carriers would be allowed to establish a special reserve fund—to be exempt from Federal taxation (and to be distinct and separate from the equipment depreciation allowance provisions permitted by existing tax law)—to be used only for transit equipment and facilities replacement and improvement programs. The annual amount transferred to such fund could not exceed an amount equal to the total taxable income of the urban transit carrier for the taxable year. The aggregate limitation permitted to be set aside in this reserve fund could not exceed the amount required to replace all of the carrier's transit equipment at a given time. Funds set aside under this provision would be subject to tax if not used for the specific purpose intended by the act.

6. Grant the consent of Congress in advance to two or more States to enter into compacts or other agreements for cooperative efforts and mutual assistance specifically for the development and carrying out of urban transit programs.

Hearings were held on S. 6 and S. 917:

(i) By the Subcommittee on Housing of the Senate Banking and Currency Committee on February 28; March 1, 4, 5, 8, and 11, 1963. S. 6, in slightly amended fashion, was reported out of the Senate Banking and Currency Committee favorably (by a 9 to 7 vote) on March 14, 1963 (S. Rept. 82). It was ordered to be on the table until March 28 during which time the Senate Commerce Committee held hearings on it (see iii below).

(ii) Hearings on the House companion bill (H.R. 3881) were held by the House Banking and Currency Committee on February 27, 28; March 1, 4, 5, 6, and 8, 1963. The committee filed its report on this bill passed by the House Rules Committee on May 21, 1964, whereupon it will go to the floor for consideration by the whole House.

(iii) Hearings were held by the Subcommittee on Surface Transportation of the Senate Commerce Committee on all three Senate bills—S. 807, S. 6, and S. 917 on March 19 to 22, 1963.

Because of the limited time available, the subcommittee confined its report (S. Rept. 83) to proposing five amendments to S. 6. These amendments provided for: (a) the substitution of the "back door" spending provisions with language providing for annual appropriations; (b) the requirement that the ICC Chairman and the HHFA Administrator consult on transit projects crossing State lines; (c) the requirement that a schedule of fares, determined by the HHFA Administrator to be economically sound, be submitted with an application for Federal grants under the proposed program; (d) the assurance that State and local governments afforded "every feasible relief" to the local transit system seeking Federal aid (such as tax concessions), (e) the establishment of a loan guarantee program (substantially the same as offered in S. 807) which an applicant for Federal aid must first attempt to implement before approval of any grants. The full Commerce Committee accepted the five amendments offered by the subcommittee and agreed to offer the bill, S. 6, as so amended, as a substitute for that version reported out of the Senate Banking and Currency Committee.

On April 4, 1963, the Senate passed S. 6 by a 52 to 41 vote. The major provisions of the Senate-passed version would:

1. Establish a revenue bond guarantee program by which the Federal Government would guarantee bonds sold by local agencies to develop mass transit facilities to aggregate not more than \$375 million.

2. Provide for direct loans for transit development programs.

3. Initiate a program of Federal subsidy for local transit development amounting to \$375 million for the first 3 years.

4. Establish a transit research, development and research program totaling \$30 million over a 3-year period.

5. Provide for relocation payments for any family or business affected by projects coming under this program (\$200 for families and \$3,000 for business concerns).

6. Require that the Administrator consult with the Secretary of Commerce and with the Chairman of the Interstate Commerce Commission so as to coordinate mass transit responsibilities.

7. Require that the labor standards of the Davis-Bacon Act be met in projects financed under this program.

8. Make it mandatory that all transit employee interests, involved in projects under this program, be protected as determined

²It should be noted that similar requirement was enacted by the Congress in the "Federal-Aid Highway Act of 1962," (Public Law 87-866, sec. 9(a)), wherein all urban areas of 50,000 or more population must develop a continuing comprehensive transportation planning process (involving all modes of urban transit) before July 1, 1965, or face the loss of Federal financial assistance for urban highways and extensions until a planning process is undertaken by the localities and found acceptable by the Secretary of Commerce.

jointly by the Administrator and the Secretary of Labor.

9. Require that transit facilities affected by this program be equipped to prevent and control air pollution using criteria established by the Secretary of the Department of Health, Education, and Welfare.

EXHIBIT B

Individual Federal income tax payments by States for the year 1961

[In millions of dollars]

United States:	
Alabama.....	343.5
Alaska.....	49.4
Arizona.....	219.9
Arkansas.....	144.2
California.....	4,979.8
Colorado.....	777.5
Connecticut.....	876.7
Delaware.....	272.2
Florida.....	813.2
Georgia.....	541.1
Hawaii.....	149.7
Idaho.....	99.7
Illinois.....	3,829.5
Indiana.....	1,133.8
Iowa.....	419.9
Kansas.....	371.6
Kentucky.....	351.5
Louisiana.....	420.9
Maine.....	138.4
Maryland and District of Columbia.....	1,436.7
Massachusetts.....	1,545.1
Michigan.....	2,443.3
Minnesota.....	796.0
Mississippi.....	133.8
Missouri.....	1,130.4
Montana.....	95.8
Nebraska.....	327.5
Nevada.....	91.4
New Hampshire.....	118.5
New Jersey.....	1,538.4
New Mexico.....	139.7
New York.....	8,081.1
North Carolina.....	510.3
North Dakota.....	63.3
Ohio.....	3,003.8
Oklahoma.....	398.0
Oregon.....	378.6
Pennsylvania.....	3,246.3
Rhode Island.....	214.9
South Carolina.....	197.2
South Dakota.....	72.2
Tennessee.....	442.7
Texas.....	1,686.3
Utah.....	155.5
Vermont.....	53.5
Virginia.....	593.8
Washington.....	647.0
West Virginia.....	192.2
Wisconsin.....	835.4
Wyoming.....	55.5

Grand total for the year 1961.....\$46,556.8

* The figures on this chart represent the individual income and employment taxes collected as reported in the 1961 Report of the Secretary of the Treasury (T. 18, p. 496), less the contributions for old age, survivors, and disability insurance as reported in Social Security Bulletin, Annual Statistical Supplement (T. 29, p. 31).

EXHIBIT C

[From the Wall Street Journal, Dec. 9, 1963]

STUDY INDICATES RAIL SUBSIDY DID NOT MAKE LINES' BOSTON COMMUTER SERVICE PROFITABLE

BOSTON.—A railroad and a State agency indicated State and local funds to subsidize lower fares and more trains for rail commuters to Boston failed to generate during a year-long experiment enough new passenger traffic to make it possible for commuter railroads to break even.

The low-fare subsidized experiment in Boston was set up to help provide guidelines

for proposed Federal aid to cities all over the country faced with commuting problems. Most of the Nation's commuter railroads claim they are losing substantial sums on a declining number of passengers while cities contend with approach roadways that are clogged with growing automobile traffic. A prime objective of the experiment here was to determine whether lower rail fares would attract enough new passengers to end the railroad's red ink and reduce highway congestion or whether it would be cheaper to subsidize railroad commutation than to build new roadways for commuters in autos.

Boston's major commuting railroad, the Boston & Maine, apparently has decided subsidies aren't enough. Over the weekend it said it will file an application early next year to discontinue all its passenger operations in and out of Boston. The application will be filed with the State department of public utilities, which has first jurisdiction over intrastate rail operations. If the department fails to act within a specified time, the railroad can file its application with the Interstate Commerce Commission. Earlier, two other railroads applied to end nearly all their rail commuting service to Boston.

PASSENGER DEFICITS ESTIMATED

Boston & Maine had a passenger deficit during the first 9 months of this year of \$2,839,510 despite a government subsidy of \$1,370,250.

The New Haven Railroad said it is losing about \$1,500,000 yearly on commuter service to Boston. A few days ago it petitioned the State agency for permission to end nearly half of its commuter service to Boston. This half includes all of its passenger service totally within the State. The remaining half involves commuter trains on the New Haven main line, which runs from Boston through Providence, R.I., en route to New York. The New Haven, which also was in the subsidy experiment, seeks to discontinue 32 daily trains. Its 13 trains that run each way between New York and Boston wouldn't be affected by the application.

The Boston & Albany division of the New York Central, which runs from Boston to Albany, N.Y., through Springfield, Mass., has also applied for permission to end its passenger service on the line. The railroad claims its losses, on two trains daily each way exceed \$100,000 a year. It didn't participate in the subsidy experiment.

Although the experiment "resulted in a substantially higher volume of railroad use by commuters, the project also demonstrated that the service could not have been provided without a heavy private subsidy from the railroad in addition to the support of the Government grant," said Daniel A. Benson, Boston & Maine president.

AGENCY AGREES WITH RAILROADS

The Mass Transportation Commission, the State agency set up to conduct the experiment, arrived at a conclusion similar to that of the railroads.

"There is no reasonable doubt that the Boston & Maine management must soon petition for immediate discontinuance of all its Boston passenger service unless some form of relief from the net cash drain from the commuter service is quickly obtained," the Mass Transportation Commission says in a report just released.

As an alternative to railroad losses or building additional highways, the commission tentatively recommends the formation of a massive State transportation authority. This authority would be empowered to extend lines of such mass transit facilities as subways, streetcars, and buses and to purchase commuter service from railroads. It proposes a \$2.2 million purchase from Boston & Maine in each of the next 5 years.

The commission cites precedents in New Jersey and Philadelphia. In New Jersey the State Highway Department has been sup-

plying about \$6 million yearly to help pay for railroad commuter service and recently requested the sum be raised to \$8.5 million yearly, the commission says.

SERVICE CUT SET JANUARY 5

The Boston & Maine says it plans to reduce passenger service on January 5, the date its experiment contract with the Mass Transportation Commission ends. But the road says it will maintain most present fares. By reverting to its old schedule the B. & M. will operate 204 trains daily Monday through Friday rather than the 386 it is operating during the experiment.

Although the experiment started out with drastically reduced fares—tickets for one run dropped to 93 cents a round trip from \$1.35—peak hour fares were restored to old levels in August. Low fares continued during slack hours.

The low fares and increased service boosted passenger traffic substantially; by August volume was running over 32 percent ahead of a year earlier, the B. & M. says. Revenue, however, increased only about 4 percent, the railroad said, and was insufficient, despite the subsidy, to put the service in the black.

The Department of Public Utilities reacted to the prospect of an end to railroad commuting in Boston cautiously. "We always hear the evidence but we are reluctant to authorize the abandonment of any service unless it can be shown that it must be done," says Norman Mason, department chairman.

STEADY SWITCH IN TRAFFIC

B. & M.'s passenger business has declined steadily during recent years. Last year passengers numbered only about 5.5 million, down from 14.7 million in 1954. Commuter railroads now bring in only about 22,000 passengers daily, down from 80,000 daily in 1949.

Highways have been carrying an increasing number, up to an estimated 100,000 to 150,000 daily, according to the Mass Transportation Commission. During recent years about \$600 million has been spent in the Boston area on expressways and other roads used principally during the hours most people either go to work or return home.

The vast majority of Boston commuters, about 300,000 daily, however, ride on subways and street railways operated by the Metropolitan Transit Authority, a State agency providing service to Boston and 13 suburban cities and towns. During 1952 it operated at a deficit of \$16.4 million, which was made up by taxes in the towns in which it runs. The Mass Transportation Commission proposes that the new authority take over and extend the lines of the Metropolitan Transit Authority.

EXHIBIT D

HOW TO MAKE MONEY IN THE SMALL BUS FIELD

(By Mel Brdlik)

Who says you can't make money these days as the operator of a small busline? Not South Suburban Safeway Lines in Harvey, Ill.—or at least they say you can make money, with one known (to them) exception.

South Suburban is an operation of 132 buses with 156 drivers, a maintenance crew of 40, and 7 men guiding their managerial functions. They operate as the name suggests, in the south suburban area of Chicago connecting 26 communities with each other, with the South Side of the city and with Chicago's Loop.

In many ways this is a favored position for a busline to be in, given today's suburban sprawl and the greatly improved (if still crowded) expressways headed out to suburbia. But many bus companies in a similar situation have not done as well.

Consider the gains posted by South Suburban since 1958:

Revenue: up 20 percent (1963 compared to 1958).

Income (net): up 32 percent (1963 compared to 1958). This without a fare increase.

What secret seasoning must be cast into the transit brew to produce such savory statistics?

"Our basic philosophy," quotes Bob Thompson, company president, "is that the customer is the most important person in our business and that we are eager to furnish rides for anybody, any time. But the rides must be furnished at a profit." He says it, not like a man divulging a secret family recipe, but as a matter-of-fact business principle set down over 30 years ago by Paul Dittmar, chairman. Dittmar founded the company in 1927 and under his guidance they have prospered and grown to their present size.

In the operations end of the business this philosophy means that South Suburban will never trim service until people—by not riding—make it necessary. On the other hand, they will increase service as loads increase.

What happens if the public—by not riding—makes it necessary to trim back all service until very little is left? The company has had to face this, too. It is the one important exception cited above.

This did not occur in Chicago's south suburbs, but did in Kankakee, Ill., a town of about 100,000, which presently has no bus line and little prospect of getting one. South Suburban's connection with Kankakee is that they were asked to come in and operate the city busline in 1961. The story is that one night, the week before, the former operator in this city packed all his worldly possessions in the back of one of his buses and took off for parts unknown, leaving the city without public transportation.

That's when city fathers approached Messrs. Dittmar and Thompson. Their reply: "We'll furnish rides for anybody, wherever a profit is possible." Downtown merchants and others in Kankakee were willing to subsidize South Suburban's efforts to the tune of \$10,000 for the first 6 months of operation.

Though South Suburban was willing to furnish rides for anybody in Kankakee, the \$10,000 dwindled to nothing in a little short of 6 months and after giving the experiment a couple extra cost-losing months for good measure, South Suburban was forced to discontinue operations for lack of riders.

The nonsuccess of this experiment did not dampen their enthusiasm for experimenting with other services, however, and the company pulled their buses back to Harvey to engage in regular operations plus two or three other diversifications where profit is possible.

As good as it may be, an operating philosophy alone does not explain the "how" behind making a profit. What might better explain it is the driving force behind the philosophy. At South Suburban this force results from:

A careful selection of people, loyal to the company and to whom the company is loyal.

A finger-on-the-pulse type scheduling, quickly responsive to rider demand.

Topnotch maintenance practices.

The inauguration of extremely successful sideline services.

WHAT MAKES PEOPLE LOYAL?

At South Suburban, you're a "pup" when you've been around 20 years—and that includes the management, mechanical, and driving ends of the business. Building a staff of people who know the ropes and have chosen the company as a career, has the obvious advantages of experience and devoted service. Potential kink in this chain—the building of an old and moribund management—has not materialized in this case; as

witness the company's willingness to change as opportunities arise.

The value of a good personnel function takes various forms. It may manifest itself in a driver like Roy White, who drives the Western Avenue run and can greet, by name, over half of the people who board his bus. White is no exception. Two-thirds of the drivers at South Suburban can do it.

It may show itself in a 30-year veteran like Tony Dunker, with the unlikely avocation of art, who paints oils which have enshrined the rider as "the most important person in our business." These oils are then displayed at his successful private shows. The result in customer goodwill is priceless.

Any good personnel program begins with choosing the right man for the job and then training him properly. Since there are more applicants than openings in their driver's ranks, South Suburban can afford to be careful to pick the right man for each job. Their qualifications for applicants include:

Over 23, married and showing responsibility.

Good credit rating; no police record; good references from former employers.

Able to pass two mechanical tests—an eye test given with an eye machine and a polygraph test given by a professional technician.

Training includes breaking in on every major route in the book over a 3-week period. After actually riding every route, the trainee, accompanied by his instructor, drives from 2 to 5 days under actual conditions. Then he takes a final examination in which he is quizzed on routes, fares, and transfers. Each man is okayed by his instructor only when he passes these tests.

FINGER-ON-THE-PULSE SCHEDULING

South Suburban claims that scheduling is directly derived from the philosophy of furnishing rides wherever profitable. But in a way this is an oversimplification—much more is involved.

Very much more was involved in the one significant scheduling move—the starting of an express bus service on Chicago's Dan Ryan Expressway—which more than any other single factor, is responsible for the company's increase last year. After 2 years of hearings, litigation, and perusals which proved financial solvency, permission was finally granted in February 1963. It was the first such permission on any of Chicago's expressways. On February 4, this service celebrated its first anniversary by counting a daily ride of 4,000 people with 23 regular buses plying the route. The service began with just five buses.

Use of the expressway is 9 miles or more, depending on the route, resulting in a saving of 15 minutes of running time.

In this expressway service lies much of the company's hope for the future, as well. For if they follow the philosophy of increasing service as riders use it, the number of buses will increase. They will gather riders in a much more concentrated area and head for the expressway sooner. The ultimate will be gathering a busload of riders in each of the small towns served and giving expressway service from that town directly to the loop area. This brand of service will make it foolish for the commuter to drive his car downtown, when he can catch an express bus near his home and sit back and let somebody else do the driving.

As a matter of fact, South Suburban is beginning to see this happen already, especially in new communities which are far from commuter rail transportation. In established communities, near the railroad stations, South Suburban schedules their buses to meet the train schedule and thus make a profitable business of "feeding" the commuter trains.

TOPNOTCH MAINTENANCE

What makes a topnotch maintenance program? Opinions differ. But, Ed Marcinski, shop superintendent of South Suburban, es-

timates that 95 percent of the bus companies with average (or larger) size fleets have complete shop facilities and do their own automotive repairing and overhauling.

Costs of these operations are variable—depending on many factors. There is no question but that the industry would benefit from standardized cost keeping procedures making comparisons feasible. Yet, even without standardized records, several principles stand out in the experience of shop operations like South Suburban.

There is a maximum cost which Ed Marcinski believes is the limit, beyond which shop costs become unprofitable. He sets maximum costs at 25 man-hours per 1,000 vehicle-miles. These costs include house-keeping man-hours for shop functions, but not rent, light, and heat. With his present staff, costs run between 19 to 21.5 man-hours per 1,000 road-miles.

Every automotive job is done in the shop, except crankshaft grinding and armature winding which are farmed out. All body work is done inside. Reason: Costs run about half of what they would outside. For instance, with their present operation South Suburban can overhaul a diesel engine for \$400 inside compared to \$800–\$900 outside. And there is better control of the components that are used in rebuilding when the job is done in their own shop.

Another well-established principle of South Suburban's shop operation is the rebuilding of parts in advance and pulling them from stock as needed. Engines, too, are rebuilt in advance and stockpiled, but this follows a carefully planned program of prescheduling, knowing in advance from the records, what the normal needs will be.

In Marcinski's thinking, it is a well-trained staff, more than any other factor, which enables South Suburban to keep shop activities profitable.

"But," he emphasizes, "there is no one way. Because we have a good staff of men, we operate on a long-cycle of vehicle replacement. We rebuild bodies and engines. We've operated buses for a million miles—of course it's not the original unit. Everything has been replaced two or three times.

"On the other hand, many operators, without the staff or shop facilities, buy new buses and keep them only until they will begin to need major repairs—about the 200,000 mile mark. Then they trade them in. I've heard plant accountants and bus operating managers make a pretty good case for this, and I'm not so sure but that if I were starting out again, I wouldn't recommend doing it that way."

SIDELINE SERVICES—1964'S BIG SUCCESS

In 1963 South Suburban made headlines with the inauguration of their express bus service on the Dan Ryan. The big advance in 1964 may not make headlines in the newspapers, but it is the front page story in South Suburban's ledger book.

In November, South Suburban became the franchise dealer for a national car rental chain. Results are, in President Bob Thompson's words, "Gratifying. We were looking for profitable ways to diversify and the car rental service ties in well with the bus business. We have the automotive know-how, the garage and shop facilities and a reliable name in the community. These things make car rentals a natural sideline."

Facts thus far seem to back up this optimism. Starting conservatively with five autos in November, five more were added in December, and five in January. They have had 78 percent use. Cars are leased from the manufacturer and turned back after a year. They are secured through a local dealer; any model can be ordered and the dealer takes them back in trade on a predetermined schedule.

The usual advertising media are being used to promote car rentals—direct mail, newspapers, gift premiums, and transit ads.

(These are the only transit ads allowed in South Suburban buses.) But the most effective promotion is the personal call on local businesses and industry by rental service managers—who are women, trained to emphasize personalized service.

Another sideline service which has tied in excellently through the years is the school bus business. The older units of the fleet are used for this service and by working closely with the school district on scheduling, these units do double duty. After the morning commercial runs they pick up the high school students in the same area. In the afternoon, they fall into their regular runs after the pupils have been delivered home. The changeover to the school bus signs and auxiliary equipment is easily made by the driver on his route.

This school bus service is performed under bid contract which provides a fair return to the bus company but is far less than the cost to the school if it were to operate its own transportation system.

In line with the national trend, charter bus service is on the increase at South Suburban. They have enjoyed an increase every year on this sideline service. In 1963, charter business was up \$9,000 over the previous year.

A sideline which may not be available to many bus operators, continues to be profitable to South Suburban * * * their racetrack service. Washington Park is located in the heart of the suburban area south of Chicago. They schedule a regular service from the city rapid transit terminal to the park. The park itself charters South Suburban buses to carry people from the four corners of the mammoth parking lot to the grandstand.

For the most part buses are required at the track during transit off-hours. Since the racing season is in the summer it fits in nicely, augmenting transit volume which normally falls off then.

How does a small bus operator make money in these pessimistic days? Of course, there is no pat answer. South Suburban, certainly successful in their own balliwick, could not make the same formula work in an 8-month period in a smaller town which previously had been getting poor transit service over the years. This is but one failure. Surely in the story of their many successes, the ideas which can be turned into profitable operations for other bus transit operators in other places.

EXHIBIT E

[From the Chicago (Ill.) Daily News, June 12, 1963]

CTA HAS BEST YEAR IN HISTORY

The Chicago Transit Authority annual report shows 1962 was the best in its 17-year history.

Financially, the year achieved an alltime high, with gross revenues of \$137,840,949.

Major plant and equipment improvements, highlighted by elevation of the westernmost 2½ miles of the Lake Street route, brought numerous service improvements.

The year was the eighth in a row showing a reduction in accidents.

The report was made by James R. Quinn, acting CTA board chairman since the death of Virgil E. Gunlock, March 21, 1963.

The 1962 revenue was \$7,230,203 over 1961 and permitted meeting not only all fixed charges, but also payment to the city of \$401,300 for use of city streets. It was only the fourth time since the CTA began operations October 1, 1947, that such payment was possible.

The report credits the first full year of the 5-cent transfer charge for the financial improvement.

Elevation of the Lake Street rapid transit tracks to the Chicago & North Western Railway embankment eliminated 22 grade cross-

ings, mainly in Oak Park, and permitted broadening of South Boulevard to accommodate traffic demands.

The year also saw first deliveries of 300 new look buses and near completion of plans for 180 modern design rapid transit cars. The rapid transit cars will replace 200 old ones, many of them nearly 50 years old.

The total number of CTA employees at the end of 1962 was 12,932, a decrease of 269 from the end of 1961 and of 10,436 from the 23,368 employees in service when CTA acquired its properties from the predecessor companies.

EXHIBIT F

[From a GMC advertisement]

RIDING REVIVAL IN SANTA MONICA: UP EVERY YEAR SINCE 1954—NEW GM EQUIPMENT, CONSISTENT ADVERTISING, GOOD CUSTOMER RELATIONS, TURN THE TIDE—MEANWHILE, NEW BIGGER BUSES CUT MANPOWER REQUIREMENTS

Only the buses are blue these days in Santa Monica, Calif.

For Santa Monica Municipal Bus Lines, riding is up and has been up every year since 1955, with 20.8 percent more passengers in 1962 than 7 years ago—an improvement without parallel in recent U.S. transit history.

Hard put to earn a profit in the early 1950's, the operation now rings up a surplus in excess of \$100,000 annually. During the past fiscal year, reported after-tax earnings were \$154,000 on gross revenue of about \$1.9 million.

This rosy financial picture is obviously due to two factors: more passengers and lower costs of operation.

To get more passengers, a major selling job has been done. The public has been wooed with new coaches, better service, courteous drivers, publicity, advertising, and some novel experiments in customer relations.

NEW EQUIPMENT

Purchased in sufficient quantities, new buses have given the system a truthful "modern fleet" theme for promotional purposes. A total of 117 GM units have been bought since 1953.

To further draw attention to the new bus theme, Santa Monica was among the first in the Nation to go to brighter, more colorful interiors.

PUBLICITY

Arrival of new buses has been highly publicized via news releases, radio, and some imaginative publicity stunts.

For example, one such delivery—a drive-away from Pontiac—involved interviews with mayors at local stopping points across the United States. Dispatches were then sent to the Santa Monica papers, creating high local interest in arrival of the buses.

The first new look models called for a big parade. Museum pieces such as a cable car with rubber tires * * * a horse-drawn stagecoach have been used, along with other antique types of transport. Even street dances have been staged. Movie celebrities have occasionally cooperated in these events.

Passengers carried

1955	10,957,137
1956	11,437,354
1957	12,060,899
1958	12,211,759
1959	12,510,030
1960	12,747,561
1961	12,858,137
1962	13,254,621

ADVERTISING

Budgeting one-half of 1 percent of gross revenues, advertising funds have been spent chiefly in local and suburban newspapers, plus some spot radio.

The first theme was "Join the Big Swing to the Big Blue Buses." The current slogan:

"Step up to a Big Blue Bus and Go First Class."

The system has deliberately set out to create a better image for bus riding and feels that it has succeeded, since the riding gains have not been restricted to lower economic groups.

DRIVER COURTESY

Through group meetings and individual interviews, management has gained the cooperation of drivers in practicing courtesy.

Unlike many buslines which ban baby strollers, drivers here will help mothers bring them aboard.

Requests for changing big bills often bring permission to ride free and pay double the next time.

To counteract any feeling of regimentation within buses, signs are kept at a minimum, restricted only to those required by law.

CUSTOMER RELATIONS

All known sources of irritation between the company and the public are investigated and if possible, removed. Complaints are handled many times by personal calls of supervisors.

Requests for schedules are often handled by personal delivery in radio-equipped cars, sometimes within minutes after a phone call.

CHARTERS

A nice byproduct of all this favorable publicity has been expanded charter business. With very little promotion, charter business mushroomed from \$3,100 in 1954 to more than \$46,000 last year.

Purchase of new equipment has brought with it cost savings in transportation * * * fuel (from gasoline power to diesel) * * * and maintenance.

CAPACITY SAVINGS

The first GM buses bought by this company in 1953 were 37-passenger models. Within 2 years the first 45-passenger coaches went into service. These were followed by 48- and 51-passenger models. Capacity gain over the years amounts to 12 seats per bus.

Average seats per bus

1954	34.82(35)
1962	46.84(47)

The system is currently operating 97 buses about 3,400,000 miles annually. This compares with 106 buses operating 3,541,000 miles in 1954.

This means that with bigger buses the system has been able to haul 20 percent more riders while operating fewer vehicles * * * fewer miles.

Yet service has not been cut. With the greater capacity of the present fleet, total seat mileage has been higher—see table below:

	Buses	Drivers	Bus-miles	Seat-miles
1954	106	144	3,541,014	123,298,107
1962	97	119	3,335,466	156,233,227

As can also be seen, the job has been done with 25 (or 17 percent) fewer drivers. It should be pointed out, however, that during this entire period, drivers worked a 48-hour week.

WIDE BUSES

Much work was done by this management to secure approval of 102-inch wide, 40-foot coaches for California. With permission to operate this equipment in that State (secured in 1958), other savings were realized. Thanks to faster passenger circulation in wide models, one bus was saved on the heavy No. 7 Pico Boulevard line.

With a reduction of 10 minutes in trip time, from 120 to 110, 11 wide buses now operate on the same headway that previously required 12 conventional width coaches.

Several expensive trippers on other routes were eliminated through substitution of wide buses.

DEPRECIATION

By spending money on depreciation instead of high operating costs, cash has been retained in the business, and capital gains realized on equipment resale.

Buses are depreciated straight line over 7 years, then sold and new equipment purchased.

EXHIBIT G

[From Railway Age magazine, May 4, 1964]

SUBURBAN INVESTMENT PAYS OFF FOR C. & N.W.—NORTH WESTERN IS ONE OF THOSE RARE ROADS THAT SHOW A PROFIT ON COMMUTERS—ONE REASON: \$48 MILLION WORTH OF NEW EQUIPMENT

(By Mr. Ben W. Heineman, chairman of the C. & N.W.; Mr. Clyde Fitzpatrick, president)

One of the few success stories in rail commuter service in recent times has been written by the C. & N.W. In 1963, C. & N.W.'s suburban operations produced \$203,000 in net income from revenues of \$14,245,000. The \$203,000 net was chalked up after interest of \$1,372,000 was paid on the \$48 million C. & N.W. spent for suburban equipment in its modernization program. Traffic is running ahead of last year and C. & N.W. feels its suburban operations will continue to be self-sustaining unless traffic is reduced by competition subsidized by public funds. Here, Mr. Fitzpatrick gives some details of the success story.

Question. Mr. Fitzpatrick, when the present management arrived at the North Western, what was the condition of its commuter operations?

Answer. To state it bluntly, it was bad. No one was happy about the suburban service—commuters, employees or management. Equipment was old and in need of repair. Much of it was originally designed for intercity rather than suburban service. The commuter fleet as a whole was obsolete. Power was a mixture of steam and a few diesels. To make matters worse, delays were just too frequent.

We corrected the power situation rapidly with the elimination of steam engines, but the condition of the coaches disturbed us greatly. Too many did not have the high capacity required in suburban service.

We saw immediately that the job was not one of repairs but complete replacement for this highly specialized kind of service. But we also recognized the fact that unlike many nonpaying through passenger trains—which were nonpaying because they were not used by the public—that condition did not prevail in our commuter service. In other words, we not only had a market, but a growing one.

In a situation like this, there was no likelihood of abandoning commuter service even if we wanted to. The obvious approach, as we saw it, was to make the best of our commuter situation by building a completely new type of commuter service. We had 16 double-deck cars that were efficient and of high capacity. They came closer than anything else we explored to the answer to our equipment problem. Of course, we also recognized that any major changes we undertook would involve heavy investments of funds.

Question. Did North Western's management make studies of the operating area—to establish what trends were ahead for both the near and long-term future?

Answer. Yes. We had access to reliable projections of population growth in our suburban territory. There was a continuing study on this subject by our own people. We also hired a professional market-research firm—the A. C. Nielsen Co.—to make a thorough survey of our territory. We did

not presume we knew all the answers just because the railroad had been in commuter service for a century. The independent research was very helpful to us in many ways. One thing we were sure of: Our suburbs were growing and we were convinced we had to modernize and prepare for even greater patronage in the future if we hoped to be competitive with modern expressways that were then under construction.

Summarizing our activity with respect to equipment, we replaced 417 old cars with 200 modern double-deckers having a greater total seating capacity. Since the abandonment of the North Shore electric line, we expanded our fleet by purchasing 10 more double-deckers. The progress of our suburban service recently has been such that I would not be surprised if we have to buy some more double-deck coaches in the near future.

Question. Was not it at the time you were exploring the equipment situation that you developed the push-pull type of operation?

Answer. Yes it was. Under conventional operations, locomotives coming into our Chicago terminal—which is a stubend terminal—had to be backed out and, particularly with steam engines, turned for movements outbound. The same situation was true at the other end of each suburban train run.

To avoid the need for turning was the reason why the first diesels in our suburban service were the so-called general-purpose type. But this still did not eliminate switching of locomotives at the end of runs. This bothered us—and I could not forget my experiences with Illinois Central's electric commuter trains that can be operated from either end. I was convinced this type of operation could be applied to conventional diesel-powered trains by piping the controls and electricity through the cars and building control cabs in a number of the double-deck coaches.

Our people worked on this project and, with the help of equipment manufacturers, we finally developed the push-pull equipment we have today. I might add that it has worked very well. By going to the push-pull concept, we can provide a much more efficient operation than would be possible under the old methods.

We also have taken full advantage of the diesel locomotives: All those in our suburban service have auxiliary generators providing electric power for lights, heating and air conditioning of the cars. One important result has been elimination of air-conditioning generators under the cars, as well as heavy steam piping. In fact, the complete absence of equipment and gadgets under our cars is quite noticeable. What's more important to us is that this absence of under-car equipment has saved us about 15 tons of dead weight per car.

This also has a direct bearing on maintenance, which is so much less on our double-deckers than on conventional coaches that there is no real comparison. These new cars have very little that requires costly maintenance. The air-conditioning units are inside the cars over the ceiling in the vestibules, and, as I have already pointed out, they have no individual generators. All power comes from the locomotive. Units require no fueling as do cars with conventional air-conditioning equipment.

Again with maintenance costs in mind, we told the manufacturer that what we wanted was a car that would be attractive in appearance, inside and out; have a seating capacity of at least 160 persons per car, but still be comfortable and roomy, and be capable of being cleaned, if necessary, by hosing down the interior. While I'll admit that this seemed quite an order at the time, this is a good thumbnail description of our cars. Windows are large, but of tinted glass. This makes costly window shades unnecessary. There are no painted surfaces inside

the cars, even though they are colorful. Such surfaces as walls and ceiling are of textured vinyl permanently bonded on metal. Exposed metal surfaces are either stainless steel or aluminum. Seats have foam-rubber cushions upholstered in attractive but durable vinyls. So durable are these interiors that coaches 3 or 4 years in service still look like new.

Question. What about activities in the nonequipment aspects of your commuter operations—things like ticketing, advertising, marketing?

Answer. While intercity passenger service has been shrinking for many years, our suburban service has been growing in volume of business. Today our annual suburban revenues exceed \$14 million, while intercity passenger-train revenues were less than \$6 million. With the decrease in intercity service, we have focused increasing attention on the much larger commuter operation where there is a growth potential. While anyone in the area served by our suburban trains is regarded as a potential rider by us, our principal market is the motoring commuter—and much of our merchandising effort is directed at him. For the past several years, for example, we have been wooing motorists with radio commercials beamed at them during the morning and evening rush hours.

Incidentally, while we made major changes in equipment, we also modernized our commuter ticketing. All of our multiple-ride commuter tickets today are of the "flash" type, good for unlimited rides for the period purchased and requiring no punching by the conductor. Passengers place their flash tickets in appropriate holders and are not disturbed while crews check tickets. Since we inaugurated this type of commuter ticket we have also made it available to our customers by mail. Today some 8,200 persons obtain their commuter tickets automatically every month in this manner. I understand there are some other railroads that sell suburban tickets by mail, but I believe we sell more monthly tickets under this plan than any other line in the country.

Question. How about expansion of commuter operations?

Answer. Today we have more suburban service than ever before in the history of the company. In fact, we would welcome logical opportunities for expansion. As a matter of fact—this is a volume service: I'd love to expand it. A recent example of this took place when the North Shore line discontinued its service. We immediately added service, added stops to existing trains and extended some trains to Kenosha. In fact, we even added a couple of experimental trains between Chicago and Milwaukee. We also have provided regular weekend special service for Great Lakes Naval Training Base. And, as I have mentioned, we purchased 10 more double-deck cars at a cost of \$1.6 million. All of this was expansion to handle additional commuters. And I hope there's a lot more expansion to come.

Question. Do you feel that sociology is with your commuter service as Chicago gets more congested?

Answer. Yes, I do. When Chicago's expressways were opened we lost a very sizable number of passengers. But Chicago's expressways are already obsolete in that they are handling more traffic than they were designed to handle—and they're not even 5 years old. We feel we have regained some of the business we had lost to the expressways, although it is a little hard to calculate because of the sharp increase in passenger count following the North Shore abandonment. We also definitely notice an increase in riders on off-peak trains.

Question. Has there been a year-by-year pattern of people coming back to the commuter service?

Answer. I think a definite pattern would be discernible except for the fact that there have been factors that have had a disruptive effect. Before the expressways were built we had a pattern of steady growth; this reversed itself as soon as the expressways were opened to the public. Another adverse effect was the 30-day strike in 1962 which caused us to lose more commuters than we could afford. On the other hand, the North Shore abandonment had a strong positive effect on our passenger load, and, of course, we are convinced the quality of our present service is a major factor in bringing new riders to us.

Question. Do you feel that Government's increasing role in metropolitan transportation is justified?

Answer. I think so—where people were not being given adequate service in the beginning.

In our case, however, I do not agree with Government aid to any form of mass transit which would permit expansion into our territory where we are providing adequate service. We think we have some of the finest suburban service in the world and we feel that the Government cannot justify establishing competitive service into areas where we are already serving the public.

We also disagree with the efforts of Chicago Transit Authority to secure money to expand in the median strip of the Northwest Expressway into communities that we now provide with what we think is excellent service. We opposed that and we will oppose it again. In the commuter territory served by the North Western we don't think there is any need to provide Government help.

Question. Mr. Fitzpatrick, do you have any suggestions how transportation facilities can be rationalized to prevent duplication and waste in a large metropolitan center like Chicago?

Answer. I am not sure that it can be accomplished—short of establishing an agency charged with the task. We have attempted to work out some coordination with other forms of mass transit in Chicago and into the suburbs. We haven't achieved all we would like in the way of a coordinated operation. We have made many suggestions which, from our point of view, appear practical. Because of the many interests involved—commuter railroads, CTA, buses, highway people and the general public—I think it would take something in the nature of a commission with considerable authority.

EXHIBIT H

Revenue passengers carried on transit lines of the United States in December 1963 and during the 12 months ending Dec. 31, 1963, distributed by population groups

Population group	December 1963		12 months ending Dec. 31, 1963	
	Thousand passengers	Percent change from 1962	Thousand passengers	Percent change from 1962
Cities over 500,000 (total).....	379,101	+0.86	4,404,654	-2.33
Rapid transit lines.....	144,218	+3.01	1,660,624	-2.55
Surface lines.....	234,883	-4.2	2,744,030	-2.20
250,000 to 500,000.....	64,704	-5.13	780,731	-6.31
100,000 to 250,000.....	49,366	-5.37	570,243	-6.55
50,000 to 100,000.....	38,881	-4.74	468,660	-5.60
Less than 50,000.....	16,977	-5.59	193,832	-6.04
Total, all cities.....	549,029	-9.2	6,418,120	-3.57
Suburban and other.....	39,877	-2.21	448,341	-3.86
Grand total.....	588,906	-8.8	6,866,461	-3.59

Source: American Transit Association.

Mr. THURMOND. Mr. President, will the Senator from Ohio yield?

Mr. ELLENDER. Mr. President—The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from Louisiana has the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may comment on the address just made by the Senator from Ohio [Mr. LAUSCHE].

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

Mr. THURMOND. Mr. President, I commend the distinguished and able senior Senator from Ohio [Mr. LAUSCHE] for the splendid address he has made, and I desire to associate myself with his remarks.

The Senator, as always, has brought out some very important points concerning the mass transit proposal. There is no constitutional authority to be found which would uphold the mass transit proposals. Certainly, the commerce clause provides no basis, and the general welfare clause of the Constitution can by no means be stretched far enough to include such a bill.

This is a highly extravagant program which our country cannot afford at the present time.

I note, in this regard, that the administration has requested from Congress an increase in the national debt limit from \$315 billion to \$324 billion. If this mass transit proposal should be enacted, further increases in the national debt limit would be forthcoming. Congress should be waging a war on extravagance and then open a battle aimed at this particular proposal. Many communities have shown that this is a proposal which can and should be coped with on the local level. If Congress decides to enter the field, history has proved that local initiative will falter and eventually die. The local community involved will look to Washington for the solution of its local transit problems.

Experience shows that when the Central Government subsidizes, it also controls. Control in the area of local mass transit could very well expand and lead ultimately to nationalization of other modes of transportation, particularly the railroads.

The proposals now pending in Congress are no more than foot-in-the-door measures. From this first step many more would follow.

The program should be rejected in its infant stage.

Again, I commend the able Senator from Ohio for his address.

Mr. LAUSCHE. I thank the Senator for his comments.

LET US BEGIN TO WAGE PEACE IN SOUTHEAST ASIA AT THE CONFERENCE TABLE

Mr. ELLENDER. Mr. President, I now yield to the Senator from Alaska [Mr. GRUENING] under the same conditions as I yielded to the Senator from Ohio.

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

Mr. GRUENING. Mr. President, it is still not too late for the United States to wage a determined fight at the conference table for peace in the entire southeast Asia.

Donald Grant, able U.N. correspondent and foreign news analyst for the St. Louis Post-Dispatch, in a thoughtful article published in the May 25 issue of the Nation has blueprinted an "Alternative to Disaster." He, too, agrees that peace and neutralism in Laos, Cambodia, North Vietnam, and South Vietnam must come through the United Nations.

Mr. Grant states:

The first step is to convene another meeting of the nations involved in the South Vietnam affair, a meeting similar to the one in Geneva in 1954, which ended the Indochina war with France. This time the purpose would be to hammer out an acceptable plan for neutralizing the entire area. * * * And this time there should be no non-signatories to the agreement, as were the United States and its chosen government in South Vietnam in 1954.

As a second step, Mr. Grant proposes that the neutralization plan worked out be brought to the Security Council of the United Nations for enforcement by that body.

I ask unanimous consent to have Mr. Grant's article 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:

VIETNAM: ALTERNATIVE TO DISASTER (By Donald Grant)

It is not really very difficult to demonstrate that the U.S. involvement in the civil war in South Vietnam is a wasteful and futile exercise. Two correspondents in Saigon have just received a Pulitzer Prize for overcoming that difficulty: the story of ever-mounting casualties and expenditures and of diminishing returns for American policy objectives is on public record. Senator WAYNE MORSE, of Oregon, has assembled the facts and the evidence in a notable speech to his colleagues that is recommended reading.

Senator MORSE concluded that the mess in South Vietnam should be turned over to the United Nations, at the same time acknowledging, in part, the difficulties involved. The United Nations is not a world government; it lacks both the power and the political mechanism to force a peaceful solution to a direct confrontation between major powers.

In the case of South Vietnam, however, the United Nations has real possibilities for usefulness that have not been explored. It is a pity that this unthinkable thought has never been pursued seriously in the State Department since the United States plunged recklessly into Vietnam in 1955.

There are a number of possible explanations for this paralysis of imagination in Washington. How can the United Nations act effectively in a situation that involves, among other nations, the People's Republic of China, North Vietnam, and South Vietnam, none of which is a member of the United Nations? Moreover, as Senator Morse so ably demonstrated, the American position in South Vietnam is legally and morally compromised. Would not exposure of this abominable reality before our enemies and quasi-friends in the U.N. further damage American prestige?

So we go on, spending \$1.5 million a day, sending in upward of 15,000 American troops, some of whom return with full honors but quite dead. From time to time, figures are published to show that members of the Communist Vietcong have been killed or captured by the hundreds. And other figures show that the theoretical strength of the Vietcong is just about what it has been right along.

Periodically, we take a nervous glance at the areas surrounding Vietnam. There was an American project a while back to upset the neutrality in Laos, in favor of the right wing; by now we would settle for neutrality in the Souvanna Phouma center, but find it not easy to restore broken eggs to their shells. Cambodia's Prince Norodom Sihanouk seems much too happy when visiting Peiping. The State Department people comfort one another by saying the Cambodian Premier is something of a playboy and does not really mean it. Even Thailand—the headquarters for John Foster Dulles' SEATO was established in Bangkok—is taking a second look at its all-out commitment to the United States. Historically, the Thais have been good judges of political reality; they maintained their independence through the era of colonialism by playing off the greater powers one against the other.

Instead of these rapid and anxious glances, the time has come for Americans to take a long and resolute look at their position in the whole of southeast Asia. Using a minimum of commonsense we could, I think, learn a good deal. For example:

The most useful area to deal with is not a swampy piece of real estate called the Mekong Delta, but the entire area covered by the successor states to the old French Indochina—Cambodia, Laos, North Vietnam, and South Vietnam.

The problem is not chiefly military, but political.

As such, it involves a number of nations, large and small—but no viable solution can be reached without consulting the People's Republic of China.

For reasons exhaustively detailed by Senator Morse—reasons legal, moral, political, and practical—it is highly desirable to achieve a solution through the United Nations.

It is not very helpful to try to internationalize the problem of Vietnam through SEATO, by inducing a few troops from the Philippines to join the battle. NATO could not solve the Cyprus problem, and SEATO is a midjet compared to NATO, the wounded giant.

What is required is peace, and the isolation of southeast Asia from the struggles between the great powers. That will not solve all the problems in the area: new nations everywhere are going for some time to have what U.N. Secretary General U Thant has called "teething troubles." But with some foresight these troubles can be prevented from

escalating into dangerous confrontations between the large nations. That is what President Charles de Gaulle of France meant when he spoke of neutralizing southeast Asia. It is what Senator Morse had in mind when he urged that the problem of South Vietnam be turned over to the United Nations.

Time is scarce. As Senator Morse noted, even now there is talk of U.S.-led attacks on North Vietnam. He also suggested that Peiping could not be counted on to accept this offensive passively.

"This escalation on both sides," he told the Senate, "can only lead to a disaster for the United States. It can only lead from being bogged down in South Vietnam to being bogged down in North Vietnam and then to being bogged down in China. All the briefings on that subject matter that I have received thus far in my many years in the Senate show that is not the place to pick as a battleground with communism."

If that is where the present course is leading, it may not be so unthinkable, after all, to consider the obvious alternative to disaster. The U.N. must play a role in that alternative, but not an initiating role. The first step—and as soon as possible—is to convene another meeting of the nations involved in the South Vietnam affair, a meeting similar to the one in Geneva in 1954, which ended the Indochinese war with France. This time the purpose would be to hammer out an acceptable plan for neutralizing the entire area—Laos, Cambodia, North Vietnam, and South Vietnam. And this time there should be no nonsignatories to the agreement, as were the United States and its chosen government in South Vietnam in 1954.

The Geneva meeting included Cambodia, North Vietnam, South Vietnam, Laos, France, the Soviet Union, Britain, the People's Republic of China, and the United States. There is no reason why other interested nations should not be invited. The Vietcong, which appears to operate with a considerable degree of autonomy, probably should be represented.

Negotiations designed to neutralize the successor states to the old French Indochina should begin outside the United Nations because key nations, including Communist China, are not members. But the project would not end at such a meeting. A plan, once agreed upon, would be presented to the United Nations Security Council, and the Council would be asked to set up a peace-keeping force to guarantee that neutralization became and remained a fact.

Further, as the United Nations forces entered South Vietnam, U.S. forces would leave. U.N. forces would also be stationed in North Vietnam, Laos, and Cambodia. As an incident to peace, the border dispute between Thailand and Cambodia would have to be settled. The most difficult task, however, would be to achieve an equitable ending to the civil war in South Vietnam.

A longing for peace certainly is not foreign to the people in South Vietnam. More important, it is a perhaps harsh reality of world relations that the representatives of small nations or fractions of nations in southeast Asia would find it extremely difficult to reject the concerted will of the United States, Britain, France, the Soviet Union and the People's Republic of China.

But what do we mean by neutralization? A State Department official recently told me that any neutralization plan for southeast Asia was unrealistic because "no Communist nation ever gives up communism, and North Vietnam would not." The issue, however, is not whether the bus lines in Hanoi are state owned or the property of free, private enterprise. Yugoslavia is a Communist state—

and a neutralist one. The essence of neutralization, in this context, is that the state in question must not be used as a pawn by any of the great powers.

Until an attempt is made to find out, it is impossible to know whether Peiping would accept a neutralization plan. But it is not totally unreasonable to assume that Mao Tse-tung would welcome the removal of U.S. forces from the proximity of his southern borders. Advantages for the United States are obvious. North Vietnam would be less subject to pressure from Peiping. The American expenditure of men and money would cease, and the danger of our involvement in a major conflict under the least favorable terms would be avoided.

Since neutralization of southeast Asia is fervently advocated by De Gaulle, one can assume French cooperation. British cooperation is almost as automatic: stabilization of the old Indochina area would ease relations for them in Malaysia and Hong Kong. Soviet Premier Nikita Khrushchev has staked his career on peaceful coexistence and the support of neutralism. This alone does not assure Soviet cooperation, but Moscow now runs the danger of overextended commitments in an area where the power of decision tends to rest with Peiping. This is not in the Soviet interest. Peace could hardly be unwelcome in Laos and Cambodia; both strive for neutralism now, with only partial success. Everything we know about Ho Chi Minh, the North Vietnamese leader, leads one to believe he would be delighted to escape from the role of the little fish ever about to be swallowed by the very large Chinese fish.

This plan for peace and neutralism in Laos, Cambodia, North Vietnam and South Vietnam has been under private discussion within the United Nations. As U.N. diplomats turn it over in their minds some interesting facets appear. Laos and Cambodia are already members of the United Nations. It would be highly desirable, in connection with the neutralization plan, for North Vietnam and South Vietnam also to be admitted. They could come in as separate states, but without prejudice to future integration, as provided in the Geneva agreement of 1954. There are precedents for this in the merger of Egypt and Syria, and their later resumption of separate nationhood, and in the current merger of Tanganyika and Zanzibar. U.N. membership rules and practices readily encompass such developments.

Furthermore, the admission of North Vietnam and South Vietnam would itself be an interesting precedent. How about North Korea and South Korea? How about East Germany and West Germany? How about—for that matter—mainland China and Taiwan? This, to be sure, will also occur to the astute gentlemen in Peiping, but as U Thant noted recently, a few unthinkable thoughts may also be good for people other than Americans—among them the Chinese.

By participating in a conference of nations directly interested in the southeast Asia problem, and by seeing the decisions of that conference underwritten by the United Nations, Communist China would have a chance to test the winds blowing from the East River. The United States and the Soviet Union could test Chinese intentions at close quarters, and a step would have been taken toward including the dragon within the world system.

Policing neutralism in Laos, Cambodia, North Vietnam and South Vietnam would be a tough assignment, and there is reason to believe that U Thant would welcome it. Peace is Thant's business. He also believes the United Nations grows in strength by using its muscles. With advance agreement among the great powers, he could anticipate

vigorous and unanimous action by the Security Council, which would help make his task more feasible.

There still remains, of course, the business of the dominoes—the theory that unless the Vietcong is utterly effaced in South Vietnam, all of southeast Asia will fall to communism, piece after piece. The domino metaphor was always dubious; it loses all relevance if neutralism in Laos, Cambodia, North Vietnam and South Vietnam is guaranteed by a United Nations peace force on the spot.

Southeast Asia is a complex of islands and peninsulas inhabited by a variety of human beings of several cultures, subcultures, religions and political and socioeconomic systems. None is really suitable as a counter in a parlor game, whether played in Moscow, Peiping or Washington.

Mr. GRUENING. Mr. President, time is running out in southeast Asia. Without active leadership on the part of the United States to bring about peace in that troublesome area, time is on the side of war—not peace.

Already the belligerent voices of those who want to escalate the fighting there are to be heard on all sides. It is indeed frightening to hear those voices advocating the use of atomic weapons in North Vietnam. At a time when weaponry has advanced—if that is the correct term to use—to the point where civilization can literally be wiped off the face of the earth at the press of a button, it is discouraging to hear and read exhortations by those who should know better for the United States deliberately to risk a general nuclear war.

All serious students of the problems besetting southeast Asia are agreed that peace in that area will be achieved only through negotiations at the conference table and not on an ephemeral battlefield.

That the so-called limited use of nuclear weapons in southeast Asia is under active discussion—at the Pentagon, at least—was discussed by Hanson W. Baldwin in his article published in the New York Times last Tuesday.

According to Mr. Baldwin, those advocating the limited use of nuclear bombings assert that such bombings would “serve to demonstrate to Hanoi and to Peiping the determination of Washington to carry the war to North Vietnam unless President Ho Chi Minh of Communist North Vietnam halted his aid to the Communist Vietcong operating in the south. The initial targets suggested were powerplants, some key bridges and a few factories, selected to minimize loss of life.”

I ask unanimous consent to have Mr. Baldwin's column, published in the New York Times of May 26, 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:

A-WARFARE IN VIETNAM—RED'S SUPPLY ROUTES HAS SOME SUPPORT—GOLDWATER'S ADVOCACY OF INTERDICTING

(By Hanson W. Baldwin)

The utilization both of nuclear and conventional weapons to expose and interdict Communist supply lines to South Vietnam has long been under study in the Pentagon. Senator BARRY GOLDWATER brought some of these discussions into the political forum over the weekend when he suggested—his

spokesman said he merely “discussed”—the possible use of nuclear weapons to defoliate the trees over jungle trails and of conventional weapons and to destroy bridges, roads, and railroads in North Vietnam.

The Arizona Republican said he strongly advised that we interdict supply routes, wherever they may be.

Such action has been advocated by some military men as part of contingency plans. The Navy and the Air Force proposed some time ago the utilization of U.S. planes to undertake, in conjunction with a naval blockade, token bombings with conventional weapons of thinly populated areas in North Vietnam.

DEMONSTRATION BOMBINGS

The bombings, it was maintained, would serve to demonstrate to Hanoi and to Peiping the determination of Washington to carry the war to North Vietnam unless President Ho Chi Minh of Communist North Vietnam halted his aid to the Communist Vietcong operating in the south.

The initial targets suggested were powerplants, some key bridges and a few factories, selected to minimize loss of life. If the hint were not taken or the Communist stepped up their war effort still unapproved contingency planning envisaged sea and air blockades of North Vietnam. These would utilize sea mines, naval vessels and the destruction of bridges, roads, and railroads leading from China into Vietnam.

The supplying of the Vietcong guerrillas in the south from North Vietnam does not, however, depend to any large extent on formal communication routes.

Many hard-core Communists filter into the south with new weapons over the so-called Ho Chi Minh trail. This consists of many alternative trails leading over the mountains and through the jungles from North Vietnam and Laos into South Vietnam. Other infiltrators operate out of a secure sanctuary in Cambodia; a few come in by sea.

SOME ATTEMPTS MADE

Various means of checking or cutting these diffuse and hidden supply lines have been suggested. Some methods have been tried and been found wanting. Ambushes along the jungle trails have been only intermittently successful.

Defoliation experiments have been carried out, usually along South Vietnam's main communication routes, in attempts to eliminate the cover that the verdant forests and mangrove swamps provide for Communist ambushes. Chemical herbicides sprayed from aircraft have had localized and limited utility.

The suggestion that nuclear weapons might be used to block routes through mountains, rain forests, valleys, mangrove swamps, or bamboo groves was discussed at length in 1960 in the spring issue of the Air University Quarterly Review. The magazine is described as the professional journal of the Air Force, but neither its authors nor its articles reflect official opinion.

In an article entitled “Nuclear Weapons and Limited War, Gen. Frederic H. Smith, Jr., now retired but then Commander in Chief, U.S. Air Forces in Europe, and later Vice Chief of the Air Staff, cited some of the terrain of southeast Asia in discussing what nuclear weapons might do.

HAPHAZARD USE OPPOSED

He emphasized that such weapons cannot be used haphazardly. “Certain very clear-cut restrictions,” he said, “must be placed upon their use—restrictions in targets, in yields, and in character of bursts.”

He said new criteria were required in the selection of targets for nuclear weapons in limited war.

General Smith discussed what he called situation-control targets; for example, the use of nuclear weapons to destroy forest

cover and “the closing of narrow gorges in mountains by causing extensive landslides.” He declared that the airburst of a single nominal-yield (20,000 tons) nuclear weapon would clear a forest area about 8,000 feet in radius.

“To achieve a similar effect with napalm,” he said, “would require 8,000 sorties of F-100 (fighter-bomber) aircraft, each carrying four 120-gallon drop tanks. Not only would 32,000 tanks have to be transported to the operating base, but 25 million pounds of napalm would also have to be provided, over and above 8,000 sorties worth of fuel.”

The general considered the use of nuclear weapons against a valley defile covered by large trees and groves of bamboo. A nominal-yield weapon, he said, would break branches from trees to an effective diameter of approximately 15,000 feet. He said trees stripped of leaves and stem breakage, would extend out to approximately 22,000 feet.

In his conclusion, General Smith argued for a general acceptance by the United States of the requirement for the use of nuclear weapons in limited war. The United States, he asserted, cannot afford to try to match Asian manpower in conventional warfare on the ground.

Mr. GRUENING. Mr. President, those advocating nuclear bombings in North Vietnam are unrealistic in the extreme. The United States does not endeavor itself either to the people of North Vietnam or to the people of South Vietnam by laying waste indiscriminately powerplants and factories in North Vietnam and, in the process, atomizing innocent men, women, and children.

The image of the United States has not improved in the world by its napalm bombings of entire villages in South Vietnam. Bad as that is, it would be infinitely worse were we also to use atomic weapons.

The Washington Post and Times Herald is absolutely right in saying that the use of such weapons in the fighting in southeast Asia should cease. I ask unanimous consent that the editorial published in today's Washington Post entitled “Defoliants in Vietnam,” be printed in the RECORD at this point in my remarks.

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

DEFOLIANTS IN VIETNAM

The miscalculation that caused the destruction by defoliants of crops in a friendly South Vietnam village has again called into question the wisdom of using such agents at all in this kind of war. This sort of unselective and nondiscriminating warfare, like the use of napalm and similar weaponry, simply is not suited to the pursuit of guerrilla infiltrators. We are burning the barn to get at the rats.

The employment of the devices of chemical warfare even in enemy country where the inevitable hardships fall upon the enemy's civilian population is open to all sorts of ethical doubts. Their employment in a civil war, where the consequences are visited upon a civilian population we are trying to defend is folly compounded.

Their consequences of employment by error and miscalculation are simply terrible. But we can avoid the results of error, in the employment of these weapons, by not using them at all in an environment for which they are totally unsuited.

Mr. GRUENING. Mr. President, Art Buchwald, in his column “Capitol Punishment,” published in the Washington

Post and Times Herald on May 26, 1964, entitled "How Are Things in Nonamura," treats the entire subject of escalation of the war in southeast Asia in a semi-humorous vein, with an underlying theme of grim seriousness and truth. The article is worth reading in full:

CAPITOL PUNISHMENT—HOW THINGS ARE IN NONAMURA

(By Art Buchwald)

When the country of Nonamura in central Africa started having troubles with tribes in the north, it asked the American Ambassador for advice.

The American Ambassador said he didn't know much about military affairs, but perhaps the United States, as a gesture of friendship, would send a military adviser to straighten out the matter.

A U.S. Army sergeant was dispatched from Tripoli. In a few days he wrote his superiors: "I am shocked to find Nonamura soldiers still using poison darts, spears, and World War I rifles. Urge immediate shipment of up-to-date small arms."

The request was approved and the Nonamura army not only received surplus American small arms, but also three advisers, led by a captain, to see that they were used properly.

The captain and advisers distributed the small arms, but realized that if they were to be effective the Nonamura army would need transportation. The captain cabled: "Please send U.S. trucks and weapons carriers with team of specialists at once as war going badly in north."

The transportation specialists, commanded by a major, showed up and after studying the situation the major cabled back: "In order to make use of weapons carriers and trucks I strongly advise immediate dispatch of tanks. Otherwise cannot guarantee Nonamura army victory."

One hundred tanks with 990 tank experts, commanded by a colonel, were shipped in. Unfortunately, while the colonel was setting up the tank school, the rebel tribesmen overran a government position and stole most of the weapons supplied by the United States. (The rest were sold at bargain prices to the rebels by a corrupt minister of defense.)

The colonel flew back to Washington to make a report. He advised the Pentagon to replenish the stolen weapons and, while they were at it, to include some flamethrowers, rockets, antiaircraft guns, and long-range artillery.

The Pentagon took the colonel's advice and the equipment was sent with a division of advisers from Ft. Benning, Ga., commanded by a major general.

He no more than got settled when he shot off a wire to the Joint Chiefs of Staff: "Impossible make any headway in Nonamura without air support. Strongly advise you send two squadrons of F-105 fighter aircraft plus training personnel. Cannot be responsible for what happens without air cover."

The Joint Chiefs sent two squadrons of jet aircraft and an entire training wing supplied by the Navy and headed by a vice admiral.

Unfortunately, at that moment the Nonamura government was overthrown and replaced by a military junta. The admiral cabled Washington: "Corrupt civilian government replaced by serious Nonamura generals. Strongly urge you recognize at once and give them \$50 million loan."

A month later a U.S. Air Force four-star general, who had replaced the admiral, wired the State Department: "Corrupt military junta replaced by pro-West Nonamura colonels. We must back them if we hope to defeat rebels."

By this time Congress and the press were getting interested. We had 200,000 military advisers in Nonamura. The President did the only thing he could do under the circum-

stances. He sent his Secretary of Defense to give him a firsthand report. The Secretary cabled the President: "War going well but Nonamura needs more military aid and lacks only \$124 million."

This was immediately voted by Congress.

In spite of everything, things still aren't going too well in Nonamura. Just the other day the President received a request from the Joint Chiefs of Staff. All it said was: "Would you have any objection if we lent Nonamura 10 obsolete atomic bombs?"

Mr. President, escalation of the war in southeast Asia will bring no peace to that area. It will only enmesh the United States in fighting there for untold years to come at a cost of untold thousands of American casualties. The road to peace in southeast Asia lies through the conference table. The United States should take the leadership now in bringing about the necessary conferences to neutralize that entire area and in setting up the necessary peace-keeping machinery in the United Nations.

THE WARREN COURT: A TRIBUTE

Mr. GRUENING. Mr. President, the May 25 issue of the Nation prints a thoughtful analysis and estimate of what the Supreme Court of the United States has achieved during the years that Earl Warren has been Chief Justice of the United States. I recommend its reading to those who for one reason or another have been critical of decisions of that tribunal in the last decade. The conclusion of Robert S. Hirschfield, the writer, is worth quoting. He writes:

The Supreme Court under Earl Warren's leadership has used the judicial policymaking power wisely and well to help realize the goals of our society. It has played a central role in fashioning a "colorblind" Constitution, in protecting freedom of thought and expression, in establishing higher standards for the administration of justice, in maintaining the "wall of separation" between church and state, and in achieving a more representative political system. In sum, it has contributed greatly to the preservation of constitutional rule and to the strengthening of democratic government in the United States, and it has done so under adverse conditions of global and domestic crisis. No court in U.S. history has acted more decisively to guard the Nation's basic law or to remind the American people of their political heritage.

Mr. President, this is a fine appraisal, with which I find myself in accord.

I ask unanimous consent that the article, "The Warren Court," by Robert S. Hirschfield, be printed at this point in the RECORD.

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

THE WARREN COURT
(By Robert S. Hirschfield)

The Supreme Court's historic decision on February 17 that congressional districts must be substantially equal in population was only the latest manifestation of the active governmental role which the judicial branch has played during the decade of Earl Warren's chief justiceship. In fact, no Court has assumed a more evident policymaking function than the Warren Court. And none has been more vehemently attacked from so many quarters for involving itself in so wide a range of controversial issues.

As Justice William Brennan noted in an address last fall: "There is sectional opposition because of the desegregation cases; State opposition because of recent decisions involving State powers as they relate to aspects of criminal law; rural opposition because of the reapportionment cases; and church opposition because of the prayer case." He might have added that there is also opposition from ultratriotists because of the Court's decisions protecting political nonconformity, from hypermoralists because of its rulings against censorship of allegedly obscene books and films, and from arch-conservatives in general because of its "libertarianism." Still other critics of the Warren Court include the chief justices of the highest State courts, who in 1958 called upon the Supreme Court to exercise greater self-restraint in dealing with Federal-State relations; and the American Bar Association, which adopted a series of resolutions in 1959 expressing concern over the judiciary's decisions on internal security problems.

Collectively, these opponents are formidable, and even though they have remained on the whole scattered and unorganized, they have not been ineffective. For example, after the Court's belated attempt in 1956-57 to reassert the constitutional guarantees trampled on during the McCarthy period, a coalition of civil liberties and civil rights restrictionists introduced Court-curbing legislation in Congress; and with the cry, "They put the Negroes in the schools and now they've driven God out," the coalition reacted to the 1962 prayer-ban decision by proposing several constitutional amendments to nullify that ruling. None of these has been acted on, but they do put pressure on the Court and encourage other attacks.

Thus three anti-Court proposals which would radically alter our existing governmental system are now pending before the State legislatures. Sponsored by the general assembly of the States and designed to strengthen the States in the Federal system, these resolutions request Congress to call a convention for the purpose of amending the Constitution in various respects. The first would add to article V (procedures for amending the Constitution) a provision permitting the direct initiation of proposed amendments by two-thirds of the State legislatures; the second would eliminate Federal judicial authority over the apportionment of State legislatures; and the third would establish a court of the Union, composed of the States' chief justices, with authority to review and reverse Supreme Court decisions that relate to the reserve powers of the States.

Criticism of the Court has come, however, not only from those whose oxen have been gored. Suggestions that the Justices desist from formulating unnecessarily broad principles of constitutional law, that they eschew ruling on controversial issues which can be avoided without serious constitutional consequences, that they seek neutral principles on which to base their decisions, and that they refrain from public discussion of pending constitutional problems have also been made by academic and professional friends of the Court.

Most of these suggestions focus on the methods of judicial analysis used by the Warren Court, on its positive attitude toward the Court's function in our society, and on its activist behavior in the exercise of judicial power. But few of the Court's more responsible critics question the essential "rightness" of its major policymaking decisions over the past decade. And herein lies the clue to why its opponents have been unable to curb the Warren Court's authority: During the past 10 years that Court has been a vital instrument in defending and extending the political principles on which the Nation is founded. Racial equality and fair representation, freedom of expression and

separation of church and state, due process of law and uniformly high standards of justice—these issues on which the Court has acted are critical tests of America's attachment to its own ideals, and attacks on the Court's decisions are attacks on those ideals.

If it is difficult to argue with the substance of the Court's landmark decisions, however, there is still a valid and serious question regarding its activities: Why is it that the judiciary has acted on so many important national problems, when the political organs of government are supposed to make public policy? This is not a simple matter, but the short answer is that the political branches cannot or will not act on those problems. Congress could not move on civil rights in the 1950's because of southern obstructionism; the rural-dominated State legislatures refused to reapportion themselves for decades on end; criminal defendants do not have a "lobby" to represent their interests; religion is too sensitive an issue for most politicians; and similarly there has been great difficulty in using political means to calm the anti-Communist hysteria generated by cold war tensions.

This inability of the political process to meet basic problems in our society accounts primarily for the Supreme Court's attempts to deal with them. The Court has acted as a catalyst in the movement to secure equal rights for the Negro and fairness in representation for all citizens, and it has stood as a protector of individual liberty against governmental restriction, because the needs of the Nation have required action on these problems, and because the only place in our system of government where that action could be taken has been the Court. It has in this way operated according to a principle of organic compensation—analogue to the functioning of the human body—by which the inefficiency or incapacity of one branch of the body politic demands an increase in the activity of another if the society's health is to be preserved. The Supreme Court has indeed been involved in resolving many of our fundamental national problems, but the most relevant question regarding this judicial activity is: What would the result have been had the Court not acted on those problems?

To be sure, the Court could avoid, or postpone, ruling on some of the explosive issues presented, but it is an inherent and unique characteristic of our system that sooner or later, directly or indirectly, most of the Nation's important political, social, and economic problems become constitutional questions; and that the Supreme Court through its power to interpret the meaning of the Constitution must ultimately play a major role in resolving them. Contrary to the popular view, the Court is a political organ of Government, and policymaking is one of its functions. Moreover, the Court has on the whole—and clearly in recent times—been a responsive instrument of American democracy. Despite its appointive nature, it has often broken the trail for elected representatives intent on carrying out the popular will.

It is certainly legitimate to fear that the indefinite continuation of judicial policymaking in so many vital areas of American life could be dangerous both for the country and for the Court. But the principal responsibility for making such judicial activity unnecessary lies with the political branches, and in any event this fear should not be exaggerated. History demonstrates that the power of the Court will easily be checked whenever it loses touch with the needs and aspirations of the Nation.

The Supreme Court under Earl Warren's leadership has used the judicial policymaking power wisely and well to help realize the goals of our society. It has played a central role in fashioning a "colorblind" Constitution, in protecting freedom of thought and expression, in establishing higher standards

for the administration of justice, in maintaining the wall of separation between church and state, and in achieving a more representative political system. In sum, it has contributed greatly to the preservation of constitutional rule and to the strengthening of democratic government in the United States, and it has done so under adverse conditions of global and domestic crisis. No Court in U.S. history has acted more decisively to guard the Nation's basic law or to remind the American people of their political heritage.

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

Mr. ELLENDER. I yield to the Senator from South Carolina under the conditions previously announced.

THE STRONG SHOWING BY GOVERNOR WALLACE IN RECENT PRESIDENTIAL PRIMARIES

Mr. THURMOND. Mr. President, it is well for the Senate to pause and give consideration to the factors behind the strong showing which Alabama Gov. George C. Wallace made in the recent presidential primaries in Wisconsin, Indiana, and Maryland. After all, the views of the people must be considered. According to an excellent analysis of the Wallace vote in the U.S. News & World Report, there seems to be a strong undercurrent of opposition to the pending so-called civil rights legislation in Wisconsin, Indiana, and Maryland and other States outside of the South.

In the June 1, 1964, issue of U.S. News & World Report, there are five articles which deal with this subject. One is an analysis prepared by the staff of the U.S. News & World Report entitled "What Wallace Vote Proved in North." Another contains comments by newspaper editors in Maryland on the Wallace vote; and another consists of an interview with Governor Wallace himself. Also included is an article on the accuracy of polls in the 1964 elections and a brief analysis of the Wallace vote in Indiana.

I ask unanimous consent, Mr. President, that these five articles be printed in the RECORD.

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

WHAT WALLACE VOTE PROVED IN NORTH

Gov. George C. Wallace came out of the Deep South in early April to test voter sentiment in presidential primaries of two Northern States and a border State.

In each of these States, the Alabama Governor came under sharp attack from the press, from the pulpit, and from political leaders in both parties. His own State of Alabama was depicted as a region of race hatred and violence.

After the final tallies had been made from the primaries in Wisconsin on April 7, in Indiana on May 5 and in Maryland on May 19, politicians saw these trends revealed:

1. There is important resistance by voters in the North to an enlargement of Federal powers to police race relations within individual States.

2. Large ethnic groups in and around big cities are aroused over the issues of States' rights that Governor Wallace raised.

3. Suburban areas around the larger cities are sharply divided. Many people in these areas show strong opposition to the intrusion

of the Federal Government into local affairs, particularly those affairs affecting neighborhood schools.

Wallace vote in three primaries

WISCONSIN, APRIL 7

Wallace.....	266, 136
Gov. John W. Reynolds.....	522, 405
Wallace share of total Democratic vote (percent).....	33.7

INDIANA, MAY 5

Wallace.....	172, 646
Gov. Matthew E. Welsh.....	376, 023
Wallace share of total Democratic vote (percent).....	29.8

MARYLAND, MAY 19

Wallace.....	212, 068
Senator DANIEL B. BREWSTER.....	264, 613
Wallace share of total Democratic vote (percent).....	42.66

FEARS OF VOTERS

In private, politicians say that the votes that have been rolled up for Mr. Wallace reflect a fear on the part of the voters of what a Federal police force armed with new powers would be able to do to job patterns, property values, schools, and the makeup of neighborhoods.

Smaller businessmen, the reports say, also fear the effect of a grant of power to judges to impose fines and put people in jail without jury trial in enforcing laws in the broad new fields.

Important political leaders in Washington are drawing these conclusions:

A white resentment against Negro demands and Negro demonstrations, disclosed by votes gathered in the North by Governor Wallace, is proving to be very real and is growing.

Racial demonstrations this summer, threatened by Negro leaders for some big cities, could intensify what at present is being interpreted as an incipient revolt by white voters.

Seats in the House of Representatives, now held by Democrats in the North and regarded as safe in the past, are beginning to move into the doubtful area. The view now is that some of these may be hard to hold in November.

LIBERALS JOLTED

The vote in Maryland on May 19 proved a shock for some of the liberal Democrats.

In advance of the election, some of these had predicted that Mr. Wallace would get about 35 percent of the vote. They thought this was a high estimate.

But when the ballots were counted, the Governor emerged with 43 percent of all those cast in the Democratic primary. Senator DANIEL B. BREWSTER, running as a stand-in for President Johnson, got 53 percent. A scattering of votes went to minor candidates.

The Alabama Governor appeared to have received a majority of the votes of all whites in the Democratic primary. He carried 16 of the 23 counties in the State, carried 2 of the 6 legislative districts in the city of Baltimore, swept all 9 counties on the Eastern Shore, an area of southern heritage and with a background of racial strife.

Inside Baltimore, the Alabama Governor ran well in areas populated by voters of foreign descent and in districts that are filled with industrial workers.

Of the 7 counties carried by Senator BREWSTER, 4 are mountain counties along the borders of Pennsylvania and West Virginia and hold few Negroes. Two are counties in the Washington, D.C., suburbs. The seventh, held by only 106 votes, is Baltimore County.

A shift of only 54 votes in Baltimore County would have entitled Mr. Wallace to Maryland's 48 votes in the Democratic National Convention at Atlantic City in August if the primary had been held under the unit rule that formerly controlled Maryland primaries. This rule has been held by the courts to be

unconstitutional, although a suit to determine whether the ruling applies to presidential primaries was pending at the time of the election.

With white voters giving a small plurality to Governor Wallace, it was the Negro votes who really saved Senator BREWSTER and held the Maryland delegation for President Johnson.

Even in Baltimore City, where the Democratic Party organization is strong, most of the white precincts went to the Alabama Governor. But, in the same city, Charles Whiteford, of the Baltimore Sun, reported that Negro Democrats gave the most dramatic display of block voting seen in Maryland.

Eighty-six selected precincts in predominantly Negro areas showed how the voting went. In 17 all-Negro polling places, Mr. Wallace did not get a single vote. In 69 other precincts that are predominantly Negro, Mr. Wallace got fewer than 6 votes per precinct. One of these precincts voted 1,516 for Senator BREWSTER and 4 for Mr. Wallace.

The 86 Negro precincts produced about 19,000 votes for Senator BREWSTER and fewer than 500 for Mr. Wallace.

MARYLAND ANALYZED

What happened in Maryland? Why did so many votes go to Mr. Wallace?

A political analyst with official ties and close to day-to-day developments came up with the answer that follows:

"The vote in Maryland confirms the evidence of voting in Indiana and Wisconsin," he said. "All of these votes reveal that a great many people are worried about racial demonstrations.

"Maryland, in many respects, is the United States in miniature. The Eastern Shore of Maryland tends to be southern. The metropolitan areas are more oriented to the North's big cities. The suburbs are fairly typical of suburbs generally. The farm areas are conservative.

"The total Negro population in Maryland in 1960 was 526,770, or 16.7 percent of the whole population. Of these, 284,000 are of voting age.

"An analysis indicates Governor Wallace got a small majority of the white votes. Practically all Negro votes appear to have gone to Mr. BREWSTER. The people who voted for Governor Wallace were, for the most part, voting their dislike of racial demonstrations and their fears of the civil-rights bill.

"Politicians must watch this in the campaign. The signs are very clear that the civil-rights issue weighs heavily on ethnic groups in the North.

"We are getting a powerful kickback in Congress from regions that are heavily unionized and in which people of foreign ancestry live. They fear that they might lose their jobs, that the value of their homes might decrease if Negroes moved in, that the neighborhood school might be broken up.

"Until now, these people have voted with the Democrats. There is fear that the Democrats have lost districts in Indiana that no one thought would go against them. Pennsylvania is threatened in the same way. Maryland is a new sign.

"As of now, there is nothing to indicate a strong tide against the party in power. But if there should be racial violence, or Federal troops should be used, it is hard to tell what the political effect would be in November.

"One thing seems sure: Congress will be under great pressure to get some kind of civil-rights legislation enacted and out of the way as soon as possible."

FILIBUSTER FINISHED?

In Congress, these pressures already are visible. Leaders appeared to be moving rapidly to water down the civil rights bill in such a way as to collect enough north-

ern votes to stop the filibuster and get the bill through.

At the same time, the politicians of both parties were watching carefully for reaction from their home districts.

"If a genuine revolt starts among white voters, it can strike Republican advocates of a civil-rights measure just as hard as Democrats," said one House Member. "This is a two-edged sword."

HOW ACCURATE ARE POLLS IN 1964 ELECTIONS?

All the way through this primary season, the political pollsters have been having a difficult time of it.

Take Oregon, for example:

Before the primary there on May 15, the polls gave Henry Cabot Lodge a clear victory, despite gains late in the campaign by Gov. Nelson Rockefeller.

One leading poll placed Lodge's vote at 35 percent, Rockefeller's at 24.

Another poll said 36 percent for Lodge, 22 for Rockefeller.

Actually, Rockefeller came out on top with 34 percent. Lodge got only 27 percent.

It was in the first primary of the season—New Hampshire, on March 10—that the polls' troubles started.

A New Hampshire poll forecast that Senator GOLDWATER would win with 26 percent, to 24 percent each for Rockefeller and Lodge.

Actually, Lodge won New Hampshire with 35 percent. GOLDWATER was second with 23, Rockefeller third with 20.

In Wisconsin, the Milwaukee Journal conducted a poll prior to the April 7 primary, but did not publish the results.

The reason: So many people refused to tell how they intended to vote that "The Journal" decided a projection of results might be misleading. The editors suspected that many who declined to talk planned to vote for Gov. George Wallace.

The strength of Wallace, and of the white protest reflected by his vote, has been the biggest surprise of the primaries. No poll spotted the trend prior to the Wisconsin primary.

Preprimary forecasts in Wisconsin, including some based on private polls, were that Wallace would be lucky to get 25,000 votes. Actually, he got 266,000.

In Indiana, the polls made probably their best showing of the year. The leading poll came close to forecasting the Wallace vote in the May 5 primary.

WHERE WALLACE WAS STRONG IN INDIANA

INDIANAPOLIS.—Gov. George Wallace got a big vote from white suburban areas in the Indiana primary of May 5.

This was shown in a staff report submitted to the State Civil Rights Commission on May 20.

In the State as a whole, Wallace got 29.8 percent of the total Democratic vote.

In Marion County, which embraces the city of Indianapolis, the vote for Wallace was 30.7 percent of the total.

In the suburban counties surrounding Indianapolis, the Wallace vote was higher: Hamilton, 36.2 percent; Hendricks, 44.8; Johnson, 38; Morgan, 42; Shelby, 32.4; Hancock, 40.3.

THE WALLACE VOTE—MARYLAND'S EDITORS SAY THIS—

(Maryland is a cross section of America—with elements of North and South, of industry and agriculture. Negro population is moderately higher than the national average. The State has just cast a big presidential preference vote for an outsider—Alabama's Gov. George C. Wallace—who ran against a favorite son representing President Johnson. He carried 16 of the 23 counties and won a majority of white votes in some areas. Why? To find out, U.S. News & World Report went to editors in each county

to learn what is on the minds of local voters. Analyses by the editors follow.)

Maryland editors found many reasons why voters reacted the way they did on May 19. Civil rights was one big issue. There were other factors that triggered a voter response surprising to many. Here are representative comments of editors just after the election:

Elmer M. Jackson III, managing editor, the Evening Capital, Annapolis, Anne Arundel County:

"Wallace carried this county, including the capital city of Maryland, 19,153 to 10,579. Apparently every precinct went for him. The surprise was the big vote for Wallace in the northern part of the county, which is industrial, North oriented and touching Baltimore.

"It was a protest against Federal Government meddling in people's lives. They went to the polls with big grins on their faces and voted with great relish. I never saw anything like it. They were going to show Uncle Sam that they had had it.

"There's nothing specific that voters were objecting to. They're just protesting against Government encroachment."

George L. Greenwood, general manager, Anne Arundel Star, Glen Burnie, Anne Arundel County:

"Voting was approximately 8 to 5 in favor of Wallace around Glen Burnie.

"To me it reflected fear of the effect of the civil rights bill on small business. The general feeling is that the bill will bring too much Government interference in the selection of employees. It is fear of too much power in the hands of Government, rather than a race question. There also was the home angle. People want to sell their homes to whom they desire, rather than be told, where FHA or GI funds are involved. That seemed to be the touchy problem.

"As far as public accommodations are concerned, the Negroes eat in the restaurants here at the present time.

"If the civil rights bill is passed, I think, definitely, the vote will go against President Johnson."

George Rash, managing editor, Hagerstown Daily Mail, Washington County:

"Wallace got 30.5 percent of the vote in Washington County. People are afraid the civil rights bill will force something down their throats. Labor in particular is afraid it would cause workers to lose seniority rights.

"It's funny because there is no fear—no Negro problem in this county, with only 4 percent Negroes, living in a small area by themselves.

"The feeling among many people is, though, that the Government is trying to force something on them."

Norman W. Harrington, editor, Star-Democrat, Easton, Talbot County:

"Wallace carried our county almost 2 to 1—2,063 for Wallace and 1,116 for Brewster. We are a wealthy retirement area, with much agriculture and a seafood industry. We have good race relations, with a very effective biracial committee. Still, our people voted for Wallace.

"The vote was a protest against Federal encroachment and against Negro demonstrations elsewhere. People were willing to accept integration stage by stage, but they are protesting against the excesses. There is a hardening of sentiment against integration."

Maurice Rimpo, editor, the Daily Banner, Cambridge, Dorchester County:

"The vote in this county was Wallace 4,301, Brewster 965. Wallace took 23 out of 24 precincts. The precinct he lost is an all-Negro ward in which he did not get a single vote.

"Even in the so-called silk stocking ward of Cambridge, where the professional and propertied people live, Wallace got 505 votes to 125 for Brewster.

"There is a white backlash against racial demonstrations in Cambridge. These disturbances have been going on since January 1962. They resumed last week after a lull. This caused people to become pretty well steamed up—not only people believing in segregation, but also liberals and moderates.

"A growing problem is, now, that there are more leaders than followers among local Negroes. There are so many divided leaders that no agreement can be reached or relied upon. Also, the area is overflowing with outsiders. It is quite dangerous. Yet, if Lyndon Johnson's name had been on the ballot, he would have won handily."

T. Donald Shires, managing editor, Cumberland Evening Times, Allegany County:

"My paper opposed Wallace. Allegany County went for Brewster, 5,148 to 1,275. Garrett County, a small county to the west of us, went the same way: Brewster 907, Wallace 219.

"Garrett County has no Negroes. Allegany County, with a population of 83,000, has about 1,300 to 1,500 Negroes. Our schools and hotels are integrated. There is no race problem for us here, but there is no doubt that the Wallace vote here and in Maryland is a white backlash against pressures. Democratic prospects in Maryland in November will not be affected in the slightest by this vote, however."

Oscar Morris, editor, Salisbury Times, Wicomico County:

"The vote in this county was 4,532 for Wallace to 1,630 for Brewster. Even people who had nothing against civil rights voted for Wallace. They were just damned tired of these demonstrations, and their vote was a protest. We've had demonstrations on both sides of us until people are sick and tired of it.

"This county has been integrated for a number of years—schools, motels, hotels, restaurants. We had the State NAACP convention in a hotel here."

Miss Patricia Rosencrantz Ettl, editor, Frederick News, Frederick County:

"Brewster carried Frederick County, 3,863 to 2,428 for Wallace. I was surprised to see how large a vote Wallace got. Many people said they were voting for Wallace because they were afraid of the Federal Government's getting more control over the States and over local affairs.

"This city is fully integrated. If anything will hurt Johnson in this area, I'd say it will be civil rights."

J. E. Byrd, editor, Marylander and Herald, Princess Anne, Somerset County:

"We went 72 percent for Wallace. What would you expect? We've had sit-ins, lay-downs, boycotts. We had outside Negroes coming in preaching hate. Grown-up men have been lying down in the streets, blocking traffic.

"This was a solid white vote against lawlessness and against Negro threats of force. White registrants voted almost 100 percent. Negroes voted only about 20 percent, indicating that the turmoil was being caused by outside Negroes.

"It was more a vote against the demonstrations than it was against the Federal Government, but we are a conservative area and there always has been much States rights sentiment.

"Nobody thought for a minute that Wallace would become Democratic nominee, let alone President. The vote was a straight-out protest."

G. Frank Stricklin, editor, Jeffersonian Weekly, Towson, Baltimore County:

"This is a county with a large upper income suburban population, and also a large industrial population, with Bethlehem Steel and Martin Co. both in the county.

"Wallace got 46,529 votes to 46,635 for Brewster.

"I would say that both the upper income voters and the wage-earning population con-

tributed to the big vote for Wallace. If it had not been for the colored vote, Wallace would have carried all of Baltimore County.

"It was States rights people were thinking about. For one thing, we've been trying to get an urban renewal project started here, and it has aroused much opposition. People said it would mean giving the Federal Government more to say about local affairs. Also there is much opposition to the part of the civil rights bill that would give the Federal Government a voice in hiring and firing. Civil rights has lost a lot of ground in this county in the last few months."

Andrew J. Wyvill, coeditor and publisher, Enquirer-Gazette, Upper Marlboro, Prince Georges County:

"Wallace received 23,762, and Brewster, 25,868.

"People were voting not for Wallace but against the civil rights bill as it stands. The extension of Federal power is beginning to bother people.

"Businessmen especially are afraid of the control that the U.S. Attorney General will have if that bill is passed. It took powerful opposition to defeat Wallace.

"The civil rights business may be going too far. The white man apparently is beginning to rebel a little bit.

"This doesn't affect Johnson's chances around here when it comes to November."

George H. Hanst, editor, Oakland Republican, Garrett County:

"The unofficial figures were 907 for Brewster to 219 for Wallace. I was a little surprised that there weren't more votes for Wallace.

"The primary didn't attract much interest or much heat around here. Garrett County is a farming and lumbering community with some coal. It's hard to get a lot of interest in an election. Besides, it was a pretty day and farmers were busy doing their planting.

"There are few Negroes in the county, so there was no element of a protest vote. We just don't have the Negro problem. When Negroes do come, they are served in restaurants and that's the end of it. I do, nevertheless, detect a growing resistance to the pressure of the Federal Government, and that was expressed in the vote Wallace got."

Duane A. Henry, editor, News-Advertiser, Havre de Grace, Harford County:

"In Harford County, the vote was 5,258 for Brewster, 5,414 for Wallace. One thing we attribute it to was the way BREWSTER handled his campaign in the final days. He was accusing people of being bigots, and it went against some people's grain.

"Another thing: Our area is where the freedom rides originally began. Bobby Kennedy really started the thing with the Route 40 Association. Part of the vote might be attributed to a reaction to that. Yet our town, Havre de Grace, went for Brewster by 69 votes. By the same token, we elected a Negro city councilwoman here on May 2 with the largest single majority in the election.

"It's really hard to figure. The majority of the people who must have voted for Wallace work in installations that are integrated. I never thought Wallace would pick up a vote like this up here."

Emory Dobson, publisher, Denton Journal, Caroline County:

"Of 2,600 Democratic votes cast, Wallace got over 60 percent. There is considerable feeling here about the civil rights bill. People are talking about Federal pressure. They seem to feel that they are gradually losing their individual freedoms. They're Jeffersonian Democrats.

"The Wallace vote was a protest against civil rights. It wasn't necessarily for Wallace. In my own analysis, it was also a protest against the way in which BREWSTER conducted his campaign against Wallace.

"The thing that upset people was the fact that BREWSTER repeatedly called Wallace a

racist. He also spoke about Wallace as being a hatemonger and a rabble rouser. And the people here felt that whether one agreed or disagreed with Wallace, he at least should have a right to speak his piece.

"One other factor was the growing feeling against the administration of Governor Tawes. BREWSTER, of course, has always allied himself with the Tawes machine."

William H. Kerbin, editor, Democratic Messenger, Snow Hill, Worcester County:

"Worcester County went for Wallace heavily—2,542 to 537 for BREWSTER. It was the size of Wallace's vote that was a surprise. I expected something closer to 50-50.

"The county is, by tradition, conservative Democratic. It is southern oriented and always has been.

"Worcester County has had no racial violence, but events in Cambridge may have alarmed some people. Certainly, to some extent, the vote was an anti-Negro protest vote.

"Negroes themselves in Worcester County and in Princess Anne, too, are politically apathetic. Most have jobs and there is little unemployment, either white or Negro."

William A. Dryden, publisher, Eastern Shore Times, Berlin, Worcester County:

"All the Eastern Shore counties went 5 to 1 for Wallace. People here are sympathetic to a man who believes in States' rights. There's a lot of resistance among whites against Federal pressure on the civil rights business. This vote is the way it manifests itself.

"I don't know how it will go in November. Even the Democrats here like Goldwater because he's ultra-ultraconservative.

"They don't understand a liberal because they don't even know what he is."

R. Whitney Christian, editor, Cecil Democrat, Elkton, Cecil County:

"Wallace carried Cecil County, 2,292 to 1,620. He won eight out of nine election districts, and lost that one by only two votes.

"In this area, people are getting fed up with the Federal Government getting more and more powerful. They liked Wallace's approach, his calmness. He got to the people.

"Just about everybody in Maryland was opposed to Wallace—the clergymen, the politicians, almost all of the elected officials—and they brought their big guns against him. But he almost won.

"As to November, I wouldn't attempt to tie the Wallace vote to that. They were voting not for Wallace the man, but the principle. Johnson is very popular."

Mrs. Virginia S. Minnick, editor, Democrat Advocate, Westminster, Carroll County:

"Wallace got 2,045 votes and BREWSTER got 1,085 in Carroll County. I more or less credit Wallace's victory to the civil rights issue. It isn't that they like Wallace. Nobody here was working for Wallace. It was just that the people expressed themselves by going to the polls and pulling that little lever down for Wallace. But President Johnson is going to be all right. I've heard people in this office say today and yesterday, 'This isn't a vote against Johnson at all.'"

Edward T. Hall, editor, Calvert Independent, Prince Frederick, Calvert County:

"BREWSTER, 760; George Wallace, 1,622. In my opinion, it was not as much civil rights as it was objection to the existing administration in this State. People are very, very much disturbed over the 33½ percent increase in income taxes. That showed up in this election as much as, if not more than, civil rights. We have had no race trouble. Fifty-two percent of the school population is colored, and 48 percent of the adult population. They're very fine people. We're in an agricultural area. The farmers object strenuously to the Federal Government's bringing them under control. You know, they're independent people. They like to work in

their own way, and take chances on the free enterprise, open market. But now, of course, the Government controls them on acreage, price supports, and so forth, and they just don't like it."

Jean Hyatt Holmes, editor, Times, Ellicott City, Howard County:

"Wallace took Howard County. BREWSTER was ahead in only two of six election districts."

"I talked with many people who told me they certainly would not want to see Wallace as President, and they wouldn't have voted for him if they felt there was any chance of his becoming President. But they had voted as a protest. They felt that the civil rights bill was moving too fast. And there are many to whom this States' rights idea has great appeal. They felt the Federal Government was becoming too strong, pushing into affairs best decided by the States or individuals, and they resented that interference."

"Some even said they were not opposed to association of Negroes and whites, but rather of the Government forcing this association. Howard County usually votes Democratic in local elections, and often Republican in national elections. So it's difficult to tell what's going to happen in November until we see who the Republicans put up."

Dan H. Tabler, editor, Record-Observer, Centerville, Queen Annes County:

"The unofficial vote: Wallace 1,940, Brewster 1,117."

"This is a predominantly southern area. The people are not at all in favor of the civil rights bill. They voted for Mr. Wallace because he was against the civil rights bill."

"We have had a couple of these demonstrations here in Queen Annes—not as many as they've had in Cambridge, but we've had a couple, and Cambridge is close to us. It's not a protest against Senator BREWSTER or President Johnson. I don't believe there will be any effect in November."

Roger Farquhar, editor, Montgomery County Sentinel, Rockville:

"Wallace won 26 percent of the vote here. I was surprised. I thought he'd pull more than he did—probably 35 or 40 percent."

"Statewide, it was a protest vote, generally, against a lot of things, not just civil rights. I suppose big government was one of them. Anyone who had a grievance against the State Democratic organization, and even the State income taxes—I'm sure there were many, many silent-protest votes."

"I think anti-civil-rights feeling is slightly on the increase here, in large part because of the accelerated drive for fair housing. There's been some adverse reaction to that: fear of Negroes moving into white suburbia."

Allen Q. Collier, Jr., editor, the Enterprise, Lexington Park, St. Marys County:

"Wallace polled, according to our unofficial tally, 2,893 to BREWSTER's 1,623. I think that some of the people probably felt that it was merely a protest vote in a meaningless primary. Possibly there is growing resistance to Federal pressures, especially in the race problem, although we haven't been directly affected here, in the sense that Cambridge has. A great deal of the vote also stems from a personal dissatisfaction with BREWSTER, although he was not running as BREWSTER. He was running as a stand-in."

William B. Usilton, coeditor, Kent County News, Chestertown, Kent County:

"Wallace carried our county by a trifle better than 2 to 1—1,679 to 791 for BREWSTER. It was a protest against the civil rights bill—the violation of individual rights. It goes beyond the racial issue, far beyond."

"For instance, we heard a lot of talk about this trial by jury business—you know, inspectors being able to come in and get you up for contempt of court without a jury trial. I heard more of that talk than I did anything else."

"Another thing that I think is significant in the vote here is the small number of Negro Democrats. Somebody said: 'Why, it looks like the Negroes didn't vote for BREWSTER in the Democratic primary.' Well, after all, there are only 171 Negro Democrats in Kent County, so Negroes didn't have much chance to vote for BREWSTER."

Thomas P. Headen, editor, Charles County Leaf, La Plata, Charles County:

"Wallace carried the county by 2 to 1 over BREWSTER. I expected a heavy vote for Wallace, but I didn't expect any landslide. Wallace, I think, provides sort of a rallying point for people who have both deep-seated race prejudice and who are unhappy with certain provisions of the civil rights bill. They have had no rallying point up to now. All other candidates professed to be for civil rights. Wallace is the first to come along and say he will have no part of it, and they say, 'That's my boy.'"

"I think the vote for Wallace is shocking. I don't regard it as a danger signal, however. Wallace provided a relief valve. Now we have taken our hatred to the polls and expressed it and got it out of our system. We come out of the voting place and we've still got the problem and have got to live with it."

"We have had no race trouble. None. In the light of the fact that desegregation is going on smoothly and undramatically and constantly in Charles County with no trouble, this huge Wallace vote—well, these two things don't mix too well. This big Wallace vote would indicate that this would be the place where you could expect an awful lot of race trouble. But we haven't had it. So these things contradict themselves."

THE WALLACE VOTE—THE CANDIDATE'S OWN STORY

(Federal power versus local power—that was the issue that brought him votes, as Governor Wallace sees it. In this exclusive interview, the Alabama Governor discusses the meaning of his 3-State campaign.)

Question. Governor Wallace, what, basically, do you feel that your campaign in the North has proved?

Answer. It has proved that there is a new trend in this country, that there is a heavy undercurrent of resentment among the mass of the people toward the solution of all problems with more Federal force and more take-over of individual liberty and freedom.

Question. Is this a growing trend?

Answer. This is a growing trend, as I think everyone can see. With all the bad press that they give me, and all the organizations and forces working against me, we still carried 16 of the 23 counties in Maryland.

Question. Is the issue white versus black?

Answer. Some of the politicians in the militant movement in this country try to bring that into play. However, I don't think that it's a vote against Negro citizens at all, because I am sure that no one voted for me who is anti-Negro. I am not, myself, and I ran no such campaign, nor have I ever run a campaign that was anti-Negro.

Question. Is the issue, then, Federal power versus local power?

Answer. That's right—the issue of Federal power trying to take over and solve social problems instead of leaving the solutions to the local people.

Question. Is there a growing uneasiness among voters?

Answer. Sure there is, when the Governor of Alabama can get that type of vote in the State of Maryland. Naturally, the Negro bloc voted against me, but, when you subtract that from Senator BREWSTER's total, you will see that I defeated him otherwise.

Question. What is this uneasiness about?

Answer. There's concern about the Government's attempt to regulate people's private lives and to take over the control of

their homes, businesses, farms, labor unions, and schools and local government bodies under the civil rights bill. They feel that you're really destroying the American concept of government when you do so.

Question. What about jobs?

Answer. Yes; many people know that this type of legislation is designed to, in effect, take jobs away from one group and give them to another, and this doesn't solve problems.

Question. Is there concern over neighborhood schools?

Answer. Many of the people who voted for me are concerned about neighborhood schools, because they know that the attempt is being made to destroy the neighborhood school policy in order to satisfy the social whims of some social engineers. And they object to this very strenuously.

Question. Was this contest between you and Senator BREWSTER a direct referendum, in your judgment, on the civil rights bill pending in Congress?

Answer. Other issues do get involved. But I'd say that it was a pretty good referendum, although there are many people who voted for Senator BREWSTER who are against the civil rights bill. And I'd say that if the civil rights bill had been put to a referendum, it would have been defeated.

Question. What were the issues, other than the civil rights bill?

Answer. Well, that was about the only issue, really. But yet, when I came representing the other side, most of the press—by slanting and distortion—made many good people of Maryland feel that they were voting for a man who believed in everything from murder to mayhem. At lot of good people listened to some of this stuff and probably didn't vote for me on account of that, but still are against the civil rights bill. Then you also have people that just vote, naturally, for their local Senator. You had, too, a big State organization getting out the regular machine vote.

Question. What, in short, do you think that the people who voted for you were saying?

Answer. They were saying to those who develop the trend in both national parties and those who develop the trend in Washington that "we are tired of not being considered."

My support was very strong support—it wasn't any halfway support. It was almost fanatical. The reason for that is they have not had a chance to express themselves, because the politicians in most all States have already just given over to this other minority group. When I say "minority group," I'm talking about the leftwing.

Question. How do you believe people who voted for you in Wisconsin, Indiana, and Maryland will vote in November?

Answer. It's hard for me to say how they're going to vote in November. But I can say that they are to be reckoned with, and I am sure that the candidate who completely ignores them will do so at his own peril.

Question. What do you plan to do next?

Answer. We will have to sort of await developments, but I feel that the people who have voted for me will do our campaigning for a while. In other words, the leaders in both parties are certainly going to think about these people who voted for me.

Question. Might you head up a third party?

Answer. I haven't thought about the third-party movement. In Alabama, we have already elected a slate of unpledged electors, and we feel that there are some other States in the South which will consider this method. I expect, for example, to campaign in Louisiana for an unpledged slate.

Question. Has your campaign left a permanent mark, or will all this soon be forgotten?

Answer. That may be the case as far as I'm concerned. But the attitude of millions of people toward the trends in the country will not be forgotten. Had we known we were going to run this well, we would have heeded the request of many thousands of people to have gotten in the California and Pennsylvania and Illinois and Ohio primaries.

Question. What has impressed you most, as you have campaigned in the North?

Answer. What has impressed me has been the fact that, basically speaking, the people all over the country are the same. They are still for the American system and they are tired of folks sponsored movements to change the concept of American Government for political reasons only. And this civil rights issue is purely political.

TRIBUTE TO GEN. MARK E. BRADLEY, JR.

Mr. THURMOND. Mr. President, in these days of \$50 billion defense budgets, we hear many voices raised criticizing the Defense Department for lack of competition and for poor procurement practices. It is indeed refreshing to note that a top Air Force general in a position of trust and responsibility is striving to carry out the letter and intent of the law in his procurement practices. Gen. Mark E. Bradley, Jr., commander of the Air Force Logistics Command, is a public servant of the very highest integrity and ability.

During his tour as Deputy Chief of Staff, Systems and Logistics, Headquarters USAF, and his present tour as commander of Air Force Logistics Command, General Bradley has instituted cost reduction programs which have saved the taxpayers several hundred millions of dollars. I believe that his speech before the Aerospace Industries Association entitled, "Competition When It Makes Sense," contains good basic information which all Members of Congress will find helpful. The speech is typical of General Bradley's nature and the way in which he carries out his duties. It is down to earth, easy to understand, and straightforward, and I might add, correct. I believe that all Members of Congress will find the speech of interest, and I urge them to read it carefully.

I ask unanimous consent to have printed in the RECORD an article entitled, "Competition When It Makes Sense," a speech by Gen. Mark E. Bradley, Jr., given before the Aerospace Industries Association on April 8, 1964.

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

COMPETITION—WHEN IT MAKES SENSE

Gentlemen, in your invitation you said you would be honored to have me as your speaker. I want to tell you that it is I who am honored and that I'm very appreciative of this opportunity. If you find my message repetitious, remember that you selected the subject.

The competitive procurement of replenishment spare parts continues to be a very serious logistics problem. Therefore, I agree with you that it is a timely topic. It will continue to be timely, no matter how long we talk about it, until the problem has been solved. I doubt that it will ever be solved to the complete satisfaction of both of us, but certainly we can work at it.

My basic message to you is the same as it has always been: we need each other's co-

operation; we need each other's help. We have got to work together to maximize competitive procurement—where it makes sense.

POOR MAN'S APPROACH

The "poor man's approach" to this procurement problem isn't new. It has been the essence of every law that has been written on the subject and every procurement regulation that has been adopted. Its objective is to get competition where it makes sense.

For example, as far back as 1936, Army regulations exempted gages, tools, fixtures, and appliances from competition. The "regs" also exempted parts of apparatus already in use and which can only be furnished by one dealer.

The Comptroller General in 1927, in talking about pneumatic tools, agreed and I quote:

"While the tools of several manufacturers may possess the same general characteristics and produce the same results, each machine is of an individual design and construction. The parts of machines of two or more manufacturers are not interchangeable one with the other nor will one manufacturer undertake to manufacture replacement parts for machinery or tools made by a competitor. Even though the parts may not be patented and if it were possible to describe the material by specification to admit competition there would be no guarantee of satisfactory operation, making it impossible to center responsibility for the failure of a replacement part to function properly."

Gentlemen, that was said more than a generation ago. Perhaps before some of you were born. It was said in an era when the tools of war were relatively simple.

COMPLEXITIES MULTIPLIED

We all know how the complexities have multiplied between then and now. And now we have those who would presume to take your drawings and think that, in all cases, they could produce a satisfactory item. This subject is one on which a lot of missionary and publicity work must be done. And the publicity shouldn't be limited to the "trade" publications. It ought to get through to the general public.

I'll skip over the World War II period. In those days formal advertising was the exception not the rule.

Then the Procurement Act of 1947 was passed. This was, and is, an excellent law. In my opinion, the legislative history was a guidepost which was not followed in implementing the law. The history of this act clearly envisioned the use of sound judgment in evaluating the procurement action. It did not expect, encourage or want awards made only on the basis of lowest initial price. The commonsense approach advocated in this act recognizes that a low price in a particular procurement could be far less important than other factors, such as urgency of need, quality of product, criticality of application, as well as lower ultimate costs which are in the best public interest.

The purpose of the law was to overcome the restrictive methods which resulted from the failure to make it clear that you could consider other factors in the acquisition of material. The law was passed so that "competition" and "other factors" such as "quality" and "ultimate costs" would be placed on an equal footing.

Now I ask you, Are we any better off today than we were 17 years and tens of billions of dollars later? I don't think we are. I think that the emphasis placed on "competition" was out of all proportion. It resulted in the purpose of the law being circumvented.

DRIVE FOR MORE COMPETITION

Be that as it may, we in the Air Force were very responsive to the pressure for more and more competition. Back in 1955, we began to use drawings, which you furnished us,

when there may have been no thought of our using them for competitive procurement. If nothing was said on the drawings about proprietary rights, we sometimes used them. We consistently "broke-out" more and more spare parts for competitive procurement between 1955 and 1957.

In October of 1957 we authorized service tests at San Bernardino and Sacramento which were the forerunners of our now famous AFLC Regulation 57-6 on the subject of procurement of replenishment spare parts. We kept amending this "reg" and demanding more careful screening and buying more and more items that were sometimes, I fear, critical in nature.

We successfully answered GAO criticism in 1961, and came out of the congressional hearing that year relatively unmarked.

But in industry and in the Air Force the question was being asked more and more frequently: "Has the Air Force gone too far?"

There was an exchange of correspondence between the then president of AIA, Orval Cook and both General McKee and myself. This culminated in AIA's 10-page summary of its position in September of 1961.

AIA got a brief answer to its excellent summary from General McKee. The gist of the reply was:

"We have no disagreement on the basic philosophy or interest of the program.

"We fully intend to continue our practice of cooperating with industry in developing and clarifying major policy changes by which it will be affected."

Now the file on the correspondence referred to was very thick. The reason was that your 10-page summary was put through the grinder. Each point you raised was answered in the "traditional" way.

You may wonder why you didn't receive that detailed reply. Well, I wasn't at Wright-Patterson then, but I was instrumental in stopping that proposed answer. And I did this because I found myself in substantial agreement with you then—as I do now.

INDUSTRY MUST PARTICIPATE

I said then, and I say now, that we cannot assure this country that we have reliable weapons, that will work when we need them, unless we have the participation of industry in making the selection of what will be competed; what will be bought from selected source; and what will be bought sole source.

No one feels more keenly his responsibility to this country than I do. I am fully conscious of the fact that it's my job to see to it that all weapons are "go." I know also that it is good business and the will of our Congress that we get competition wherever it makes sense. I am also completely aware that we in the Air Force cannot do the job alone. We need—and must have—your help.

But let me continue the history. The next significant event in this tale happened in the summer of 1962. The AIA came to AFLC headquarters and gave me and the staff there a briefing on what we called the "AIA pitch." I approved it. Industry and Government worked on this for months, but when the detailed words came out I disapproved it, because it was obvious to me that it was 180 degrees from what the AIA proposed. It was also obvious that such detailed screening by industry and detailed review by the Air Force would be very expensive.

The next event was the publication of the LMI report in January of 1963. In this brochure, if we were to have contractor participation, it would be through the procedure which I felt was too expensive. I, therefore, got permission to run some tests. The results of those tests are well known. Using as an example the fiscal year 1964 spare parts buy of about 67,000 items, if we used "the detailed screening and 100-percent verification" it would have cost about \$14 million.

If the "poor man's approach" were used it would have cost about \$1.3 million.

You can see then why we called our system the "poor man's approach." We wanted your participation but on a sound basis and at a price we could afford.

Now before I briefly describe our "approach" I want to tell you that we recently got another new manager at AFLC headquarters in the person of Maj. Gen. Lee Mundell. In preparing for a briefing to Secretary Morris on this subject in the recent past, he felt that our title should be changed to one with more dignity and which contained some management implications. Naturally, I delegated him the responsibility to come up with such a name. He came up with the title "competition with confidence."

DESCRIPTION OF SYSTEM

How does "competition with confidence" operate? It is as simple as 1, 2, 3. We developed criteria for your engineers who know your product to use to research the items to be bought until you come to a reason why the item should be bought sole source, or selected source. If none applies, the item is put in the third category—open competition.

Then the Air Force will verify your decision in all high-dollar areas (buys of \$10,000 and above) when coded for other than open competition. In the lesser dollar areas we will take a statistical sampling. This will be done in such a way as to give us a 90-percent confidence factor. When we arrive at a mutual decision we will stand by it—together. Any evasion of the rules can only have one result—the destruction of confidence and loss of future business—and we will again be placed in the unfortunate position (for both of us) of having to make and follow our own unilateral list. But if we can have mutual confidence and trust both of us will have improved our positions. You have protection for the integrity of your product. We comply to the safe maximum extent with the will of Congress.

Secretary Morris has approved this idea. We have his permission to proceed while his staff studies and develops a system for application on a DOD-wide basis.

During the service test, industry came forward and suggested that the 11 criteria for the airframe industry weren't well suited to the engine and accessory manufacturers. I then adopted the engine criticality criteria as ours, after it had been presented to Secretary Charles. These ideas are now being prepared for publication. However, I have already directed San Antonio Air Materiel Area to adopt this procedure in its dealings with the Navy and Pratt & Whitney. I'm told (about third hand) that the Buweps people have raised the question as to whether the Air Force will second guess them on their decisions. Our answer is "Definitely no."

RELATED AREA: END ITEMS

Now there is another related area that involves end items, often Government furnished to contractors for installation and sometimes furnished by prime contractors as part of end item weapon systems. This is a large field. It covers all the way from sophisticated jet engine controls to most of the cockpit instruments and back up again to constant speed drives and such time-honored troublemakers.

The problem is that over recent years it has become customary to compete these items at each buy. This has often resulted in as many as four or five models of the same gadget—each doing the same job but internally noninterchangeable. You can see the logistics support problem that results. What I am fighting for is standardization and competition only for the start of the item's production. After that the contractor should so conduct his business as to keep up quality and share with the Government the savings resulting from long production

runs, learning curves, lack of duplication of engineering, tooling, testing, etc.

This policy would result in more efficient operation for everyone; however, I need the industry's help in getting the old system stopped. Each time I try to get an item standardized some previously disappointed contractor comes forward and says, "You have got to have a competition because I was promised a chance to bid again last time." Well, you can see we can't get there from here.

There is one other feature to competitive procurement which has caused us considerable difficulty in the past. This is the question of competence of new bidders to do the job. I am happy to quote from a recent policy statement by Secretary McNamara.

"In working toward better defense procurement, nothing is more basic to satisfactory procurement than that we deal with responsible prospective contractors. Contract awards to concerns of marginal capabilities can lead only to delays or failures in obtaining delivery of needed items and to increased eventual costs to the Government." End of quotation. And thank you, Mr. Secretary.

This we propose to follow scrupulously—and by so doing, I am certain our procurements will be sounder and our deliveries more timely.

POINTS SUMMARIZED

In summary, I'd like to say that:

1. Your summary of September of 1961 is in consonance with the legislative history of the Procurement Act of 1947.

2. In order to insure reliable weapons and get competition where it makes sense we must cooperate with each other. This means two-way cooperation. We must keep the competition figure high by honest endeavor on both sides. We must have "competition with confidence."

3. We are not deemphasizing "competition" but rather beginning to put emphasis on "other" and, in the words, and surely the intent, of the Procurement Act "perhaps more important factors" such as quality and ultimate costs. I have here for distribution 100 copies of our latest regulation on this subject.

4. We must all do whatever we can to reduce the ultimate costs by standardization and long production runs.

I want to say that the problems I have talked about are extremely difficult and that the suggested solutions are certainly not easy to accomplish. But I am confident that—if we can get wholehearted cooperation between industry and the military—we can make great progress toward our future goal—reducing the ultimate cost of defense.

CIVIL RIGHTS ACT OF 1963

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

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

Mr. ELLENDER. I yield to the Senator from Mississippi on the conditions previously announced.

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

Mr. STENNIS. Mr. President, the Senator from Minnesota in a statement on the floor of the Senate on Monday, May 25, pointed out that the debate and explanation of H.R. 7152 has helped the Senators and the public to better understand the provisions and real content of H.R. 7152, the civil rights bill now under discussion in the Senate. He pointed out, as many of the opponents of the bill have said on the floor of the Senate many times, that misleading statements and on occasion rather serious distortions have been made about what the bill really contains and the practical effect it will have upon our society. He very wisely concluded that such misunderstandings "point to the need for a renewed effort to explain this bill in straightforward and uncomplicated language."

Mr. President, the opponents of the civil rights bill have for several days studied the bill very carefully, and even after some several weeks of thorough investigation and study, many heretofore unknown provisions have been discovered. The language of the bill is so broad and the terms are so imprecisely defined that almost any interpretation can be placed upon the words and phrases which have been used to put together this package of bills that actually it is nearly a dozen bills in one. There were, of course, no hearings by Senate committees, no attempt has been made to call witnesses, and the only evidence that the Senators and the public have on which to draw any conclusions as to the effect the bill might have is the study and examination of the statements that are made during the debate on the floor of the Senate.

In the course of this debate, the Senator from Minnesota has made several statements and speeches in favor of the bill. In the most recent memorandum which the Senator from Minnesota has inserted in the RECORD, there is contained a statement relating to title I which is devoted to voting rights. The Senator from Minnesota stated:

State control over voter qualifications is not impaired, except that those qualifications must apply equally to all citizens regardless of race.

The Senator from Minnesota has apparently attempted with this statement to leave the impression that voter qualifications in the several States will not be affected or, as he says, "not impaired," and that the States will be allowed to hold their own elections without regard to what the Federal Government may prescribe in the way of voter qualifications or the election of Federal officials. This statement is somewhat different from the view that the Senator from Minnesota took on March 30, when he explained on behalf of the proponents of the bill what effect title I would have upon the control of voter registration throughout the Nation. He called attention to the fact that "the States would be free to set up a procedure solely for the election of State officials," but he further said:

I think that as a practical matter, the States will not establish separate elections.

The opponents of the bill have repeatedly pointed out that title I will, in effect, place constructive control over voter qualifications in the Federal Government and take it from the States where the Constitution intended that it should be and where it has, until recently, rested since the founding of the Nation. No one argues that, under this bill, the States would still have the right to suffer the expense of a separate election for which they must hire separate election officials and underwrite the tremendous expense of holding separate elections. In Mississippi, this would be a very expensive and almost prohibitive procedure. There are nearly 2,000 voting precincts, all of which must be manned by election officials, and the expense of conducting an election is estimated variously from a quarter-million dollars upward. It would impose a great burden on my State, a burden which it should not have to bear simply to preserve for itself that to which it is already entitled. Whether it would be prohibited in Mississippi is uncertain. But the Senator from Minnesota apparently feels that it would be, for, as he said in his speech of March 30, "As a practical matter, the States will not establish separate elections." The conclusion then is inescapable that on March 30 the Senator from Minnesota felt that, "as a practical matter," State elections would not be separate from Federal elections and that the rules and regulations established for the Federal Government with regard to voter qualifications would, under the terms of this bill, H.R. 7152, dictate the qualifications of voters in the various States.

This is in grave conflict with the Senator's statement of May 25, in which he said, "State control of voter qualifications is not impaired." This is typical of the ambiguous and double standards that are found throughout the civil rights bill. Such conflicting statements are the source of much of the misunderstanding and misinterpretation and lack of knowledge about what the bill really contains. The language and the specific letter of the law as laid down by the bill may indicate one thing, but the practical effect of that language may be completely different. The memorandum which the Senator inserted in the RECORD purported to show what H.R. 7152 provides and what it does not provide, but the Senator from Minnesota was not so generous in his explanation as he usually is when he listed some of the things H.R. 7152 provides. For instance, he did not call attention to the fact that under section 302 the Attorney General is given the power to intervene in any action commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin. He neglected to say that this bill places more power in one appointed official than has ever been placed in the hands of one individual, outside the President, in the history of the United States of America. He neglected to point out that a person accused of violating the terms of H.R. 7152 would be denied the right of trial by jury contrary to the provisions of the Constitution. He neglected to point out that in the case of matters concerning

voting rights, the Attorney General could "shop" for a three-judge court that would suit his own particular needs and satisfaction without regard to the long-established custom of having matters of a local nature determined by judicial proceedings conducted by local people. He neglected to point out that title VII of this bill would take from the employer the right of managing his own property and conducting his own business affairs so far as the hiring and firing of employees is concerned, and place it in the hands of a bureaucratic equal employment commission of the Federal Government. He neglected to point out the fact that H.R. 7152 would remove from every cafe owner, hotel, and motel, however big or small, or other place of public accommodation that is by the broad terms of this bill remotely engaged in interstate commerce, the right to conduct his business, but place such stringent requirements on him that there is grave doubt he could survive.

The Senator from Minnesota, in discussing title VII, said:

In fact, the title would prohibit preferential treatment for any particular group, and any person, whether or not a member of any minority group, would be permitted to file a complaint of discriminatory employment practices.

If the real purpose of this bill is to remove all discrimination in employment without regard to whether or not an individual is a member of any minority group, and if any person would be permitted to file a complaint against discriminatory employment practices, why does the bill specifically define an unlawful employment practice under the terms of this bill as an act of discrimination against an individual because of such individual's race, color, religion, sex, or national origin? If the purpose of the bill is to remove all discrimination, why is race, color, religion, sex, or national origin even mentioned? Why does the bill not simply say there shall be no discrimination whatever, thereby removing the explosive, emotional aspects of the race issue from the discussion of this title?

It is clear the divergent and apparently conflicting statements about what H.R. 7152 contains or does not contain do not find their source exclusively in the opponents of this bill, nor are those who express differing opinions to be necessarily criticized for doing so. The ambiguous language, the complicated construction and the subtle and hidden provisions of the bill make it impossible for any individual, proponent or opponent, to determine with any certainty what the legal interpretation or the practical effect of the bill will be if it is enacted. This certainly substantiates what the Senator from Minnesota has advocated, that is, "the need for a renewed effort to explain this bill in straightforward and uncomplicated language." The Senator from Mississippi is happy to state that in the interest of insuring that the terms of the bill are understood, it is his intention to discuss it as frankly as is possible for so long as it is necessary to understand its total effect upon our society and our Government.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. ELLENDER. Mr. President, under the same terms and conditions, I yield to the distinguished Senator from Oregon.

Mr. MORSE. Mr. President, I shall speak again in opposition to McNamara's war in South Vietnam. I shall speak again and again, so long as I think there is any hope of changing the mistaken course of action of my Government, which, if it is not changed within 12 months, is bound to bring death to thousands of American boys in southeast Asia.

I shall speak again and again, here and elsewhere, in protest against a foreign policy of my Government that I believe is indefensible, inexcusable, unconscionable, and morally wrong. I shall speak again and again, here and elsewhere, in an endeavor to change the foreign policy of my Government from one of making war to one of attempting to make peace in the world.

My Government is making war. My Government is killing, unjustifiably, not only American boys, but South Vietnamese; and my Government is acting outside the framework of international law.

The American people need first to know the facts. Once they know the facts, they have the duty to speak out and to hold their Government to an accounting, for, after all, the foreign policy of this country belongs to the American people; and the people of this Republic have both the right and the solemn obligation to make clear to their Government that they want it to stop making war, and that they want it to return to the sacred moral duty of making peace.

Any failure of the United Nations to fulfill in southeast Asia the role for which the United Nations was created would be one of the great tragedies of our time, comparable only to the tragic disinterest of the League of Nations to the pleas of Haile Selassie, in 1935.

There are many differences; but there are very many common characteristics and very many similarities between what is happening today to the United Nations and what happened in 1935 to the League of Nations, when the League of Nations chose not to act in the case of Italy's aggression against Ethiopia. That was the last chance the League had to head off World War II and it washed its hands of it.

The comments of Secretary General U Thant, of the United Nations, in expressing reluctance to see the United Nations take over the Asian crisis, are especially remarkable, since at the same time he deplored the use of nuclear weapons in that area.

Mr. President, just how does the Secretary General of the United Nations think nuclear weapons come to be used? I trust that he is not naive. If he does not know the answer to that question, he should be told that nuclear weapons are used in war; and that a war is going on right now in southeast Asia; and that unless the war now going on in southeast Asia is quickly brought under control, no man can say where it will end,

how many nations will be involved, and what kind of weapons will be used.

It is no secret that the United States relies upon weapons superiority to offset the manpower resources of both the Soviet Union and Communist China. Our country relied on atomic weapons in Asia in World War II. Our country came near to using atomic weapons in Korea. Regardless of how dreadful and terrible atomic weapons may be, no American war ever will be fought on the mainland of Asia except with nuclear weapons.

And, Mr. President, we are on the brink of a full-scale war in Asia. I cannot emphasize too much the gravity of this situation. As the American people from coast to coast in this Republic at this hour go about their enjoyable living, few of them know the danger lurking overhead. Apparently, few of them are aware, or want to be aware—for it is more comfortable to be unaware—that a nuclear war is in the offing, unless this war in Asia is stopped. If this war in Asia is escalated into a war in North Vietnam and beyond, put it down as a certainty, Mr. President, that nuclear power will be used. And no one, anywhere in Government—in the United States, in Russia, in Great Britain, in Red China, or elsewhere—knows what the end result of the first use of nuclear power by the United States would lead to.

Mr. President, this is the hour, figuratively speaking, and this is the time, accurately speaking, when the leaders of nations who want to maintain peace should act in the interest of peace, not in the interest of warmaking.

So, Mr. President, here is one Senator who has no intention of remaining silent at this critical hour. Here is one Senator who refuses to "pass the buck," insofar as his constitutional responsibilities are concerned, to the President of the United States, to the Secretary of State, or to the Secretary of Defense, so long as those holding such offices seem bent on making war, for at this hour they are making war in South Vietnam—a war which is an illegal war, an unconstitutional war, and a war outside the framework of the United Nations.

Mr. President, what has happened to us? What has overcome us? What has happened to the American people? Have we forgotten so soon? Have we forgotten the inhumanity in the last war? Have we forgotten the cost of the last war, not only in material things, not only in human blood, but also in human values? I feel that the last war did something terrible psychologically, not only to millions of Americans, but also to millions of people elsewhere in the world. It did something dreadful to what theretofore had been a sensitivity to human values and moral principles.

Is it true that the people of this great religious Nation are willing to "pass the buck," so to speak, in connection with their responsibilities of citizen statesmanship, to warmakers and warmongers? Is it true that the people of this Republic are perfectly willing to sanction unnecessary killing? I say "unnecessary," because no thorough attempt to make peace has yet been made.

Having raised the question, Mr. President, I am going to give my answer, based upon my conviction: It is that the American people have not changed their sense of values. But as this war in southeast Asia continues month after month, and as more and more American boys die there, the demand of the warmongers that that war be escalated into a war in North Vietnam, and that then the use of nuclear power be begun, thus killing men by the thousands, will seem more and more plausible and then the holocaust will be underway.

Mr. President, if ever there was a time when the churches of America should be filled with people on their knees, it is now. If ever there was a time when the religious leaders of this country should be raising their voices to Almighty God, it is now. But that is not happening.

Has life become too easy, that too many are willing to waste it?

Have the joys of easy living become so captivating that the American people have turned their faces away from reality to what they hope will be a dream world of unreality in which they can live? Escalate this war into Asia and start shipping American boys by the thousands into Asia, and then perhaps the American people will come up with a sudden start. But it is so unnecessary. We should not have to travel that road of horror, sacrifice, and blood. We should stop while the chances of reason can prevail, and proceed to use our minds and reason in connection with the procedures that should be followed in Asia today.

That is why I am highly critical of the Secretary General of the United Nations in this speech today. In my judgment, he has evaded his responsibilities. He turned away from his obligations when he indicated to the world—and his statement was unfortunate—that the United Nations at the present time cannot take up this issue. What is the issue? It is the issue that determines the difference between peace and war. Mr. U Thant sits as the Presiding Secretary General over the Organization that was created at San Francisco to preserve peace. Before I finish my speech, I shall quote for the benefit of the Secretary General the Charter of the United Nations, because his unfortunate statement to the world shows that he needs to have the charter over which he presides quoted back to him.

As Secretary General he has a solemn responsibility to use his great office to do everything he can to promote peace and not to throw up his hands hopelessly, as I interpret his remarks, and leave the impression that there is nothing at this time that the United Nations can do; for there is, Mr. President. The member nations of the United Nations must insist that the procedures of the United Nations be brought to bear upon the terrible world crisis which threatens all mankind.

Every nation uses whatever it has that can be used to advantage in time of war. With some countries it is manpower; with us it is nuclear weapons. If the war is escalated into North Vietnam, into Laos, and into Red China, we may or

may not use large forces of conventional American manpower. But most certainly we would use nuclear power. Now is the time to stop it. Now is the time to put on the brakes. Now is the time at least to exhaust every peaceful resource to avert what could be the greatest historic tragedy that mankind has ever suffered. The issue toward which Secretary General U Thant should be directing himself is not the madness of nuclear weapons, but the conflict which brings them into use. That is his job. That is the only job he has.

Article 99 of the United Nations Charter specifically authorizes the Secretary General—and I read it for the benefit of the Secretary General:

To bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The charter states that he may bring those matters to the attention of the Security Council. It is a great mystery to me how U Thant can express the concern he did over the use of nuclear weapons in southeast Asia and still regard the conflict there as one which the United Nations should ignore. If he is worried about the use of nuclear weapons, why is he not bending every effort to have the United Nations step into the conflict before it reaches the stage of nuclear warfare, instead of making a statement that will be interpreted around the globe as a "throw-up-the-hands" gesture that this conflict is too much for the United Nations? I deny it, Mr. President, no threat to the peace of the world is too much for the United Nations, for, as Stevenson has said in the past—but long before last Thursday—this great charter offers mankind a charter for peacekeeping. I paraphrase him, but do so accurately.

For years the U.S. Ambassador at the United Nations has raised his eloquent voice in pleading for the application of the rule of law instead of the rule of might to the settlement of international disputes that threaten the peace of the world. That is why the speech of Stevenson last Thursday was one of the greatest tragedies of our time. As I said last Thursday, that speech extinguished a light of world statesmanship. That was not the speech of a peacemaker; that was the speech of one who had been drawn in, because of an ambassadorship, to support an unsound American foreign policy. That is why I said then, and repeat today, that he should have sacrificed that ambassadorship before he ever lent his lips to writing into the pages of history through his lips a statement of foreign policy that will rise to plague this Republic for years to come.

I say to the Ambassador, and to the Secretary General who fears the use of nuclear weapons that the only reason I have been pleading with my own Government to put the Vietnam situation before the United Nations is that I know that the possibility and the danger exists, that the war will be escalated to the point of the use of nuclear weapons. The United States has already escalated it from moderate military aid to the saturation point, plus American advisers who

fight and American airpower in the skies.

Reports coming out of South Vietnam, one after another, belie the statements of McNamara and Stevenson in regard to American foreign policy in southeast Asia.

The sad fact is that, no matter how much they deny it, the United States is making war in Asia. We cannot justify it, and we ought to stop it. We ought to come back to the framework of international law, and act within it. We ought to come back to the idealism of the Adlai Stevenson of years gone by, and make it again the foreign policy of this Republic.

Anyone, including U Thant, who fears the use of nuclear weapons against Asians or anyone else, should be pleading, too, for the United Nations to take over before it is too late. Whenever the use of atomic weapons is being contemplated, there exists a terrible and immediate threat to international peace. Cannot Mr. Thant see that? He has already heard our U.N. Ambassador say that the United States will "take whatever means are necessary" to help certain nations in Asia.

I repeat that unfortunate quotation of Adlai Stevenson that the United States will "take whatever means are necessary" to help certain nations in Asia.

If the Secretary General and the U.N. as a whole decline to act on what is clearly their responsibility, they can hardly quibble over the steps one of the parties may deem necessary, nuclear or not.

Let me repeat what I said the other day in a speech on the floor of the Senate about the logistics problems that will confront the United States if it escalates the war.

If tens of thousands of American boys were put into the jungles of North Vietnam, is it expected that we would win? Or if it were done in Laos, does anyone think we would win if tens of thousands of American boys were pitted against human tides of millions of Red Chinese sent against them in one human wave after another?

I remind the American people that military experts say that a war cannot be won that way. That is why we would use nuclear weapons. The human sacrifice involved in such a war, on both sides, would be so great that the United States could never rise from the ashes of its destroyed reputation as a peaceful nation.

That is why I say there are great spiritual values involved at this hour. That is why I say today that the church bells of America should be tolling. That is why I say that, in my judgment, every religious person in this country should be in communion with his God. I do not believe our course of action can be reconciled with spiritual values. All the appeals to superpatriotism by waving the flag into tatters cannot change the basic fact that American foreign policy in southeast Asia cannot be squared with spiritual values and with our professions as a religious nation.

Is it not interesting, Mr. President, that in the thinking of some persons, it makes a difference in God's eyes as to

what our course of conduct is because Communists are on the other side? They are ignorant, illiterate Communists. Uninformed millions in Red China have not the slightest idea what they are fighting for. That goes for South Vietnam, for North Vietnam, and for Laos, too.

One of the difficulties in American thinking today is that we are proceeding on the assumption that the people involved are of the same development—educationally, intellectually, and politically—as we are. It does not happen to be true. That fact makes it all the more important that we should hold firm to great moral and spiritual values. We cannot justify this killing at all.

The course of conduct this country is following is resulting in the killing of thousands of South Vietnamese, too. They happen to be human beings. It is also resulting in the killing of thousands of Vietcongs. The political philosophy which they possess, as it is alleged, and which their leaders possess, I despise and abhor. But they are flesh and blood. They, too, are the children of God.

I have read nothing, I have heard nothing, even by way of rationalizations and alibis of a McNamara or a Stevenson, that justifies the blackout of moral values that seems to have overcome the policy of this Government in southeast Asia.

As I said before, when I think, not of the possibility, but of the probability, if we continue this course of action, that in a twelvemonth thousands of American boys will lie dead in Asia, I raise my voice again pleading for a halt, pleading for a change of policy, pleading for assuming our responsibilities in the United Nations, to lay the matter before the United Nations, even if the Secretary General may have thrown up his hands in despair—which is my interpretation of his unfortunate statement to the world.

I hope that there is not an ugly fact behind the scenes that would explain the position of the Secretary General of the United Nations, for it never would have prevailed in the thinking of his great predecessor.

His great predecessor did not hesitate to take on Russia before world opinion when Russia threatened to make war in the Congo. That great Swedish leader announced to Russia and to the world that Russia would either get out, or the United Nations would put her out. Russia got out.

Of course, the great Secretary General of the United Nations of that day had strong support. The United States was behind him. Great Britain was also behind him.

Where are they today?

The United States is making war in South Vietnam, and Great Britain is egging us on.

A tragic example of international hypocrisy in recent hours has been the position of Great Britain endorsing U.S. planes over Laos, and endorsing Stevenson's threat to use whatever means are necessary in Asia. As I shall say later in my manuscript, but will say it now because it cannot be said too many times, we do not find any British planes over

there; we do not find any British boys dying over there, nor Australian nor New Zealand boys—or planes, either.

They are "egger-oners." But "egger-oners" are not allies. They only find it convenient from the standpoint of British interests to have the United States do the fighting and the spending in southeast Asia. Certainly, no one should suffer from a myopia which blinds him to the fact that Great Britain's eyes are on Malaysia—and New Zealand's and Australia's, too.

Great Britain finds U.S. foreign policy in Asia at this hour very helpful to the perpetuation of what should be recognized as bygone British colonial policy in Asia but which is still being maintained in Malaysia. It is doomed. British colonial policy has been doomed elsewhere in the world, and for the most part has fallen elsewhere in the world. We now have the United States and Great Britain embracing each other, but the United States is paying the bills, U.S. boys are doing the dying, and U.S. planes are doing the flying in the war in southeast Asia.

I say to the people of Great Britain, "Your policy will not stand to your credit in the pages of history, just as the policy of my Government, as of this hour, will not stand to its credit in the pages of history."

I have great faith in the public opinion of Great Britain, as I have great faith in the public opinion of the United States. I have great faith that once the British citizen fully comes to understand and comprehend the threat to the peace of the world which U.S. foreign policy is creating in Asia today, British public opinion in the months ahead will hold its government to an accounting.

If the Secretary General and the United Nations as a whole decline to fulfill their clear responsibility, they can hardly quibble over the steps one of the parties may deem necessary, nuclear or not.

I am not interested in hearing all the reasons why it would be unsound for America to use nuclear weapons in Asia, unless those who advance the reasons are ready to fulfill their own international responsibilities to bring the conflict under the jurisdiction of the United Nations.

That is the responsibility of the Secretary General, Mr. U Thant, but not his alone. My criticism of the Secretary General of the United Nations in this speech is not limited to him. My criticism goes to members of the United Nations as well, for, as I shall show in a moment they, too, have not only the power but the clear duty to call this threat to the peace of the world to the attention of the United Nations for the exercise of its jurisdiction under the charter.

I have a word or two to direct to the less developed countries. The less developed countries, no less than the great powers, must always remember that the one, primary reason for the existence of the United Nations is to save succeeding generations from the scourge of war. If it cannot do that, then it is not going to do anything. If it allows a conflict

In Asia to go unheeded and unconsidered, all its social and economic development interests will come to nothing, because once the great powers involve themselves in major conflict, the problems of the undeveloped countries will pale into insignificance.

Secretary General U Thant has many problems on his hands—the Congo, the Middle East, Cyprus. All are difficult, and all are expensive. But if the United Nations does not have the will to cope with the big threats to peace, it will be heading down the same road to oblivion which the League of Nations traveled, and it will take its economic development problems along with it.

Is it to be U Thant's role in history to preside over the demise of the United Nations? His remarks of yesterday would so indicate.

If the United Nations is unable to stop war when there is a threat to the peace of the world through war, the United Nations is finished.

The United Nations cannot survive as a club for powerful nations, at which they meet and divide up the role of international policy among them. The United Nations is finished if Great Britain and the United States can get together and decide to support each other in the policy that presently prevails in Asia. The United Nations is all through if it is not willing to step in and exercise its procedures to the maximum extent possible to maintain peace. The United Nations is not doing it in Asia.

No wonder that I ask again, "Could there be the ugly fact behind the scenes that some nations, such as the United States, Great Britain, Australia, Canada, New Zealand, and others, are too powerful for the United Nations to exercise its jurisdiction when peace is threatened?"

I said the other day, and repeat now, that, in my judgment, the United States will be condemned in history because the course of action that we are following in southeast Asia is the greatest threat to the survival of the United Nations that has occurred since the United Nations was created. For the United States from the very beginning has had a clear obligation and duty to take the issue to the Security Council, and, if necessary, in the face of a Russian veto, to the General Assembly.

By not doing so, Mr. President, I say, for the benefit of Mr. Adlai Stevenson, that the United States is weakening the very charter he has been sent to New York to serve as the U.S. Ambassador. His speech of last Thursday was anything but the fulfillment of a trusteeship. His speech of last Thursday weakened the United Nations as a force for peace in the world.

In that speech, he served notice to the world, in effect—and I paraphrase it, but the meaning is clear—that we would do whatever we wanted to do in South Vietnam. That is it.

That is not the position of a peaceful nation. And that is not the position that my Nation ought to take, with its signature remaining on the United Nations charter.

Article 98 of the charter declares:

That the Secretary-General shall act in that capacity—

Chief administrative officer—

in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs.

Note that he "shall perform." He shall perform "such other functions as are entrusted to him by these organs."

The General Assembly, no less than the Security Council, can entrust certain peacekeeping functions to the Secretary General. If the Security Council is unable to do so because of the veto, then the General Assembly should do it, if it cherishes its own future.

The United Nations will not serve the best interests of either the small nations or the big nations if it fails to act in southeast Asia. If it is content to let Communist-led rebels fight against Western interests there, with the increasing likelihood of the introduction of nuclear weapons, it will serve no one's interests. Among the big nations, France does not favor U.N. action because France does not look with favor upon the U.N. at all. It has consistently been contemptuous of the organization and prefers to handle international problems in the old ways, including war. The Soviet Union has little interest in U.N. action when the side it favors seems to be winning. As the guerrillas continue to make progress, the Soviet Union probably will not favor any U.N. action, either. But let that war escalate itself into a full-scale war in Asia, and watch the Russians.

I do not know what we are thinking of, to lay the foundation for a possible rapprochement between the Red Chinese and the Red Russians. If anyone thinks as a result of the so-called negotiations that have been going on between the United States and Russia—and I am all for those negotiations, including the treaty that the President announced today for the exchange of consulates in United States and in the Soviet Union—that if the Western powers start a takeover war in Asia, there will be no rapprochement between Red China and Red Russia, in my judgment, they could not be more mistaken. For neither Russia nor Red China will let the colonial powers of the West control Asia. We must be included among the colonial powers of the West now, for the United States is fighting a colonial war. Colonialism has a variety of definitions.

Mr. President, when we seek to dominate and control, as we are doing with the puppet government that we have set up in South Vietnam, and maintained now through three dictatorships, we are resorting to a form of colonialism. And neither Red China nor Red Russia will ever permit Western colonialism to rule Asia.

So I would have the Secretary General of the United Nations and Mr. Stevenson meditate on article 98 of the United Nations Charter. I would have them meditate on their obligation of trusteeship in regard to the charter. For if they

did, I am sure that intellectually they would have to come to the conclusion that they cannot justify U.S. action in South Vietnam.

I have made it clear so many times, in so many speeches, that I hold no brief for violations of the Geneva accords by North Vietnam, by Laos, by Cambodia, by Red China, that I would assume it would be unnecessary to mention it in this speech. But if I did not mention it, someone would point out that I did not, and unfounded conclusions would be drawn from the fact of my not doing so.

I have no doubt that North Vietnam violated the Geneva accord. China probably did, too, as did Cambodia and Laos. The neutral council that was set up by the Geneva accords found in its 1957 report that both North Vietnam and South Vietnam had done so.

As I have said so many times, it was found that South Vietnam had done so in part because of the military aid that the United States had been furnishing her and that she had been accepting.

Because the escalating of the war in South Vietnam, participated in by the United States, violates the Geneva accords of 1954, we stand, as a nation, convicted of violating the Geneva accords. What a hypocritical position we take when we seek to rationalize and alibi. This is McNamara's and Rusk's great alibi for our course of action in South Vietnam. McNamara and Rusk do not like to have anyone say they are acting illegally. They are. Neutral counsel found them violating the Geneva accords by taking military aid, and the U.S. escalating policies in South Vietnam—accords we did not even sign, nor did South Vietnam, by reason of our pressure.

Instead of taking those violations of the other countries to the United Nations, as we should have done, the alibi of Rusk and McNamara is, "We are in there because the Geneva accords of 1954 are being violated."

As an old professor of logic, if a student in my course had ever made that argument, not only would I have flunked him from the course, but I would have despaired that he could ever survive university study.

Rusk and McNamara have brilliant minds. They know better. They have placed themselves in a position in which they are trying to pull through with rationalizations and alibis that cannot be bottomed upon either logic or law. What a glorious opportunity we had—and still have—to prove that the Geneva accords of 1954 are being violated by North Vietnam. I believe they are being violated by Red China, too. Certainly they are being violated by the Pathet Lao in Laos. I am not so sure that Cambodia would come off clean.

Under the sections of the charter which I discussed the other day in my speech on the charter, we ought to file our complaint. Adlai Stevenson, being the brilliant lawyer he is, ought to offer his evidence, instead of sitting in New York, playing the role of judge, prosecutor, and jury in one person.

We have no case, under the Geneva awards, for justifying America's making war in South Vietnam.

Great Britain, Australia, and New Zealand have been perfectly willing to see the United States fight their colonial battle for them. We constantly hear of Britain's fear that Communist success in Vietnam will endanger Malaysia. But you do not see any British boys fighting in Vietnam, or British planes flying there. The same goes for Australia and New Zealand. Despite their alleged concern that Indonesia may be encouraged to move against Malaysia if a Western foothold is not held in Vietnam, you do not see any New Zealanders or Australians helping to keep that foothold.

All are perfectly satisfied merely to endorse what Uncle Sam is doing, to endorse the expenditure of American money and American blood.

So most of the great powers have reasons of one kind or another for preferring to keep the issue out of the United Nations. All have a vested interest in the outcome, and rather than turn over the problem to a more impartial arbiter, they prefer to fight it out despite what history teaches about the end result of such conflicts.

Perhaps Mr. Thant had the great powers in mind when he doubted the competency of the U.N. to undertake any task in southeast Asia. Or perhaps he had the small, undeveloped nations in mind. Their preoccupation with their own economies to the exclusion of their international responsibilities as U.N. members has been a widely discussed shortcoming of the organization.

But the purpose of having the organization is to provide the means whereby small and great powers alike can find a meeting ground. Peace is essential to all of them. That is why we have the U.N., and it is the only basic reason. I predict that there will be no peace in southeast Asia, and that there will be growing conflict there until the United Nations lives up to its charter and intervenes.

I hope that Mr. Thant will wake up to that fact before it is too late, before he finds himself presiding over the liquidation of the United Nations.

Finally, I cannot let pass the press reports of Secretary McNamara's comments yesterday after his testimony to the Senate Armed Services Committee. He said nothing to justify the war he is managing in South Vietnam. He said nothing that puts it on a legal footing. The Constitution still requires a declaration of war or a treaty obligation before American soldiers can be sent into battle, and as the Secretary of Defense knows, American soldiers are now fighting in South Vietnam not under a declaration of war nor in pursuance of a treaty, but on the orders of Mr. McNamara.

That makes our war illegal under the Constitution of the United States.

Under article 1, section 8 of the Constitution, the power to declare war is vested in Congress, not in the President, not in the Secretary of State, not in the Secretary of Defense.

The Secretary of Defense naturally made no mention of the United Nations Charter, to which this country is a signatory. Paragraph 3 of article 2 of the charter reads—

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Who in this administration wants to defend the proposition that we are doing that in South Vietnam at the very moment I speak? We are not. That statement is irrefutable. It is undeniable. We stand in violation of the charter to which we have put the signature of the United States.

Yet the Secretary of Defense, in justification of McNamara's war, came out of the Committee on Armed Services trying to alibi for his position. I could not quite determine from the press reports whether he had walked out on his press interview of a couple of weeks ago.

It will be recalled that for several weeks, on the floor of the Senate, I have been discussing, with great frequency, McNamara's war in South Vietnam. I pointed out in answer to some of his apologists that he took a little umbrage because I had called it McNamara's war and said that I would continue to call it McNamara's war, because that is exactly what it is, as evidenced by the fact that the Secretary of Defense prepared the blueprint for the war.

So long as the President retains him as Secretary of Defense, it is to be expected that the President will follow the Secretary's blueprint. But the President needs a new blueprint for southeast Asian policy; and in order to get a new blueprint for southeast Asian policy, he needs a new Secretary of Defense. It is as simple as that.

The Secretary of Defense has been silent about the provisions of the United Nations Charter. It is well that he should be, in view of his indefensible position in leading this country into an undeclared McNamara's war in Asia.

Paragraph 4 of article 2 of the United Nations Charter provides:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

We were caught flatfooted. We were caught dead to rights; and that is the posture of the United States in the world today.

Yet an attempt is now being made to steamroller through Congress increased appropriations of millions of dollars for the conduct of McNamara's war in Asia. As I said earlier in this speech, I fear that it will escalate into a nuclear war.

There are many things about that legislative strategy that I abhor. One of them is its indirection. One of them—although it was not very subtle—is what I suspect was designed to be a subtle strategy in order to get Congress "on the hook" by means of an indirect approval of the undeclared war in South Vietnam, through the passage of an appropriation bill which would provide millions of dollars for its prosecution.

Mr. President, I stress my concern about what I consider to be a very unfortunate indirect legislative tactic in an attempt to obtain congressional ap-

proval of the undeclared war in South Vietnam. I refer to the attempt to steamroller through the two bodies of Congress appropriations for conducting McNamara's war in South Vietnam. It is not to our credit; it is not the way we should face the issue. As the Congress of the United States, we should vote directly either for or against a declaration of war; and then we should permit the voters to pass their judgment on our votes.

As more and more Americans come to understand the facts involved in McNamara's war, I am satisfied that a growing feeling of resentment is spreading through the United States. Later, Mr. President, I shall request permission to have printed in the Record some recent communications I have received in regard to the position I have taken on the war in South Vietnam.

One of them has come from one of the greatest living historians in the United States; he has made perfectly clear his agreement with the position I have taken. All of those communications come from very responsible citizens across this country. I shall have to delete the names of some of the writers of the letters; but, as I have previously stated, their letters will remain on file in my office, available for inspection. Some of them come from members of our armed services in South Vietnam, who have been writing what the correspondents also have been writing from South Vietnam concerning the unsoundness of McNamara's position in regard to his blueprinted war in South Vietnam.

Mr. President, I am satisfied that once the American people come to understand the facts about this uncalled for, unjustified killing of American boys in South Vietnam, that resentment will reach the point of white heat of opposition to those who support it.

I am aware of the Madison Avenue technique and the propaganda support used by a warmongering press. By and large, at this hour the press of this country is a warmongering press. I am aware of the various media of propaganda that are being used in attempts to convince the American people that they must fight, that they must make war, or else the Communists "will get them"—as if the American people were still little children who could still be frightened by scare stories. I know such propaganda tactics can fool many persons for a period of time. But, Mr. President, one must have my faith in people, to follow my course of action; namely, that once the American people understand the spiritual values, the moral principles, and the legal obligations owed by our country to the United Nations and, through it, to the world, they will ultimately approve the course I advocate.

I say to my political colleagues in the Congress that before there is that final recognition of the right, some political losses may be suffered by some. But how insignificant would be such sacrifices on the part of any of us, if they were made in the interest of trying to maintain world peace.

I do not intend to permit anyone who involves himself in this historic debate to overlook the fact that we have one common objective, one compelling obligation—to maintain world peace; for if we do not do so in our generation, we shall not have any heritage of freedom to leave to our grandchildren.

One of the most inexcusable and fallacious bits of propaganda that is being spread by the propagandists of McNamara's war in South Vietnam is the statement that we are engaging in that war in the name of freedom. What nonsense. There is no freedom in South Vietnam. In South Vietnam, as I said yesterday, we are supporting a military dictatorship—a dictatorship that is so scared about its survival that it closed six newspapers and arrested nine of its leading opponents; and in one of those newspapers there was published an article in which it was stated that the little military tyrant we have built up and are supporting in South Vietnam sleeps in a different place every night, because he fears for his life.

If the United States were out of South Vietnam and the United Nations were in, the difference would be a difference between the making of war on the one hand and maintaining the peace on the other. That is quite a difference. We would find a great difference in attitude developing among the South Vietnamese people, too, which would open the way to go in for the next 20 to 25 years—it would take that long—to help build up a system of economic freedom for the people of South Vietnam out of which would grow political freedom for them once they understood.

Clever propaganda is leaving the impression that the people of South Vietnam are enthusiastic democrats with a small "d". Nothing could be more mistaken. They do not know the differences, and they care less about the differences between and among political ideologies. They would understand economic freedom. Once we help to develop a system of economic freedom for them, the political result will be inevitable. There will be political freedom of choice for the individual, for it always grows out of a seedbed of economic freedom. We must establish it first.

Senators must have my faith that the final judgment will be rendered by the American people, once they understand the facts.

We must be willing—as I am willing—to follow a course of action, regretfully though I do, contrary to the present course of action of my Government in the field of foreign policy, hopefully—always hoping, of course—that my Government would change its policy.

There is no question as to where the senior Senator from Oregon will stand if his Government should finally make the colossal blunder of either declaring war or entering into a full-scale war undeclared. Then the issue would be drawn between Red China and Red Russia, on the one hand, and the survival of my country on the other. We shall all be united at that hour in doing what we can to successfully prosecute such an unnecessary and unjustifiable

war, but one which at that time would present us with a set of facts that involved the survival of the country, for I would not vote for the war. I shall continue to do what I can to persuade the leaders of my country to reappraise the mistaken course of action which they have followed up to the present moment. That is why I urge again that they read and meditate upon the sections of the United Nations Charter which Mr. Stevenson had nothing to say about in his most unfortunate speech of the other day, and about which there is not the slightest intimation of knowledge in the unfortunate statement that the Secretary General of the United Nations made in recent hours concerning the relationship between the United Nations and the war in Asia.

Returning to his statement of yesterday, the Secretary of Defense made no reference, either, to article 33 of the charter, which provides—

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

We have never invoked that article. We have never attempted to use article 33. We stand convicted before the world of having walked out on our obligations under the United Nations Charter. We signed that commitment at San Francisco. The Senate approved it, and the treaty was ratified. It calls for affirmative action on our part. It calls for affirmative action on the part of Great Britain, our "egger-oner." It calls for affirmative action on the part of the other signatories. But in view of their statements, which I consider to be unfortunate, uncalled for, and inexcusable, it calls for action also on the part of Adlai Stevenson and U Thant.

Most certainly Secretary McNamara did not respond to article 37, which provides—

Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council.

We stand convicted again. We have not lived up to our obligations under one article after another of the United Nations Charter. Is the United States trying to destroy the United Nations? Is that our purpose? This will help to do it, because if we persist in this unlawful course of action vis-a-vis international law, nation after nation, if we ever attempt to hold any other nation responsible for its obligation under the United Nations Charter, will cite our defiance of the United Nations Charter in South Vietnam.

I am sure that most American citizens do not know that. Our leaders are counting on the fact that they do not know it. The Secretary of Defense, Mr. McNamara, the U.S. Ambassador to the United Nations, Adlai Stevenson, and Mr. U Thant, the Secretary General of the United Nations, were very careful not even to allude to those obligations.

The articles of the charter making the war we are fighting in South Vietnam illegal under the United Nations Charter had better be considered by the leaders of my Government who are responsible for the unjustifiable course of action that we are following in South Vietnam, which is leading to the unnecessary killing of American boys.

Secretary McNamara has already presided over a considerable escalation of the war in Vietnam. At the same time, he has presided over a consideration deterioration of our condition there. Unless the countries of the world, functioning through the United Nations, act under the provisions of the charter to take over this dispute, it will be Mr. McNamara's role in history to preside over a large and hopeless American land war in Asia that will undoubtedly see the use, sooner or later, of nuclear weapons. And that means the loss of hundreds of thousands of human beings.

Both Mr. Thant and Mr. McNamara, who seem to have parallel views on the subject, must remember that war has a way of dictating its own means and its own ends. A country gets into a war only because it believes it has interests at stake that justify it. Thereafter, the war sets its own demands upon the methods used, and very often those methods change the objective of the war itself. Sometimes the causes that gave rise to it disappear long before the war comes to a close.

A war also creates its own vested interests. It would be far easier for the United States to make a graceful exit now from our unilateral position in southeast Asia than it would be after we had committed still more troops and air power. The longer this conflict continues and the more intense it becomes, the less chance there is of the United Nations or anyone else heading it off.

I return to the point I raised the other day about face saving. We still read it in the newspapers. It is surprising how many editors start their editorials by deprecating the plight we are in, and criticizing our Government for getting us into this plight. One reads on, thinking the editor at long last is going to make a plea for sanity in American foreign policy, only to find the editor diverting himself with the facesaving argument.

So, in one language form or another, the editors end by saying, "Of course, we cannot get out. That would be a great loss in American prestige and face."

Mr. President, I cannot understand such an attitude. I have heard the old story about throwing out the baby with the bath water, but I never thought anyone would come to suggest that we blow off heads to save face. That is the kind of face saving we are engaged in in South Vietnam today—blowing off the heads of American boys, as well as a large number of South Vietnamese, apparently to save face.

It is nonsense. It does not change the immorality of what we are doing. It does not lessen one whit my earlier criticism in this speech that this country has walked out on our moral values as a religious people by prosecuting this illegal war in southeast Asia.

Nothing said by the Secretary General, Mr. U Thant, the American Ambassador to the United Nations, Mr. Adlai Stevenson, the Secretary of Defense, Mr. McNamara, the Secretary of State, Mr. Rusk, or the President of the United States changes the fact that in South Vietnam the United States is acting outside the framework of its obligations under the United Nations Charter.

That foreign policy should be changed before it is too late. I believe that the world expects more from Mr. U Thant, from Mr. Stevenson, from Mr. McNamara, from Mr. Rusk—yes, and more from the President of the United States.

To seek to rationalize and alibi our foreign policy in South Vietnam, which is undercutting the United Nations, may very well endanger its very survival, in my judgment. It may very well present to the world the sad spectacle of the Secretary General, U Thant, presiding over the liquidation of the United Nations.

If that hour comes, in my judgment, the hope for peace in the world will vanish, and mankind will thrust itself into the holocaust of that destruction.

The world expects more from the Secretary General, the Secretary of Defense, the Ambassador to the United Nations, the Secretary of State, and the President of the United States.

I shall continue to pray tonight that we will get more from these leaders, whose decision can change the course of events in southeast Asia which at the present time jeopardize the peace of the world.

Mr. President, I ask unanimous consent to have printed in the RECORD certain communications on this subject.

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

SAN ANTONIO, TEX.,
May 25, 1964.

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

Great analysis by a great American. Please continue to promote truth and democracy.
WILLIAM J. LYTLE.

WASHINGTON, D.C.,
May 24, 1964.

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

After today's "Face the Nation," I would say I am not from Oregon but I'm somewhat sorry that I cannot vote for you. I wish I could.

KENNETH H. JENKINS.

CAMBRIDGE, MASS.,
May 24, 1964.

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

Thank you for that magnificent talk on television today. I am with you 100 percent.
HELEN PEABODY.

DETROIT, MICH., May 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Just heard you on "Face the Nation." Simply spectacular. Your message desperately needed by the American people. Keep talking. We all bless you.

Mr. and Mrs. HERBERT T. RIEBLING.

St. Louis, Mo., May 24, 1964.

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

Deeply deeply thankful to have heard your today's much-needed alerting message on "Face the Nation." Hoping you too await and expect again Stevenson's best.

Gratefully yours,

ROSE T. JONAS
Mrs. ERNST T. JONAS.

CHAMPAIGN, ILL., May 24, 1964.

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

Your performance on "Face the Nation" was masterful.

Thank you.

JOHN J. DEBOER.

GRANTS PASS, OREG.,
May 24, 1964.

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

Congratulations. Your TV interview put into words the very thoughts I have in mind and heart.

BERNICE B. MULLER.

HOLLYWOOD, CALIF.,
May 16, 1964.

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

Your recent speech relative to Vietnam on floor of Senate was masterpiece. My brother, Bob Hendrickson, your former colleague and U.S. Senator from New Jersey, briefed me over long-distance telephone and we both say congratulations. Keep up your great work.

DAN HENDRICKSON.

QUINCY, MICH.,
May 25, 1964.

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

Bravo, bravo, bravo on your "Face the Nation" reply to a hostile press, on the Vietnam situation. Run for President and I'll campaign for you.

W. E. CROTTY,
Chairman of the Board, Crotty Corp.

To Senator WAYNE MORSE: Please. Keep on talking. Please. Don't be silent. Speak for those of us who believe you are right and have no way to voice our opinion. Please. Speak out.

It is obvious to anyone who cares to look that we are fighting a war against the Vietnamese people. We have devised a plan, we say, a very good plan; we just don't understand why it doesn't work because there is something keeping the people from cooperating with us. Five planes missing. Unexplained. Two possibly downed by mechanical failure and three others just misplaced. Americans are being killed by their own weapons supposedly fighting for a people who are fighting against them. Could there be greater insanity?

And yet, we march on, without eyes, without vision (and worst) without mind. I suppose I am so pessimistic because it is not only in Vietnam that we are without sight. All of our actions emanate from the same blind vision. To understand our insanity is beyond my ability. That I see the insanity is more than most and that you have spoken out against it is beyond all hope for in this madness, one does not expect to see a light in this most black darkness. You must continue to speak out and I write to help support the burden you have taken upon yourself and to ask what can be done to help.

It seems that once something happens in our Government it is almost impossible to stop it from continuing. People get into

positions of power in a situation and are unwilling to give up their power even if they see the situation should come to an end. The situation in Vietnam must come to an end. The United States must remove what never should have been there.

In Federico Fellini's movie, "8½," an enormous tower is built, which, in the end, is useless and must be dismantled without being used. There are many towers like this in our world today. Vietnam is one. But, in the movie, as in life, there is a tremendous feeling of frustration created by not using this monstrosity. Fellini is most directly symbolizing the bomb, something that we have but must never use, something that we have created that we must discard without using. To do this, to not use the bomb, to remove ourselves from Vietnam, requires something which man so lacks today, restraint, but which man must have if he is going to survive.

So, please, continue to speak out. Keep on talking. Make them take down the tower. It is a very difficult thing to do. People are so proud of their work, even their monstrosities.

Sincerely,

SUSAN GARLOCK.

AMHERST COLLEGE,
DEPARTMENT OF AMERICAN STUDIES,
Amherst, Mass., May 24, 1964.

DEAR SENATOR MORSE: Everything you said today on "Face the Nation" made sense. Clearly we are headed for disaster in southeast Asia if we persist in our policy of unilateral action; clearly the way out is to put the whole business before the United Nations. I think you did say that we should welcome De Gaulle's proposal to neutralize the whole area. I did not hear you say what is, I think, equally obvious, that the cooperation of Red China is essential to pacification of this area, and that the price of this is the admission of China to the United Nations. China should be admitted on other grounds as well, but is it not clear that this present crisis is furnishing us the clearest of all possible lessons in what happens when China is not in the U.N. and the strongest of arguments for recognizing that she must be brought in?

Who was the imbecile from the Chicago Daily News who had such difficulty understanding what you were saying? He ought to be returned to Chicago where his capacity for obfuscation would not be so irritating or unusual.

Sincerely yours,

HENRY COMMAGER.

MANSFIELD CENTER, CONN.,
May 9, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to congratulate you for your gallant efforts concerning our policy toward South Vietnam.

A glance at the situation in South Vietnam illustrates the bankruptcy of our approach to the problems of all of southeast Asia. The struggle for Vietnam has become a bottomless pit for the United States. We have wasted some \$5 billion in that region since 1950. Today the bill is running at the rate of \$1½ million a day, while more than 15,000 U.S. troops serve as combat "advisers" to the junta of the moment.

What do we have to show for our investment in men and money? Only a bitter harvest of mounting Communist victories, to loss of American life, the increasing disenchantment of the war-weary Vietnamese people, and the hardening of dictatorship in the government of our choice.

Keep up the good work.

Sincerely yours,

JAN AKUS.

Mr. MORSE, Mr. President, I also ask unanimous consent to have printed

in the RECORD a transcript of a television program of last Sunday entitled "Face the Nation," in which I was the person examined by the board of questioners of the press. I discussed in part, on that broadcast, some of the views I have expressed on the floor of the Senate this afternoon, and the communications inserted in the RECORD relate to the views expressed in that broadcast.

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

"FACE THE NATION"

(As broadcast over the CBS television network and the CBS radio network, Sunday, May 24, 1964, 12:30 to 1 p.m.)

Guest: The Honorable WAYNE MORSE, U.S. Senator, Democrat, of Oregon.

News correspondents: Paul Niven, CBS News; Peter Lisagor, Chicago Daily News; and Marvin Kalb, CBS News.

Producers: Ellen Wadley and Prentiss Childs.

Director: Robert Vitarelli.

ANNOUNCER. From Washington, D.C., Senator WAYNE MORSE, Democrat, of Oregon, will "Face the Nation," in a live, spontaneous and unrehearsed news interview. Senator Morse will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington bureau chief of the Chicago Daily News.

To lead the questioning, here is CBS News Correspondent Paul Niven.

MR. NIVEN. Senator MORSE, welcome to "Face the Nation."

In 1952 you left the Republican Party to campaign for Adlai Stevenson for President. The day before yesterday you accused Stevenson of walking out on his past record of statesmanship. The disagreement was over U.S. participation in the war in South Vietnam, and Stevenson's defense thereof in the U.N. speech.

In almost daily speeches on the Senate floor you have been calling the war McNamara's war, describing it as illegal and unconstitutional, and demanding that American troops be pulled out.

We would like to ask you today, Senator, about the situation in southeast Asia, about the civil rights bill, and about the November election.

We will begin the questioning in just 1 minute.

MR. NIVEN. Senator MORSE, what do you mean when you call our participation in the South Vietnam war unconstitutional and illegal?

Senator MORSE. Well, our Government has no right to send American boys to their death in any battlefield in the absence of a declaration of war, and article I, section 8, of the Constitution vests the prerogative of declaring war in the Congress of the United States, and no war has been declared in southeast Asia, and until a war is declared, it is my position that it is unconstitutional to send American boys to their death in South Vietnam or anywhere else in southeast Asia. And furthermore, it is illegal, in my judgment, under the United Nations Charter. I hope before the program is over I will have time to cite the very sections of the United Nations Charter that make our course of conduct in southeast Asia illegal under the United Nations Charter, and that is why I criticized the great Stevenson in two speeches in the Senate, because he walked out on the great statements he has made of times gone by about the United Nations being the only hope for peace for mankind, and I think that as our Ambassador at the United Nations it is too bad that he permitted his lips to be used to read a speech which apparently most of which was written for him down at the State Department.

As I said on the floor of the Senate, when I think of the sacrifice and the casualties of American boys in South Vietnam, the casualty of a United Nations ambassadorship would have been a small sacrifice for Mr. Stevenson to have paid, and, in my judgment, he should have resigned that ambassadorship before he extinguished his light of world statesmanship which he extinguished, in my opinion, when he delivered that speech.

MR. LISAGOR. Senator MORSE, we fought, this country fought a war in Korea under the umbrella of the United Nations. Would you advocate that this country turn the whole of the South Vietnamese war over to the United Nations or to a group of United Nations powers in which case the United States could then participate, or do you just advocate that we pull out and leave them to their own devices?

Senator MORSE. First, let me say that we fought the Korean war not under the umbrella of the United Nations, but as a participant to the United Nations in conducting that war. I have never criticized American foreign policy without always offering a substitute of a policy that I think ought to take the place of the policy I am criticizing.

For weeks, on the floor of the Senate, I have been urging our Government to take the southeast Asia issue to the United Nations. We have a clear duty to do it, under the charter, and I am asking that the United Nations be asked to set up a peacekeeping force in southeast Asia to maintain the peace. There is a lot of difference between maintaining peace and making war. The United States is making war in South Vietnam, not maintaining peace.

MR. KALB. Senator, do you feel that a U.N. peace force can actually maintain peace in as turbulent an area as southeast Asia?

Senator MORSE. Why, if there is any hope for the United Nations to survive, it must. You certainly can't destroy—justify destroying the United Nations the way we are doing now. The purpose of the United Nations is for the signatories thereto to band together and keep the peace, and that is why we are supporting United Nations forces in the Congo, in the Middle East, in Cyprus. Why not in southeast Asia?

MR. KALB. Well, Senator, there is always a constant battle at the United Nations as to how you set up a peace-keeping force under a United Nations umbrella.

Senator MORSE. Of course—

MR. KALB. Do you really feel that the Soviet Union, which has already made its position quite clear on this issue, would agree to setting up a United Nations force for southeast Asia?

Senator MORSE. As I have said so many times in my Senate speeches, let's put Russia and Red China on the spot. Let us put Russia on the spot and see if she dares veto such a program in the Security Council, but don't think the Security Council ends the power of the United Nations. If Red Russia vetoes it in the Security Council, then you know what I think my Government ought to do. It ought to call for an extraordinary meeting of the General Assembly of the United Nations, and I was one of your delegates to the General Assembly in 1960 and after that experience I came away more convinced than ever that the only hope for peace in the world is through the United Nations, and we ought to then call for an extraordinary meeting of the General Assembly of the United Nations and let the world speak up, because I am satisfied that the overwhelming majority of the nations of the world would join in insisting that the United Nations move in and maintain the peace.

Now—

MR. KALB. Senator—

Senator MORSE. If you are not going to do it, what is your alternative? Let me say on this telecast today to the American people

the real danger if you don't follow that course of action is escalating the war in southeast Asia and the plans are in preparation for escalating it if our Government decides that is the course it wants to follow, and that will mean the death of thousands and thousands of American boys and you will be bogged down in southeast Asia for a quarter of a century and then you won't win.

MR. LISAGOR. Senator MORSE—

Senator MORSE. I happen to think we are really on the brink this time and the United States ought to take this issue to the United Nations and go back to its glorious record of using the United Nations as the instrumentality for maintaining peace.

MR. LISAGOR. Senator MORSE, Communist China is not a member of the United Nations and it is a chief offender in southeast Asia.

Senator MORSE. So what?

MR. LISAGOR. How do you bring China before the dock in the United Nations? We tried that in the Korean war. It didn't work then. How do you do it in southeast Asia?

Senator MORSE. You won't know until you try it and let me tell you what I think the result will be. If you get the United Nations to recognize that this is a threat to the peace of the world and we may go into a third world war if we don't stop this, and the nations line up in support of that doctrine, watch Red China work for an accommodation because Red China has no intention in my judgment—she wouldn't be that shortsighted to try to take on the world.

MR. LISAGOR. In specific—

Senator MORSE. But she isn't going to hesitate to take on the United States in Asia.

MR. LISAGOR. In specific terms, Senator, what would you do about southeast Asia? Do you support the idea that we might be able to neutralize it as General de Gaulle has suggested?

Senator MORSE. Well, I want to say, contrary to Mr. Stevenson's proposal in this very unfortunate and unsound speech of his, we ought to support France's request for a reconvening of the signatories to the Geneva accord of 1954 which, incidentally, we didn't sign and which we persuaded South Vietnam not to sign. The sad fact is, and many Americans don't realize it, neither the United States nor South Vietnam signed the Geneva accord in 1954, and yet we are saying to the world, the Geneva accords are being violated. They sure are being violated. I happen to think they have been violated for some time by North Vietnam, by Red China, by Laos, possibly by Cambodia and certainly by South Vietnam. In fact, the neutral council that was set up in the 1954 accord has found as a matter of official finding that North Vietnam and South Vietnam have both violated the Geneva accord of 1954, and one of the reasons they found that South Vietnam had violated it was because of American military intervention in South Vietnam specifically contrary to the accords of 1954, and what should we have done instead of following that course of action? Should we try to rationalize, as Stevenson does, going into South Vietnam because North Vietnam has violated the accords? We should have taken the issue to the United Nations immediately. We should have filed a complaint. As a nonsigner to the Geneva accords we had no international law or right to unilaterally try to enforce them. The fact is we are outside the charter. We are outside the accord.

MR. KALB. Senator, there is another Geneva Conference and that was in 1962 and that did reach an agreement to which the United States is a signatory.

Senator MORSE. That is right. Laos.

MR. KALB. For the neutrality of Laos.

Senator MORSE. That is over Laos.

MR. KALB. In this particular case, the United States right now is conducting air

reconnaissance over the northern part of Laos controlled by the Pathet Lao. First, do you agree that this is a sound policy?

Senator MORSE. Completely unsound. Very interesting that the British are egging us on, but they haven't got any British planes over Laos, you'll notice, and, after all, Britain and Russia have the primary responsibility, as far as the original agreements are concerned, to take the leadership here in trying to get something done about the Geneva accords, but so do we, and we ought to have Laos before the United Nations, too.

I don't know why we think just because we are mighty that we have the right to try to substitute might for right, and that is the American policy in southeast Asia. It is just as unsound when we do it as when Russia does it. And we have no more right in South Vietnam than Russia has in East Germany. They are on a parallel. Russia says the East Germans invited them in and we say the South Vietnamese invited us in, although South Vietnam has been our puppet government ever since it has been created. We ought to get rid of this violating of international law and we ought to keep faith with our idealism and Stevenson ought to start his march back from his retreat of the other day and return to the United Nations and ask the United Nations to take jurisdiction.

Mr. NIVEN. Sir, you said repeatedly that the U.N. jurisdiction ought to extend to all four of the states of Indochina. Can you imagine the Communists accepting the U.N. presence in North Vietnam?

Senator MORSE. Well, we know what happened when we made our objections in other places of the world to the Communists, but the fact is that in a good many instances they reconciled themselves to the realities. Look at Russia first in the Congo. Why, you had threats from Russia that she was going to invade the Congo and she was set to invade the Congo, but the fact is—

Mr. NIVEN. But the Congo—

Senator MORSE. But the fact is Russia withdrew from those intentions, and you never know—you see, I say respectfully that so many people are thinking in terms of hypotheticals. "Do you think this would happen, Senator?" "Do you think that will happen?"

You will never know until you go back to the framework of the United Nations, and we are outside the framework of the United Nations.

We have even got the Secretary of State now standing up before the American Law Institute rattling America's saber, threatening that if we don't have our way in southeast Asia we are going in with expanded action. I think that is a sad, dark day in American foreign relations history.

Mr. LISAGOR. Senator, it seems easy enough to criticize what we are doing, but what I don't understand is, what specifically would you prescribe for the area? Is it neutralization? Is it that we abandon the whole area to their own devices? Or what do you see as being possible in southeast Asia today if American force is withdrawn from it?

Senator MORSE. No. 1, abandon unilateral U.S. action in southeast Asia.

Mr. LISAGOR. Under those circumstances, does that not mean abandoning southeast Asia?

Senator MORSE. Not at all. You didn't let me get to my second point.

We announce to the world that we are going to abandon unilateral American military action, but we are going to support and we will help supply forces to the United Nations to maintain a peace-keeping corps of whatever size is necessary in this trouble spot of the world to maintain peace, because if you don't maintain peace over there, you have no assurance that this cannot escalate itself into a nuclear war, because let me say, as a member of the Foreign Rela-

tions Committee, that I am satisfied that if we escalate this war into North Vietnam, nuclear weapons will be used.

Now, does anyone think for a moment that the first nuclear weapon the United States uses in North Vietnam, if we come to that, that Red China is going to send us bouquets?

Mr. LISAGOR. Are you suggesting that Red China has nuclear weapons now, Senator?

Senator MORSE. I am suggesting that she has got millions and millions of manpower that she can pour into Laos and overrun, or North Vietnam, and overrun any Western army you want to put in there.

Mr. KALB. Senator, you are saying that part of the American escalation plan as you see it for North Vietnam is the use of nuclear weapons?

Senator MORSE. If we go into North Vietnam with an escalated war, I am satisfied we will use nuclear weapons.

Mr. KALB. Do you feel that if the United States—

Senator MORSE. What do you think, we will put an army in North Vietnam, in the jungles of North Vietnam? Do you think you could support an American army in North Vietnam? Why, they wouldn't have a chance. Find me the military officials, will you, that know anything about Asiatic warfare that will tell you that American ground forces can win a ground war in Asia. That is not the place to let the Communists pick up our battlefield for us. I don't propose to let the Communists pick our battlefield for us, and the great danger is we are going to let the Communists pick a battlefield for us in Asia.

I think it is just inexcusable from many angles, and may I take a minute, because I want to get to your next question very quickly, but I think the questions that you have raised entitle this audience to know the basis of my foreign policy philosophy because I am a disciple of the greatest Republican in my judgment in foreign policy that has served in the Senate during my 20 years there, the great Arthur Vandenberg, at one time the greatest isolationist in the Senate, to become the leading internationalist in the Senate. And after he became briefed on the oncoming atomic bomb, he turned from an isolationist to an internationalist and he left with us this tenet. I want to recommend it once more to Adlai Stevenson. I thought he had accepted it for years, but he walked out on it the other day. I want to recommend it to Dean Rusk because he certainly isn't following it. Neither is McNamara down in the Defense Establishment. And here it is.

There is no hope for permanent peace in the world until all of the nations of the world, not just those we like, but until all the nations of the world are willing to set up a system of international justice through law, through the procedures of which would be submitted each and every issue that threatens the peace of the world, to be enforced by an international organization such as the United Nations. And I want to say it is mankind's best hope for peace. There is no hope for mankind if we continue to use jungle law of military might which the United States is using in South Vietnam today to try to win a peace, for no longer in history can you win a peace through war.

Mr. NIVEN. Senator, can we look at this politically for a moment? Wouldn't President Johnson or any President who abandoned any Communist war in an election year open himself to charges of surrender or appeasement from his political opposition?

Senator MORSE. I think it is a ghastly suggestion. I just think it is untenable that the United States should adopt a foreign policy that would be geared to political expediency rather than to right, and I want to say that my President I am convinced—and he and I disagree on this matter of foreign policy—

but my President is a thoroughly honest man of principle and I am satisfied he would not adopt an argument of expediency. If he thought it was the proper course of action to follow what I am recommending, he would follow it. But I want to say now in direct answer to your question, I completely reject the idea that American foreign policy ought to be related to political expediency because the right is always a course of action that the American people will follow once they get the facts supporting the right policy.

Mr. LISAGOR. Senator, the Constitution gives to the President of the United States the sole responsibility for the conduct of foreign policy, does it not?

Senator MORSE. You couldn't be more wrong. You couldn't make a more unsound legal statement than the one you have just made. This is the promulgation of an old fallacy that foreign policy belongs to the President of the United States.

Mr. LISAGOR. To whom does it belong, then Senator?

Senator MORSE. It belongs to the American people.

Mr. LISAGOR. All right. Then how can you—

Senator MORSE. The constitutional fathers made it very very clear.

Mr. LISAGOR. Then how can you say that Adlai Stevenson or Secretary of State Rusk or Secretary McNamara, have three separate foreign policies which they are promulgating in the U.N., the State Department and the Defense Department? Where does the President fit into this—

Senator MORSE. What I am saying is—

Mr. LISAGOR. On the responsibility scale?

Senator MORSE. What I am saying is under our Constitution all the President is is the administrator of the people's foreign policy. Those are his prerogatives and I am pleading that the American people be given the facts about foreign policy.

Mr. LISAGOR. You know that the American people cannot formulate and execute foreign policy.

Senator MORSE. Why do you say that? You are a man of little faith in democracy if you make that kind of statement. I have complete faith in the ability of the American people to follow the facts if you will give them to them.

Mr. LISAGOR. It isn't a lack of faith.

Senator MORSE. And my charge against my Government is we are not giving the American people the facts. Are we giving the American people the facts about our obligations under the United Nations? Are we giving the American people the facts about the Geneva accord? Have we given them a rundown on what the facts are with regard to southeast Asia? Read the letters I have put into the RECORD from a good many servicemen over there. They will tell you we are not getting the facts.

No. I reject completely that unsound argument.

Mr. NIVEN. I hate to interrupt this fascinating colloquy but we have some questions also on civil rights and politics, and we will come to them in just 1 minute.

Senator, if you have to choose between the civil rights package incorporating the Dirksen amendments and no bill at all, what will your decision be?

Senator MORSE. First, I am going to vote for cloture. We have got to get cloture adopted, and then I will do the best I can to try to improve the amendments when we come to the debate on the amendments.

I am going to vote for the best civil rights bill that we can get passed, and then if it is not good enough to meet some of the problems that confront us, keep right on working for improvements in Congress session after session.

Mr. NIVEN. In other words, in whatever shape the bill ends up, you expect to vote for it?

Senator MORSE. Well, I wouldn't say in whatever shape, but I can't imagine it ending up in such shape that I couldn't vote for it, because the issue here is a simple one. The time has come to deliver for the first time in our history the Constitution to the Negroes of America. They have never had the Constitution delivered to them since the Emancipation Proclamation. So I keep my eyes on one question. The provisions of this bill proceed to deliver the Constitution to the Negroes.

Now, we may fall short in some particular, but I am going to vote for the best bill I can get, unless it ends up in such a mishmash that I feel it would cause more harm than good, but I don't expect it to end up in that kind of a condition.

Mr. LISAGOR. Senator, do you foresee as a result of the vote in some Northern States for Governor Wallace, of Alabama, the fact that the race issue may be a political factor in the November presidential election?

Senator MORSE. It is bound to be a political factor. It has been a political factor in our elections for quite some time, and I think perhaps more so this time than any other. But, here again, I think we have got to get the facts out to the American people as to what the Negroes are entitled to, because basically, you know, the American people have a dedicated faith in government by law, and once they understand that what we are passing in the Senate constitutes implementing the constitutional rights of the Negroes, they will support it, but let me very quickly say, remember, the Constitution is not self-executing. The Supreme Court in 1954 declared the constitutional rights of Negroes in regard to desegregated schools. But if you are going to guarantee that right to them, you have got to implement it with the civil rights bill, and that is one of the titles in this bill, and I could go right down the line and show that what this bill is doing is seeking to implement the decisions of that great Court, for that Court has been so far ahead of the Congress and the White House for so many years that it is about time we catch up, and I am glad, and may I very quickly say, I am glad that my President, when he was Vice President, last Memorial Day, at Gettysburg, delivered the greatest speech since Lincoln's message on the Emancipation Proclamation on civil rights in this country, and he just told me a few days ago in a conversation with him he has no intention to support watering it down by denying the Negroes their constitutional rights.

Mr. KALB. Senator, do you feel that the recent showing of Governor Wallace in primaries will cut into the President's strength in the South?

Senator MORSE. I doubt it very much. I think the South is going to support the President, but who knows? There isn't any question that there is a very strong anti-civil-rights feeling among millions of Americans, but here again it is because we have failed to get a clear understanding of what the facts are in regard to constitutional rights to those Americans, and once you have a great debate in this campaign, and I think we will, you will be able to change a good many of those points of view.

Mr. NIVEN. Senator MORSE, you are the only Member of the Senate with extensive experience in both political parties. Drawing on that expertise, could you tell us who Mr. Johnson's running mate will be, who the Republican nominee will be, and what will happen in November?

Senator MORSE. The first part of your question, I shall go to the convention as a delegate supporting the President's nominee because I think the President is entitled to pick his running mate unless he picks somebody—

Mr. NIVEN. What about Mr. McNamara?

Senator MORSE. Unless he picks someone—the only caveat I utter, unless he picks some-

one that I think is completely unqualified for the position.

Mr. NIVEN. What about McNamara?

Senator MORSE. I wouldn't support McNamara.

Mr. NIVEN. You will bolt the party if McNamara—

Senator MORSE. Of course I wouldn't bolt the party. I just wouldn't support his nomination at the convention. If he was nominated and that was the choice of the party, I would support the ticket, of course, but I wouldn't support him as a vice-presidential candidate at the convention.

Now, the second part of your question, about the Republicans, you know, it would be presumptuous of me to advise Republicans, and my respect for my old friends is such that I wouldn't want to advise them as to what they could do. It wouldn't make any difference anyway. No matter what they do they are going to get beat just about as bad as Roosevelt beat Landon in 1936.

Mr. NIVEN. Do you think with any vice-presidential nominee Mr. Johnson—

Senator MORSE. With any vice-presidential nominee—the President is going to have a good one and I think he is going to have a Democrat.

Mr. NIVEN. Senator, thank you very much for being our guest on "Face the Nation."

Mr. MORSE. I now thank the Senator from Louisiana [Mr. ELLENDER] for his courtesy in yielding to me; and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. I wish to say to my good friend from Oregon, as well as to our other colleagues, that I was very happy to yield to them.

CIVIL RIGHTS ACT OF 1963

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

Mr. ELLENDER. Mr. President, the long-awaited compromise package was submitted to the Senate yesterday. I have not had time to examine this document very carefully, but I had occasion to glance over it. I can well see why it is that the distinguished minority leader [Mr. DIRKSEN] is now willing to sign a cloture motion so that the substitute bill can be acted upon. I can well see why it is that quite a number of other Senators on his side of the aisle will be prompted to sign a cloture motion when the time comes.

Mr. President (Mr. MCINTYRE in the chair), this substitute makes the bill sectional. It is directed at the South, and the South only. The title which the distinguished Senator from Illinois [Mr. DIRKSEN] opposed the most was title VII, dealing with equal employment opportunity. The amendment that is now proposed by him would make it impossible for the Commission which would be

created by the bill to exercise its authority in any State which already has an FEPC law. A reasonable time must be allowed before the Federal Government could go in, and that reasonable time is described as being not less than 60 days.

It has been well demonstrated on the floor of the Senate on many occasions that in as many as 30 States which have so-called FEPC laws, the law has not worked or it has not been enforced in most of them.

I have obtained figures from the Bureau of the Census, taken in 1960, which indicated more unemployment among Negroes in States which had an FEPC law than in States which did not.

As I have pointed out before, the State of Pennsylvania has had an FEPC law for quite some time. The total number, percentagewise of unemployed in the State of Pennsylvania was 6.2 percent, 5.8 percent of those were white, but 11.3 percent were colored. Yet Pennsylvania already has an FEPC law.

In the State of Michigan, which has had an FEPC law for 15 or 20 years, the total number of unemployed in Michigan was 6.9 percent. Six percent were white, and 16.3 percent were colored.

Yet that State, too, already has an FEPC law.

It is readily demonstrated that there is no greater employment of Negroes in States which have FEPC laws, but on the contrary there is less than in the South.

Under the proposed amendment, the FEPC which would be created by the bill cannot assume jurisdiction until a reasonable time has elapsed after the complaint shall have been made, but not less than 60 days.

There was another provision in the bill which was violently opposed by the Senator from Illinois, the architect of this package deal, and that was in regard to schools.

When the bill was first presented to the Senate by the House, some believed that Representative CELLER, of New York, had sufficiently protected the nonbusing of schoolchildren from one neighborhood to another, in order to prevent imbalance. But the Senator from Illinois went a step further. Not only can they not transport children by bus from one neighborhood to another, but the courts, under the bill, are prevented from taking any action.

Let me read from subsection (2) of section 407(a) of the proposed amendment:

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.

Mr. President, that means to me that the only section of the United States which will be affected by this pernicious bill will be the South.

We have said that all along, but now it is written in black and white, that it will not be operative on most of the States in the North, in fact, all of them except two or three that do have public accommodations laws as well as FEPC laws, which are not enforced.

Those two sections, as all Senators know, are the ones which were opposed mostly by the Senator from Illinois. I cannot understand how he was able to get the Attorney General to agree to that language.

I am wondering what attitude the Negro leaders will take as to the provision I have just read. Racial imbalance is one of the main causes of demonstrations in the North.

We in the South have been open and aboveboard with respect to segregation. Everyone knows where we stand. But the same kind and form of segregation was practiced in the North, and no one paid any attention to it—until recently.

I predict that if the Negro leaders look into this matter and realize they have been sold out, I doubt that they will follow those who advocate this procedure.

I wish to read again from this subsection (2) of section 407(a), because, as I said, it was the most repugnant title in the bill so far as the Senator from Illinois was concerned.

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 requiring transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

That situation, Mr. President, has existed for years in the large cities of the North, where they have practiced segregation as much as it was practiced in the South.

They have even changed title I—the voting qualifications. I presume that was done in order to satisfy someone and thus impose cloture on the southerners. It reads in part:

That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law * * * meet the purposes of this subparagraph and constitute compliance therewith.

In other words, the Attorney General—not the courts—would be empowered to enter into an agreement with the attorney general of any State that certain rules and regulations may be applicable wherever the literacy test is effective.

Mr. President, this is merely another loophole which is created in order to obtain votes from the northern Senators. There are 16 or 18 Northern States that have literacy tests. Under this language, the U.S. Attorney General, through the attorney general of a State, could excuse the State from the operation of this law if he saw fit.

With reference to those three titles—which, in my opinion, were the ones that were most violently opposed, particularly titles II and VII, by the distinguished Senator from Illinois [Mr. DIRKSEN] and others—they have been so changed and modified that they would not be effective at all in the Northern States. They are directed solely at the South.

I am in hopes of being able in the near future to point to many other instances in which the bill has been so changed that it would not be effective in places where it ought to be applicable.

If the bill is passed, and the Negro leaders of the North find out that even the courts cannot interfere and have children moved from one area to another so as to balance the schools, as was intended by the Supreme Court.

As I have indicated in previous speeches, the contempt powers of the Federal court are extremely broad and the Congress should give some thought to restricting this power, which is summary in nature and often arbitrarily exercised. There is adequate precedent for the Congress to take such action.

An early case referred to as the Peck case, arising in 1826, illustrates how great the abuse of the contempt power can be. The facts of this case arose out of a suit in the Federal court of Missouri in which title to certain lands in the Upper Louisiana Purchase Territory was in dispute. Judge Peck was a presiding judge in the case of the heirs of Antoine Souard, and there was a dispute between the U.S. Government and certain persons claiming title to this land under French and Spanish territorial grants. Lawless had acted as counsel for some of the claimants in the Souard case and Judge Peck decided it in favor of the United States, adopting a position which narrowly construed Spanish land grants.

Judge Peck's opinion was printed in a local newspaper and shortly thereafter an article appeared which criticized the Judge's opinion and respectfully pointed out a number of errors of law and fact which the Judge had committed. The newspaper article was signed only as "A Citizen." Judge Peck had the printer attached for contempt and then it was discovered that Lawless, the counsel for the heirs, had actually written the article. He was cited for contempt of court and ordered imprisoned for 24 hours and suspended from practicing law for 18 months. At Lawless' request, an impeachment proceeding was originated in the House of Representatives setting forth the charges against Judge Peck and after a delay of several years, the House voted 123 to 49 to impeach Peck, and then the matter was turned over to the Senate for trial.

The impeachment proceedings in the Senate began on March 4, 1830, and lasted almost a year and finally ended in an acquittal of Judge Peck. The vote was 21 to 22, but the impact of the case was such that the Congress agreed on remedial legislation to curb the powers of the Federal court.

Judge Peck had acted under the provisions of chapter 20, section 17, of the Judiciary Act of 1789 which provided that—

All the said courts shall have power to * * * punish by fine and imprisonment at the discretion of said courts all contempts of authority in any cause or hearing before the same.

Because of the injustice committed under this provision of the old law, Congress passed the restrictive legislation referred to as the act of March 2, 1831. The act of March 2, 1831, provided that—

The power of the several courts of the United States to issue attachments and inflict summary punishment for contempts

of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions and the disobedience or resistance of any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, decree, or command of said courts.

And be it further enacted, That if any person or persons shall corruptly or by threats or force, endeavor to influence or intimidate any juror, witness or officer of any court of the United States in the discharge of his duty, or shall corruptly or by threats or force obstruct or impede the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not to exceed \$500, or by imprisonment not to exceed three months, or both, according to the nature and aggravation of the offense.

The second part of this act which I have just cited was interpreted by the Supreme Court to offer an alternative method of treating contempt cases—that is, by indictment and regular trial. This was decided even in the face of Buchanan's statement concerning the act. Buchanan, who was later to become President, was at the time, the drafter and manager of this bill through the House. His statement concerning the act of March 2, 1831, restricting the contempt powers of the Federal courts, said:

I thought it monstrous that a judge without the intervention of a jury, under highly excited feelings, should be permitted to try and punish libels committed against him according to his will and pleasure. * * * A few days after the acquittal of this judge, the Senate, without one dissenting voice, passed a bill, not to create a new law, but declaratory of the old law, or rather what the Constitution was under which no Federal judge will ever again dare to punish a libel as a contempt. The constitutional provision in favor of liberty of the press was thus redeemed from judicial construction.

The "joker" in the Federal act was the use of the wording "or so near thereto as to obstruct the administration of justice." This wording was seized upon by the courts to cover any case of contempt which they considered as an obstruction to the administration of justice.

I mention this old law and the reason for its existence arising out of the celebrated Peck case, to point up the necessity to have the right of trial by jury in all contempt cases if for no other reason than the jealousy with which the judiciary guards its contempt powers. Many of the old decisions were of the same type as the Peck case in which judicial interference with newspapers abridged the constitutional right of freedom of the press. In spite of the old act of Congress attempting to set the limits of the contempt power of the courts, the courts continued to punish newspaper editors for printing derogatory remarks about the court. It would appear that today, after many years of controversy in this field, that newspapers are at liberty to criticize the person of the judge, but not to derogate the authority of the court itself.

I submit that if the Congress had insisted on jury trials in all criminal contempt cases in the beginning that much of the controversy which we have over the abuse of the contempt power would have been avoided.

The thing that disturbs me most about the contempt power of the Federal courts, especially in the absence of jury trial provisions, is its great breadth and scope and the far-reaching effects of its exercise. It must be remembered that all of the usual safeguards which are available in ordinary criminal procedure are denied accused persons in contempt proceedings. There is no indictment, no bill of particulars, no confrontation of witnesses, no regular trial procedure and no specified penalty prescribed.

Judicial discretion is the salient feature of the contempt power.

This fact is clearly illustrated in the case of *Bullock v. United States*, 265 Fed. (2d) 683 (1959). This case arose out of the forced integration of the Clinton High School in Clinton, Tenn., in 1956. The district court had issued an injunction against one John Kasper and others who had been demonstrating near the high school in an effort to prevent its integration. The injunction was issued against Kasper and others, enjoining them, "their agents, servants, representatives, attorneys, and all other persons who are acting or may act in concert with them from further hindering, obstructing or in any wise interfering with the carrying out of the aforesaid order of this court—the integration order the court had issued on January 4, 1956—or from picketing Clinton High School either by words or acts or otherwise."

This injunction had been issued on August 29, 1956, initially as a temporary restraining order and was made permanent on September 6 of that year.

Bullock was not named in the injunction and was not served with a copy of it, which specified the prohibited conduct. He was arrested on December 5, 1956, for violating the injunction after he had participated in a demonstration near the school grounds. The court held that because of the wide newspaper and television publication of the integration incident and the injunction, that Bullock had sufficient notice of the injunction to be held in contempt of court for its violation. He was prosecuted under rule 42(b) of the Federal Rules of Criminal Procedure which I have already described.

I cite this case for the purpose of showing the complete lack of procedural safeguards in contempt proceedings, except those provided in rule 42(b), and the great latitude which courts have in prosecuting what they consider affronts to their authority. In any criminal proceeding in which the rules are so obscure, and the broad construction given equity proceedings as opposed to the rigid construction of common law crimes, there should be a right to trial by jury for the protection of fundamental American rights.

As in the Clinton case, persons within the category defined in that decree as "all other persons," none of them had an opportunity to present their case before

the injunction issued. Yet, they were bound by that injunction. Four of them were convicted of contempt.

If such a blanket order were issued under the various titles in this bill, and there is every indication that the injunctions authorized under titles II, III, IV, and perhaps title VII, would be blanket injunctions, persons who had never been inside the Federal courtroom, much less actually parties to the original proceeding for an injunction, could be convicted and jailed without trial by jury.

Of course, a contempt conviction can be appealed, but on appeal the issue would be precisely the same as the issue determined during the trial for contempt—that is, whether the injunctions had been violated. There can be no collateral attack upon an injunction in a proceeding for contempt.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question on that precise point?

Mr. ELLENDER. I yield.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that the only chance an appellant who has been adjudged guilty of criminal contempt in a trial by a judge without a jury would have to obtain relief on appeal would be to have the appellate court find that there had been a gross abuse of discretion on the part of the hearing judge?

Mr. ELLENDER. No doubt.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that it is much easier to drive a herd of camels through the eye of a needle than it is to get an appellate court to adjudge that a trial court has been guilty of gross abuse of discretion?

Mr. ELLENDER. That is a good comparison.

Mr. ERVIN. Does not the Senator from Louisiana agree with the Senator from North Carolina that it is virtually impossible for an appellant who has been convicted of criminal contempt by a trial judge without a jury to get any relief by appealing?

Mr. ELLENDER. The Senator is absolutely correct. That is why we have been so insistent on the right of trial by jury.

Thus, Mr. President, as to persons not parties to the original injunction proceeding the right of appeal from a contempt conviction is at best a limited right, if not an illusory one. They cannot appeal the issuance of the injunction at that point. All they can appeal is a finding that they were in contempt.

In this connection, Mr. President, the Clinton case demonstrates the same fallacy which I have discussed earlier, namely, that the injunctive authority now sought does not place a new weapon in the Government's hands, but merely adds another method of coercion.

In the Clinton, Tenn., case, the judge instructed the jury that in order to find the defendants guilty, they had to find that the Government had proven three things.

First, that the defendants had actual knowledge of the injunction alleged to have been violated.

Second, that the alleged overt act or acts were committed in concert with John Kasper.

Third, that the overt act or acts allegedly committed by them had the operative effect of hindering, obstructing, or interfering with integration in Clinton High School.

Before turning to a discussion of the second element of the required proof, I would like to remind the Senate that the Clinton defendants were entitled to a jury trial only because the Federal Government had not been a party to the original suit.

It is important to note that in discussing the requirement that the defendants had to be found to be acting in concert with Kasper, the judge in the Clinton case stated:

Concert of action presupposes a conspiracy.

In other words, Mr. President, for the jury to convict, it had to find a conspiracy. If this requirement is imposed upon the authority sought in this bill—and it no doubt will be—the court, acting without a jury, would have to find a conspiracy to interfere with civil rights in order to convict of contempt.

Yet, title 18, section 241 of the United States Code specifically makes it a crime for persons to conspire to "injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right secured to him by the Constitution."

Here, again, it becomes obvious that as to persons not parties to the proceeding for an injunction, they would have to be found to be acting in concert with the named persons in order to be convicted of contempt. If "acting in concert" presupposes a conspiracy, as the Clinton, Tenn., judge said it does, then, as a practical matter, the court would mete out contempt punishment for the same act which would be an indictable criminal offense under title 18, section 241 of the United States Code.

What this again demonstrates is that the injunctive authority is sought to be superimposed upon an area which is already covered by a network of criminal statutes. In effect, a violation of an injunction in this area would involve the performance of acts which are also crimes.

I am sure, Mr. President, that the sincere and conscientious proponents of this measure have not pondered upon the issues I have outlined, for if they had, they would have reached the same conclusion I reached some time ago.

I am convinced that the purpose of this bill is not merely to further protect the civil rights of citizens, as some would have us believe. That purpose is purely coincidental. The real motive behind this measure is to ease the lot of Federal prosecutors who must now run the gamut of constitutional safeguards erected around persons accused of crime.

The most important of these, of course, is the right to trial by jury.

If the extraordinary power of injunction, which some have declared to be so efficacious in the area of civil rights, is stretched to its probable limits, it could

be applied to the commission of all crimes.

If we extend contempt proceedings, without jury trial, to the lengths set out in this bill, we shall have created a precedent which will return to haunt us.

How long will it be before we are being asked to provide parallel equitable remedies for crimes such as forgery or embezzlement?

If we deny jury trial here, why not apply equity proceedings to murder cases? Is the right to life any less important than the right to vote?

I shall have no part of this distortion of the Constitution. I do not believe in subterfuge, and I am not going to become an accessory to the subterfuge sought to be imposed upon Congress in the guise of a civil rights bill.

In the famous case of *In re Debs*, 158 U.S. 564 (1895), the facts were: The employees of the Pullman Palace Car Co., known as the American Railway Union, went on strike against that company in the Chicago area. Other employees of railroads were encouraged to strike, also, to make the effort a success. As a result of these strikes the railroads were completely immobilized, and the U.S. Government sought an injunction in the Federal court to end the strike. Debs and the other union leaders were named in the injunction although it applied to all employees. The grounds for issuance of the injunction were that the strike interfered with the free flow of interstate commerce and the delivery of the mails.

Widescale disobedience to the injunction developed, and the Army was used to suppress the strike. Acts of violence had arisen, and there was some destruction of property, which constituted common law crimes.

The court justified the use of military force to enforce the injunction and the use of the injunction itself to enjoin the commission of crimes.

At this point I should like to refer to a few excerpts from the Debs case:

Again, it is objected that it is outside of the jurisdiction of a court of equity to enjoin the commission of crimes. This, as a general proposition, is unquestioned. A chancellor has no criminal jurisdiction. Something more than the threatened commission of an offense against the laws of the land is necessary to call into exercise the injunctive powers of the court. There must be some interferences, actual or threatened, with property or rights of a pecuniary nature, but when such interferences appear the jurisdiction of a court of equity arises, and is not destroyed by the fact that they are accompanied by or are themselves violations of the criminal law. Thus, in *Cranford v. Tyrrell*, 128 N.Y. 341, an injunction to restrain the defendant from keeping a house of ill fame was sustained, the court saying, on page 344: "That the perpetrator of the nuisance is amenable to the provisions and penalties of the criminal law is not an answer to an action against him by a private person to recover for injury sustained, and for an injunction against the continued use of his premises in such a manner." And in *Mobile v. Louisville & Nashville Railroad*, 84 Alabama 115, 126, is a similar declaration in these words: "The mere fact that an act is criminal does not divest the jurisdiction of equity to prevent it by injunction, if it be also a violation of property rights, and the party aggrieved has no other adequate remedy for the prevention of the irreparable in-

jury which will result from the failure or inability of a court of law to redress such rights."

The law is full of instances in which the same act may give rise to a civil action and a criminal prosecution. An assault with intent to kill may be punished criminally, under an indictment thereof, or will support a civil action for damages, and the same is true of all other offenses which cause injury to person or property. In such cases the jurisdiction of the civil court is invoked, not to enforce the criminal law and punish the wrongdoer, but to compensate the injured party for the damages which he or his property has suffered, and it is no defense to the civil action that the same act by the defendant exposes him also to indictment and punishment in a court of criminal jurisdiction. So here, the acts of the defendants may or may not have been violations of the criminal law. If they were, that matter is for inquiry in other proceedings. The complaint made against them in this is of disobedience to an order of a civil court, made for the protection of property and the security of rights. If any criminal prosecution be brought against them for the criminal offenses alleged in the bill of complaint, of derailing and wrecking engines and trains, assaulting and disabling employees of the railroad companies, it will be no defense to such prosecution that they disobeyed the orders of injunction served upon them and have been punished for such disobedience.

Nor is there in this any invasion of the constitutional right of trial by jury. We fully agree with counsel that "it matters not what form the attempt to deny constitutional right may take. It is vain and ineffectual, and must be so declared by the courts," and we reaffirm the declaration made for the Court by Mr. Justice Bradley in *Boyd v. United States*, 116 U.S. 616, 635, that "it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be *obsta principiis*." But the power of a court to make an order carries with it the equal power to punish for a disobedience of that order, and the inquiry as to the question of disobedience has been, from time immemorial, the special function of the court. And this is no technical rule. In order that a court may compel obedience to its orders it must have the right to inquire whether there has been any disobedience thereof. To submit the question of disobedience to another tribunal, be it a jury or another court, would operate to deprive the proceeding of half its efficiency. In the case of *Yates, 4 Johns*, 314, 369, Chancellor Kent, then chief justice of the Supreme Court of the State of New York, said: "In the case of the Earl of Shaftesbury, 2 St. trials, 615; S.C. 1 Mod. 144, who was imprisoned by the House of Lords for 'high contempt committed against it,' and brought into the King's Bench, the court held that they had no authority to judge of the contempt, and remanded the prisoner. The court, in that case, seem to have laid down a principle from which they never have departed, and which is essential to the due administration of justice. This principle that every court, at least of the superior kind, in which great confidence is placed, must be the sole judge, in the last resort, of contempts arising therein, is more explicitly defined and more emphatically enforced in the two subsequent cases of the *Queen v. Paty and others*, and of the *King v. Crosby*." And again, on page 371, "Mr. Justice Blackstone pursued the same train of observation, and declared that all courts, by which he meant to include the two houses of Parliament, and the courts of Westminster Hall, could have no control in matters of contempt. That the sole adjudication of contempts, and the punishments thereof belonged exclusively, and without interfering, to each respective court." In

Watson v. Williams, 36 Mississippi, 331, 341, it was said: "The power to fine and imprison for contempt, from the earliest history of jurisprudence, has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wise provisions of the common law. A court without the power effectually to protect itself against the assaults of the lawless, or to enforce its orders, judgments, or decrees against the recalcitrant parties before it, would be a disgrace to the legislation, and a stigma upon the age which invented it."

In *Cartwright's case*, 114 Mass. 230, 238, we find this language: "The summary power to commit and punish for contempts tending to obstruct or degrade the administration of justice is inherent in courts of chancery and other superior courts, as essential to the execution of their powers and to the maintenance of their authority, and is part of the law of the land, within the meaning of Magna Charta and of the twelfth article of our Declaration of Rights." See also *United States v. Hudson*, 7 Cranch, 32; *Anderson v. Dunn*, 6 Wheat. 204; *Ex parte Robinson*, 19 Wall. 505; *Mugler v. Kansas*, 123 U.S. 623, 672; *Ex parte Terry*, 128 U.S. 289; *Eilenbecker v. Plymouth County*, 134 U.S. 31, 36, in which Mr. Justice Miller observed: "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"; *Interstate Commerce Commission v. Brimson*, 154 U.S. 447, 488. In this last case it was said "surely it cannot be supposed that the question of contempt of the authority of a court of the United States, committed by a disobedience of its orders, is triable, of right, by a jury."

In brief, a court, enforcing obedience to its orders by proceedings for contempt, is not executing the criminal laws of the land, but only securing to suitors the rights which it has adjudged them entitled to.

Further, it is said by counsel in their brief:

"No case can be cited where such a bill in behalf of the sovereign has been entertained against riot and mob violence, though occurring on the highway. It is not such fitful and temporary obstruction that constitutes a nuisance. The strong hand of executive power is required to deal with such lawless demonstrations.

"The courts should stand aloof from them and not invade executive prerogative, nor even at the behest or request of the executive travel out of the beaten path of well-settled judicial authority. A mob cannot be suppressed by injunction; nor can its leaders be tried, convicted, and sentenced in equity.

"It is too great a strain upon the judicial branch of the Government to impose this essentially executive and military power upon courts of chancery."

We do not perceive that this argument questions the jurisdiction of the court, but only the expediency of the action of the Government in applying for its process. It surely cannot be seriously contended that the court has jurisdiction to enjoin the obstruction of a highway by one person, but that its jurisdiction ceases when the obstruction is by a hundred persons. It may be true, as suggested, that in the excitement of passion a mob will pay little heed to processes issued from the courts, and it may be, as said by counsel in argument, that it would savor somewhat of the puerile and ridiculous to have read a writ of injunction to Lee's army during the late Civil War. It is doubtless true that *inter arma leges silent*, and in the throes of rebellion or revolution the processes of civil courts are of little avail, for the power of the courts rests on the gen-

eral support of the people and their recognition of the fact that peaceful remedies are the true resort for the correction of wrongs. But does not counsel's argument imply too much? Is it to be assumed that these defendants were conducting a rebellion or inaugurating a revolution, and that they and their associates were thus placing themselves beyond the reach of the civil process of the courts? We find in the opinion of the circuit court a quotation from the testimony given by one of the defendants before the U.S. Strike Commission, which is sufficient answer to this suggestion:

"As soon as the employees found that we were arrested, and taken from the scene of action, they became demoralized, and that ended the strike. It was not the soldiers that ended the strike. It was not the old brotherhoods that ended the strike. It was simply the U.S. courts that ended the strike. Our men were in a position that never would have been shaken, under any circumstances, if we had been permitted to remain upon the field among them. Once we were taken from the scene of action, and restrained from sending telegrams or issuing orders or answering questions, then the minions of the corporations would be put to work.

"Our headquarters were temporarily demoralized and abandoned, and we could not answer any messages. The men went back to work, and the ranks were broken, and the strike was broken up * * * not by the army, and not by any other power, but simply and solely by the action of the U.S. courts in restraining us from discharging our duties as officers and representatives of our employees."

Whatever any single individual may have thought or planned, the great body of those who were engaged in these transactions contemplated neither rebellion nor revolution, and when in the due order of legal proceedings the question of right and wrong was submitted to the courts, and by them decided, they unhesitatingly yielded to their decisions. The outcome, by the very testimony of the defendants, attests the wisdom of the course pursued by the Government, and that it was well not to oppose force simply by force, but to invoke the jurisdiction and judgment of those tribunals to whom by the Constitution and in accordance with the settled conviction of all citizens is committed the determination of questions of right and wrong between individuals, masses, and States.

It must be borne in mind that this bill was not simply to enjoin a mob and mob violence. It was not a bill to command a keeping of the peace; much less was its purport to restrain the defendants from abandoning whatever employment they were engaged in. The right of any laborer, or any number of laborers, to quit work was not challenged. The scope and purpose of the bill was only to restrain forcible obstructions of the highways along which interstate commerce travels and the mails are carried. And the facts set forth at length are only those facts which tended to show that the defendants were engaged in such obstructions.

A most earnest and eloquent appeal was made to us in eulogy of the heroic spirit of those who threw up their employment, and gave up their means of earning a livelihood, not in defense of their own rights, but in sympathy for and to assist others whom they believed to be wronged. We yield to none in our admiration of any act of heroism or self-sacrifice, but we may be permitted to add that it is a lesson which cannot be learned too soon or too thoroughly that under this Government of and by the people the means of redress of all wrongs are through the courts and at the ballot box, and that no wrong, real or fancied, carries with it legal warrant to invite as a means of redress the cooperation of a mob, with its accompanying acts of violence.

We have given to this case the most careful and anxious attention, for we realize that it touches closely questions of supreme importance to the people of this country. Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power over interstate commerce and the transmission of the mail; that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent for the Nation to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the carrying of the mail; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the Nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character, and may be enforced by proceedings in contempt; that such proceedings are not in execution of the criminal laws of the land; that the penalty for a violation of injunction is no substitute for and no defense to a prosecution for any criminal offenses committed in the course of such violation; that the complaint filed in this case clearly showed an existing obstruction of artificial highways for the passage of interstate commerce and the transmission of the mail—an obstruction not only temporarily existing, but threatening to continue; that under such complaint the circuit court had power to issue its process of injunction; that it having been issued and served on these defendants, the circuit court had authority to inquire whether its orders had been disobeyed, and when it found that they had been, then to proceed under section 725, Revised Statutes, which grants power "to punish, by fine or imprisonment, * * * disobedience, * * * by any party * * * or other person, to any lawful writ, process, order, rule, decree or command," and enter the order of punishment complained of; and, finally, that the circuit court, having full jurisdiction in the premises, its finding of the fact of disobedience is not open to review on habeas corpus in this or any other court. *Ex parte Watkins*, 3 Pet. 193; *Ex parte Yarborough*, 110 U.S. 651; *Ex parte Terry*, 128 U.S. 289, 305; *In re Swan*, 150 U.S. 637; *United States v. Pridgen*, 153 U.S. 48.

We enter into no examination of the act of July 2, 1890, c. 647, 26 Stat. 209, upon which the circuit court relied mainly to sustain its jurisdiction. It must not be understood from this that we dissent from the conclusions of that court in reference to the scope of the act, but simply that we prefer to rest our judgment on the broader ground which has been discussed in this opinion, believing it of importance that the principles underlying it should be fully stated and affirmed.

Mr. President, I remind the Senate that my fear of abuse in substituting equity power for criminal proceedings,

with their accompanying right of trial by jury, is not a new fear. As long ago as the turn of the century, shortly after the Pullman strike, Edwin S. Mack wrote an article for the April 1903 issue of the *Harvard Law Review* in which he warned against the Government taking the "easy way" to criminal convictions by substituting criminal equity for criminal law proceedings. He pointed out that criminal equity—that is, using the injunction as a means of outlawing crime—began in England in the reign of Richard II, and reached its high-water mark in the Court of Star Chamber—a court so arbitrary, tyrannical, and odious that it was abolished by statute in 1645. Here is what Mr. Mack wrote in 1903:

An injunction of a court of equity does not in itself physically prevent an unlawful act. It is merely a mandate of the court forbidding the act. In every one of these cases (referring to past injunctions against acts which were also crimes) the same prohibition had already come from the legislature.

Justice Brewer quotes the leaders of the (Pullman) strike at Chicago as saying that the strike was broken "not by the Army and not by any other power but simply and solely by the action of the U.S. courts in restraining us." Yet, these injunctions were disobeyed; and it was not until troops were marshaled and rioters were apprehended by force that order was restored. True, the courts inflicted summary punishment for contempt, but fear of that punishment did not become a deterrent from crime till it had behind it the strength of the Army. It was really martial law that restored the peace at Chicago. The injunctions were effective only because they furnished a method of summary trial. The same result could have been attained through court-martial.

We prohibit courts-martial, and guarantee to those accused of crime, trial by jury under constitutional safeguards because our history has proved that the dangers of abuse of authority through methods of summary trial are evils that cannot be compensated for by the greater efficiency the system produces. Summary trials based on injunctions to prevent crime have been effective in maintaining the peace in the same way that the criminal jurisdiction of the Court of Chancery was effective in the reign of Richard II; and the jurisdiction is arousing the same opposition that the Court of Chancery had to contend with well into the 18th century. It is doubtless true that many leaders of labor unions oppose injunctions because the prevention of violence frequently terminates strikes, but the public at large who have been aroused by these injunctions are not actuated by any desire to destroy the peace. They themselves do not analyze the grounds of their opposition, but it really is a vague feeling that traditional safeguards are being encroached upon, and with this there is a growing apprehension of one-man power.

The people do not discriminate between the procedure of courts of law and courts of equity—they feel only that the Government is punishing unlawful acts by methods contrary to the traditional law. We can find a reason for this in the original charters of liberty. They make no distinction as to procedure but they guarantee that "no freeman shall be taken or imprisoned * * * or any ways destroyed, nor will we pass upon him nor will we send upon him unless by the lawful judgment of his peers or by the law of the land." (Citing *Magna Carta*, sec. 39.)

It is true that in the cases involving monopolies, the public has welcomed this jurisdiction because it has been effective in coping with offenders too powerful or influential to be reached by the criminal courts;

but sooner or later the exercise of such jurisdiction leads to abuse and eventually it must weaken the influence of the court just as it did in the 15th century (16 Harvard Law Review, 402, 403) (1903).

In this so-called civil rights bill, the authority which destroys trial by jury and subverts the sixth amendment is the vehicle which would be used to carry masses of our people from the courtroom to the jail.

Trial by jury is a guarantee that is deeply embedded not only in our Constitution, but also in our national history. The Declaration of Independence recites the Crown's denial of trial by jury as one of the chief complaints of the colonists against King George III.

The right of trial by jury, Mr. President, was one of the basic rights for which our people fought the Revolution in 1776.

The bill now before us would deny that right by extending the equity powers of Federal courts. We are being asked to tear apart the system of guarantees which now stands between the liberty of our people and the growing, grasping greed of individuals who thirst for power, and who would quench that thirst at the well of political expediency.

I, for one, refuse to barter freedom for partisan advantage, as this will would have the Senate do.

It is time for those zealous advocates to cease talking in glittering generalities, and to begin pondering the price they ask the Nation to pay for easing the burden our Constitution places upon Federal prosecutors.

I do not question the motives of those who support this bill. I credit all of them with being sincere in their convictions. However, there comes a time, Mr. President, when convictions collide with basic rights.

I do not believe that the impact of that collision should be muted behind the insulation of glossy platitudes, which always accompany civil rights bills.

Now we have heard that because some of our States do not require trial by jury in contempt cases, the Federal Government should not be compelled to do so either.

It has also been emphasized that the injunctive authority contained in the bill would work no hardship because persons who might be bound by an injunction issued under that authority would have had their day in court before the injunction became effective. This statement is doubtful at best, as I shall emphasize in a moment.

Mr. President, the only reason why the Attorney General wants this extra authority, the only reason he desires power to obtain a civil prohibition against the infringement of so-called civil rights—existing criminal prohibitions—is to bypass the sixth amendment to our Constitution, which guarantees a trial by jury in all criminal prosecutions.

The Dirksen-Mansfield amendment is billed as a compromise. It is nothing less than a compromise of the rights of English-speaking peoples and the sixth amendment to the Constitution.

The Dirksen amendment merely pays lip service to the sacred right to trial by jury, while in effect leaving it to the

judges to coerce compliance. To a law-abiding citizen who has never been in trouble with the law, 30 days in jail would seem like a long time. I know it would be a long time for you and me, as well, Mr. President.

Senators must remember that this bill is far reaching in its import. Thousands of people will be affected. Shopkeepers, barbers, small motel owners, and countless others will come within the scope and authority of this bill. In a bill calling for great changes as this one does, mass compliance by citizens should depend in some small measure upon citizen participation in its enforcement. This can only be achieved by insisting on jury trials in all cases arising under the bill.

Senators should note the subterfuge which has been adopted to achieve this objective. If the suit for injunction were brought by an individual, to enforce his own rights—as can now be done—trial by jury would be preserved in a proceeding for contempt. But by empowering the United States to bring the action in its own name, the guarantee of a jury trial for violation of a court decree would no longer be applicable.

Thus, Mr. President, it is obvious to me that it is not the purpose of this bill to increase the protections erected around the right of our citizens, but the real purpose is to make it easier for Federal prosecutors to obtain convictions, by abolishing trial by jury.

Those of us who oppose this monstrous proposition have stated repeatedly that it is morally corrupt to rob all of our people of a great, basic civil right—trial by jury—in order to ease the burdens imposed by our Constitution upon the Federal prosecutors who would descend upon our people.

Turning to another point, Mr. President, a number of Senators have taken the position that because some States do not guarantee trial by jury in criminal contempt cases, the Federal Government should not be required to do so either. This is an attractive statement; but, like so many attractive statements, it is oversimplified.

There is no requirement in our Federal Constitution that States guarantee trial by jury, even in strictly criminal prosecutions. The sixth amendment, which guarantees trial by jury in criminal prosecutions, is not binding upon the States. It is, however, a restriction upon the Federal Government.

I remind the Senate that the bill now before us provides for proceedings before a Federal tribunal; the right this measure is allegedly designed to protect is a Federal right. Thus, in the area of Federal action, the sixth amendment is binding.

Mr. President, the entire Bill of Rights was adopted to protect individuals against arbitrary Federal action. Our citizens in 1789 were afraid of vesting great and unlimited powers in the Federal Government. They knew that they could protect themselves from State abuses of authority, but they had no desire to permit the Central Government to traffic in the currency of despotism.

Thus, the basic safeguards we find in the Bill of Rights were designed to contain and limit the powers granted to the

Federal Government. Such has been the repeated holding of the Supreme Court. "The Constitution of the United States," annotated version, prepared by the Legislative Reference Service, Library of Congress, 1952 edition, Senate Document No. 170, states, at page 751:

The contention that the first 10 amendments were applicable to the States was repeatedly pressed upon the Supreme Court. By a long series of decisions, beginning with the opinion of Chief Justice Marshall in *Barron v. Baltimore* (7 Peters 243) in 1833, the argument was consistently rejected.

In the light of this, I would remind those who so blithely seek to equate State and Federal procedures in criminal contempt cases that the jury trial guarantee of amendment 6 of the Federal Constitution binds the Federal Government, but it does not bind the States. Hence, the Federal Government is compelled to provide jury trials where States are not. Once this is understood, the futility of attempts to equate State and Federal contempt procedures becomes obvious.

I turn now to the second issue which has been raised. As I stated earlier, it has been said that the granting of injunctive authority to Federal courts in civil rights cases would work no hardship, because every individual charged with the violation of such an injunction would have his day in court.

This may or may not be correct, depending upon the situation at the time the injunction was issued, and depending, also, upon the wording of that injunction.

If the act sought to be restrained was about to be committed by specific individuals, and if those individuals appeared, presented their case, and were specifically named in the decree that issued, then they would have been afforded an opportunity to present their case on the merits.

However, we have no guarantee that the injunctions this bill would authorize would be issued against only specifically named persons. Federal courts could issue what have been described as blanket injunctions.

Mr. President, I hold in my hand an article which I shall not take the time to read.

Mr. ERVIN. Mr. President, I should like to ask the Senator a question along the line which he was discussing. Does not the Senator know that in the Prince Edward County case the Supreme Court stated that a district judge could bring in other people who had had no opportunity to contest the validity of the previous trials and order them to comply with the judgment entered in the case in which they had no hearing and no opportunity to be heard?

Mr. ELLENDER. That is correct. The holding was identical with that in the Clinton case.

Mr. ERVIN. Exactly.

Mr. ELLENDER. Mr. President, the article to which I referred was written by Mr. Eberhard P. Deutsch, of the Louisiana bar, and involves a contempt case entitled "The United States against Major General Andrew Jackson."

The case was a very celebrated one, I point out to my good friend from North Carolina. In my opinion, the judge in

that case acted arbitrarily and imposed a fine of \$1,000 against Andrew Jackson, who claimed he was acting within his authority, but the judge did not think so. After Andrew Jackson became President, the Congress passed a bill remitting the \$1,000 fine that he had previously paid. I ask unanimous consent that the article be printed at this point in the RECORD.

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

THE UNITED STATES VERSUS MAJOR GENERAL
ANDREW JACKSON

(By Eberhard P. Deutsch, of the Louisiana
bar (New Orleans))

On December 16, 1814, "Maj. Gen. Andrew Jackson, commanding the 7th Military District, declared the city and environs of New Orleans under strict martial law."¹

Shortly before Jackson's arrival in the city to defend it against the British, Gov. William C. C. Claiborne, of Louisiana, had advised the general that the local troops had actually resisted his orders, "being encouraged in this disobedience by the legislature of the State then in session."

Not long after his arrival on December 2, 1814, Jackson asked the legislature to suspend the writ of habeas corpus to render it possible to impress seamen for the armed vessels *Carolina* and *Louisiana*, but the legislature refused and instead offered a bounty of \$24 per month to sailors who would engage voluntarily in the public service.

During the early engagements, a committee of the legislature waited upon General Jackson and asked him as to the course he intended to pursue if he found it necessary to retreat; to which the general replied: "Say to your honorable body that if disaster does overtake me * * * they may expect a very warm session."

Rumors were rife, and on December 28, Jackson was told that the legislature was contemplating surrender of the city to the enemy.

The General immediately wrote a hasty note to Governor Claiborne, directing him to watch the movements of the legislature closely and to place a guard at the door of its hall the moment any sign of surrender appeared.

The Governor, only too willing to hold the legislature in check, placed a guard at the door of its chamber before the houses met, and thus, instead of locking them in, he shut the members out.

On January 8, 1815, in a brief but decisive engagement, the British were ignominiously defeated in the Battle of New Orleans, at Chalmette just below the city, with over 2,000 casualties against less than 100 for Jackson's forces, and the British withdrew and abandoned their expedition.

Actually, 15 days prior to this last engagement of the War of 1812, the treaty of peace bringing the war to a close had been signed at Ghent on Christmas Eve, 1814.

By the middle of February, unofficial reports of the peace began reaching New Orleans.² This intelligence had so demoralized

ing an effect on Jackson's forces and created so intense a feeling among the populace that on February 20 Jackson found it necessary to issue a warning proclamation.

"We must not be thrown into false security by hopes that may be delusive," he said. "To put you off your guard and attack you by surprise, is the natural expedient of one who, having experienced the superiority of your arms, still hopes to overcome you by stratagem * * * Peace, whenever it shall be established on fair and honorable terms, is an event in which both nations ought to rejoice; but * * * in the meantime, every motive that can operate on men who love their country, and are determined not to lose it, calls upon us for increased vigilance and exertion."³

This proclamation again aroused the ire of the legislature, whose members were by now convinced that peace had actually been concluded. Still angered at their forcible exclusion from their chamber, they adopted a resolution of thanks to all of the officers of Jackson's staff, except the general in chief himself.

TOO MANY TAKE FRENCH LEAVE

The French, who had volunteered for service with the American force and had contributed brilliantly to the defense of the city, satisfied that their services were no longer needed, now asserted their right to leave the ranks as freely as they had entered them.

Many of these obtained from the French consul at New Orleans certificates of their nationality, and were promptly released from service; but so many of these certificates appeared that Jackson began to suspect, undoubtedly with considerable cause, that they were being issued indiscriminately to all who applied for them.

Jackson thereupon issued a general order commanding all French subjects to retire, within 3 days, to a distance from New Orleans not nearer than Baton Rouge.

On March 3, 1815, there appeared in the Louisiana Courier, an article bitterly critical of Jackson's order expelling the French. It was written by Louis Louallier, a Frenchman who had become a naturalized American citizen and who was a member of the Louisiana Legislature.

The article began with the statement that "to remain silent on the last general orders, directing all the Frenchmen who now reside in New Orleans, to leave within 3 days, and to keep at a distance of 120 miles from it, would be an act of cowardice which ought not to be expected from a citizen of a free country."

"Are we," it asked, "to restrain our indignation when we remember that these very Frenchmen who are now exiled, have so powerfully contributed to the preservation of Louisiana—and when those brave men ask no other reward than to be permitted peaceably to enjoy among us the rights secured to them by treaties and the laws of America?"

"Could it be possible," the article continued, "that the Constitution and laws of our country should have left in the power of the several commanders of military districts, to dissolve all at once the ties of friendship which unite America and the nations of Europe?"

"The President alone has, by law, the right to adopt, against alien enemies, such measures as a state of war may render necessary. * * * We do not know any law authorizing General Jackson to apply to alien friends, a

measure which the President himself has only the right to adopt against alien enemies."

In a really brilliant assertion of civil rights, the article concluded "that it is high time the laws should resume their empire; that the citizens of the state should return to the enjoyment of their rights; that, in acknowledging that we are indebted to General Jackson for the preservation of our city and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and less than any other, that of expressing our opinion about the acts of his administration * * * and that, having done enough for glory, the time for moderation has arrived; and finally, that the acts of authority which the invasion of our country and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected."⁴

LOUALLIER ARRESTED BY JACKSON'S ORDER

Jackson immediately ordered Louallier's arrest, strangely enough, under the Second Article of War, imposing the penalty of death on "all persons not citizens of, or owing allegiance to, the United States of America, who shall (in time of war) be found lurking, as spies, in or about the fortifications or encampments of the United States."

At noon on Sunday, March 5, 1815, while Louallier was walking along the banquette opposite the Exchange Coffee House, he was arrested by a detachment of soldiers. One P. L. Morel, a lawyer who saw the arrest from the coffee house, rushed over to Louallier and was immediately retained to effect his release.

Morel promptly presented a petition for habeas corpus to U.S. District Judge Dominick Augustine Hall, who, on condition that Morel would advise General Jackson with regard to the matter before having formal service effected upon him, endorsed the petition in his own hand as follows: "Let the prayer of the petition be granted, and the petitioner be brought before me at 11 o'clock tomorrow morning."

"DOM. A. HALL."

"MARCH 6, 15."⁵

Pursuant to the judge's instructions, Morel immediately wrote "To his excellency Major General Jackson," that he had "made application to his honor Dom. A. Hall, judge of the District Court of the United States, for a writ of habeas corpus in behalf of Mr. Louallier, who conceived that he was illegally arrested by order of your excellency; and that the said writ has been awarded, and is returnable tomorrow, 6th instant, at 11 o'clock a.m."

"I have the honor to be your excellency's most humble and obedient servant."

"P. L. MOREL,
"Counselor at Law."

On receipt of this communication, Jackson flew into a violent rage against Judge Hall, and immediately (Mar. 5, 1815—7 p.m.)

"Compare the argument of Jeremiah Black in *Ex parte Milligan*, 71 U.S. (4 Wall) 2, 75-76 (1866): 'It is precisely in a time of war and civil commotion that we should double the guards upon the Constitution. In peaceable and quiet times, our legal rights are in little danger of being overborne; but when the wave of power lashes itself into violence and rage, and goes surging up against the barriers which were made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction.'"

⁵This date was later corrected to "5th", and the correction became peculiarly significant in subsequent developments, as will be noted hereunder.

¹2 Parton, "Life of Andrew Jackson" (Houghton, Mifflin & Co., Cambridge, 1860), 60.

³One of these was brought by a commission sent to the British fleet, to arrange an exchange of prisoners, and recovery of slaves who had fled to the enemy vessels. Two members of this commission were Capt. Maunsel White, ancestor of Chief Justice Edward Douglass White; and Edward Livingston, compiler of the Louisiana Codes, and volunteer aid to Jackson. See footnote 10, post.

⁴4 Gayarré, "History of Louisiana" (F. I. Hansell & Bro., Ltd., New Orleans, 1903) 57-79. Excerpts from official documents, throughout this article, are quoted, unless otherwise noted, from standard histories and biographies.

addressed Col. Mathew Arbuckle of his staff as follows:

"Having received proof that Dominick A. Hall has been aiding and abetting and exciting mutiny within my camp, you will forthwith order a detachment to arrest and confine him, and report to me as soon as arrested. You will be vigilant; the agents of our enemy are more numerous than we expected. You will be guarded against escapes.

"A. JACKSON,
"Major General, Commanding."

At about 9 o'clock on the evening of Sunday, March 5, 1815, Judge Hall was arrested.

Having confined the judge in the guard-house, the General sent an aid to obtain from Richard Claiborne, clerk of the U.S. district court, Morel's original petition bearing the judge's order for issuance of the writ of habeas corpus.

Claiborne refused to surrender the document, but was persuaded to accompany the officer bringing the petition with him. At his request, Jackson was permitted to see the petition and order and then refused to return it, saying that it was needed to convict the judge of forgery, for changing the date of the order from the 5th to the 6th.

On the next morning, John Dick, U.S. attorney for the district of Louisiana, applied to Seth Lewis, a Louisiana State district judge (and a volunteer officer in one of the companies under Jackson's command) for a writ of habeas corpus for release of Judge Hall.

Lewis instantly issued the writ—and Jackson immediately ordered the arrest of District Attorney Dick, who was thereupon confined with Hall and Louallier in the guard-house at the barracks.

LOUALLIER FREED BY THE COURT

On March 9, 1815, on Jackson's orders, Louallier was tried by general court-martial on seven charges: (1) mutiny; (2) inciting mutiny; (3) general misconduct; (4) being a spy; (5) illegal and improper conduct and disobedience of orders; (6) writing a willful and corrupt libel; (7) unsoldierlike behavior and violations of the proclamation of martial law.

All of the charges rested on the single publication of March 3 in the Louisiana Courier; and Morel pleaded that the military court had no jurisdiction to try Louallier on the charges against him.

The court sustained Morel's plea as to all of the charges except that of being a spy, and it promptly acquitted Louallier on that charge.⁶

Jackson nevertheless refused to accept the verdict of the court. He issued a general order, justifying martial law as warranting the temporary suspension of civil liberties and processes for their permanent preservation, and Louallier remained a prisoner.

Realizing, from the collapse of the court-martial of Louallier what the outcome of a trial of Judge Hall on charges of exciting mutiny in the camp would be, Jackson, finding himself embarrassed by his 6 days' imprisonment of the judge, had him escorted out of the city on March 11 with directions to "remain without the lines of my sentinels until the ratification is regularly announced, or until the British shall have left the southern coast."⁷

Fortunately, the judge was not forced to remain long in exile. On Monday morning, March 13, a courier arrived from Washington with the long-awaited official news of the ratification of the Treaty of Ghent; Jackson was instructed by the President to pardon all military offenders; and Judge Hall resumed his place on the bench.

On March 21, 1815, John Dick, the U.S. attorney, appeared in open court before Judge Hall, and gave a full oral recitation of events before and after Jackson's issuance of his proclamation of martial law.

The district attorney then adduced the testimony of Richard Claiborne, clerk of the court, in part as follows:

"In this case, on Sunday, the 5th of March, 1815, the Honorable Dominick A. Hall gave an order on the original petition of Louallier * * * dating the said order on the 6th of the month. * * * Upon my suggesting the mistake to the judge, he changed the figure 'six' to 'five.' On the evening of the said 5th, I met with Major Chotard, one of General Jackson's aides, who * * * showed me a written paper which he said was an order from the general requiring me to give up the original of the order of the judge aforesaid. I told Major Chotard that there was an order of Judge Hall's court that the clerk should deliver no original paper out of the office—but that I * * * would go with it myself to the general * * * and we went together. Mr. P. L. B. Duplessis (the U.S. marshal) with us. * * * The general asked me for the original order of Judge Hall as before mentioned * * * and I handed the general the paper. The general read the order and also the affidavit of Mr. Morel * * * and observed to me that the date of both the order and the affidavit had been altered, and asked me what was all the juggling about. I assured him there was no juggle, and that the reason of the alteration of the date was as I have stated above. The general mentioned to me that he should keep the paper in his own possession. I observed to him that there was an order of court that no original paper should be delivered out of the office. The general said he should keep it under his own responsibility; that it should be safely preserved and that he would give me a certified copy of it, which he did."

On the following day (March 22), the depositions of a number of other witnesses were taken in open court.⁸

U.S. Marshal Duplessis testified that "on or about 9 o'clock of the night of the 5th of March last * * * he went to General Jackson's headquarters * * * the general observed he had shopped the judge * * * [and] that as long as martial law continued, he would acknowledge no other authority than that of the military * * * that he believed it a concerted plan between the judge and Louis Louallier that the writ should issue * * * that from the whole tenor of the conversation * * * with the general

was not imprisoned: it was simply an arrest. * * * On his arrest, he was simply sent to a distance and placed at liberty."

Excerpts from, and accounts of, the court proceedings, are taken from the original records: "*Louallier v. Andrew Jackson*, commanding general of the 7th Military District (Mar. 5, 1815—never formally docketed by number); and *United States v. Major General Andrew Jackson*," No. 791, U.S. District Court, District of Louisiana. Some of the original documents are missing from the records in court, but photostatic copies of practically all of the original documents in the record, are to be found in the archives of the Louisiana State Museum Library. The clerk of court apparently wrote some of the depositions as given, in narrative form, with references to the witness in the third person, but the depositions are all signed by the deponents.

* * * a disposition was manifest by him to disregard the writ of habeas corpus * * * This deponent served the writ upon the general agreeably to the return which is made upon it. * * *"

Colonel Arbuckle deposed that on Sunday, March 5, as commander of the garrison of New Orleans, he received from General Jackson, an order for the arrest of Judge Hall, pursuant to which he "sent out a detachment of about 60 men under the charge of Major Butler of the 3d Regiment, who returned in a short time with Judge Hall, who was confined agreeably to the above order, and who was detained in the custody of the deponent until the following Sunday."

Louallier's attorney, P. L. Morel, testified to the relevant facts within his knowledge as hereinabove recited, as did Capt. Peter V. Ogden who had carried out the general's order to escort Judge Hall out of New Orleans on March 12.

Louis Louallier himself merely deposed "that he had never had any conversation or understanding, directly or indirectly, with Judge Hall, on the subject of an article published in the Louisiana Courier the 3d of March instant."

There was one further witness: Maj. William O. Winston, who testified that the original writ of habeas corpus was handed to him for use in the court-martial of Louallier when he was "detained by General Jackson as judge advocate of the court aforesaid, of which he was informed by General Jackson before breakfast on the 6th of March instant—that in a conversation with General Jackson, he expressed doubts as to Louallier's being tried by a court-martial, but * * * General Jackson said that he was enabled to be tried by court-martial by virtue of a general order issued by him, declaring martial law to invest the city of New Orleans * * *. This deponent expressed a doubt as to the extent and effect, and legal operation, of the order declaring martial law. * * * This deponent inferred from the general tenor of General Jackson's conversation * * * that he did not intend or conceive it proper to pay any attention to the writ of habeas corpus for Louallier, or any other writ issued within the limits of his camp."

JACKSON CALLED TO ANSWER CONTEMPT CHARGE

On the basis of the foregoing testimony, District Attorney Dick moved for a rule to show cause why process of attachment should not issue against Maj. Gen. Andrew Jackson for contempt of court. The motion was granted, and Jackson was ordered to appear on Friday, March 24, to make his return to the rule.

On Thursday, the 23d, Abner L. Duncan, a prominent member of the Louisiana bar, appeared in court in behalf of General Jackson and obtained a continuance of the return date of the rule until Saturday, the 25th.

But on the 25th, Edward Livingston, a veritable giant in Louisiana legal history, appeared in the general's behalf, and, with the consent of District Attorney Dick, obtained another continuance—this time until 10 o'clock on Monday morning, March 27, 1815.

At the latter date and hour, Maj. Gen. Andrew Jackson appeared in court with both Messrs. Livingston and Duncan as his advocates, and, by way of return to the rule, filed an elaborate, lengthy written plea unquestionably drafted in Edward Livingston's distinctive legal style.¹⁰

⁶ See footnote 7, supra.

⁷ "In some parts of the country, during the War of 1812, our officers made arbitrary arrests and, by military tribunals, tried citizens who were not in the military service. These arrests and trials, when brought to the notice of the courts, were uniformly condemned as illegal." *Ex parte Milligan*, 71 U.S. (4 Wall.) 2, 128-129 (1866). See *Smith v. Shaw*, 12 Johns. (N.Y.) 257 (1815).

⁸ In his "Life of Andrew Jackson" (Samuel F. Bradford, Philadelphia, 1824) 426-427, Senator John H. Eaton says that "Judge Hall

¹⁰ Livingston had been a Member of Congress from New York, his native State, U.S. Attorney for New York, and mayor of New York City. During his illness in the yellow fever epidemic of 1803, a subordinate embezzled funds of the United States for which Livingston was responsible. Livingston resigned as U.S. attorney, gave his note (which

The plea begins with 10 exceptions, principal among which were want of due process under the fifth amendment; a claim of right of trial by jury under the sixth; and one to the jurisdiction of the court.¹¹

The document then set forth, in great detail, the circumstances leading up to the facts constituting the alleged contempt. Jackson described the warnings given him by Governor Claiborne as to disaffection in New Orleans, and stated that, on his arrival in the city, "the same ideas were expressed, and he was advised . . . to proclaim martial law, as the only means of producing union . . . detecting treason and calling forth the energies of the country."

Jackson's plea then stated expressly: "This measure was discussed and recommended to the respondent, as he well recollects, in the presence of the judge of this honorable court, who not only made no objection, but seemed, by his gestures and silence, to approve of its being adopted."

Jackson painted a very vivid picture of the military situation with which he found himself confronted at New Orleans: "A disciplined and powerful army was on our coast, commanded by officers of tried valour and consummate skill; their fleet had already destroyed the feeble defense on which alone we could rely to prevent their landing on our shores. Their point of attack was uncertain—a hundred miles were to be guarded, by a force not sufficient in number for one. . . . Treason lurked among us, and only waited the moment of expected defeat to show itself openly."

"The physical force of every individual," the General continued, "his moral faculties, his property, and the energy of his example, were to be called into . . . instant action. No delay—no hesitation—no inquiry about right, or all was lost; and everything dear to man . . . his country, its constitution and laws were swept away by the avowed principles, the open practice, of the enemy with whom we had to contend."

"In this crisis," Jackson went on, "and under a firm persuasion that none of those objects could be effected by the exercise of the ordinary powers confided to him—under a solemn conviction that the country committed to his care could be saved by that measure only from utter ruin—under a religious belief, that he was performing the most important and sacred duty, the respondent proclaimed martial law."

Jackson conceded that "he intended, by that measure, to supersede such civil powers as, in their operation, interfered with those he was obliged to exercise. He thought, in such a moment, constitutional forms must be suspended, for the permanent preservation of constitutional rights, and that there could be no question, whether it were best to depart for a moment, from the enjoyment of our dearest privileges, or have them wrested from us forever."

he later paid) for the missing funds, and moved to Louisiana. He drafted codes for Louisiana, based on the Code Napoleon, and later a "System of Penal Law" which won him international fame, although the system was never actually adopted anywhere. Sir Henry Maine referred to Livingston as "the first legal genius of modern times." He became a Member of Congress, and later Senator from Louisiana; and on Jackson's accession to the Presidency, was appointed Secretary of State and later Minister to France.

¹¹ This document is missing from the record in court. The within excerpts have been taken from volume 5 of the "Louisiana Historical Quarterly." The document is also reproduced in its entirety in Senator Eaton's "Life of Andrew Jackson" (see footnote 7, ante), 450-466; and, in Goodwin, Philo A., "Biography of Andrew Jackson" (Silas Andrus & Son, Hartford, 1850), 179-189.

"Personal liberty cannot exist," he insisted, "at a time when every man is required to become a soldier Unlimited liberty of speech is incompatible with the discipline of a camp; and that of the press more dangerous still, when made the vehicle of conveying intelligence to the enemy, or exciting mutiny among the troops."

There followed then an ingenious defense—unquestionably the brainchild of the combined geniuses of Livingston and Jackson. They submitted that "If the proclamation of martial law were a measure of necessity—a measure without the exercise of which the country must unquestionably have been conquered, then does it form a complete justification for the act." But—

"If it does not," they asked, "in what manner will the proceeding by attachment for contempt be justified? It is undoubtedly and strictly a criminal prosecution; and the constitution declares, that in all criminal prosecutions, the accused shall have the benefit of a trial by jury; yet a prosecution is even now going on in this court, where no such benefit is allowed. Why? From the alleged necessity of the case, because courts could not, it is said, subsist without a power to punish promptly by their own act, and without the intervention of a jury." And so—

The General submitted that if necessity "may, in some cases, justify a departure from the constitution: and if, in the doubtful case of avoiding confusion in a court, shall it be denied in the serious one of preserving a country from conquest and ruin?"

MARTIAL LAW WAS A NECESSITY

Returning to his principal argument, Jackson continued: "The respondent, therefore, believes he has established the necessity of proclaiming martial law. . . . It only remains to prove, in answer to the rule, that the power assumed from necessity, was not abused in its exercise, nor improperly protracted in its duration."

"All the acts mentioned in the rule," the General conceded, "took place after the enemy had retired from the position they had at first assumed—after they had met with a signal defeat, and after an unofficial announcement had been received of the signature of a treaty of peace."

But, he insisted, "If, trusting to an uncertain peace, the respondent had revoked his proclamation, or ceased to act under it, the fatal security by which we were lulled, might have destroyed all discipline, have dissolved all his force, and left him without any means of defending the country against an enemy, instructed by the traitors within our own bosom, of the time and place at which he might safely make his attack."

At about this time, Jackson went on, "the consul of France, who appears, by Governor Claiborne's letter, to have embarrassed the first drafts, by his claims in favor of pretended subjects of his king, renewed his interference; his certificates were given to men in the ranks of the army; to some who had never applied, and to others who wished to use them as the means of obtaining an inglorious exemption from danger and fatigue."

"Under these circumstances," he explained, "to remove the force of an example which had already occasioned such dangerous consequences, and to punish those who were so unwilling to defend what they were so ready to enjoy, the respondent issued a general order, directing those French subjects, who had availed themselves of the consul's certificates, to remove out of the lines of defense, and far enough to avoid any temptation of intercourse with our enemy, whom they were so scrupulous of opposing."

This general order, Jackson conceded, "created some sensation Aliens and strangers became the most violent advocates of constitutional rights, and native Americans were taught the value of their privi-

leges, by those who formerly disavowed any title to their enjoyment. The order was particularly opposed in an anonymous publication. In this the author . . . closes by calling upon all Frenchmen to flock to the standard of their consul—thus advising and producing an act of mutiny and insubordination, and publishing the evidence of our weakness and discord to the enemy, who were still in our vicinity."

"To have silently looked upon such an offense," Jackson submitted, "without making any attempt to punish it, would have been a formal surrender of all discipline . . . and public safety. This could not be done; and the respondent immediately ordered the arrest of the offender. A writ of habeas corpus was directed to issue for his enlargement."

And then Jackson bared the sharp barbs on the hooks of his defense: "The very case which had been foreseen," he said, "the very contingency on which martial law was intended to operate, had now occurred. The civil magistrate seemed to think it his duty to enforce the enjoyment of civil rights, although the consequences which have been described, would probably have resulted."

And now, the frank explanation of General Jackson's arrest of Judge Hall: "No other course remained," the general submitted, "than to enforce the principles which he had laid down as his guide, and to suspend the exercise of this judicial power, wherever it interfered with the necessary means of defense. The only way effectually to do this, was to place the judge in a situation in which his interference could not counteract the measures of defense, or give countenance to the mutinous disposition that had shown itself in so alarming a degree."

"Merely to have disregarded the writ," Jackson went on candidly, "would but have increased the evil, and to have obeyed it was wholly repugnant to the respondent's ideas of the public safety and to his own sense of duty. The judge was therefore confined, and removed beyond the lines of defense."

And so, finally, in his return to the rule to show cause why a writ of attachment for contempt should not issue against him, the general summed up: "This was the conduct of respondent, and these the motives which prompted it. They have been fairly and openly exposed to this tribunal, and to the world; and would not have been accompanied by an exception to the jurisdiction, if it had been deemed expedient to give him that species of trial, to which he thinks himself entitled, by the Constitution of his country."

At the very end of his dissertation, in his two concluding sentences, Jackson apparently could not refrain from calling attention to his military victory, as sanctioning his usurpation of civil authority: "The powers which the exigency of the times forced him to assume, have been exercised exclusively for the public good; and, by the blessing of God, they have been attended with unparalleled success. They have saved the country; and whatever may be the opinion of that country, or the decrees of its courts, in relation to the means he has used, he can never regret that he employed them."

"ANDREW JACKSON."

During the reading of the foregoing return to the rule, District Attorney Dick raised various objections to admissibility of parts of the document and these were renewed at the conclusion of the reading, when the court, having expressed itself as willing to hear any relevant matter, took the rule under advisement.

On the following morning (March 28, 1815), Judge Hall took the bench, and stated: "The court has taken time to consider the propriety of admitting the answer that was offered yesterday. It was proper to do so . . . If the court be convinced that the attachment may legally issue, it goes to bring the party into

court, and then interrogatories are propounded to him."

The court then heard further argument, and, on the next morning, the 29th, entered the following order: "The Court being of opinion that sufficient cause had not been shown why an attachment should not issue: It is ordered that an attachment do issue against the defendant, Maj. Gen. Andrew Jackson, returnable on Friday, the 31st of March instant."

On the 31st of March, at the appointed hour, Jackson appeared in court in the dress of a private citizen. Nineteen interrogatories having been filed with the Clerk by the District Attorney, Judge Hall ordered them read and presented to General Jackson, to be answered by him in accordance with law.

The interrogatories, generally, covered the facts as charged, and were directed as proving the contempt as made out in the testimony theretofore adduced. Thus, the sixth asked: "Did you not, in conversation with the Marshal on the 5th and 6th of March instant, say to him that you had no intention of obeying the said writ of habeas corpus, or language to that effect?"

The 13th and 14th interrogatories asked Jackson to admit or deny that he caused a court martial to convene to try Louallier "upon charges which jeopardize his life"; and that Louallier was, "at the time, a member of the Legislature of the State of Louisiana."

And the 16th and 17th interrogatories asked Jackson whether he had not, upon learning of the Judge's signing of an order for the writ of habeas corpus, sent "a detachment of soldiers to arrest the said judge"; and was he not "arrested accordingly on the night of the 5th of March instant, and detained as a prisoner . . . until Sunday, the 12th of March instant?"¹²

JACKSON HELD IN CONTEMPT

At the conclusion of the reading of the interrogatories, they were tendered to Jackson, who simply refused to receive them or to make any answers thereto; whereupon Judge Hall found General Jackson guilty of contempt, and sentenced him forthwith to pay a fine of \$1,000 to the United States.

While there are conflicting accounts as to when the fine was paid, that given by the eminent Louisiana historian, Charles Gayarré, to the effect that the fine "was instantly discharged," is undoubtedly correct.¹³

There are also conflicting stories, most if not all, apocryphal, as to reimbursement of the general's fine by public subscription. One of these is credited to an officer named Nolte on Jackson's staff. He is stated to have made oath that such an effort was made, but that, after raising, with difficulty, \$160, the campaign was quietly given up.¹⁴

While Jackson was unquestionably the popular hero of the Battle of New Orleans, the humiliation of his conviction for contempt nevertheless rankled within him.

Taking advantage of his popularity, he arranged for publication in newspapers throughout the country of his exhaustive return to the rule to show cause why an attachment should not issue against him, as the most eloquent means of telling his side of the story.

And then followed a strange circumstance indeed: A long and detailed "Note to General Jackson's Answer" by Judge Hall himself, published in the Louisiana Gazette of April 15, 1815.

The introductory sentence to this "note" gives the key to the entire article: "Judge Hall has seen in a late paper, a publication

called 'Answer of Major General Jackson,' and has observed much art exists to divert the public attention from the outrage which he committed against the laws * * *."

From that time on, however, for more than a quarter of a century, the incident remained a closed one; and in 1829, Maj. Gen. Andrew Jackson became President of the United States.

And at the conclusion of his second term as President, the hero of New Orleans returned to the Hermitage, his home in Nashville.

At the Hermitage, Jackson continued to brood bitterly over his fine for contempt of court in New Orleans on March 31, 1815, which he felt to be a dark blemish on his otherwise gleaming escutcheon.

On March 14, 1842, General Jackson addressed Senator Linn, of Missouri, with a plea in his own behalf: "When I declared martial law, Judge Hall was in the city * * * Judging from his action, he appeared to approve it * * * Ought not Congress to interpose and return a fine imposed, as mine was, for the performance of an act which was indispensable to the safety of the country?"

"Can it be expected," the general continued, "that a general will take [such] a high and necessary responsibility * * * if he is insulted, fined, or imprisoned by a mistaken or vindictive judge, whose fiat, under an erroneous view of what is due to the forms of law, cannot be changed by legislative power?"¹⁵

Senator Linn introduced a bill for refund of the fine, and spoke in its behalf: "The question is * * * Was the declaration of martial law necessary to aid in saving the 'booty and beauty' of New Orleans? The ladies of the city have said it was * * * and you are now called upon to do an act of sheer justice to an individual who was punished for doing his country a service never to be forgotten."

The debate became a long and bitter one. Senator Conrad, of Louisiana, who had been a member of the Louisiana Legislature, insisted that the question was one of principle and that after the lapse of a quarter of a century, Congress should not reverse the judgment of a competent tribunal on the ground of its illegality. He accordingly opposed Senator Linn's bill.¹⁶

The question as to whether the fine of General Jackson for contempt of the Federal court at New Orleans should be refunded became a national issue. Many States, by acts of their legislatures, instructed their congressional delegations to vote for the refund.

Finally, in the spring of 1843, came such an enactment from the Legislature of Louisiana itself. This body, in the recollection of its feud with General Jackson, who, in 1815, had posted guards at its doors to exclude the members of the Louisiana Legislature from their own hall, had, up to this time, stood firmly opposed to the refund.

But when the Legislature of Louisiana did finally act, it went further than that of any other State. After "requesting" its congressional delegation "to use its best endeavors to procure the passage of a law to restore [the fine] to Gen. Andrew Jackson," the statute went on to say, "that in case a law shall not be passed by the next session of Congress, the legislature of this State will direct * * * [refund of] the fine imposed on General Jackson by Judge Hall."¹⁷

¹⁵ 1 Congressional Globe, 2d sess., 27th Cong., 1841-42, page 364.

¹⁶ Interestingly, Senator Conrad, who later became President Fillmore's Secretary of War, had studied law in the office of Abner L. Duncan, who, with Edward Livingston, had been Jackson's counsel, at his trial before Judge Hall.

¹⁷ J. Res. 115 (Apr. 3, 1843), Louisiana Acts of 1843, p. 80.

This ultimate capitulation of Louisiana, and Jackson's deteriorating physical condition, combined to bring about the enactment, on February 16, 1844, of an act of Congress, directing "that the sum of \$1,000, paid by Gen. Andrew Jackson, as a fine imposed on him at New Orleans, the 31st day of March, A.D. 1815, be repaid to him, together with the interest, at the rate of 6 percent a year since then. * * *"¹⁸

At last, Andrew Jackson received the vindication on which his heart had so long been set; the final chapter in that episode had been written; and on the 8th of June in the following year, the book of his eventful life was closed.

VISIT OF ATTORNEY GENERAL KENNEDY TO WEST GEORGIA COLLEGE CAMPUS

Mr. PROXMIER. Mr. President, before we recess for the evening I should like to call to the attention of the Senate a very interesting article which was published in today's issue of the New York Times. We in Wisconsin, as well as people in Indiana and Maryland in particular, are aware of the fact that many people supported Governor Wallace when he came into our States and made his campaign for the presidency.

I invite attention to the fact that the man most clearly identified in America with the civil rights bill is the Attorney General of the United States, Robert Kennedy. Attorney General Robert Kennedy spoke in Georgia yesterday. He spoke on a white campus. This morning's issue of the New York Times reported the reception that Attorney General Robert Kennedy received when he spoke on the civil rights bill on a white campus, which is in western Georgia near the Alabama border.

I quote from the article as follows:

Attorney General Robert F. Kennedy received a thunderous ovation from several hundred white college students today after making a plea for passage of the civil rights bill.

The ovation was one of several he received during a 4-hour visit to West Georgia College, a small State-supported institution 60 miles west of Atlanta and 15 miles from the Alabama line.

Then skipping down:

The Attorney General said that six American Negroes had been killed in service in South Vietnam. He said one had been buried in Arlington Cemetery. But when his widow returned from Arlington, Mr. Kennedy said, she did not know what restaurants and what motels would serve her.

"This is a continuous insult," Mr. Kennedy said. "That part of the legislation is long overdue. Yet some States won't deal with it. Mississippi and Alabama are not going to do it. Therefore they [Negroes] are entitled to have the Federal Government do it."

At this point the audience broke into loud applause that lasted almost 8 minutes. During the questions that followed, the same warmth prevailed and Mr. Kennedy was almost mobbed when he left the building to return by plane to Washington.

This was a remarkable demonstration. I doubt that Attorney General Kennedy, as popular and beloved as he is, could have received that kind of ovation anywhere in New York. It is remarkable and amazing to me because it indicates a

¹⁸ Act of Feb. 16, 1844, C. 1.

¹² See footnote 7, supra.

¹³ History of Louisiana, op. cit., note 3, supra at 625.

¹⁴ Parton, Life of Andrew Jackson, op. cit., note 1, page 320.

strong feeling for the civil rights bill in the Deep South, as there is in the North. Of course, there is a great deal of sentiment against it.

In the concluding paragraph the article states:

West Georgia College is hardly a political barometer of the South, for the students are from various backgrounds. But their rapport with Mr. Kennedy today was interpreted as evidence that the Attorney General may not be so politically unpopular in the South as some have said.

I ask unanimous consent that the article by John Herbers entitled "Georgia Campus Cheers Kennedy" be printed at this point in the RECORD.

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

GEORGIA CAMPUS CHEERS KENNEDY—HE PLEADS FOR RIGHTS ACTION IN TALK TO WHITE STUDENTS

(By John Herbers)

CARROLLTON, GA., May 26.—Attorney General Robert F. Kennedy received a thunderous ovation from several hundred white college students today after making a plea for passage of the civil rights bill.

The ovation was one of several he received during a 4-hour visit to West Georgia College, a small State-supported institution 60 miles west of Atlanta and 15 miles from the Alabama line.

Mr. Kennedy dedicated an interfaith chapel that has been named for his brother, President Kennedy. Afterward, he spent 40 minutes answering questions from students in the school auditorium. More than 1,000 crowded in to hear him.

PROPERTY-RIGHTS QUESTION

One of the first questions, put by a male student, was: "In what way will the public accommodations section of the civil rights bill affect property rights?"

"If it did what Gov. George Wallace [of Alabama] describes I would be against the bill," Mr. Kennedy answered. "It means if a place is open to the general public it has to treat all of the public equally."

The Attorney General said that six American Negroes had been killed in service in South Vietnam. He said one had been buried in Arlington Cemetery. But when his widow returned from Arlington, Mr. Kennedy said, she did not know what restaurants and what motels would serve her.

"This is a continuous insult," Mr. Kennedy said. "That part of the legislation is long overdue. Yet some States won't deal with it. Mississippi and Alabama are not going to do it. Therefore they [Negroes] are entitled to have the Federal Government do it."

At this point the audience broke into loud applause that lasted almost 8 minutes. During the questions that followed, the same warmth prevailed and Mr. Kennedy was almost mobbed when he left the building to return by plane to Washington.

A SIGNIFICANT RAPPORT

It was the Attorney General's first trip South since President Kennedy's assassination in Dallas November 22.

West Georgia College is hardly a political barometer of the South, for the students are from various backgrounds. But their rapport with Mr. Kennedy today was interpreted as evidence that the Attorney General may not be so politically unpopular in the South as some have said.

RECESS TO TOMORROW, AT NOON

Mr. PROXMIRE. Mr. President, if there is no further business to come be-

fore the Senate at this time, I move that the Senate now stand in recess, under the order previously entered, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, May 28, 1964, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 27 (legislative day of March 30), 1964:

DEPARTMENT OF JUSTICE

John H. Kamlowsky, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years.

Eugene A. Gordon, of North Carolina, to be U.S. district judge for the middle district of North Carolina.

U.S. AIR FORCE

To be lieutenant generals

Maj. Gen. Joseph R. Holzapple, **XXXX** Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10 of the United States Code.

Maj. Gen. Leighton I. Davis, **XXXX** Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade indicated under the provisions of section 8066, title 10, of the United States Code.

To be generals

Gen. William F. McKee, **XXXX** (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade indicated, under the provisions of section 8962, title 10, of the United States Code.

Lt. Gen. Hunter Harris, Jr., **XXXX** (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President in the rank indicated, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as indicated:

To be lieutenant general

Maj. Gen. Jean Evans Engler, **XXXXXX**, U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as indicated:

To be general

Lt. Gen. Frank Shaffer Besson, Jr., **XXXXXX**, Army of the United States (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Carl Henry Jark, **XXXXXX**, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the

President under subsection (a) of section 3066, in grade as indicated:

To be lieutenant general

Maj. Gen. Lawrence Joseph Lincoln, **XXXXXX**, U.S. Army.

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Paul Wyatt Caraway, **XXXXXX**, Army of the United States (major general, U.S. Army).

The following-named officers to be placed on the retired list, in the grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant generals

Lt. Gen. Andrew Thomas McNamara, **XXXXXX**, Army of the United States (major general, U.S. Army).

Lt. Gen. John Southworth Upham, Jr., **XXXXXX**, Army of the United States (major general, U.S. Army).

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as indicated:

To be lieutenant generals

Major Gen. William Frew Train, **XXXXXX**, U.S. Army.

Maj. Gen. Charles Wythe Gleaves Rich, **XXXXXX**, U.S. Army.

U.S. MARINE CORPS

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade indicated, subject to qualification therefor as provided by law:

To be major generals

George E. Tomlinson

John L. Winston

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade indicated, subject to qualification therefor as provided by law:

To be brigadier generals

Russell A. Bowen.

Douglas J. Peacher

To be lieutenant general

Maj. Gen. John C. Munn

U.S. Marine Corps, for appointment to the grade indicated on the retired list, in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of his retirement.

U.S. NAVY

To be vice admiral

Rear Adm. Alexander S. Hayward, Jr., U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

To be admiral

Adm. Harry D. Felt, U.S. Navy, to be placed on the retired list in the grade indicated, under the provisions of title 10, United States Code, section 5233.

To be vice admiral

Rear Adm. Joseph M. Lyle, Supply Corps, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

To be lieutenant commander

Anthony A. Mitchell, U.S. Navy, for appointment to the grade indicated in the Navy while serving as leader of the U.S. Navy Band.

To be admiral

Vice Adm. Thomas H. Moorer, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

To be vice admiral

Rear Adm. Bernard A. Clarey, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

The following named officers for appointment to the grade indicated on the retired list, in accordance with title 10, United States Code, section 5233:

To be vice admirals

Vice Adm. Bernard L. Austin, U.S. Navy.

Rear Adm. Laurence H. Frost, U.S. Navy.

Rear Adm. William E. Ellis, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

Rear Adm. Robert T. S. Keith, U.S. Navy, for appointment to the grade indicated on the retired list, in accordance with title 10, United States Code, section 5233.

Rear Adm. Allen M. Shinn, U.S. Navy, to the position indicated, to be Chief of the Bureau of Naval Weapons in the Department of the Navy for a term of 4 years.

Rear Adm. Kleber S. Masterson, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

Vice Adm. Roy A. Gano, U.S. Navy, for appointment to the grade indicated on the retired list, pursuant to title 10, United States Code, section 5233.

Capt. John K. Leydon, U.S. Navy, to the position indicated, to be Chief of Naval Research in the Department of the Navy for a term of 3 years with rank of rear admiral.

To be rear admiral

Capt. Robert H. Hare, U.S. Navy, for temporary promotion to the grade indicated, pursuant to title 10, United States Code, section 5787, while serving as Deputy and Assistant Judge Advocate General of the Navy.

To be vice admirals

Vice Adm. Elton W. Grenfell, U.S. Navy, for appointment to the grade indicated on the retired list, pursuant to title 10, United States Code, section 5233.

Rear Adm. Vernon L. Lowrance, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

IN THE AIR FORCE

The nominations beginning John W. New, to be major and ending Robert C. Zimmer to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 1964; and

The nominations beginning William B. Abbott, Jr., to be second lieutenant, and ending Lyle H. Wright, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 23, 1964; and

The nominations beginning Duane A. Adams to be second lieutenant, and ending Peter B. Zimmer to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 23, 1964; and

The nominations beginning Ritchie P. Stimpson to be colonel, and ending James Leroy Williams to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 16, 1964.

IN THE ARMY

The nominations beginning Edwin R. Cooley to be colonel, and ending Richard N. Zweig to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 1964; and

The nominations beginning Richard F. Burns to be major, and ending Juan A. Zapata to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 16, 1964; and

The nominations beginning Russell S. Hesse to be captain, and ending Robert L. Reeves to be second lieutenant, with the exception of John H. Dunmar to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 12, 1964.

IN THE MARINE CORPS

The nominations beginning Howard F. Stevenson to be colonel, and ending Bernard K. Severin to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 1964; and

The nominations beginning Fred W. Anthes to be second lieutenant, and ending Donald E. Kent to be commissioned warrant officer (CWO-2), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 1964; and

The nominations beginning Richard D. Barba to be second lieutenant, and ending Ronald S. Neubauer to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 22, 1964.

IN THE NAVY AND MARINE CORPS

The nominations beginning David C. Aabye to be ensign in the Navy, and ending Calvin Kossiver to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1964; and

The nominations beginning Vincent T. Canale to be ensign in the Navy, and ending Francis Zavacki to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 22, 1964.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 27 (legislative day of March 30), 1964:

The nomination sent to the Senate on February 3, 1964, of Martin J. Harr, Jr., to be postmaster at Indian Lake, in the State of New York.

EXTENSIONS OF REMARKS

Address of Representative John M. Murphy to Italy-America Foundation, Inc., May 24, 1964

EXTENSION OF REMARKS
OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1964

Mr. MURPHY of New York. Mr. Speaker, on Sunday, May 24, 1964, I had the pleasure of addressing the Italy-America Foundation, Inc., dinner dance at the Commodore Hotel. The event was in honor of the Catholic University of the Sacred Heart of Milan and Rome, Italy. His Excellency, the Most Reverend Joseph M. Pernicone, auxiliary bishop of New York, presided; Mr. Salvatore Esposito, president of the foundation was present; and the toastmaster

was former New York Congressman Alfred E. Santangelo.

The main purposes of the Italy-America Foundation is to perpetuate the cultural and charitable traditions of Italy and America by the encouragement and promotion of education through voluntary grants, by scholarships or otherwise, to individuals, institutions, and organizations and by the encouragement and promotion of scientific research through grants to individuals, institutions, and organizations.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include my address:

ADDRESS OF HON. JOHN M. MURPHY, OF NEW YORK

At a gathering not long ago, I was approached by an elderly gentleman who inquired, "You went to West Point, didn't you?" I told him yes, that I was a graduate of the Military Academy. "Government paid for your education, eh?" Again, I said yes, that was correct. "You're in Congress now?"

he prodded. I nodded. "Government paying your salary, eh?" I told him that was not quite correct; the taxpayers were paying my salary, since the Government can't really pay anybody. "About time you got out on your own, isn't it?" he observed. I mention this only because his phrase, "on your own," put me to thinking.

Now, I am one among many who were fortunate enough to have been selected to attend the Military Academy, which ranges across the whole spectrum of American life to choose its student body—regardless, as we all know, of race, creed, color or financial status. In my own case, it would have been possible for me to attend another university. But what if I had been, in the elderly gentleman's words, "on my own?" Lacking funds or the training to enable me to work my way through college, what would have been my prospects in our increasingly competitive and technical society? I can give you the answer in a word: "dismaying." To be without education in the modern world is to be armless; in other words, helpless and hopeless.

We all know, or think we do, the value of an education. From childhood, we are in-