Figueros and his successors in Costa Rica.

I suggest we look to President Frei, of Chile, at this moment the greatest of them all, who fought Communists to a standstill and obtained a free liberal democratic, New Deal, Fair Deal, New Frontier, Great Society government in that magnificent and hard-pressed thin stretch of liberty in South America, a government which supports the same essential freedoms which we are so proud of here.

I suggest we look to Alberto Lleras in Colombia, and the men who support his policy there.

These are the true friends of America. These are the countries where the Alianza para el Progreso has the best chance of success. It is here that we should be looking to bolster American policy, to give these men and these countries our assistance, to hearten them, and congratulate them, because that is where the friends of the United States of America are located.

ADJOURNMENT UNTIL MONDAY

Mr. CLARK. Mr. President, I move that the Senate stand in adjournment until Monday next.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned until Monday, September 20, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 17, 1965:

U.S. ATTORNEY

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years. (Reappointment.)

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years. (Reappointment.)

POSTMASTERS

ALASKA

Herbert Apassingok, Sr., Gambell, Alaska, in place of John Apangalook, resigned.

ARIZONA

Homer L. Fancher, Bullhead City, Ariz., in place of B. E. Fox, retired.

CALIFORNIA

Dorothy M. Collis, Brentwood, Calif., in place of R. J. Wallace, retired.

Maynard Green, Covina, Calif., in place of C. G. McCarn, retired.

Theodore F. Locicero, Monterey, Calif., in place of L. S. Brown, retired.

Ellen C. Cothran, Westmorland, Calif., in place of F. F. Johnson, deceased.

COLORADO

Susan L. Thompson, Frisco, Colo., in place of R. S. Foote, retired.

James A. Guadnola, Grand Junction, Colo., in place of H. W. Cross, retired.

Robert W. Shewfelt, Parker, Colo., in place of Sophia Johnson, retired.

CONNECTICUT

Vincent P. Nolan, Southington, Conn., in place of E. C. Butler, deceased.

IDAHO

Daniel K. Wilson, Lapwai, Idaho, in place of C. F. Angel, retired.

ILLINOIS

Joseph A. Stal, Georgetown, Ill., in place of A. T. Humrichous, retired.

Marlin H. Ferguson, Hartford, Ill., in place of P. L. Reilley, deceased.

KENTUCKY

Franklin A. Orndorff, Adairville, Ky., in place of J. R. Trimble, retired.

MAINE

Chester W. Curtis, Richmond, Maine, in place of Don O. Cate, retired.

MASSACHUSETTS

Frieland C. Peltier, Oxford, Mass., in place of R. C. Taft, retired.

William F. Griffin, Rutland, Mass., in place of D. M. Lincoln, retired.

MICHIGAN

Leonard E. Amidon, Interlochen, Mich., in place of R. J. Buller, retired.

James R. Budak, Lakeside, Mich., in place of M. B. Perham, retired.

Calvin P. Leach, Le Roy, Mich., in place of H. B. Erickson, retired.

Mark C. Dilts, Mesick, Mich., in place of Ernest Belville, retired.

Lawrence A. Frith, Vermontville, Mich., in place of R. K. Kilpatrick, transferred.

MISSISSIPPI

William T. Hudspeth, Hickory Flat, Miss., in place of N. L. Hall, retired.

MISSOURI

John Rowlett, Jr., Maitland, Mo., in place of H. R. Cowan, retired.

NEBRASKA

Audrey A. Adams, Lyman, Nebr., in place of B. E. McKee, deceased.

Theodore R. Gaedke, Wellfleet, Nebr., in place of P. D. Coder, transferred.

NEW YORK

William B. Chavis, Long Eddy, N.Y., in place of S. F. Kenney, retired.

NORTH CAROLINA

William E. Twiford, Kill Devil Hills, N.C., in place of I. L. Twiford, retired.

NORTH DAKOTA

Edward A. Seel, Rugby, N. Dak., in place of H. D. Walland, retired.

OHIO

Henry C. Waggoner, Amsterdam, Ohio, in place of R. N. Croskey, resigned.

Carl J. Burkhart, Leavittsburg, Ohio, in in place of C. M. Burkhart, retired.

Willard C. Geis, Massillon, Ohio, in place of J. E. Snee, retired.

William P. Moran, Roseville, Ohio, in place of M. D. Sowers, deceased.

OKLAHOMA

Charles M. McCurdy, Tupelo, Okla., in place of M. J. Finch, deceased.

PENNSYLVANIA

C. Jean Steinkirchner, Jennerstown, Pa., in place of E. K. Hay, retired.

SOUTH DAKOTA

LaVerne V. Johannesen, Erwin, S. Dak., in place of Catherine Kazmerzak, retired.

TENNESSEE

Robert M. Sams, Dandridge, Tenn., in place of R. S. Hill, deceased.

Harold A. Hutcheson, Soddy, Tenn., in place of J. H. Davenport, retired.

TEXAS

Edison Monroe, Eustace, Tex., in place of W. H. Wheeler, deceased.

Harold A. Doane, Jr., Haslet, Tex., in place of H. M. George, Jr., removed.

UTAH

Pete L. Bruno, Price, Utah, in place of William Grogan, retired.

Ernest R. Farnsworth, Santaquin, Utah, in place of R. J. Peterson, retired.

WASHINGTON

David L. Gray, Reardan, Wash., in place of L. A. Schultz, retired.

WEST VIRGINIA

William S. Penn, Jr., Bluefield, W. Va., in place of H. B. Faulkner, retired.

Charles H. Gillilan, Jr., Frankford, W. Va., in place of C. H. Gillilan, deceased.

WISCONSIN

Silas J. Paul, Montfort, Wis., in place of Harvey DiVall, retired.

Richard H. Vollmer, Mukwonago, Wis., in place of W. H. Ruppert, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1965:

U.S. COAST GUARD

The following-named officers to be permanent commissioned officers in the Coast Guard in the grade indicated:

To be lieutenants

Charles F. Reid.
Warren H. Madson.

To be lieutenants (junior grade)

Vincent E. Abrahamson
John R. Malloy III
Roy L. Foote
Gary L. Rowe
Carl D. Bossard
Richard S. Bizar

The nominations beginning John J. Soltys, Jr., to be lieutenant (junior grade), and ending Ted B. Bryant to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 31, 1965.

HOUSE OF REPRESENTATIVES

FRIDAY, SEPTEMBER 17, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: I Corinthians 13: 13: *And now abideth faith, hope, and charity, these three; but the greatest of these is charity.*

Almighty God, our help in ages past, our hope for years to come, we thank Thee for the heritage of our beloved country which Thou didst lead through many difficulties and dangers to this day, and keep us in the highway of a divine mission.

We beseech Thee to awaken our minds and hearts with the wonder of Thy eternal presence and teach us to hush the beating of our own hearts that we may hear Thy voice in the storms and tumult of our days.

Give us a new sense of Thy power, when we are torn by dismay and despair, to guide us safely through the upheavals of these perilous times.

May our President, the Speaker, and all the Members of the Congress have an unwavering trust in Thee as they serve Thy cause of good will in the world where there is so much hatred and confusion.

Hear us in Christ's name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the Senate of the following title, in which the concurrence of the House is requested:

S. 2084. An act to provide for scenic development and road beautification of the Federal-aid highway systems.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1483. An act to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 618) entitled "An act for the relief of Nora Isabella Samuelli."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 602) entitled "An act to amend the Small Reclamation Projects Act of 1956," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. Moss, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was referred to the Committee on Appropriations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 10, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 for the construction and alteration of public buildings, and pursuant to the provisions of the Independent Offices Appropriation Act of 1965 for lease construction, the Committee on Public Works of the House of Representatives on September 9, 1965, approved prospectuses for the following projects which were transmitted to this committee from the General Services Administration:

CONSTRUCTION OF NEW BUILDINGS

California: Van Nuys (1) post office, (2) Federal office building.

Connecticut: New Haven, post office, courthouse, Federal office building.

Delaware: Dover, Federal office building.

Louisiana: Houma, post office, Federal office building.

Michigan: Saginaw, Federal office building.

New York: New York, Court of Appeals.

Ohio: Akron, (1) post office, (2) courthouse, Federal office building; Dayton, (1) post office, (2) courthouse, Federal office building.

Puerto Rico: San Juan, (1) courthouse, Federal office building, (2) warehouse and motor vehicle facility.

Virginia: Quantico, FBI Academy.

Total: 14 projects.

ALTERATION PROJECTS

Ohio: Cincinnati, post office annex.

Oklahoma: Oklahoma City, post office, courthouse.

Washington: Seattle, Federal office building.

Washington, D.C.: Executive office building.

Total: Four projects.

LEASED OFFICE PROJECTS

Missouri: Columbia, Department of Agriculture (see attached amendment).

New York: New York, Bureau of Customs (World Trade Center).

Total: Two projects.

Sincerely yours,

GEORGE H. FALLON,
Chairman.

AMENDMENT TO PROSPECTUS FOR COLUMBIA, MO.

All necessary Federal agencies which are to be housed within the proposed building will be located therein, with the exception of the Federal Crop Insurance Agency, located at Sedalia, Mo., which will remain at its present location.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 305]

Adair	Gilligan	Rivers, Alaska
Anderson, Tenn.	Gray	Rivers, S.C.
	Hanna	Roncalio
Andrews, George W.	Hansen, Iowa	Rooney, Pa.
	Hébert	Roudebush
Arends	Ichord	Roybal
Berry	Karth	Senner
Bolton	Latta	Shipley
Bonner	McClory	Smith, Iowa
Brown, Calif.	Mackay	Smith, N.Y.
Cahill	Mackie	Sullivan
Clark	May	Taylor
Clawson, Del	Miller	Thomas
Craley	Moeller	Thompson, Tex.
Dawson	Morris	Todd
Evins, Tenn.	Morse	Toll
Fallon	Nelsen	Tunney
Farnsley	Olsen, Mont.	Tupper
Fino	Ottinger	Van Deerlin
Foley	Pepper	Vigorito
Ford, William D.	Powell	Widnall
	Pucinski	Wilson, Bob
Gallagher	Reifel	

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

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

COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a conference report on S. 4, the water pollution control bill.

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

Mr. CRAMER. Mr. Speaker, reserving the right to object—and I do not intend to object—I should like to say that I agree with the request of the gentleman. I believe this a matter finally getting here for final decision which should have been here a long time ago before the House.

I have consistently, as ruling Republican of the House conferees, insisted upon our holding conferences in respect to water pollution. This matter went to conference way back in May. Unfortunately, the attitude of the other body was rather unyielding. We have finally come up with a conference which shows some willingness to give and take, to reach a consensus, and to exercise our legislative judgment. I would say to the gentleman from Minnesota and to the House—and I say this with regard to the minority and the majority, as well as the other body—it is most unfortunate that a similar attitude of willingness to give and take, to try to come up with a consensus and to do what is right, has not prevailed this week so far as the highway beautification bill which is being demanded by certain parties in the executive branch of the Government is concerned and this is because of executive interference. I would hope that a similar attitude would prevail in our committee relating to this matter as existed on water pollution. On S. 4, the water pollution bill, as amended in the House was, after successful bipartisan draftsmanship, the House worked unanimously for. This was accomplished because we were permitted to work our will—not dictated to by the White House or the Executive.

I will say frankly that I have never before seen such pressures and arm twisting from the executive branch of the Government in my experience in the House of Representatives, as I have seen with respect to the highway beautification bill. I hope the Executive will withdraw the pressure troops that have swarmed over the Hill this week and will give us an opportunity to work our will over this weekend. Congress should not be a rubberstamp for the Executive, and especially when this week's Executive interference with the proper legislative process has resulted in the Senate passing a wholly unworkable bill and resulting in passing Executive dictated amendment that do not make sense and that are unworkable.

For instance, the Senate took verbatim section 131(b) so that 10 percent of State highway funds will be withheld upon noncompliance "when payable" and thus would include some $7 billion in unpaid vouchers for work already completed but unpaid even though some of this construction was completed some 10 years ago. How stupid. Yet the Executive demands our rubber stamping such obviously unfair amendments.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS FOR DEFENSE, 1966

Mr. SIKES. Mr. Speaker, I call up the conference report on the bill (H.R. 10323) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1018)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10323) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5 and 10.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$323,443,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$316,305,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$348,273,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$64,268,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$665,846,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$39,845,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$65,862,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$70,934,000"; and the Senate agree to the same.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
RICHARD B. RUSSELL,
ALAN BIBLE,
ALLEN J. ELLENDER,
HARRY FLOOD BYRD,
THOMAS H. KUCHEL,
LEVERETT SALTONSTALL,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10323) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1—Military Construction, Army: Appropriates $323,443,000 instead of $319,732,000 as proposed by the House and $332,039,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Troop housing	+$1,500,000
Fort Sam Houston, medical laboratory	+1,300,000
Anniston Arsenal, combat vehicle shop	+837,000
New Cumberland Depot, administrative space	+400,000
Walter Reed, alterations to incinerator	+414,000
Cameron Station, dispensary	−168,000
Army Pictorial Center, rehabilitation of buildings 1 and 2	−572,000

The House approved $70,042,000 for enlisted men's barrack complexes at seven locations. The Senate approved $72,443,000 for complexes at six locations. The conferees have approved $71,542,000 for the six locations approved by the Senate.

Amendment No. 2—Military Construction, Navy: Appropriates $316,305,000 instead of $312,357,000 as proposed by the House and $320,603,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

NSY, Bremerton—BOQ	+$765,000
NAS, Oceana—aircraft maintenance hangar	+2,983,000
MCAS, Cherry Point—barracks rehabilitation	+295,000
Naval Academy—science building	+176,000
NS Roosevelt Roads—gate house	+45,000
NAF El Centro—community facilities	+1,041,000
NAS Iwakuni—barracks	+1,143,000
NAS Norfolk—flight hazard removal	−2,500,000

Amendment No. 3—Military Construction, Air Force: Appropriates $348,273,000 instead of $337,478,000 as proposed by the House and $355,410,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Griffiss AFB—electronics laboratory	+$1,608,000
Tinker AFB—base exchange	+427,000
Lackland AFB—theater	+492,000
Williams AFB—aircraft maintenance shop	+432,000
Andrews AFB—headquarters addition	+1,650,000
Grand Forks AFB—base exchange	+150,000
Air Force Academy	+250,000
Elmendorf AFB — heating mains	+1,225,000
MacDill AFB—headquarters facility	+3,600,000
Ballistic missiles/space—contingencies	+750,000
Osan, Korea—division headquarters	+400,000
Toul Rosieres, France—radio facility	+92,000
Minor construction	+837,000
Ent AFB—dormitory	−419,000
Holloman AFB—commissary	−193,000
Carswell AFB—auto maintenance shop	−201,000
Tachikawa AB, Japan—BOQ	−305,000

The conferees have approved the action of the House in denying funds for certain additional administrative facilities at McClellan AFB, California; Tinker AFB, Oklahoma; and Wright-Patterson AFB, Ohio. Adequate consideration has not been given to determining the most economical means of meeting the requirements for administrative facilities at these installations, including maximum utilization of existing facilities and the extent of the total requirements at each base. The Department of Defense should make additional studies as to these requirements and, if additional funds are necessary, include requests therefor in future military construction programs.

The conferees have approved the action of the House in denying funds for bachelor officer quarters at Chanute AFB, Illinois in the amount of $329,000. The Air Force should consolidate all of the BOQ requirements at this installation in a single building in the manner contemplated in the authorizing legislation.

Amendment No. 4—Military Construction, Defense Agencies: Appropriates $64,268,000 instead of $63,468,000 as proposed by the House and $65,131,000 as proposed by the Senate. The conferees have agreed to the following additions to the amounts and line items as proposed by the House:

Defense Atomic Support Agency, Johnston Island AB:

Parallel taxiway	+$500,000
Swimming pool	+300,000

Amendment No. 5—Military Construction, Naval Reserve: Appropriates $9,500,000 as proposed by the House instead of $9,590,000 as proposed by the Senate. The conferees are in agreement that the project approved by the Senate in the amount of $90,000 for the Naval and Marine Corps Reserve Training Center, Little Rock, Arkansas shall be accomplished with the funds available for this appropriation item.

Amendment No. 6—Family Housing, Defense: Appropriates $665,846,000 instead of $683,960,000 as proposed by the House and $647,731,000 as proposed by the Senate. The conferees have approved funds for the construction of 8,500 units of new family housing instead of 9,500 units as proposed by the House and 7,500 units as proposed by the Senate. These funds are to be allocated to the military services by type and location by the Secretary of Defense. The Secretary is directed to inform the Committees on Appropriations of the House of Representatives and the Senate of the allocations to the several services prior to the execution of this program.

Amendment No. 7—Family Housing, Defense: Authorizes not to exceed $39,845,000 for the construction of family housing for the Army instead of $42,282,000 as proposed by the House and $37,408,000 as proposed by the Senate.

Amendment No. 8—Family Housing, Defense: Authorizes not to exceed $65,862,000 for the construction of family housing for the Navy and Marine Corps instead of $73,415,000 as proposed by the House and $58,309,000 as proposed by the Senate.

Amendment No. 9—Family Housing, Defense: Authorizes not to exceed $70,934,000 for the construction of family housing for the Air Force instead of $79,058,000 as proposed by the House and $62,809,000 as proposed by the Senate.

Amendment No. 10—General Provisions: Deletes language proposed by the Senate.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
FRANK T. BOW,
Managers on the Part of the House.

Mr. SIKES. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain tabulations showing a summary of the congressional actions to date on the budget estimates for military construction with appropriate comparisons.

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

There was no objection.

Mr. SIKES. Mr. Speaker, this bill provides approximately $1.1 billion—$1,090,789,000—for the military construction and family housing program for the Department of Defense. The conference report is $2.9 million—$2,869,000—below the amount approved by the Senate and $1.1 million above the amount approved by the House. It is $292.4 million—$292,365,000—below the budget estimates.

The principal difference between the two bills was in the area of family housing. The House approved funds for the construction of 9,500 units at specific locations. The Senate reduced this to 7,500 units to be located as determined by the Secretary of Defense. The conferees have approved the construction of 8,500 units to be located at sites as determined by the Secretary of Defense from among those athorized by law and after notification to the Committee on Appropriations of the House of Representatives and the Senate of his proposed action.

A detailed list of the action of the conferees on the specific line items is contained in the conference report.

It is with some pride that the Committee again points to the fact that we have done more this year than in many years previous to improve troop housing.

The conference report is unanimous on the part of the managers, on the part of the House, and the Senate. I feel that it will provide an excellent construction program for fiscal year 1966 and I urge its adoption.

Military construction appropriation bill, 1966

Item	1965 appropriation	1966 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1965 appropriation	1966 budget estimate	House	Senate
MILITARY CONSTRUCTION									
DEPARTMENT OF THE ARMY									
Military construction, Army	$300,393,000	$441,400,000	$319,732,000	$332,039,000	$323,443,000	+$23,050,000	−$117,957,000	+$3,711,000	−$8,596,000
Military construction, Army Reserve	5,000,000					−5,000,000			
Military construction, Army National Guard	10,800,000		10,000,000	10,000,000	10,000,000	−800,000	+10,000,000		
DEPARTMENT OF THE NAVY									
Military construction, Navy	247,867,000	338,300,000	312,357,000	320,603,000	316,305,000	+68,438,000	−21,995,000	+3,948,000	−4,298,000
Military construction, Naval Reserve	7,000,000	9,500,000	9,500,000	9,590,000	9,500,000	+2,500,000			−90,000
DEPARTMENT OF THE AIR FORCE									
Military construction, Air Force	332,101,000	422,000,000	337,478,000	355,410,000	348,273,000	+16,172,000	−73,727,000	+10,795,000	−7,137,000
Military construction, Air Force Reserve	5,000,000	4,000,000	4,000,000	4,000,000	4,000,000	−1,000,000			
Military construction, Air National Guard	14,000,000	10,000,000	10,000,000	10,000,000	10,000,000	−4,000,000			
OFFICE OF THE SECRETARY OF DEFENSE									
Military construction, Defense agencies	12,656,000	83,200,000	63,468,000	65,131,000	64,268,000	+51,612,000	−18,932,000	+800,000	−863,000
Loran stations, Department of Defense	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Total, military construction	939,817,000	1,313,400,000	1,071,535,000	1,111,773,000	1,090,789,000	+150,972,000	−222,611,000	+19,254,000	−20,984,000
FAMILY HOUSING, DEFENSE									
Family housing, Army:									
Construction	35,600,000	54,064,000	42,282,000	37,408,000	39,845,000	+4,245,000	−14,219,000	−2,437,000	+2,437,000
Operation, maintenance, and debt payments	173,328,000	181,156,000	180,649,000	180,649,000	180,649,000	+7,321,000	−507,000		
Family housing, Navy and Marine Corps:									
Construction	64,544,000	92,140,000	73,415,000	58,309,000	65,862,000	+1,318,000	−26,278,000	−7,553,000	+7,553,000
Operation, maintenance, and debt payments	97,739,000	96,948,000	96,812,000	86,812,000	96,812,000	−927,000	−136,000		
Family housing, Air Force:									
Construction	57,589,000	99,290,000	79,058,000	62,809,000	70,934,000	+13,345,000	−28,356,000	−8,124,000	+8,125,000
Operation, maintenance, and debt payments	198,859,000	209,307,000	209,049,000	209,049,000	209,049,000	+10,190,000	−258,000,000		
Family housing, Defense agencies:									
Construction	981,000	406,000	406,000	406,000	406,000	−575,000			
Operation, maintenance, and debt payments	2,511,000	2,289,000	2,289,000	2,289,000	2,289,000	−222,000			
Total, family housing	631,151,000	735,600,000	683,960,000	647,731,000	665,846,000	+34,695,000	−69,754,000	−18,114,000	+18,115,000
Grand total	1,570,968,000	2,049,000,000	1,755,495,000	1,759,504,000	1,756,635,000	+185,667,000	−292,365,000	+1,140,000	−2,869,000

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

Mr. SIKES. I am glad to yield to the gentleman from Kansas.

Mr. MIZE. Will the gentleman from Florida explain why an item of $9,300,000 for enlisted men's barracks at Fort Riley, Kans., which was in the original authorization bill was knocked out of the appropriations bill? And can I be reasonably assured it will be put back next year?

Mr. SIKES. I shall be happy to answer the question of the distinguished gentleman from Kansas. An item of $9 million for Fort Riley was included for barracks and other facilities in the House version of the bill. The item was deleted in the Senate. In the conference and in discussion with the military it was brought out that Fort Riley is in the process of losing, because of shipment overseas, a division of troops. Earlier it had been anticipated housing spaces and training facilities would be required for them. This action relieves the pressing demand at this time for

troop housing and training facilities at Fort Riley. It is something that had not been anticipated at the time hearings were held on the bill in the House. I should think, however, there is little doubt there will be a requirement for these facilities in the future, and it is my understanding that the Department of Defense expects to ask for them to be included in next year's bill. Fort Riley is a permanent facility and there is a need for modernization of its facilities.

Mr. MIZE. I thank the gentleman from Florida.

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

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

Mr. CRAMER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman will recall, I am sure, that when this matter went through the House I raised a question with regard to the MacDill Air Force Base Headquarters facility which, I understand, was requested by the Air Force; $3,600,000 would be required, and that was not included in the House bill but, as I understand, was included in the bill in the other body. It has now been included in this conference report; it was agreed to, is that not correct?

Mr. SIKES. May I state to my distinguished friend that much important evidence has been submitted in behalf of the administrative facility at this base since the action of the House, which had not been presented at that time. The Army and Air Force both submitted strong additional evidence and made a more convincing case for the construction of the facility. Undoubtedly the present facilities are badly overcrowded due to the influx of Air Force personnel in other units which had not been anticipated at the time this headquarters was stationed at MacDill.

In addition to the interest of the gentleman from Florida [Mr. CRAMER] let me emphasize the strong and active interest of the distinguished gentleman from Florida [Mr GIBBONS] who represents the district in which the base is located; in fact, the interest of most of the Members of the Florida delegation, and that of the two United States Senators from Florida.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further?

Mr. SIKES. I yield further to the gentleman from Florida.

Mr. CRAMER. Mr. Speaker, I congratulate the gentleman as chairman of the House conferees for accepting the headquarters facilities in this appropriation. It certainly is needed.

Mr. Speaker, I am sure the gentleman knows of my interest, even though MacDill is not now in my district, it having been in my previous district for some 8 years.

I believe the gentleman further knows that many of those working on base at MacDill live in my district which is located right across the bay.

Third, during the Eisenhower administration, when this decision to locate the base there was under deliberation, I was one to take a lead in an effort to get the Defense Department to see the benefits and the merits of this particular location. Those are the reasons for my continuing interest in this matter. I congratulate the gentleman from Florida for agreeing to include it in the conference report.

Mr. SIKES. I appreciate the comments of the gentleman.

A great many people urged that Strike Command be located in Florida, just as a great many people have been interested in this headquarters command faculty. I find it is doing a very good job. Strike Command at MacDill is commanded by one of the outstanding persons in the military service, General Paul Adams. It is an alert, up-to-the-minute, ready command—an important part of the Nation's defense. Any State could well be proud, as Florida is proud, to have it in our midst.

Mr. Speaker, I now yield such time as he may consume to the distinguished gentleman from Michigan [Mr. CEDERBERG], the ranking minority member of the subcommittee.

Mr. CEDERBERG. Mr. Speaker, the time that I shall take on this conference report will be very, very brief.

Mr. Speaker, the gentleman from Florida, the chairman of our subcommittee, has stated very clearly the important points involved in this conference report.

If there is any area where I would have any difference of opinion, it would probably be in family housing.

Mr. Speaker, as the gentleman from Florida stated, we put 9,500 units in our bill and the Senate put 7,500 units. We compromised at 8,500 units.

I believe the 9,500 units which we placed in the original bill were needed in view of the housing situation at the military installations. However, as is true in all conferences, a compromise was reached, and I support this compromise.

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

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

Mr. SPRINGER. May I ask the gentleman from Michigan if the same housing for the troops and airmen at Chanute is contained in this conference report that was in the bill as passed by the House?

Mr. CEDERBERG. Yes, I believe it is.

Mr. SPRINGER. It has not been changed?

Mr. CEDERBERG. It has not been changed.

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

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

Mr. SIKES. Mr. Speaker, may I state that the troop housing for Chanute is the same as that which was approved in the bill as passed by the House. It was approved by the Senate in the same amount. That item was not before the conference. As I recall, it provides barrack spaces for 1,600 troops and also provides for certain messing facilities. It goes far toward meeting troop housing modernization requirements at Chanute.

It will be recalled that the initial budget request would have provided housing spaces for 600 persons, without new messing facilities. The authorization was for a greater number of mess facilities. The action taken by the appropriations committees is for a larger number than was recommended by the Department of Defense and the Bureau of the Budget.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the conference report just agreed to.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1966

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 9221) making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. 1006)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9221) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59; and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,135,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$125,000,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert:

"SEC. 638. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 640. None of the funds provided in this Act shall be available for the expenses of the Special Training Enlistment Program (STEP)."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the number proposed in said amendment, insert: "641"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 8, 10, 16, 24, 31, and 62.

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MELVIN R. LAIRD,
WILLIAM E. MINSHALL,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
RICHARD B. RUSSELL,
CARL HAYDEN,
LISTER HILL,
JOHN L. MCCLELLAN,
ALLEN J. ELLENDER,
HARRY FLOOD BYRD,
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9221) making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $4,092,291,000 as proposed by the Senate instead of $4,096,100,000 as proposed by the House.

Amendment No. 2: Deletes, as proposed by the Senate, House language relating to limitation on permanent change of station travel.

Amendment No. 3: Deletes word, as proposed by the Senate, correcting introduction to proviso.

Military personnel, Navy

Amendment No. 4: Deletes, as proposed by the Senate, House language relating to limitation on permanent change of station travel.

Military personnel, Marine Corps

Amendment No. 5: Deletes, as proposed by the Senate, House language relating to limitation on permanent change of station travel.

Military personnel, Air Force

Amendment No. 6: Deletes, as proposed by the Senate, House language relating to limitation on permanent change of station travel.

Amendment No. 7: Deletes word, as proposed by the Senate, correcting introduction to proviso.

Reserve personnel, Army

Amendment No. 8: Reported in disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur with an amendment which will provide that the Army Reserve be programed to attain an end strength of 270,000 in fiscal year 1966.

It is the intention of the Committee of Conference, by its actions in connection with amendments 8, 10, and 62, to expressly disapprove a realinement or reorganization of the Army Reserve and Army National Guard as had been proposed in the budget estimates for fiscal year 1966. It is further intended to express disapproval of a subsequently offered plan providing for a limited realinement or reorganization in 17 States. It should be clear from this action that the realinement or reorganization of the Army Reserve Components can be effected only through the enactment of appropriate law.

National Guard personnel, Army

Amendment No. 9: Appropriates $271,800,000 as proposed by the Senate instead of $266,200,000 as proposed by the House.

Amendment No. 10: Reported in disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur with an amendment which will provide that the Army National Guard be programed to attain an end strength of not less than 380,000 in fiscal year 1966.

TITLE II—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 11: Appropriates $3,483,600,000 as proposed by the Senate instead of $3,475,200,000 as proposed by the House.

Operation and maintenance, Defense Agencies

Amendment No. 12: Appropriates $533,490,000 as proposed by the Senate instead of $533,762,000 as proposed by the House.

TITLE III—PROCUREMENT

Procurement of equipment and missiles, Army

Amendment No. 13: Appropriates $1,204,800,000 as proposed by the Senate instead of $1,205,800,000 as proposed by the House.

Other procurement, Navy

Amendment No. 14: Appropriates $1,135,000,000 instead of $1,120,000,000 as proposed by the House and $1,149,900,000 as proposed by the Senate.

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Emergency fund, Defense

Amendment No. 15: Appropriates $125,000,000 instead of $150,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

TITLE V—EMERGENCY FUND, SOUTHEAST ASIA

Amendment No. 16: Reported in disagreement.

It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment providing $1,700,000,000 for the Emergency Fund, Southeast Asia.

TITLE VI—GENERAL PROVISIONS

Amendment No. 17: Corrects title number.

Amendments Nos. 18, 19, 20, 21, 22, and 23: Correct section numbers.

Amendment No. 24: Reported in disagreement.

It is the intention of the managers on the part of the House to offer a motion to recede and concur in the amendment of the Senate providing authority for the purchase of milk for enlisted personnel heretofore made available through the Department of Agriculture, with a technical correction to the legal citation.

Amendments Nos. 25, 26, 27, 28, 29, and 30: Correct section numbers.

Amendment No. 31: Reported in disagreement.

It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment which provides notification to the Committees on Appropriations of use of authorities contained in section 612 and provides for a report of obligations monthly in connection therewith.

Amendments Nos. 32, 33, and 34: Correct section numbers.

Amendments Nos. 35 and 36: Provides language proposed by the Senate limiting household goods shipments to 11,000 pounds net in any one shipment instead of language proposed by the House allowing 13,000 pounds for general officers, 12,000 pounds for colonels, and 11,000 pounds for all others.

Amendments Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59: Correct section numbers.

Amendment No. 60: Restores language proposed by the House respecting sharing of costs of research project grants, and corrects section number.

The committee of conference, in agreeing to the language of the House, does not intend to approve the granting of funds in excess of the total amount justified in the budget presentations.

Amendment No. 61: Strikes language proposed by the Senate with respect to the allocation of funds for repair, alteration, and conversion of naval vessels.

The committee of conference is agreed that the most effective practical use of both public and private shipyards must continue to be made since both are essential to the security of the Nation. The committee of conference is in agreement that allocations of funds for ship repair, alteration, and conversion should be made to both public and private yards on a reasonable and equitable basis consistent with the national interest. It is requested that the Secretary of Defense keep the appropriate committees of Congress informed at least quarterly of the allocations of funds for such purposes.

Amendment No. 62: Reported in disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur with an amendment which will provide that funds may be transferred to implement a realignment or reorganization of the Army Reserve Components only upon the approval by Congress through the enactment of law of such a realignment or reorganization.

Amendment No. 63: Provides that no funds be used for expenses of the special training enlistment program, as proposed by the Senate, and corrects section number.

Amendment No. 64: Corrects section number.

GEORGE MAHON,
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FRANK T. BOW,
Managers on the Part of the House.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the House passed the defense appropriation bill last June 23. It

was passed by the other body on August 25. Some time has elapsed since the action of the other body on this measure.

There were certain items in controversy with which we had some difficulty, but all of the controversies were settled, and we bring you a conference report today which I think will be reasonably satisfactory to the membership of the House.

The bill provides for total appropriations for the Department of Defense in the sum of $46,887,163,000. This is considerably in excess of the amount which passed the House, $1,698,919,000, to be exact. When the bill passed the House no funds, especially identified as such, were provided for southeast Asia. In the defense supplemental bill for 1965 enacted earlier in the session we provided for a special appropriation of $700 million for the southeast Asia operation.

For fiscal year 1966, a budget amendment went to the other body, after this bill was passed by the House, in which the additional sum of $1.7 billion was requested for use in the conflict in southeast Asia.

That amount was incorporated in the Senate version of the bill and the House conferees have accepted precisely the language and the amount for southeast Asia as proposed in the budget amendment and as recommended by the other body.

With respect to the items in controversy, there has been, as Members of the House know, considerable discussion throughout the year of a proposed realinement or reorganization of the Army National Guard and the Army Reserve. When the House passed the defense bill in June, mention was made of this problem in the report and the committee stated that the matter was, in the view of the Committee on Appropriations, a legislative matter which should be handled by the legislative committee. However, in conference it was determined there was no likelihood of legislation in this session of the Congress. The House had already approved separate funds for the Army National Guard and Army Reserve and the other body did likewise. But the other body inserted a mandatory provision which would require maintenance of a certain average strength in the Army National Guard and in the Army Reserve. It also provided that there could be no transfers of funds for a revision of the alinement of the Guard and Reserve without the passage of legislation by the Congress. So a compromise was worked out with respect to this situation which I think is agreeable. The Department of Defense will not be able to effect a realinement or reorganization of Guard and Reserve forces without the enactment of legislation.

The Senate-proposed mandatory strength levels for the Guard and Reserve were modified in conference so as to provide that the Reserve would be programed to attain an end strength of 270,000 men and the Guard would be programed for an end strength of not less than 380,000 men. This would give the National Guard an opportunity to increase the size of that component, which increase is already underway.

I should make reference to the so-called 65–35 provision having to do with the allocation of ship repair, alteration, and conversion work between the public and private shipyards. The House version of the bill did not contain any language in regard to the division of work. Earlier in the year the Congress had modified the law and the House report urged that every effort should be made to make an equitable distribution of the work for repair, conversion and alteration. The other body put into the bill the so-called 65–35 provision which had been in the bill in previous years, with an escape clause authorizing that it be set aside under certain conditions. The Senate receded and the language of the 65–35 provision was stricken out of the bill and is not before you at this time.

The Department of Defense has been very much interested in a program known as STEP—the special training enlistment program. This program was aimed at assisting those volunteers who are not able in the first instance to pass the requirements for voluntary enlistment.

That program was stricken out in the other body, and the action of the Senate was adopted in the conference.

I believe it is fair to say that adoption of the conference report today will reemphasize the attitude and the position of the Congress with respect to America's position in the world. The passage of the bill providing for $46.8 billion will tell friends and foes alike that the Congress proposes that the United States shall remain strong and determined to maintain its position in the world and promote, wherever it can, the cause of freedom and security. I think that that is the best position for the Congress to assume. There is nothing in the bill today to lead anyone to believe that Congress in any sense embraces a policy of vacillation or appeasement. I think we all agree that firmness and strength are very important at this uncertain hour.

Under leave to extend, Mr. Speaker, I should like to summarize the bill and the conference agreement, by titles of the bill.

TITLE I—MILITARY PERSONNEL

Few items were at issue in the appropriations for "Military personnel" other than those previously discussed with respect to the Army Reserve components, and the STEP program. As a result of agreements reached on the Reserve situation and the STEP program, the Senate figures were accepted in connection with military personnel, Army, and National Guard personnel, Army.

Provisions written into the bill and approved by the House with respect to limitations on permanent change of station travel were deleted inasmuch as the situation in South Vietnam obviously requires more such travel than had been contemplated in the budget estimates and thus any figures related to the budget are no longer necessarily applicable.

TITLE II—OPERATION AND MAINTENANCE

Here again, little was at issue. Action on the Reserve components matter and the STEP program established that the amount in the appropriation "Operation and maintenance, Army," should be that of the Senate bill.

The Senate position with respect to a few minor items under the heading "Operation and maintenance, Defense agencies" was agreed to.

TITLE III—PROCUREMENT

The conference agreement indicates the restoration of about one-half of the House reduction in funds for "Other procurement, Navy," where it is felt that additional recoupments can be expected, thus supporting the House position. However, it is also obvious that additional requirements will exist because of the situation in South Vietnam.

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EMERGENCY FUND, DEFENSE

The conference agreement, on the only item in this title in conference, provides an appropriation of $125 million for the emergency fund instead of the $15 million requested and provided by the House and the $100 million provided by the Senate. The $125 million provided is the same amount as was appropriated last year. The emergency fund is available for transfer to any of the research, development, test, and evaluation appropriation accounts or for procurement or productions related thereto in order to make available to the Department of Defense, without delay, such funds as may be required to expeditiously exploit unforeseen scientific and technological breakthroughs.

Both the House and Senate committee reports voice opposition to the actions of the Department of Defense in using the emergency fund to finance low-priority programs which were not of an emergency nature and for expending considerable amounts from the emergency fund during the last month of the fiscal year for programs which were otherwise unfunded or insufficiently funded in order to obligate the money before the appropriation expired.

The nature of research and development is such that an emergency fund is a useful and important device and its proper use could save the Government money and time since the emergency fund can be provided in lieu of contingency amounts for various programs.

TITLE V—GENERAL PROVISIONS

I believe that the statement of the managers on the part of the House, and remarks previously made, generally cover the items which were in conference on this title. There is, however, a problem in connection with research grants.

The Defense appropriation bill is the third appropriation bill this year to include a new, more flexible limitation on the sharing of the costs of research grants by recipient institutions and the Government. Heretofore, the same bills had carried a limitation which provided that the Government should not pay a sum for indirect costs of research grants which exceeded 20 percent of the direct costs of each such grant.

That limitation did not adversely affect the basic research program of the Department of Defense in any significant way since the Defense Department depends primarily on research contracts, not on grants. This seems to be proper.

Other agencies of the Government have the primary responsibility for the advancement of basic scientific knowledge and such agencies very properly make large numbers of research grants. The Department of Defense, while a user of scientific knowledge, has as its primary responsibility the maintenance of military forces.

The conferees agreed that the new and more flexible provision would be given a trial. They also agreed that this action should not be construed by the Department of Defense to be permission to rapidly enlarge its research grant program and stated, in the statement of the managers on the part of the House, that the amount of funds expended for grants should not exceed the amount justified in the budget presentations.

The committee of conference is in agreement that while the new provision does not include specific percentages for cost sharing, the costs to be borne by the recipients should be more than token. The Federal Government should encourage cost sharing on the part of the recipients of Federal research grants to the maximum extent equitable to both the recipient and the Government. No specific target percentage or floor was agreed on. If a recipient wishes to assume 95 percent of the cost of a project the Government should let him do so. Requirements for expensive special equipment and facilities, for instance, vary widely according to the nature of the research undertaken. The flexibility of the new provision is intended to enable the Government to more equitably provide for such differences and is not intended to downgrade the principle of cost sharing. It is hoped that the Bureau of the Budget, in prescribing standards for the executive branch, will give adequate consideration to the necessity for cost sharing.

I now submit the usual summary of appropriations tabulation showing the appropriations for 1965, the budget estimates, the action of both House and Senate, and the conference agreement with appropriate comparisons:

Summary of appropriations

[In thousands]

Item	1965 appropriation	1966 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1965 appropriations	Budget estimate	House	Senate
Title I—Military personnel	$14,666,009	$14,618,100	$14,656,600	$14,658,391	$14,658,391	−$7,609	+$40,291	+$1,791	
Title II—Operation and maintenance	12,445,878	12,534,244	12,547,144	12,555,272	12,555,272	+109,394	+21,028	+8,128	
Title III—Procurement	13,422,047	11,411,700	11,390,000	11,418,900	11,404,000	−2,018,047	−7,700	+14,000	−$14,900
Title IV—Research, development, test, and evaluation	6,448,520	6,708,800	6,594,500	6,544,500	6,569,500	+120,980	−139,300	−25,000	+25,000
Title V—Emergency fund, southeast Asia	700,000	1,700,000		1,700,000	1,700,000	+1,000,000		+1,700,000	
Total, titles I, II, III, IV, and V	47,682,445	46,972,844	45,178,244	46,877,063	46,887,163	−795,282	−85,681	+1,698,919	+10,100
Distribution of appropriations by organizational component:									
Army	11,412,659	10,961,403	10,963,903	10,973,094	10,973,094	−439,563	−11,691	+9,191	
Navy	14,326,271	13,932,600	13,942,200	13,972,100	13,957,200	−369,071	+24,600	+15,000	−14,900
Air Force	18,608,601	17,602,100	17,519,600	17,519,600	17,519,600	−1,089,001	−82,500		
Defense agencies/OSD	3,334,914	4,476,741	2,762,541	4,412,269	4,437,269	+1,102,355	−39,472	+1,674,728	+25,000
Total, Department of Defense	47,682,445	46,972,844	45,188,244	46,877,063	46,887,163	−795,282	−85,681	+1,698,919	+10,100

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

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. The bill provides for an amount just short of $47 billion. I wonder if the gentleman could give us at this time an estimate of the other amounts that have been carried in other bills, supplemental appropriation bills for the Defense Department, exclusive of military construction, thus far this year. Does the gentleman have that figure before him? Would the gentleman have any estimate of the total appropriations?

Mr. MAHON. Earlier in the year we provided a special appropriation for southeast Asia in the amount of $700 million. That measure the House has passed.

Mr. GROSS. Will the gentleman permit me to interrupt?

Mr. MAHON. Surely.

Mr. GROSS. Is that item contained in the military construction bill? I note $700 million——

Mr. MAHON. No. Final action has been taken on the $700 million earlier in the year on the Defense supplemental appropriation bill. If we add the $700 million to the amount carried in the bill before the House, and then if we add the amount of the military construction bill, which I believe is about $1.1 billion, that would be the greater portion of the funds appropriated this calendar year for Defense.

I point out that the $700 million, which was provided for southeast Asia in previous action, applied to the fiscal year 1965 rather than fiscal year 1966, in which we now find ourselves, but it does represent part of the funds voted for Defense by this session of Congress.

In addition to these funds for Defense, there are funds provided for the Atomic Energy Commission, in connection with nuclear weaponry, and there are funds for military assistance carried in the so-called foreign aid bill. So this package of $46.8 billion is by no means the whole package related to Defense appropriations for this session of Congress.

Mr. GROSS. At least $1.1 billion is involved.

Mr. MAHON. Yes, the foreign aid bill carried in excess of $1 billion for military assistance.

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

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. The gentleman from Iowa was correct in his question, but I point out that there have been no supplemental requests for the Department of Defense for the fiscal year 1966. The $700 million was a supplemental appropriation for the fiscal year 1965.

There has been request for $1.7 billion in the form of a budget amendment included in the regular appropriation bill for the Department of Defense over and above the budget request.

The $700 million will be expended, although approved for fiscal year 1965, in fiscal year 1966. In addition to that, the $1.7 billion additional request is in this conference report for Vietnam.

In addition to that, there are estimates running as high as $10 billion which will be requested at a later time to finance the operations in Vietnam. I do not personally believe it will be $10 billion, which Senator STENNIS talks about. I believe in January there will be an additional request for some $5.5 billion, which will be before this Congress to finance the cost of the Vietnam war.

Mr. MAHON. It is true, of course, that as a result of the war in Vietnam additional men will be called into service. About 340,000 additional men will be called into service. This will, of course, require supplemental funds of some magnitude to finance pay and allowances and to finance to some extent the equipping of these men.

It is true, as has been said many times before, that next year an additional appropriation for fiscal year 1966 will be required to finance the war in South Vietnam. That amount of money will be several billion dollars, provided the war there continues at its present degree of intensity. We are not able to predict at this moment exactly what the amount will be.

Mr. Speaker, I now yield 7 minutes to the ranking minority member of the Defense Subcommittee on Appropriations, the gentleman from California [Mr. LIPSCOMB] who, along with others, has worked very diligently on this bill throughout the year.

Mr. LIPSCOMB. Mr. Speaker, the distinguished chairman of the Defense Appropriations Subcommittee and the full Committee on Appropriations has explained the major differences which are included in the conference committee report.

This is a good conference committee report, and I urge the House to adopt it.

The gentleman has explained three of the major and significant differences in the report compared to the House version of the bill. One of the most important, of course, is the Army Reserve and Army National Guard amendment, which will stop any realinement or reorganization of the Army Reserve and Army National Guard. By these actions it is the intention of the committee on conference to expressly disapprove a realinement or reorganization of the Army Reserve and Army National Guard that has been proposed.

Another item of further interest to the House is that the committee of conference further expressed disapproval of a subsequently offered plan providing for a limited realinement or reorganization in 17 States.

It should be clear from this language and from this action of the committee on conference that the realinement or reorganization of the Army Reserve components can be effected only through the enactment of an appropriate law.

Another item in this conference report is the deletion of the STEP program. By the action of the conference committee the STEP program, which is the special training enlistment program, cannot be started in this fiscal year. This is a good move. This was a recommendation of the minority when the bill was before the House. I commend the conference committee and the Senate, and I urge the House to adopt this particular amendment. By this amendment it can be pointed out that we are saving, right at this point on this program alone, $24.2 million.

Nine million dollars of it is being left in the bill for high priority use and the cut in the bill is actually $15.2 million.

As far as the 35–65 language is concerned that is being deleted, I would personally have preferred to see it in the bill, but it is the decision of the conference committee that it should be deleted and the language in the conference report is specific. The committees of Congress will keep an active interest in this particular matter and see that our business of constructing, repairing and altering ships is taken care of in an economical and in a good manner in the interests of our national security.

Mr. Speaker, a highly significant difference between the House version of the fiscal year 1966 defense appropriation bill and the Senate bill is the Senate amendment which adds a new section for the "Southeast Asia Emergency Fund" in the amount of $1.7 billion. This item was submitted by the President in a supplemental request after the bill had already passed the House. The House of Representatives has never had the opportunity to fully debate this request.

Secretary of Defense McNamara appeared before the House Subcommittee on Department of Defense appropriations and gave a statement and a brief justification of the request, but the hearing was in executive session and the testimony has not been printed or released.

The House-Senate conference committee approved these additional funds and I urge the House to approve the conference committee's recommendation. But the House in taking this action should know that the $1.7 billion is a very small installment on the increased cost of our Nation's commitment in South Vietnam, and in other areas of the world.

The President has made various far-reaching decisions which escalate the war in Vietnam and we as a nation have a commitment which must be upheld. We equally have a commitment to our men in uniform, which requires that they be given all the support necessary in equipment, materials, and in any other form needed to permit them to perform their mission effectively for the security of our Nation and give the greatest assurances for their safety.

These commitments require adequate funding so they may be carried out in a responsible, expeditious manner.

The President, at his press conference, July 28, 1965, when he announced the expanding role and commitment in Vietnam, more or less glossed over the whole question of what should be adequate funding to effectively carry out the actions he was ordering, with merely a passing remark to the effect that Secretary McNamara planned to ask the Senate Appropriations Committee to add a limited amount of funds to the previously passed House defense appropriation bill for fiscal year 1966 which was pending in the Senate to help meet part of this new cost. He did indicate he expected to submit a request for additional supplemental funds when Congress reconvenes in January 1966.

The President, the Secretary of Defense, and many others recognize and have stated that the fiscal year 1966 Defense budget, including the $1.7 billion, is not adequate to sustain our total worldwide commitments for fiscal year 1966.

The administration therefore should come before Congress with a complete estimate of what is needed and a request for funds while we are in session and give us an opportunity to act in a timely, responsible way. It is, after all, Congress' constitutional responsibility, as set forth, in part, in the Constitution, to raise and support Armies, and to provide and maintain a Navy.

Even apart from the constitutional duties of Congress in this area and the right of the people to know the size and nature of the commitment to the war, it should not be fought and funded on a piecemeal basis. Such an approach not only creates problems such as causing unnecessary disruptions in plans, programs, and the budgetary process itself, but could also be interpreted by the Communists as a sign of irresolution to our commitment.

The additional views submitted in the committee report on the fiscal year 1966 Defense bill, and statements subsequently presented on the floor of the House and in the other body, contain various examples that clearly illustrate the inadequacy of the Defense budget, even prior to the President's decision to step up activities in Vietnam, to cover such increased activities while maintaining our units in other areas in a high degree of readiness.

It has been admitted that the $1.7 billion additional will cover only a portion of the added cost due to the Vietnam war. Moreover, Secretary McNamara has stated that the additional amount does not include extra funds at all for two major defense areas, military personnel and operation and maintenance. This is all the more significant when it is pointed out that the testimony presented during the review of the fiscal year 1966 budget, shows that both these categories had extremely tight budgets even without the escalated activities. Considering the magnitude of the escalation in Vietnam and our overall needs, the additional amounts necessary could well run into billions of dollars.

In the category of military personnel, all the services in their budget requests showed either very minimal increases or decreases from prior year levels. This action is now obviously way out of line and inadequate, for a decision has already been made to increase the active forces by 340,000 personnel. If the Vietnamese conflict continues to escalate or go on for a prolonged period of time, both of which are quite possible, the amount of personnel needed could increase even further.

Aside from the fact that the budget before us does not include funds to cover personnel compensation, increases in other areas of personnel costs are not covered. This would include transportation of personnel. Combat pay has not been included, which now covers most military personnel in Vietnam. This bill does not include funds for the increase in the recently signed military pay bill, which amounts to approximately $1 billion. In addition to military personnel increases, there is an increase in civilian personnel amounting to 36,000 "direct hire" civilian employees. These, too, have not been covered in this budget request.

Operation and maintenance includes the day-to-day operational cost of running the Department of Defense and is a large item. Approximately 25 percent of the regular fiscal year 1966 Defense budget, over $12.5 billion is for this purpose. A statement to the committee on February 16, 1965, during the regular hearings on the Defense Appropriations bill for fiscal year 1966, by Assistant Secretary of Defense Hitch on the Operation and Maintenance budget request shows that the budget request for operation and maintenance is tightly drawn. Furthermore, he said it did not include fund requests for any anticipated increases. Secretary Hitch declared:

> It is important to again point out that the increases requested for these appropriations are related to the requirements for daily operational and logistic support of our weapons systems, facilities, and personnel. This budget is $788 million less than the amounts requested by the services and de-

fense agencies in their submissions to the Secretary of Defense. Further, no provision has been included for wage board increases other than those experienced before the submission of initial requests to the Secretary of Defense on October 1, 1964. Unbudgeted wage board increases experienced during the fiscal year normally require more than $40 million and must be accommodated by curtailing or eliminating approved programs for which funds have been apportioned. Also, no allowance has been made for increases in the costs of goods or contractual services incident either to necessary program volume changes or unit costs. In short, this request is based on prices and programs known at the time of its submission without compensation for any anticipated increases. Thus, these requests represent the very basic requirements of the forces and their support. (Fiscal year 1966 House Defense appropriations hearings, pt. 2, p. 6.)

If, as Secretary Hitch indicates, even wage board increases of $50 million would require curtailing of eliminating approved program, what must the condition of this budget be in view of the increases in the operations and maintenance category for Vietnam and elsewhere amounting to hundreds of millions of dollars.

New bases are being established and existing bases are expanding which requires equipment and supplies. It is obvious that significant increases of fuel and oil are required for aircraft, ships, and vehicles. Large increases have been required for supplies of all kinds. Many other items could be listed which are required in much larger numbers than estimated in this budget. In view of Mr. Hitch's assessment of the budget for operation and maintenance, the condition and status of the programs not involved with Vietnam must be seriously questioned.

In spite of all this, Secretary McNamara's statement dated August 4, 1965, which covered his request for the additional $1.7 billion, made it clear that such funds would not cover costs for additional military personnel and the added costs for operations and maintenance. What he proposed instead is that the additional costs be financed during the interim under section 512 of the fiscal year 1966 defense appropriations bill. Section 512a provides emergency authority to spend money in advance rather than on the prescribed quarterly basis. Section 512c provides that the President may increase the number of military personnel on active duty beyond the number for which funds are provided in this act.

In the category of procurement, for which the $1.7 billion is largely requested, there is no doubt that the total funds for procurement in this budget are inadequate to support the escalated activities in Vietnam while maintaining our other commitments for fiscal year 1966.

Adequate funding for military personnel, operations and maintenance, and procurement is absolutely vital to our defense posture. Why should not these items be properly funded now, instead of through manipulation and shifting?

President Johnson and Secretary McNamara have themselves indicated that another request would probably be submitted toward the early part of next year. During the debate on the bill in the other body, it was indicated by members of the Senate Defense Appropriations Subcommittee that we can expect an additional request of anywhere from $7 to $10 billion. This assessment reflects, in addition to the needs in Vietnam, the need for funds for those items that have been taken from other units and stocks for Vietnam and which must be replaced.

Although information has not been furnished concerning specifically what areas will require additional funding, it is reasonable to assume, based upon available reports, that additional requirements would include: weapons, particularly small arms; ordinances, all types; equipment, particularly communications; and vehicles and aircraft, particularly those related to ground support. These and other needs, however, must not be thought of just in terms of Vietnam. Funds will have to be appropriated to replace equipment and material which has been diverted to Vietnam from other units or reserves. At the same time our other units and reserves must be maintained to a high degree of readiness should another conflict area erupt somewhere else in the world. We cannot allow ourselves to be weakened or short handed in any area that would cause either the Communists or our allies to question our capabilities or our will to resist aggression.

In addition to the concern that must be expressed as to the adequacy of funds, the approach which has been taken by the executive branch amounts in my opinion to misuse and undermining of the budgetary process. The established budgetary procedures are for the purpose of creating an orderly process for the executive branch to develop their funding requirements and for the Congress to perform their function of review and control. Certainly budget estimates should cover all the anticipated programs and costs which are recognized as occurring or which will require commitment during the budget period being estimated.

Secretary McNamara admits that in the areas of military personnel and operation and maintenance he is utilizing various fiscal mechanisms in order to provide adequate funds for Vietnam in these two categories. In this regard it is important to realize that procedures such as transfers, reprograming, and related activities are meant to be utilized in emergencies, or in situations which were not in existence or known when the original budget request was developed.

Basically Vietnam does not fall in these categories. Vietnam has been discussed by the President, the Secretary of Defense, the Secretary of State, and many others in the executive branch, who have outlined the problems and in general our approach to our plans for their solution. During the subcommittee hearings held in executive session the discussions have delved into these matters in more detail. It is a situation, therefore, that is known.

Congress is in session. If given the facts and the request we could act now in a timely, positive fashion.

Indeed if that is not possible then there is cause for real concern. Aside from the insufficiencies of funds, the question of the adequacy of our planning would have to be raised.

In view of the defense budgetary situation and the fiscal manipulation going on, the following are some pertinent questions that must be asked now in view of the urgency of the situation and their importance to our national security.

What programs are being canceled due to transfers or reprograming?

What programs are being delayed or schedules extended due to shifts in funding?

What programs have been changed in any way?

What risks are we assuming from all these program manipulations?

Is the vital area of research and development being adversely affected by the shifting of funds? If so, we must then also ask what future risks are we assuming that will not be recognized until 5 to 10 years from now?

If hundreds of millions of dollars are being manipulated between programs and categories, how much control has been lost by Congress in appropriating for defense programs?

Will Congress in reviewing subsequent supplemental requests or regular fiscal year budgets be able to know what is happening so that an intelligent evaluation can be given to the new requests?

In defending the adequacy of the original fiscal year 1966 defense budget Secretary McNamara, on June 9, 1965, said in a memorandum to Defense Subcommittee Chairman MAHON:

To summarize, the fiscal year 1966 defense budget request now before the Congress would provide all the funds we need at this time to continue the strengthening of our overall military posture and to carry out whatever combat operations our forces are called upon to perform during the next 12 months. The special transfer provisions contained in the bill and the reprograming arrangements approved by the committees provide sufficient flexibility to meet all foreseeable requirements until the Congress reconvenes next January and can act on a possible fiscal year 1966 supplemental.

Less than 2 months later, however, Secretary McNamara submitted a request for the additional $1.7 billion. He also made it clear that these funds are "required to finance these actions—Vietnam—pending the submission of a detailed fiscal year 1966 supplemental request to the Congress when it convenes in January."

We know, therefore, that the amount presently contained in the fiscal year 1966 defense budget is insufficient. Will the executive branch decide again in several weeks that it needs a few more billion when Congress may have adjourned and is not available to act upon the request? The manner in which the executive branch has approached the financing of the defense program in general, and the Vietnam action in particular, is open to serious question.

Though it is clear that we should not and will not keep needed equipment and materials from our boys in Vietnam or anywhere else, a piecemeal approach to financing a war could be viewed by the

Communists as a sign of weakness. While the executive branch does possess certain authority to shift and utilize funds, there has been a lack of candor in the discussions and dealings with the Congress in regard to funding the Department of Defense. The Congress has the prime responsibility for fiscal matters under our Federal system. There is an orderly appropriation process which should have been followed. Unfortunately, the executive branch has not chosen to take the proper reasonable approach.

Every Member should support this conference report but with full knowledge that the funding provided is considerably inadequate for the current fiscal year and that they will be called upon to approve additional funds within the next few months.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. LAIRD] a member of the subcommittee.

Mr. LAIRD. Mr. Speaker, in the colloquy a few minutes ago on the floor of the House between the gentleman from Texas and myself concerning the funding that is to be made available for the fiscal year 1966, I think it is important for us to realize that the budget which came to this Congress in January of this year can be considered a fraud as far as the total dollar funding request for the Department of Defense for fiscal year 1966 is concerned.

The fact that the figures requested for the Department of Defense in the 1966 budget presentation was in error and inaccurate is no secret to anyone. This conference action by itself with its increase of $1.7 billion is proof beyond any doubt of this observation. This is but the second of three or four increases which will be made in connection with our increased activities in Vietnam.

This point was amply illustrated in the additional views which were filed under the leadership of the gentleman from California [Mr. LIPSCOMB]. Mr. Speaker, I include at this point in the RECORD these additional views:

ADDITIONAL VIEWS

We the undersigned strongly support a superior defense posture in order to maintain peace and insure the safety and integrity of our Nation now and in the future.

We support the Department of Defense appropriation bill for fiscal year 1966, but feel compelled to call to the attention of the Congress certain aspects of the bill and certain policies relating to the defense effort which in our judgment give cause for concern.

The major areas of concern involve Vietnam, advanced weapons developments and overall policy. There are other areas of concern, one of which, the special training and enlistment program (STEP), will be discussed in these additional views.

VIETNAM

The situation in Vietnam and the overall problem caused by Communist aggression in southeast Asia is of extreme concern to everyone. It is our judgment, based on the testimony before this committee, that the fiscal year 1966 budget request reflects inadequate funding for the Vietnamese effort. Policy decisions affecting our position and commitments in Vietnam were made by the President. This commitment included the large-scale introduction of American personnel and equipment. We believe these decisions to commit American lives and American prestige must be backed up and supported with the appropriations necessary to carry them out successfully.

Discussion

In light of the President's decision to escalate the war in Vietnam in recent months, the Defense Appropriations Committee interrogated witnesses on the adequacy of the fiscal year 1966 budget request. The questions were primarily directed at the effect of the Vietnam situation on the budget request for such items as procurements, operations and maintenance, personnel, and other areas.

Subcommittee questions, in one form or another, sought to determine whether or not the fiscal year 1966 budget request was adequate in view of the escalated activities in Vietnam. In response after response from principal witnesses, the devastating point was made that the budget was inadequate, that it did not take into consideration the increased activities in Vietnam, and that no budgetary adjustments occurred after the escalation began. This means that while our international prestige and thousands of American servicemen were committed in this area of the world, the fiscal requirements to back them up were not forthcoming. Specific examples of these responses include:

Response by Secretary of the Navy Nitze, March 11, 1965:

"There have been no changes in this budget since our problem became more complicated." [1]

Response by Maj. Gen. B. F. Taylor, Director of Army Budget, Office, Comptroller of the Army, February 4, 1965:

"There were no changes at the time that this budget was finally formalized, sir. There have been some changes resulting from our midyear review in which certain internal programing actions have been taken." [2]

Response by Maj. Gen. B. F. Taylor, Director of Army Budget, Office, Comptroller of the Army, March 22, 1965:

"Under the present level of Army operations, including Vietnam at its present level of activity and troop dispositions, we do not contemplate a supplemental appropriation. However, in the event of escalation of activities in Vietnam or the implementation of any other contingency plan, action would be taken to speed up the flow of deliveries and increase procurement of selected items. These actions would require additional funds. The amount would depend on the extent of combat encountered and envisaged." [3]

Response by Maj. Gen. Crow, Director of Budget, Comptroller of Air Force, March 15, 1965:

"No, sir, it does not." [4]

Response by General Chesarek, Assistant Deputy Chief of Staff for Logistics (Programs), March 22, 1965:

"I would say, sir, if the war escalates in Vietnam, we are going to have to have more money. Depending on the degree of escalation." [5]

Response by General Green, Commandant of the Marine Corps, March 11, 1965:

"No, sir; there has not." [6]

Question by Mr. Sikes, March 25, 1965:

"Within recent weeks the Marines have been brought more prominently into the trouble we are experiencing in southeast Asia. Does this budget reflect an anticipated higher level of requirements, weapons, ammunition, equipment with which to meet that increased level of activity in Vietnam?" [7]

Response by General Henderson, Assistant Chief of Staff, G–4 Headquarters, Marine Corps, March 25, 1965:

"No, sir; this budget does not include any moneys for the reasons you stated." [8]

These quotes make it eminently clear that there are inadequate funds in the fiscal year 1966 budget. It is true that the President saw fit to supplement the fiscal year 1965 budget with a $700 million request which the Congress granted. We are at a loss to understand the absence of similar adjustments for fiscal year 1966. Not only is the need obviously greater in 1966 but members of this committee specifically asked that a review of the fiscal year 1966 requirements be made.

But perhaps of even greater importance than the fact that there are inadequate funds in this budget is the realization that the services were given outdated "guidelines" which had to be followed in preparing their budget requests and which did not anticipate increased needs in southeast Asia. These "guidelines" were established by the Office of the Secretary of Defense. As an example of this, the following colloquy took place:

Question by Mr. Lipscomb, March 26, 1965:

"In view of the fact that this budget was prepared sometime ago, did the figures for Vietnam, or southeast Asia get into this budget?" [9]

Response by General Gerrity, Deputy Chief of Staff, Systems and Logistics, March 26, 1965:

"The guidelines in the budget did not fully reflect the increased activity that has occurred out there. We put the budget together based on the guidelines which were within our program activities." [10]

Question by Mr. Mahon, March 26, 1965:

"Would you have any refinement, General Crow, of the statement which has been made by General Gerrity?" [11]

Response by Maj. Gen. Crow, Director of Budget, Comptroller of the Air Force, March 26, 1965:

"The statement that General Gerrity has made, generally reflects the situation as we developed the budget. The guidelines for the preparation of the budget as they pertain to Vietnam were actually a carry forward of the guidelines that were used in the preparation of the 1965 budget, and they did not anticipate increased activity, per se, in Vietnam." [12]

It should be noted in the latter comment by General Crow that the "guidelines" he refers to were formulated in calendar year 1963. This means, in effect, that we are financing today's war in Vietnam with "guidelines" that are at least 18 months old. It should not be forgotten that the fiscal year 1965 "guidelines" were formulated at a time of apparent detente and mellowing, at a time when a test ban treaty was negotiated and at a time when Secretary McNamara was predicting we could pull our "advisers" out of Vietnam within a year or so. Budget "guidelines" based on these premises do not lend themselves to the demands of a war situation.

Aside from inadequate funding, we would like to express our deepest concern that our planning did not more fully anticipate these developments. Inadequate planning not only affects the budget but, more importantly, the actual operations of the conflict itself. Events in the past few weeks, we believe, bear out this concern. We would

[1] Department of Defense Appropriations for 1966, pt. 3, p. 694.
[2] Ibid., pt. 3, p. 554.
[3] Ibid., pt. 4, p. 156.
[4] Ibid., pt. 3, p. 849.
[5] Ibid., pt. 4, p. 156.
[6] Ibid., pt. 3, p. 696.
[7] Ibid., pt. 4, pp. 341–342.
[8] Ibid., pt. 4, p. 342.
[9] Ibid., pt. 4, p. 388.
[10] Ibid., pt. 4, p. 388.
[11] Ibid., pt. 4, p. 388.
[12] Ibid., pt. 4, p. 388.

also caution very strongly that equipment and material priorities for Vietnam must not be permitted to so deplete active force inventories as to impair the readiness of our forces not committed to Vietnam.

Recommendations

It is our firm belief that appropriations must be sufficient to carry out successfully U.S. commitments anywhere in the world.

American personnel in Vietnam must be equipped and supported in such a degree as will give maximum assurance of safety and a capability to carry out their duties. We believe the President should immediately revise this fiscal year 1966 defense budget with a view toward requesting the Congress to provide for the unplanned and unprogramed expenditures which have resulted from his decision to assume a greater role in southeast Asia.

ADVANCED DEVELOPMENTS

Of particular concern in our defense posture is the level of effort in advanced developments. Military effectiveness is largely determined by the state of scientific and technological advancements. New weapons systems must be aggressively pursued, based upon both the assessment of the threat and the pace of technology. Testimony during the course of the hearings reflect an approach falling far short of what we believe must be done in this vital area.

Discussion

The level of effort in advanced developments in a number of areas gives cause for concern. Two of the more important—antisubmarine warfare and the military uses of space—are highlighted here.

1. Antisubmarine warfare: All of the witnesses unanimously agreed that one of our most critical and difficult areas is antisubmarine warfare, both offensively and defensively. When asked, however, about the adequacy of the fiscal year 1966 budget, Admiral Martell, director of the newly created coordinated ASW program, responded: "I think that the funding in the 1966 budget is a very tight, very carefully examined program".[13] It was also stated by Dr. Morse, Assistant Secretary of the Navy (Research and Development), that the "emphasis in this budget this year in ASW has been very much at the operational level."[14]

We therefore have a situation where, in one of the most difficult and critical areas, the research and development budget is both "tight" and emphasizes primarily operational improvements. Although we do need improvements on existing operational systems, an evaluation of the threat clearly shows our needs become even more crucial in the late 1960's and early 1970's, for which we need new concepts and new systems. A "tight" approach does not permit the flexibility to explore potential concepts that might provide some of the solutions being sought. We are not implying that money should be wasted on projects that are not needed, but when faced with problems in an area that is both crucial and extremely complex, new ideas and new programs cannot be straitjacketed by either a lack of funds or a lack of encouragement to explore new avenues.

2. Military use of space: Testimony on the military use of space revealed a lack of positive direction. The committee was told that military applications of space were being pursued, but at the same time it was said that many of the military requirements in space had not been established. As a result, there was considerable evidence of delays in programs, a hesitation to start others, and an overall reluctance to pursue this new field vigorously.

Air Force General Ferguson, when asked how well we are doing in staying ahead of the Soviets technologically in the field of space, answered: "* * * We have $1 billion invested in space or we are requesting this amount in fiscal year 1966 * * * I am really frankly concerned at the outlook * * *."[15]

As an expression of concern that the military uses of space are not proceeding at an expeditious pace, the committee placed a limitation on the funds for the manned orbital laboratory program. This limitation provided that the funds would not be utilized for any other program. Far too many delays have already been incurred in getting this program started, particularly considering that it is the only major program directed toward utilizing the military man in space.

The overriding concern in the space field should be to overcome the military lag in space technology. One major step forward would be to proceed immediately with development of the manned orbital laboratory.

This concern with the delays in our military space effort has been expressed by other Committees of the Congress having cognizance in this area. The House Committee on Government Operations, for example, in its report, "Government Operations in Space," made the following recommendation:

"Recommendation No. 1: The committee believes that in the interest of national security, the potential manned military uses of space deserve immediate increased attention. As a large step forward in exploring potential military uses, the Department of Defense should, without further delay, commence full-scale development of a manned orbital laboratory (MOL) project."[16]

Other space oriented programs could be cited to show delays, cutbacks, and schedule stretch-outs, that clearly show a lack of vigorous effort in pursuing this vital area.

Our concern about the lack of progress in the area of advanced developments, is not confined to ASW and military uses of space. Secretary McNamara has indicated that it takes anywhere from 10 to 15 years to develop and deploy a weapons system; and even this schedule, long as it may seem, reflects the need for a reasonable level of funding. It is true that the results of these delays, cutbacks and lack of aggressiveness will not become obvious until the late sixties and early seventies. Nevertheless, many decisions must be made soon so that corrective effort can get underway.

A corollary matter that is also of concern to us is the effort on initiative and morale in both the services and industry which have responsibility for conceiving and developing new weapons systems. Considering the challenge which faces us militarily, due to the advances in technology and the capability of our opponent, we should be encouraging, not stifling, our military and scientific people to generate new ideas and new weapons systems. By holding down the level of funds and delaying decisions to go ahead on development and production programs, the tendency of such actions is to discourage initiative from which new concepts might be realized.

In our judgment, it became apparent during the course of the hearings that there was a tendency on the part of some of the principal witnesses to believe we have essentially reached a plateau in new weapons developments. We find this very difficult to believe based upon both the overall testimony and other statements from some of our foremost scientists, engineers, and military people. This was clearly expressed by General McConnell in a recent speech where he stated:

"I would like to see a still greater effort in trying to make quantum advances, preferably in entirely new fields, which will raise our military technology to new plateaus of deterrent capability. A past example of such a major advance is the development of the atomic bomb which gave us unchallengeable military superiority for a number of years. I am confident that we have the scientific competence and industrial resources to make advances of similar magnitude in the future."[17]

Recommendations

We believe that we have the capability to make quantum advances if pursued aggressively and purposefully. Such effort will pay off by continuing to give us a deterrent capability in future years to insure the security of our Nation and the free world.

But these efforts cannot succeed if impeded by too rigid demands that operational requirements be specifically defined before allowing new technological developments to be undertaken. Such restrictions stifle creativity, the evolution of new ideas, and the incentive to explore new horizons of science and technology. It is strongly recommended that the Department of Defense reevaluate its rigid and often narrow attitude toward advanced developments.

The pace of advanced development must also be a reflection of both a realistic assessment of the threat and the advances in science and technology.

A reorientation to reflect this approach, coupled with the necessary decisions to implement it, is required so that we will not become increasingly vulnerable in the late 1960's and early 1970's.

Let us make clear that we are not recommending the expenditure of funds on worthless items. We do believe that if we err, it should be on the side of too much rather than too little. In other words our approach should be to pursue aggressively new concepts and new systems so that they will be operational if the requirement ever arises.

SPECIAL TRAINING AND ENLISTMENT PROGRAM (STEP)

STEP is a proposal under which medical care and educational training would be given to enlistees who do not presently meet Army standards. The personnel needs of the Army will not be met by STEP. Testimony before this subcommittee clearly indicated that the major manpower problems faced by the services is to attract and retain skilled personnel. STEP is ill-conceived, duplicates existing programs such as the Job Corps, and would create additional problems without remedying existing ones.

Discussion

The cost of the STEP program as contained in the fiscal year 1966 defense appropriation bill is $24.2 million, which would provide for training 15,000 personnel. Under the proposed STEP program, the Army would take marginal enlistees, those it would not otherwise accept, and try to qualify them through a basic training program stretched out from 8 to 14 weeks, or longer, depending on the progress of the individuals.

The subcommittee received considerable testimony about the STEP program, and we simply cannot agree that a need for it has been established. This matter first came up as a reprograming action in February of this year with a scheduled starting date of April 1, 1965. The Army sought to shift $7.4 million from fiscal year 1965 funds into the STEP program. The request was denied.

The Army clearly does not require this program to obtain adequate manpower. In

[13] Admiral Martell, pt. 3, p. 755.
[14] Dr. Morse, pt. 5, p. 459.
[15] General Ferguson, pt. 5, p. 148.
[16] Report on "Government Operations in Space," p. 17.
[17] Speech of General McConnell, National Press Club, May 5, 1965, General McConnell, Chief of Staff, U.S. Air Force.

terms of overall members, it receives sufficient men through enlistments and the draft. The major manpower problems the Army has, as were discussed at length during the hearings, revolve around its need to acquire and retain skilled personnel. The problem of how to retain skilled and experienced career personnel is growing more and more acute. Obviously, the STEP program, which would be geared to taking marginal enlistees into the Army, would do next to nothing toward solving the problems in this area.

Aside from the lack of a demonstrated need for STEP, the proposal, we feel, has been justly criticized on many counts. STEP would be duplication of work more properly being done in other areas, on other levels of government and privately. It would, for example, parallel the efforts of the Job Corps, one of whose aims is training youths for placement in the Armed Forces. Specifically, in the Job Corps, Conservation Center Administrative Manual, it is stated that "Youth selected for the Job Corps would include those who * * * have been unable to pass the educational part of the Selective Service examination * * *."[18] The manual further states that as part of its responsibility, the Corps will help place those youths who have completed their training, and that one of the principal areas mentioned for placement is the Armed Forces.

STEP would aggravate the already admitted shortage of qualified teachers and counselors. It is difficult to determine just what type of curriculum would be offered the Stepees, but it is clear that a major subject would be "Social Studies," which leaves the door open as to specific subject matter and the point of view stressed.

Furthermore, it could produce serious disciplinary problems. The Army has made encouraging progress over recent years toward solving disciplinary problems. In light of the testimony that these stem primarily from those in the lowest 10 or 20 percent of the enlistment or draft standards, we feel it would be completely unrealistic to hold that the STEP program will not bring about a sizable increase in Army disciplinary problems. Also, even if the men in STEP prove to be incapable of retention in the Army, they would still be veterans and eligible for peacetime veterans benefits on the basis of their having been in the "Army".

Could it be supposed that the Army would readily admit failure in its training if a large amount of the STEP enlistees do not measure up after the training period? We think not, and that the tendency would be to keep as many in the Army as possible—to the detriment of the Army.

If there is no clear-cut demonstrable need for the STEP program to enable the Army to obtain personnel, and on the other hand there are many actual and potential problem areas, why should the Army insist on spending $24.5 million for STEP during fiscal year 1966? (The original budget request for STEP for fiscal year 1966 was $31.2 million. The reduction is due to the additional delay in schedule in starting this program.)

Despite the many skepticisms that were raised about STEP in the hearings, essentially the response was a dogged persistence that the Army should go ahead and that good could come of it. But to our mind the Army failed to produce concrete evidence as to why such an undertaking is properly a part of the Army's mission.

Recommendations

We believe it is commendable for the Army to show persistence, but that persistence should be directed toward doing the job it was established to do, which is to help provide for our national defense. The Army was not meant to nor should it be called upon to conduct programs such as this.

We believe that the funds included in this budget for the STEP proposal should not be deleted, but that a limitation should be provided in the legislation that none of the funds appropriated shall be utilized for the Special Training and Enlistment program. The funds which had been requested for the STEP program, and which we recommend to be retained in the budget, should be used for emergency problems, such as the necessary increases in Vietnam. This is made necessary by the administration's decision to increase our efforts in Vietnam which have not been adequately provided for in the budget.

* * * * *

We, the undersigned, strongly believe that the overriding requirement of our Defense Establishment is to maintain peace and preserve freedom. It is our belief that this requirement can best be served by maintaining a superior defense posture.

Few would disagree that a country's foreign policy determines in large measure its defense posture. Paraphrasing this principle, Secretary McNamara indicated to this committee that the military force structure should be developed to support our foreign policy.

In this, we concur. Disagreement, where it exists, arises from the fundamental policies upon which this administration bases its defense posture.

Despite conflicting voices to the contrary, we believe that the threat from communism has not diminished, that a genuine mellowing has not taken place in the Soviet Union and in many of the satellite countries, and that tensions between the Communist bloc and the free world have not been eased.

The basic administration defense policy reflects more of a policy of seeking to achieve a balanced deterrent, rather than insuring a decisive superiority.

We have grave reservations about the wisdom of such a policy. There are differing opinions on this subject. However, they revolve primarily around differing evaluations of the capabilities and intentions of potential enemies, particularly the Soviet Union.

Secretary McNamara's policy produces a minimum force structure and a less vigorously pursued research and development effort in the area of advanced weapons developments. Under this approach, there is a greater risk that we will face future challenges without adequate means to deter aggression or prevail in any conflict that might develop.

On the basis of the information and the testimony generated during the hearings, we have serious doubts about the premise that changes in policy, capability or defense efforts have taken place in the Communist bloc would warrant reductions or a general leveling of our defense effort. We believe a defense posture of superiority has been the No. 1 deterrent to Communist expansion.

Available evidence strongly indicates that the Soviet Union and the Communist bloc as a whole are not reducing their efforts.

We must cease, therefore, viewing conditions in the world as we would like them to be, and view them as they are.

We must view the world realistically, recognizing that an aggressor does exist, who seeks to dominate the world, and is building up a capability to do so. This recognition demands an approach which dictates superiority—military, economic, technological and political.

To do less, based upon the progress of events in the world, would be to invite disaster rather than assure peace.

Our primary concern at this time involves the late 1960's and early 1970's. It is during that time period and beyond that the effects of today's decisions will be felt.

It is up to our leaders today—in foreign and defense policy—to make realistic assessments of the needs of tomorrow.

It is up to Congress to see that they do.

We, the undersigned members of the Defense Appropriations Subcommittee, strongly subscribe to the additional views expressed herein.

GLENARD P. LIPSCOMB.
MELVIN R. LAIRD.
WILLIAM E. MINSHALL.

Mr. Speaker, the administration in submitting its budget made an all-out effort to make it appear that the total level of expenditures would be below $100 billion. This was done so that there would seem to be room in that budget to fund several billion dollars of new Great Society domestic spending proposals and yet perform the magic of keeping that total expenditure below $100 billion.

How was this magic performed? How were these headlines possible from one end of this country to the other stating that some great feat had been accomplished by the administration in order to keep its expenditure budget level below $100 billion and its appropriation budget at $106 billion?

It was done, my colleagues, by simply not fully funding the war effort in southeast Asia and not replacing ammunition, aircraft, stocks, and so forth already used in the war in Vietnam. The department not only has drawn down regular supplies but has raided regular, reserve and National Guard units when the budget message to this Congress came for equipment and supplies. Hardly had the ink gotten dry on the budget message in January to this Congress when the first request for $700 million came up in the form of a supplemental request for fiscal year 1965.

Mr. Speaker, the Congress acted on that request of $700 million rapidly and properly. However, within a period of 2 months another request for $1.7 billion was before this Congress for expenditures in the Department of Defense, and there will be further requests made to fund the expenditures that are necessary in fiscal year 1966, in the amount of over $5 billion, although the Senate Preparedness Committee is even putting out estimates in the amount of some $10 billion.

In addition to this $5.5 billion which will be before the Congress early in January, Mr. Speaker, there will be further spending requests to finance the Military Pay Act which was passed by this Congress. So I say the effort was made—an effort was made—by the administration or the Bureau of the Budget to mislead the American people in this budget submission by making room in the budget for all of these new spending proposals and by underestimating the amount that would be needed to finance the Department of Defense for fiscal year 1966, knowing full well that we here, on both sides of the aisle, would approve any funding request involving the national security of our country, and by sending up these requests to finance this war effort on a piecemeal basis, on an installment plan. Only in this way could the budget seemingly be submitted at a figure of under $100 billion as far as expenditures were concerned in fiscal year 1965.

[18] Department of Defense appropriations for 1966, pt. 3, p. 374.

So, Mr. Speaker, I would like to address myself to several of the items not covered by the gentleman from Texas [Mr. MAHON] and the gentleman from California [Mr. LIPSCOMB] and their discussions of this conference report which is pending before us today, the largest conference report and the most important conference report from the standpoint of total dollars and cents that will be coming before the House of Representatives at this first session of the 89th Congress.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. MAHON. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. LAIRD. Mr. Speaker, I would like now to address myself, for a moment, to a specific section of the bill, section 638 dealing with indirect costs of research grants. The Senate deleted this particular section and inserted language that has appeared in the bill in past years providing for an allowance of 20 percent for administrative costs in research work.

The Senate conferees receded in conference so under this conference report we are considering section 638 as approved by the House.

A similar provision was carried in the fiscal year 1966 appropriation bill for the Departments of Labor and Health, Education, and Welfare and also for independent offices.

The gentleman from Rhode Island [Mr. FOGARTY] and I were coauthors of these provisions. We pointed out when the conference report on the appropriation bill for the Departments of Labor and Health, Education, and Welfare was considered on the floor on August 16, 1965, and here I quote:

> There has been a great deal of apprehension on the part of some people and a certain amount of misunderstanding. The most serious misunderstanding is that some have gained the idea that this provision was meant to require the grant recipients to bear a greater portion of the cost than under the requirement of former years that no recipient receive more than 20 percent of the direct cost of a research project as the allowance for indirect costs.
>
> Since a few grantees are now receiving grants equal to a full 100 percent of all costs, it is obvious that, even if the grantee is required to contribute one-tenth of 1 percent, he is contributing more than before. However, these instances are the exception and involve a very, very small percentage of all grantees. In making the change from the flat limitation on payments for indirect costs, the committee had in mind not only providing a more equitable method of cost sharing, but also liberalizing the cost sharing for the vast majority of grantees. The National Institutes of Health is involved in this matter to a much greater extent than any other unit in the Department. While there are considerable indirect benefits to the large majority of the NIH grantees, the primary and direct benefits are to the Nation as a whole. I have discussed this matter with the coauthor of the language in section 203, the gentleman from Wisconsin [Mr. LAIRD], and we agree that for grants of this type cost sharing by the grantee should not be more than 5 percent.

Mr. FOGARTY. I yield to the distinguished minority Member, the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I thank the gentleman from Rhode Island for yielding to me. The gentleman from Rhode Island has explained section 203 of the general provisions in title II concerning cost sharing on research grants correctly. As coauthor of this section I concur completely with the statement he has made.

Mr. Speaker, this language contemplates, I believe, not only that cost sharing by the grantee, in no event, be more than 5 percent but that on the average the cost sharing under all such grants should be but 1 or 1½ percent.

I would like to point out for the benefit of my colleagues that the National Science Foundation, in a report entitled "Indirect Costs of Research and Development in Colleges and Universities, Fiscal Year 1960," pointed out that "in fiscal year 1962, the total indirect costs of federally sponsored research and development in colleges and universities will amount to an estimated $175 million." Of this $175 million, approximately $83 million represents the indirect costs of federally sponsored research grants and the balance covers indirect costs of Federal R. & D. contracts.

The report continued:

> Under current Federal practice, $47 million of the $83 million in indirect costs of research grants will come from the Government and an additional $36 million represents the necessary contributions of the colleges and universities themselves.

The study went on to show that the national weighted average of indirect cost rates was 28 percent of direct costs for large colleges and universities—those receiving over $250,000 in grant funds—and 32 percent for small colleges and universities—those receiving less than $250,000 in grant funds.

Although this study was conducted 3 years ago, many of the witnesses indicated that the percentages remain about the same today. Mr. Vincent Shea, comptroller of the University of Virginia who testified on behalf of the Association of State Universities and Land-Grant Colleges stated that in fiscal year 1963:

> Colleges and universities suffered losses estimated at $40 million * * * through their inability to collect the full amount of indirect costs on grants.

In a report entitled "Indirect Costs Under Federal Research Grants" the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics recommended that Congress omit percentage limitations pertaining to the reimbursement of indirect costs under Federal research grants in future appropriations acts.

The report went on to recommend that the Bureau of the Budget prepare, for preliminary analysis and review by interested parties, criteria for cost sharing based on the mutual interests of institutional grantees and Federal grantor agencies.

Mr. Speaker, I think it can be stated with confidence that a majority of educational associations and educators representing institutions engaged in Government sponsored research feel that an appropriate level of cost sharing by universities and colleges receiving grants would be an average of 1 or 1½ percent.

Mr. FOGARTY. Will the gentleman from Wisconsin yield to me?

Mr. LAIRD. I am happy to yield to my good friend, the chairman of the HEW Subcommittee.

Mr. FOGARTY. Mr. Speaker, I do not wish to add anything to what the gentleman from Wisconsin [Mr. LAIRD] has said except to agree with him that this language regarding cost sharing is definitely an improvement and corrects some of the inequities that resulted from the language formerly carried which limited, by mathematical formula, the amount which could be reimbursed for indirect costs incurred by research grant recipients. As he pointed out, this matter is explained in some detail in connection with proceedings on the Labor-HEW appropriation bill.

Mr. LAIRD. Mr. Speaker, to move on for a moment to a more general discussion of the conference report that is before this House, I think it should be pointed out that the Congress, in its wisdom, has incorporated in the final version of the Defense appropriation bill for fiscal 1966 most of the major recommendations contained in the additional views which accompanied the Defense Appropriations Committee report last June 17, 1965.

This is not an attempt to say "I told you so." The situation is much more serious than that. It is, instead, an attempt to demonstrate to the Members of this body that too little consideration was given to actual defense needs during this first session of the 89th Congress and too much consideration was given to other factors such as the domestic programs of the Great Society, the mirage of an economy budget, and the creation of a false euphoria as far as the adequacy of our defense budget with respect to Vietnam was concerned.

For the first time in memory, additional views were submitted by the minority members of the Defense Appropriations Committee, the gentleman from California [Mr. LIPSCOMB], the gentleman from Ohio [Mr. MINSHALL], and myself.

Consider these facts:

Additional views: Deplored inadequate funding for Vietnam war. Cited testimony of responsible officials other than Secretary of Defense supporting charge of inadequacy. Called for revision of fiscal 1966 defense budget reflecting adequate funding. Predicted need for supplemental request within short period.

Subsequent developments: The administration requested that $1.7 billion in additional funds be added to the Senate version of the Defense appropriation bill as a "partial funding" for the increased needs of the war in Vietnam. It is clear that an additional supplemental request will be forthcoming next January or February and that that request will be in the neighborhood of $4 or $5 billion.

Additional views: Devoted substantial portion of additional views to folly of establishing the so-called STEP program—special training and enlistment program—on the basis that STEP would not meet the personnel needs of the Army

since the major manpower problem is to attract and retain skilled personnel.

Subsequent development: the conference committee, in its wisdom, eliminated the STEP program from the Department of Defense appropriation bill for fiscal 1966.

Additional views: Expressed deep concern about the level of effort in advanced developments. Specifically singled out among others the lag in development work on the military uses of space and pointed out that "far too many delays have already been incurred" in getting the manned orbital laboratory—MOL—started.

Subsequent developments: The President at a recent news conference finally recognized the very critical need for pushing ahead with the MOL program. At his news conference on August 25, the President said:

I am today instructing the Department of Defense to immediately proceed with the development of a manned orbiting laboratory.

It is to be devoutly hoped that the administration's belated recognition of the need for developing the military uses of space will not be judged by history as having come too late to overtake our adversary's concentrated efforts in this area.

Mr. Speaker, the bill that is before us is a much improved bill over the version that was passed earlier this year by the House. I feel compelled, however, to point out that during floor debate on June 23, the chairman of this committee, the gentleman from Texas [Mr. MAHON] read into the RECORD a letter from the Secretary of Defense dated June 9, 1965. In that letter, in an attempt to counter the additional views of the minority members of this committee, the Secretary said, and I quote:

The fiscal year 1966 defense budget request now before the Congress would provide all the funds we need at this time to continue the strengthening of our overall military posture and to carry out whatever combat operations our forces are called upon to perform during the next 12 months.

During floor debate, I disputed this with the following remarks:

It will be demonstrated again in January or February of next year if not sooner when another supplemental request will be submitted for the fiscal 1966 budget to remedy the inadequacies in the bill that is before this body today.

As we all now know, less than 2 months later this administration requested another $1.7 billion and further indicated that there would be additional requests early next year.

It was also pointed out during floor debate that there were possibly shortages in some of the units not committed to Vietnam. This has been substantiated by the report of the Senate Preparedness Subcommittee. At the time, I said:

Closely related to these considerations (Vietnam) is the need for recognition that we are playing a dangerous game in regard to other present and future possible commitments of men and materials. I would caution very strongly as was done in our additional views that equipment and military priorities for Vietnam must not be permitted to so deplete active forces inventory as to impair the readiness of our forces not committed to Vietnam.

Mr. Speaker, subsequent developments have partially resolved some of the concern expressed in our additional views of last June. But as the gentleman from California has so aptly pointed out grave concerns still remain, not only about inadequacy of funding but also about the methods being used by the Secretary of Defense to resolve short-term crises in the Defense Establishment with little regard for the long-term consequences. The result is the very real danger that the Congress will lose all meaningful control in the appropriations process with respect to the Department of Defense.

It is to be hoped that the Congress will reassert its proper role in dealing with the Defense Establishment in future years.

Mr. Speaker, this conference report deserves the support of each and every Member of the House of Representatives.

Mr. MAHON. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I regret hearing the gentleman from Wisconsin say that the January defense budget as submitted to the Congress was a fraud. I think this was intemperate and unjustifiable language.

The defense budget was made up late last year, and it was not possible at that time to foresee the full extent of developments in Vietnam and in southeast Asia. It was not possible at that time to foresee what was going to happen with respect to India and Pakistan. This is a very large and fluid world, and the Defense budget submitted by President Johnson in January was about $6 billion above the last defense budget, I believe, of the previous administration. So I think it is most unfortunate and indefensible that the word "fraud" had been injected into this discussion.

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

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. But certainly the gentleman from Texas knows full well that the guidelines that were used to draw up the fiscal 1966 budget with respect to Vietnam were the same guidelines set forth by the Secretary of Defense to draw up the fiscal year 1965 budget, and we have testimony to that effect. The testimony before the Senate Armed Services Committee on Preparedness shows very clearly that no effort was made in January or in November or at any time in preparation of the 1966 budget to replace stocks that were currently being used in Vietnam and being drawn from the Reserve National Guard units stockpile.

As a matter of fact, the bombs and ammunition, not to mention the personnel that accounted for the operation and maintenance account, did not take into consideration the changing circumstances that had come about from 1963 to 1966. The point I wish to make, and perhaps I have not made it as clearly as I should, and I am sure the gentleman from Texas will agree, is that the funding of the Vietnamese effort was not included.

The stepped-up activities that started in November, December and January were not included in this particular budget request. But I believe a great many American people thought the $100 billion expenditure that was given great publicity all over the United States as a great master stroke, did include all spending for the fiscal year 1966, when those of us who serve on this committee know full well that it did not include the spending efforts for the fiscal year 1966 and did not include the funds needed to finance this war in Vietnam. I shall support, and I am sure Members on my side of the aisle will join with Members on your side of the aisle, in supporting these needed funds to carry on this effort. But I still say there were many people in this country who were misled by this great master stroke of a $100 billion expenditure when the full funding was not requested.

Mr. MAHON. I would like to point out just how erroneous some of the statements made by the gentleman from Wisconsin seems to be. The gentleman, I believe, is mixing bananas and apples. The President said in January that he hoped to hold the spending budget to $100 billion for this year—that is the expenditure budget. But he said his appropriation budget was about $106 billion. So this is something that every well-informed person knew or could find out, that the President requested in January appropriations in the sum of $106 billion and not $100 billion. The expenditure budget was about $100 billion for the current fiscal year.

Mr. LAIRD. Mr. Speaker, will the gentleman yield to me for a brief statement, since he referred to my remarks?

Mr. MAHON. I yield 1 minute to the gentleman from Wisconsin.

Mr. LAIRD. In my remarks I very carefully referred to the expenditure budget and not to the appropriation budget. I made very clear that the supplemental of 1965 would be reflected in the expenditure budget of 1966. But if the gentleman objects to the words "phony" or "fraudulent" as not being descriptive, I would be willing to use the term "not accurate" or "misleading." The budget which was submitted to us to finance the Department of Defense for the fiscal year 1966 was not accurate.

I point to the testimony of our committee appearing on page 62 of the committee report in which it is very clearly pointed out that guidelines were used which were 2 years old to draw up this budget, and they did not take into consideration the situation that we had to face up to in Vietnam. That is the point I wish to make. I think that it is very clear—and the testimony which we used on page 62 makes it clear—and if the gentleman would feel better about the term "not accurate," I am willing to use it. But certainly the budget that was submitted to this Congress in January, as far as the Department of Defense is concerned, was not an accurate assessment of the needs of this important Department.

Mr. MAHON. With respect to the budget in January not being accurate, I have never known of a budget being wholly accurate if one means that what

is predicted in the budget must transpire. It was not foreseeable in January that all of these things would develop as they have. All budgets are estimates. They are not guarantees as to what will transpire. A budget is an estimate—a financial plan—on which Congress can operate.

Mr. Speaker, I yield to the gentleman from New York [Mr. Dow].

Mr. DOW. Mr. Speaker, allow me to address myself to an item contained in the conference report on H.R. 9221, making appropriations for the Department of Defense. An amount of $1.7 billion has been added through conference for purpose of military action in southeast Asia.

Mr. Speaker, I wonder if American citizens should be entirely happy over this item in the appropriation bill for it undoubtedly will contribute to the expansion of our military efforts in Vietnam.

This Congressman is voting in favor of the entire appropriation, for the reason that the appropriation bill contains the major sums to serve the entire Defense Establishment. Every American, I am sure, supports this foundation of his country.

However, I have faith that it is not too late to question the high policy which our country is following, in an age when we are too often at the brink of universal war and disaster.

Is it not true that we may be aiding the very ideologies which we oppose, by our bombing raids in Vietnam, for it is known worldwide that they result in maiming and burning of innocent civilians?

Is it not true that the military means we are using are not serving too well to deter the expansion of communism, in the light of other developments in southeast Asia? Adjacent to Vietnam, the great nation of Indonesia, containing 100 million people, seems to be entering the orbit with mainland China. Other nations in that area, including Cambodia and Pakistan—a little further away—appear to have given up any cohesion with our side. Do we not need a policy of greater promise to win these nations back?

Is it not true, Mr. Speaker, that the action of one nation setting out by itself to police a conflict beyond its own borders, without the concurrence of the community of nations, is an anachronism that will be difficult to sustain for much longer in the world of today and of the future?

Mr. Speaker, I have a profound respect for the sincerity of the leadership in our country, and a humble admiration for the courage of men who are laying down their lives in following the course which the leadership has set.

Mr. GARMATZ. Mr. Speaker, refusal of the House conferees on the defense appropriations bill to include in the 1966 ship repair provisions the current requirement that at least 35 percent of all naval ship repair be done in private shipyards, inserted by the Senate, is a blow that undoubtedly will further depress this already badly hurt industry.

Of equal importance is the fact that it will cost the taxpayer many millions of dollars. Ship repairs are expensive—and studies by two competent research groups clearly show that the cost in navy yards was decidedly higher than in the private yards—as much as 32 percent in some instances.

The decision to favor the high cost navy yards over the lower cost private yards is decidedly not in keeping with President Johnson's plea for economy in Government.

Mr. WYATT. Mr. Speaker, I am wholeheartedly opposed to the removal of the 35–65 formula in connection with ship repairs. The House in its action failed to include the formula as it has in the past and the Senate in its version of this bill included it. The conferees retreated to the House position and, hence, this historic and fair formula was removed in the conference report.

I protest vigorously the failure of the report to include the 35–65 formula which is the only protection that private industry has and that this country has of maintaining private shipyards on a standby basis, ready to serve the emergency defense needs of this country.

I believe the removal of the formula is a shortsighted and tragic error.

Mr. DUNCAN of Oregon. Mr. Speaker, I regret that the conference committee on the defense appropriation bill has eliminated the amendment providing for a fixed present age allocation of funds for repair, alteration, and conversion of naval vessels between private and naval shipyards as passed by the Senate.

The arbitrary division of 35 percent to private yards and 65 percent to naval yards for this work, which heretofore has been the law, has in the past seemed to me to be a division that failed to take into consideration the variable demands of the Navy and the exigencies of the moment. It has seemed to me that the private and Navy shipyards should stand or fall on their own merits without relying on the statutory division of work. Subsequent developments indicate that these initial conclusions were wrong.

It has become increasingly obvious that the efficiencies and economies of the private yards are not given full consideration in determining who will do the work. The result is that the Navy, by executive fiat, and without reference to the economics of the situation, is awarding far more repair, alteration and conversion work to naval yards than the facts and circumstances justify.

I am delighted in the language of the conference report to the effect that it is essential to the security of the Nation that most effective practical use of both public and private shipyards be continued, and that the Secretary of Defense has been requested to report quarterly to the Congress as to the allocation of these funds.

And we have had assurances from the Navy that it projects a greater dollar volume of work to be done by the private yards in this fiscal year, than the last. I would hope that this will be true, and that the work will be allocated throughout the country. However, in light of what has in fact occurred in the Pacific Northwest, in the 13th Naval District, in this fiscal year, I do not have complete confidence in such assurances.

It is my understanding that as of yesterday there have been only two vessels in private yards for repair in the entire 13th Naval District during this fiscal year.

What the private yards seek, and what is essential to our national security, is an equitable allocation of this work, if these private facilities are to survive and be available in time of extreme emergency.

While the adoption of the conference report will eliminate the 35–65 provision, and I do not think it should be eliminated, it will not eliminate the continuing interest of this Congressman, and many of my colleagues in preserving private shipyard capacity, which can only be done by an equitable division of repair, alteration and conversion work.

Mr. SIKES. Mr. Speaker, the subject matter of the conference report has been effectively covered. I want to comment very briefly, however, on three or four items which are directly or indirectly affected. They are intimately a part of the military program.

First there is the serious prospect of shortages in equipment and supplies. No one in the Department of Defense has appeared willing to face up to this. Blanket denials have been issued and possibly they are correct. The work of Senator STENNIS and his committee in the Senate, however, indicate a different story. It is readily understandable that shortages could exist. The fact that some of the reserve components are having their equipment bled off would indicate that such is the case. The statement has been made that shortages are now showing up in Europe in certain items. The facts are we have been buying supplies, equipment, spare parts, etc. at low rates for the last 3 or 4 years. This was done only in an effort to save money and with the realization that it could in time of emergency result in shortages. If there are shortages, we simply have to face up to it and get the production lines to rolling to insure that those shortages do not become acute.

Military in space is finally having its day in court. The manned orbiting laboratory will be the principal vehicle. After delays which were far too long, the go ahead has been received. This bill has all the funds that conceivably are required. At this time I would hope that a special effort will be made to insure that everything be done which is within reason which will advance the state of the art of the military in space.

On yesterday I spoke at some length in the House on the situation which exists in the Reserve components. The Congress has repeatedly refused to approve the merger of the Reserves and the National Guard. Yet the Department of Defense has delayed a step up in the training and equipment of units which it says are below standard in both regards. In other words the Department has refused to proceed with an alternative plan for the modernization and training of units, and apparently has simply held back support on the assumption that sooner or later the Congress would approve a merger. The

Congress cannot in any way be blamed for a lack of readiness in Reserve component units. The fault rests squarely in the Pentagon. If a realistic training program is not now undertaken where needed, the fault will continue to rest with the Pentagon. Units can be trained within the Reserve organization just as well as within the Guard organization, and if they are not utilized to the fullest possible extent where needed, this will inevitably count as a deterrent to national defense.

Finally there is the matter of money. Everyone realizes this bill does not contain enough money for the accelerated war effort in Vietnam. The $2.4 billion which have been appropriated specifically because of the implementation of conflict since the first of the year is a minor part of the total requirement. When we come back in January we shall probably be called upon to appropriate twice as much and maybe more. There are no shortcuts to victory in this conflict, and war does not come cheap.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 382, nays 0, not voting 50, as follows:

[Roll No. 306]

YEAS—382

Abbitt	Carey	Edmondson
Abernethy	Carter	Edwards, Ala.
Adams	Casey	Edwards, Calif.
Addabbo	Cederberg	Ellsworth
Albert	Celler	Erlenborn
Anderson, Ill.	Chamberlain	Evans, Colo.
Anderson, Tenn.	Chelf	Everett
	Clancy	Evins, Tenn.
Andrews, Glenn	Clark	Fallon
	Clausen, Don H.	Farbstein
Andrews, N. Dak.		Farnum
	Cleveland	Fascell
Annunzio	Clevenger	Feighan
Ashbrook	Cohelan	Findley
Ashley	Collier	Fisher
Ashmore	Colmer	Flood
Aspinall	Conable	Flynt
Ayres	Conte	Fogarty
Baldwin	Conyers	Ford, Gerald R.
Bandstra	Cooley	Fountain
Baring	Corbett	Fraser
Barrett	Corman	Frelinghuysen
Bates	Craley	Friedel
Battin	Cramer	Fulton, Pa.
Beckworth	Culver	Fulton, Tenn.
Belcher	Cunningham	Fuqua
Bell	Curtin	Garmatz
Bennett	Curtis	Gathings
Betts	Daddario	Gettys
Bingham	Dague	Giaimo
Blatnik	Daniels	Gibbons
Boggs	Davis, Ga.	Gilbert
Boland	Davis, Wis.	Gonzalez
Bolling	de la Garza	Goodell
Bow	Delaney	Grabowski
Brademas	Dent	Green, Oreg.
Bray	Denton	Green, Pa.
Brock	Derwinski	Greigg
Brooks	Devine	Grider
Broomfield	Dickinson	Griffin
Broyhill, N.C.	Diggs	Griffiths
Broyhill, Va.	Dingell	Gross
Buchanan	Dole	Grover
Burke	Donohue	Gubser
Burleson	Dorn	Gurney
Burton, Calif.	Dow	Hagan, Ga.
Burton, Utah	Dowdy	Hagen, Calif.
Byrne, Pa.	Downing	Haley
Byrnes, Wis.	Dulski	Hall
Cabell	Duncan, Oreg.	Halleck
Callan	Duncan, Tenn.	Halpern
Callaway	Dwyer	Hamilton
Cameron	Dyal	Hanley
Hanna	Mahon	Rooney, N.Y.
Hansen, Idaho	Mailliard	Roosevelt
Hansen, Iowa	Marsh	Rosenthal
Hansen, Wash.	Martin, Ala.	Rostenkowski
Hardy	Martin, Mass.	Roush
Harris	Martin, Nebr.	Rumsfeld
Harsha	Mathias	Ryan
Harvey, Ind.	Matsunaga	Satterfield
Harvey, Mich.	Matthews	St Germain
Hathaway	Meeds	St. Onge
Hawkins	Michel	Saylor
Hays	Mills	Scheuer
Hechler	Minish	Schisler
Helstoski	Mink	Schmidhauser
Henderson	Minshall	Schneebeli
Herlong	Mize	Schweiker
Hicks	Moeller	Scott
Holifield	Monagan	Secrest
Holland	Moore	Selden
Horton	Moorhead	Shriver
Hosmer	Morgan	Sickles
Howard	Morrison	Sikes
Hull	Morse	Sisk
Hungate	Morton	Skubitz
Huot	Mosher	Slack
Hutchinson	Moss	Smith, Calif.
Irwin	Multer	Smith, Va.
Jacobs	Murphy, Ill.	Springer
Jarman	Murphy, N.Y.	Stafford
Jennings	Murray	Staggers
Joelson	Natcher	Stalbaum
Johnson, Calif.	Nedzi	Stanton
Johnson, Okla.	Nix	Steed
Johnson, Pa.	O'Brien	Stephens
Jonas	O'Hara, Ill.	Stratton
Jones, Ala.	O'Hara, Mich.	Stubblefield
Jones, Mo.	O'Konski	Sweeney
Karsten	Olsen, Mont.	Talcott
Karth	Olson, Minn.	Teague, Calif.
Kastenmeier	O'Neal, Ga.	Teague, Tex.
Kee	O'Neill, Mass.	Tenzer
Keith	Passman	Thompson, N.J.
Kelly	Patman	Thomson, Wis.
Keogh	Patten	Todd
King, Calif.	Pelly	Trimble
King, N.Y.	Pepper	Tuck
King, Utah	Perkins	Tuten
Kirwan	Philbin	Udall
Kluczynski	Pickle	Ullman
Kornegay	Pike	Utt
Krebs	Pirnie	Vanik
Kunkel	Poage	Vivian
Laird	Poff	Waggonner
Landrum	Powell	Walker, Miss.
Langen	Price	Walker, N. Mex.
Leggett	Purcell	Watkins
Lennon	Quie	Watson
Lindsay	Quillen	Watts
Lipscomb	Race	Weltner
Long, La.	Randall	Whalley
Long, Md.	Redlin	White, Idaho
Love	Reid, Ill.	White, Tex.
McCarthy	Reid, N.Y.	Whitener
McClory	Resnick	Whitten
McCulloch	Reuss	Williams
McDade	Rhodes, Ariz.	Willis
McDowell	Rhodes, Pa.	Wilson, Charles H.
McEwen	Rivers, Alaska	
McFall	Rivers, S.C.	Wolff
McGrath	Roberts	Wright
McMillan	Robison	Wyatt
McVicker	Rodino	Wydler
Macdonald	Rogers, Colo.	Yates
MacGregor	Rogers, Fla.	Young
Machen	Rogers, Tex.	Younger
Madden	Ronan	Zablocki

NAYS—0

NOT VOTING—50

Adair	Gray	Roybal
Andrews, George W.	Hébert	Senner
	Ichord	Shipley
Arends	Latta	Smith, Iowa
Berry	Mackay	Smith, N.Y.
Bolton	Mackie	Sullivan
Bonner	May	Taylor
Brown, Calif.	Miller	Thomas
Cahill	Morris	Thompson, Tex.
Clawson, Del	Nelsen	Toll
Dawson	Ottinger	Tunney
Farnsley	Pool	Tupper
Fino	Pucinski	Van Deerlin
Foley	Reifel	Vigorito
Ford, William D.	Reinecke	Widnall
	Roncalio	Wilson, Bob
Gallagher	Rooney, Pa.	
Gilligan	Roudebush	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Taylor with Mr. Nelsen.
Mr. Toll with Mr. Cahill.
Mr. Gallagher with Mr. Fino.
Mr. Brown of California with Mr. Reinecke.
Mr. Thomas with Mr. Arends.
Mr. Roybal with Mr. Bob Wilson.
Mrs. Sullivan with Mrs. Bolton.
Mr. Mackay with Mr. Roudebush.
Mr. Miller with Mrs. May.
Mr. Farnsley with Mr. Del Clawson.
Mr. George W. Andrews with Mr. Reifel.
Mr. Vigorito with Mr. Berry.
Mr. Pool with Mr. Derwinski.
Mr. Gray with Mr. Latta.
Mr. Morris with Mr. Widnall.
Mr. Ottinger with Mr. Tupper.
Mr. Tunney with Mr. Smith of New York.
Mr. Rooney of Pennsylvania with Mr. Van Deerlin.
Mr. Roncalio with Mr. Bonner.
Mr. Ichord with Mr. William D. Ford.
Mr. Foley with Mr. Dawson.
Mr. Smith of Iowa with Mr. Mackie.
Mr. Senner with Mr. Thompson of Texas.

Mr. HARVEY of Indiana changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 8: Page 4, line 8, insert: ": *Provided*, That the Army Reserve shall be maintained at an average strength of not less than 270,000 during fiscal year 1966."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert: ": *Provided*, That the Army Reserve will be programed to attain an end strength of two hundred seventy thousand for fiscal year 1966".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 10: Page 6, line 12: insert: "*Provided further*, That the Army National Guard shall be maintained at an average strength of not less than 380,000 during fiscal year 1966."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the matter proposed insert: ": *Provided further*, That the Army National Guard will be programed to attain an end strength of not less than three hundred eighty thousand for fiscal year 1966."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 16: Page 26, line 6, insert:

"TITLE V—EMERGENCY FUND, SOUTHEAST ASIA

"Department of Defense

"Emergency Fund, Southeast Asia

"For transfer by the Secretary of Defense, upon determination by the President that such action is necessary in connection with military activities in southeast Asia, to any appropriation available to the Department of

Defense for military functions, to be merged with and to be available for the same purposes, and for the same time period as the appropriation to which transferred, $1,700,000,000, to remain available until expended: *Provided*, That transfers under this authority may be made and funds utilized, without regard to the provisions of subsection (b) of section 412 of Public Law 86-149, as amended, 10 U.S.C. 4774(d), 10 U.S.C. 9774(d), section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and 41 U.S.C. 12."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 24: Page 30, line 17, insert: "; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446(a), title 7, United States Code."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert: "; (h) for the purchase of milk enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 31: Page 34, line 25, insert: "(d) The Secretary of Defense shall immediately advise the Committees on Appropriations of the Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c)."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 62. Page 47, line 4, insert:

"SEC. 640. Only upon the approval by the Congress, through the enactment of law hereafter, of a realinement or reorganization of the Army Reserve Components, the Secretary may transfer the balances of appropriations made in this Act for the support of the Army Reserve Components to the extent necessary to implement such a realinement or reorganization; and the provisions in this Act establishing average strengths for the Army Reserve and the Army National Guard shall cease to be effective."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"SEC. 639. Only upon the approval by the Congress, through the enactment of law hereafter, of a realinement or reorganization of the Army Reserve Components, the Secretary may transfer the balances of appropriations made in this Act for the support of the Army Reserve Components to the extent necessary to implement such a realinement or reorganization; and the provisions in this Act establishing strengths for the Army Reserve and the Army National Guard shall cease to be effective."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISMISSING THE FIVE MISSISSIPPI ELECTION CONTESTS AND DECLARING THE RETURNED MEMBERS ARE DULY ENTITLED TO THEIR SEATS IN THE HOUSE OF REPRESENTATIVES

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 585 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

Resolved, That the election contests of Augusta Wheadon, contestant, against Thomas G. Abernethy, contestee, First Congressional District of the State of Mississippi; Fannie Lou Hamer, contestant, against Jamie L. Whitten, contestee, Second Congressional District of the State of Mississippi; Mildred Cosey, Evelyn Nelson, and Allen Johnson, contestants, against John Bell Williams, contestee, Third Congressional District of the State of Mississippi; Annie DeVine, contestant, against Prentiss Walker, contestee, Fourth Congressional District of the State of Mississippi; and Victoria Jackson Gray, contestant, against William M. Colmer, contestee, Fifth Congressional District of the State of Mississippi, be dismissed and that the said Thomas G. Abernethy, Jamie L. Whitten, John Bell Williams, Prentiss Walker, and William M. Colmer are entitled to their seats as Representatives of said districts and State.

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

GENERAL LEAVE

Mr. BURLESON. Mr. Speaker, at the outset, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. BURLESON. Mr. Speaker, I yield 20 minutes to the gentleman from California [Mr. LIPSCOMB], and pending that, I yield 10 minutes to the gentleman from South Carolina [Mr. ASHMORE] the chairman of the Subcommittee on Elections of the House Administration Committee.

Mr. ASHMORE. Mr. Speaker, during the 10 years that I have had the honor to serve as chairman of the Elections Subcommittee it has been my privilege to work with several of the finest and most dependable Members of this House of Representatives.

I am thinking of such colleagues as GLENN LIPSCOMB, WALT ABBITT, CHARLIE GOODELL, SAMUEL DEVINE, CHUCK CHAMBERLAIN, JOE WAGGONNER, SAM GIBBONS, CARL PERKINS, John Lesinski, HUGH CAREY, WILLARD CURTIN, and JOHN DAVIS, a former judge from the State of Georgia. Throughout the years such men as these, and I, have investigated some extremely important and closely contested election cases. For example, Hays against Alford, Rouse against Chambers, Oliver against Hale, Coad against Dolliver, Carter against LaCompte, Mahoney against Wint Smith, and so forth. And in each and every case that we have handled, the findings and recommendations of your subcommittee have been approved by the full committee, and likewise approved by this House, when necessary for a resolution to come to the floor.

Please do not think for one moment that I am here to boast about the activities or accomplishments of the Elections Subcommittee, for I am not, but I am humbly proud of the record that we have made and I hope and pray with you, my colleagues, still have faith, trust and confidence in the Elections Subcommittee.

In our search for the truth and for the will of the voters, which we sought in every investigation, certain facts and circumstances have been significant. For example, was there a valid certificate of election of the challenged Member's seat on file in the Clerk's office in this House? And also was the oath of office administered to the Member by the Speaker of the House? An affirmative answer to these questions establishes a prima facie right of the Member to his seat. In the cases which you are now judging, each of the challenged Members has established a prima facie right to his seat. But the committee does not stand solely on the prima facie cases established by the Mississippi Members, because it has gone much further into the details of the charges against them and found numerous additional and valid grounds to dismiss these contests sponsored by people represented by more than a hundred lawyers.

Some of the other grounds upon which we base our findings are: the fact that the contestants did not avail themselves of the proper legal steps to challenge their alleged exclusions from the registration books and ballots, prior to the election, nor did they even attempt to challenge the issuance of the Governor's certificate of election, in Federal District Court, after the election was held. These things they could have done, and they should have done, and their failures to do so were serious and vital factors which the committee was compelled to consider. Not only do I say there were serious failures on the part of the contestants, but

you as Members of this House, and your predecessors in office, so held in the 1943 case that came up from the State of Georgia. In that case, the contestant, McEvoy, attempted to run as an independent Republican, a political party not known in Georgia. McEvoy's name did not appear on any ballot in his congressional district, just as the names of these challengers today did not appear on any official ballot in Mississippi in the 1964 general election. In that case, the McEvoy case, this House of Representatives found that McEvoy had failed to use and exhaust the proper legal remedies available to him under the laws of his State. The House further concluded that the contestant had thus failed to make out a case, and dismissed the contest against the contestee.

The committee is also well aware that all of the contestants in this case contend that Negroes have been systematically excluded from registering and voting in the State of Mississippi. But even if these charges are true I say to you, this House in the past has refused to declare a seat vacant where large numbers of voters were known to be illegally disenfranchised, the House saying that it preferred to "measure the wrong"—II Hinds Precedents, page 1075.

And I think what the House meant in that case was simply this: a Member of Congress should not, and would not, be held responsible for the wrongful acts of some registration officer back in his home district who refused to issue certificates to qualified people. And that is the primary complaint of these contestants. Yes, my friends, how can you, or I, or the Members from Mississippi, know of, or control, these officers back home when we are attempting to attend to our duties here for 10, 11, or 12 months out of the year?

Certainly there is not one word of evidence in these cases of any collusion with the registration or other voting officers in the State of Mississippi. And in this regard let me cite you to the LaGuardia case in New York in 1925. There, Cannon's Precedents—section 164, pages 311–315—says, and I quote:

> The contestee holds the certificate of election. His title can only be overturned upon satisfactory evidence that he was not elected. His seat in this body cannot be jeopardized by the faults of others. It has been held that the House has no right unnecessarily to make the title of a Representative to his seat depend upon the acts, omissions, diligence, or laches of others.

Is that not fair, and just and equitable? I think so.

Your committee also considered the fact that the laws of the State of Mississippi and the Federal laws under which the presidential and congressional election of November 3, 1964, was held are all deemed constitutional inasmuch as they have not been set aside by the decision of any court of competent jurisdiction. Therefore, we must consider how many votes these Members of Congress received in the regular, valid, legal election as compared to the number of votes the contestants received in their unofficial, unauthorized mock election held over a period of 4 days—October 30–November 2, 1964—see returns.

Presidential and congressional election of Nov. 3, 1964—Mississippi

FOR PRESIDENTIAL ELECTORS

Democratic	52,618
Republican	356,528

FOR U.S. SENATOR

John C. Stennis, Democrat	343,364

FOR REPRESENTATIVE

1. Thomas G. Abernethy, Democrat	60,052
2. Jamie L. Whitten, Democrat	70,218
3. John Bell Williams, Democrat	84,503
4. Arthur Winstead, Democrat	28,057
Prentiss Walker, Republican	35,277
5. William M. Colmer, Democrat	83,120
2d district:	
Fannie Lou Hamer	33,009
Jamie L. Whitten	59
4th district:	
Annie Devine	9,067
Arthur Winstead	4
Prentiss Walker	0
5th district:	
Victoria Gray	10,138
William Meyers Colmer	0

So, if you count every vote the contestants claim, they fall far short—even where "all citizens qualified were permitted to vote." It must be abundantly clear that all the votes they claim were not sufficient to have changed the outcome of the election in any district in Mississippi.

Moreover, Mr. Speaker, the committee wishes to emphasize these additional facts: The Voting Rights Act of 1965 is now the law of the land, in full force and effect. And the alleged practices complained of by the contestants in the 1964 Mississippi elections would constitute violations of the new act if occurring subsequent to its enactment. So there is now clear and adequate legal authority for the Federal Government to protect the rights of voters and to assure the right of all citizens to become registered voters.

In the light of all the facts and circumstances, I am convinced beyond every doubt that these contests should be dismissed. And I urge that you vote accordingly.

Mr. LIPSCOMB. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Speaker, this is a case that has concerned all of us in this Congress for the past 8 months. It carries with it, to a degree, ramifications and implications that affect each of us and our seats here in the Congress of the United States. I served as the ranking member on this subcommittee and with some of my colleagues insisted that the merits of this narrow issue that is presented to us today be argued fully before the subcommittee; and I believe it was. I want to compliment all those who were involved with these arguments on both sides of the issue. They did a fine job of presenting concisely and clearly their viewpoint.

Now, what is the issue that is presented to us today? There is a motion in the form of a resolution before us to dismiss the action contesting this election. In looking at this motion to dismiss we must understand the background and circumstances of the election.

First of all, in November 1964, there were five races in the State of Mississippi for Congress, and in four of those races there was no contest whatsoever. There was no candidate running in opposition to the incumbent. We are faced then with a situation wherein we are asked to unseat by contestants who had no part in this election procedure whatsoever.

In 1965 many of us joined in writing a Voting Rights Act. Many of us were deeply concerned that in the future the commitment of that Voting Rights Act of 1965 be carried over to the other procedures of the House to be sure that the 1965 Voting Rights Act was observed. We have here today a committee report which commits this Congress and the House Administration Committee to examine and scrutinize all elections in the future with an eye to the Voting Rights Act of 1965.

We will, in my opinion, use the power to unseat in the future, if there is corroborative evidence of the violation of the Voting Rights Act of 1965.

These were concessions which I fought for and which others on the subcommittee fought for in the committee report so that we could have these as a matter of legislative history in this historic debate today.

Finally, and most importantly, we have had election contests before us in the past. There is tremendous confusion about the proper procedure under which a contestant may bring a contest before this House.

But, we have had the finest legal counsel in this country trapped by the confusion of precedents and law that exists now in our contested election procedures.

Mr. Speaker, we have a commitment in this committee report, which I am sure all of my colleagues on the House Administration Committee will affirm, that we intend to investigate and change the election contest procedure so that there will be no further traps to those who wish a day in court provided by this great body of the House of Representatives and the House Administration Committee.

Mr. Speaker, with this legislative history before us, we are voting on a motion to dismiss the election contest, which I support.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, my remarks are certainly not directed toward any individual in this House and certainly not to be implied as any criticism of the chairman of the House Administration Committee or to attack the integrity of the Elections Subcommittee. It is to state the issue which is involved this afternoon and the position of the minority on the committee. Unfortunately, it is not to debate the merits of the case.

I think that it has been well demonstrated thus far that the differences of opinion about those who even signed the majority report is an indication to us that the merits of the case are to be yet decided.

Mr. Speaker, the motion to recommit which the minority members of the committee will support is merely to implement the decision to have further hearings.

Mr. Speaker, the majority report seeks to establish the fact that whatever discriminatory practices might have existed in the Mississippi congressional election of 1964 are not sufficient to serve as the basis of a challenge which this House ought to consider on its merits.

But, I ask this House, if the discriminatory practices with regard to voting procedures which existed in the State of Mississippi in 1964, discriminatory practices which the President of the United States recognized so clearly in his historic address to the Congress last March, discriminatory practices which the U.S. Civil Rights Commission has documented so completely in their report on Mississippi for 1965, and upon which that distinguished Commission based its conclusion that the State of Mississippi was operating in open violation of the 15th amendment to the Constitution; discriminatory practices which the U.S. Department of Justice has documented in over 30 suits brought against county after county in that State—if, I say, this uncontradicted and uncontradictable evidence of discriminatory practices with regard to voting procedures existing in Mississippi in 1964 is not sufficient to serve as the basis for a proper challenge, then what evidence shall suffice?

Mr. Speaker, to adopt the majority report is to establish a precedent which I say shall forever foreclose the Negro citizens of the South from calling upon the Congress to unseat those who may ascend to their seats by a system that excludes citizens who oppose the dominant group.

Mr. Speaker, the committee majority found that the primary question for them to consider was, was there an election, and it found that there was. But I ask this House, Is there really any question that there was an election? Of course, there was. No one has denied that. But the issue raised by this challenge is whether there was a valid, constitutional election and whether qualified citizens could avail themselves of the electoral and political processes of the State in which they live.

Mr. Speaker, that is the question which the committee should more thoroughly consider.

We are not seeking in this motion to recommit to answer that question nor are we asking you to answer that question this afternoon. We are merely asking that this House should withhold its judgment on this matter until more adequate and public hearings are held. Should we hasten to make a judgment against which there is no appeal?

I, therefore, urge the House to recommit this matter to the committee for a thorough hearing.

Mr. BURLESON. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT] such time as he may require.

Mr. ROOSEVELT. Mr. Speaker, I rise in support of the motion to recommit to the House District Committee the "Mississippi challenge" cases.

This body—and every one of us—must face our moral responsibility to the great democratic processes of our Nation. Once the technical and legal points have been argued and assessed, there remains a great overriding issue. It is a moral issue. Can we support continued service in this body of persons elected by what must be frankly recognized as a perversion and misuse of our elected processes? That such practices have long been a part of the political life of the State of Mississippi, that they have, by custom and usage, become an accepted way of life for thousands and millions of people, makes even more clear the necessity to accept our moral responsibility and to act upon it.

This is not a matter of personalities. These Members are my good friends. But I must overlook that. I must look to the people of the State of Mississippi, to the people of the Nation, to the people of other lands. Democracy, and its processes, are at issue.

To those who say that the Voting Rights Act of 1965 will require correction of these practices—and that the Representatives from Mississippi will hereafter be elected by constitutional means is no answer to the question presently before us. What will be done cannot obviate what has been done. The present Mississippi delegation is the one that concerns us today.

The record in the Mississippi contested election cases of 1965 bring before the House overwhelming evidence of the simple, stark facts upon which these cases rest—the almost total, systematic, and deliberate exclusion of the Negro citizens of Mississippi from the electoral processes of that State. Only 7 percent of the Negro citizens of voting age were registered to vote. Over 450,000 Negro citizens were excluded from the electoral process during which the Members of this House were elected. The unimpeachable facts of wholesale Negro disenfranchisement make a mockery out of the constitutional requirement that the Members of this House be chosen "by the people of the several States."

It is now thoroughly well established that the Negroes of Mississippi have voted and registered in such pitifully small numbers because they have been prevented from doing so by an unrelenting program of legislation, discriminatory administrative procedures, violence, and intimidation. The array of findings on this score is indeed impressive and the condition is statewide—it exists to an overwhelming degree in each of the five congressional districts here in question.

Although court decisions have been extremely ineffectual in eliminating the massive disenfranchisement of Negro citizens in Mississippi, the findings by Federal courts in county after county represent an impressive array of proof of the pattern of discrimination. These decisions relate to counties throughout the State.

The President, in his message to Congress of March 15, 1965, summed up in terms which leave no possibility of further doubt all the proof of the fact that Negroes have been excluded from the electoral process in Mississippi.

Depositions were taken in the Mississippi contest in more than 30 counties of the State of Mississippi. Over 400 witnesses testified. Over 10,000 pages of detailed testimony, all subject to the right of cross-examination, tell the story of Negro disenfranchisement again and again.

This almost total exclusion of Negro citizens from the electoral processes of Mississippi is the result of almost a century of operation of what has come to be known through the Nation as the Mississippi plan. Since 1875 the dominant white political structure of the State has openly and consciously utilized every possible technique to disenfranchise the Negro and perpetuate a system of white supremacy. The specifics may vary but the broad outlines of the formula by which Negro disenfranchisement has been achieved remain the same over years. It is a combination of violence and laws which invite discriminaton by granting broad discretion to local registrars who are part of a conspiracy to prevent Negro participation in the electoral process.

The report of the U.S. Civil Rights Commission only this May, the many decisions of the Federal courts, the over 400 depositions taken in these contests, all reveal in details repeated over and over again, that the Mississippi plan of 1875 and 1890 is still very much in effect. For almost 100 years the Negro citizens of Mississippi have been consciously, deliberately, and systematically excluded from the political processes of the State. The records of these contested elections now bring before this House for its judgment the Mississippi plan in its full flower.

The massive disenfranchisement of the Negro citizens of Mississippi which has been now so fully demonstrated in the records of the present cases renders the elections here patently violative of the Federal Constitution. It is much too late to argue blandly as the sitting Members do that the Mississippi election laws are "legal" and "constitutional." On June 7, 1965, the Governor of their own State publicly conceded that the two central registration provisions of the Mississippi Constitution were unconstitutional. Laws comparable in every respect to the Mississippi registration and election provisions have this term of court been stricken down by the Supreme Court of the United States.

These cases present to the House a truly extraordinary situation. Sitting Members seek to sustain their right to seats in the House obtained in elections the Governor of the State now concedes were conducted under unconstitutional registration and election laws. The position of the sitting Members, as set forth in their answers, has now been completely undermined by the Governor and legislature of their own State.

The flagrant unconstitutionality of the legislation through which for over 70 years the State of Mississippi has systematically and thoroughly excluded its Negro citizens from the franchise is not conceded by all. The only question remaining is whether the House of Representatives of the United States will tolerate elections for Members of the House conducted under unconstitutional laws which have excluded from the electoral process a substantial number of

citizens of the State whose only disqualification from voting has been that their skin is black.

In contest after contest in which evidence of wholesale Negro disenfranchisement has been laid before the House, this legislative body has met its constitutional duty to unseat contestees whose purported authority to membership in the House rests upon such elections. The current challenges to the Mississippi contestees do not present new and untested questions to the House. They are thoroughly supported by a long line of the most important and honorable precedents of the House itself. In over 40 election contests in the past this House has set aside election results where Negro citizens were excluded from the voting process.

Mr. Speaker, full and adequate hearings on this matter have not been held. The motion to recommit, which will be offered, and which I will support, will give us the opportunity to grant the thorough and detailed consideration which it deserves. I urge my colleagues to reject the resolution before us, and to recommit these challenge cases to the Committee on House Administration.

Mr. LIPSCOMB. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, the House of Representatives, under the Constitution, has the clear responsibility to be the judge of the elections, terms, and qualifications of its own Members. This is an exclusive responsibility which the House must accept. There is no appeal. Political or injudicious acts in executing this responsibility will demean this body, its Members, and the Constitution. Justice delayed is justice denied. This is September, and the merits of this case clearly required prompt study and resolution which have not been provided.

Here we are supposed to be debating and deliberating upon a matter on which many Members, including myself, would take 15 to 20 minutes to express our views. This 2 minutes is the most time that can be granted to me. I was lucky to get 2 minutes.

These are the procedures that the majority party have been employing throughout this Congress on this issue and every issue.

In my statement that will appear in the RECORD is a discussion of the procedures that have been followed in this matter. I could not agree with the gentleman who preceded me more that this matter should be referred back to the committee. The committee should go forward, even at this late date, to develop the evidence for whatever it is worth. Incidentally, may I say I was one of those who voted in January to seat the officially designated, duly elected Members from Mississippi, because, in my judgment, it was quite clear that the official stamp was there. The matter did require immediate hearings and full hearings in the Committee on House Administration. The majority party is responsible for this procedure not going forward promptly. It had it within its power to have resolved this issue early, as it could have been.

Hereafter follows my prepared speech.

Mr. Speaker, I have studied the report of the Committee on House Administration which accompanies House Resolution 585, the resolution to dismiss the five Mississippi election contests and to declare that the sitting Members are duly entitled to their seats in the House of Representatives. I am unconvinced by the report.

When this issue was before the House in January 1965, I voted to seat the Mississippi Members-elect. I did so because I thought it unfair and an unwise precedent to deny an entire State its representation in Congress without any facts or information of challenge having been submitted, studied, and considered. And further I did so anticipating that a challenge would be brought under the established procedures for such matters which could then be considered and judged on its merits. In short, I voted to seat the delegation because a case had not been made against them.

The House of Representatives, under article I, section 5 of the Constitution, has a clear responsibility to "be the Judge of the elections, returns, and qualifications of its own Members." This is an exclusive responsibility which the House must accept and execute judiciously. There is no appeal. Political or injudicious acts in executing this responsibility would demean this body, its Members, and the Constitution. No Member would consciously vote other than according to the dictates of the Constitution.

Justice delayed is justice denied, this is September and the merits required a prompt study and resolution.

First, I wish to commend the committee on their recommendation on page 5 of the report expressing concern over present House procedures governing election contests and stating that the committee will undertake a review of such procedures and make recommendations for improving and clarifying them so as to deal more expeditiously with such cases in the future. Certainly events of recent months make this a most appropriate course of action.

However, I am deeply concerned about a number of aspects of this important matter. The reports of attempts to frustrate a full and fair hearing and consideration of this contest by the Clerk of the House, the committee, and the Democratic leadership concern me. As always in such matters, it is difficult to conclusively fix blame, and dangerous to question motives. For this reason, I merely question the necessity and desirability of the delays and procedures which have taken place. Specifically, I question the limitation of the hearings to 3 hours. I question the secrecy of the hearings to the press and the public. I question the fact that the record of the hearings, such as they were, have still not been made available to the Members. How can the Members of this body fulfill their role as judges if they lack access to the record of the case. I question the apparent limitation of the number of copies of the pertinent documents to less than 100 and the subsequent transfer of these documents from the Clerk to the committee and their lack of availability to Members of Congress.

I am also concerned by the committee's report and the resolution of dismissal. First, and I believe of considerable importance, the report specifically states that the committee held hearings on only the question of dismissal of the contests (p. 1). Yet, the title of the report and the last two lines of the resolution as shown on page 5 clearly state that the sitting Members are entitled to their seats. Such a finding must be based on the merits, yet by the committee's own statement and at the insistence of the committee and over the opposition of the contestants, there were no hearings on the merits. Clearly, support of this resolution by the House today will result in a ratification of the committee's conclusion which is possibly without basis in the still secret record of the hearings and which will, as a result, arbitrarily preclude any further challenge. This, I believe, would be an unwise precedent to say nothing of its unfairness in this particular contest.

Further, the brief report appears to me to be filled with statements which, while in some cases are accurate, are not pertinent and lead to the erroneous conclusion that the committee has in fact found justification for their conclusions. For example, on page 1, the conclusion under item (1) concerning the House vote in January of this year may be true, but that vote was not a finding on the merits of the case since no case was presented, and I voted to seat the Members-elect for that very reason.

Next, page 2, item 4b, refers to the question of the Ottinger case suggesting that it is a precedent. I do not agree, just as I did not agree with the finding in that case. To suggest that a Member elected in violation of the law cannot be refused his seat or unseated unless the challenge is raised by the legal opponent in that election is to say that a seat in the House of Representatives belongs to a man rather than to the people. This is clearly not consistent with my understanding of the Constitution and our system of Government, and such references in the report weaken rather than strengthen the report.

Also, on page 2, item 5, and page 4, the last paragraph, the report says that the contestants' contention that Negroes have been systematically excluded from registering and voting in the State of Mississippi "even if true" is now a moot question in that Congress has passed the 1965 Voting Rights Act. How can such discrimination be called moot when the 1964 election is now history and the 1965 Voting Rights Act will and can have no bearing on the constitutionality of any given 1964 election contest and the right of any present Member to sit?

On page 3, item 7b, the committee states that the U.S. Senator elected in 1964 in Mississippi was seated without challenge. If two wrongs occur and only one is challenged, does the lack of the second challenge make them both right?

In addition, on page 3, item 8, the report suggests that unless the outcome of the election would be changed by the challenged aspect of the election, the Member may sit. Is this to say that any illegality will be condoned, regardless of its nature, unless it would change the outcome of the election? Is this the precedent which this body will establish here today?

Further, on page 5, the report says that the committee does not mean to imply by its recommendation of dismissal that it condones any disfranchisement of voters in previous elections or that the House cannot take action to vacate seats of sitting Members. Is this an apology for the committee report and recommendation and an attempt to suggest that this case should not be considered a precedent? Unfortunately, if it passes, it will be a precedent whether we like it or not and notwithstanding these apparent attempts to qualify and limit it.

Finally, Mr. Speaker, I would cite section 2 of the 14th amendment, which says basically:

"But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereo, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein

shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

Why, when the Constitution clearly provides a specific course of action under the situation alleged in this contest, does the committee report completely fail to take note of this constitutional provision?

Mr. Speaker, the first vote—and I hope it will be a record vote and that the widespread rumors of an arrangement to attempt to prevent a record vote are not accurate—will be on the previous question. The vote will be on whether or not to stop debate—debate controlled 100 percent by the Democrat leadership on the committee, and limited to but 1 hour, and prevent any further opportunity for discussion and amendment by the membership as a whole. I intend to vote "no" in the hope that the House will at least be given some opportunity to act judiciously in fulfilling its constitutional responsibility.

The next vote—if the previous question carries, will be to dismiss the challenge. I will vote "no." I will vote not to dismiss for exactly the same reason that I voted not to refuse to seat the Members-elect in January—because in my opinion the case has not been made. For this same reason, I would oppose the so-called Ryan resolution to unseat the five Mississippi Members.

Mr. Speaker, as a Member of this body, the Constitution requires that I sit as a judge on this matter. Admittedly, this is not an easy assignment, yet I undertake it with a deep sense of responsibility.

Let me say that I hold no particular brief for some of the individuals associated with this challenge. I share the opposition of many in this body to the recent unpatriotic acts and statements of groups and individuals supporting the challenge such as the burning of draft cards, the opposition to military service in Vietnam, to say nothing of Dr. Martin Luther King's unwise pontifications on foreign policy of recent date. But these are not at issue. Disagreement with views or acts of supporters of this or any challenge is not grounds, I would hope, to suspend due process.

I am inclined to believe that we could use fewer people who are so concerned about political posturing or merely serving their executive master that they lose track of what this country is all about. What we need is a few more people who are concerned about what is right, fair, and constitutional. And if we don't find them fast, we are going to discover suddenly that there'll be a new generation in this Nation that doesn't know right from wrong.

While I am not a judge, I am a Member of Congress, and I have watched what has gone on in the House this year with no pride. Unlike previous years, where the balance in party membership has been considerably closer, the first session of the 89th Congress will be remembered not alone for the legislative output, but, unfortunately, also for the highhanded abuse of power by the majority party, even including those self-professed liberals and would-be defenders of minority rights of whom one might expect more.

This session began in January with a vote on the House rule changes, with no printed copies for the minority, no real opportunity for debate, no opportunity for amendment. The majority leader simply moved the previous question—just as he will do today—to cut off debate and prevent an amendment period, and run roughshod over the opposition. This same procedure has been used repeatedly. On the education bill, for example, it was so bad that the gentlewoman from Oregon [Mrs. GREEN] felt compelled to express publicly her lack of pride in her party. On Monday of this week, the minority protested against such tactics. Yesterday, amid clapping and cheering and switching of votes, the Quie resolution of inquiry concerning summer postal employees was rejected and a great Democratic victory was achieved—namely, preventing the public from being told about the public's business. Some victory.

I will say this, however. The power structure in the House doesn't discriminate in its abuse of power. At the same time that the minority party—and I might add the people of this Nation—was being rubbed into the ground earlier this week, the majority party was doing the exact same thing to the Mississippi challengers. Obviously, its tactics are reserved not merely for the minority party but are available for any group which has the temerity to get in its way, or which in any way disagrees with the President or the Democratic leadership. The tragic thing is that so many Members of the majority side of the aisle go right along, unless, of course, it happens to be their ox that is being gored. Mr. Speaker, the House of Representatives is not the Democratic convention in Atlantic City and the tactics employed there with respect to the Mississippi challenge are not necessarily appropriate here.

Mr. Speaker, I voted to seat the Mississippi Members-elect in January because no case had been made against them. I would today oppose the Ryan resolution to unseat them because the case still has not been made against them. For this same reason, and because of the inadequate consideration which has been given this matter by the committee—as should be clear from their report—I will oppose the previous question and the motion to dismiss.

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

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

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I wish to associate myself with the thrust of the remarks of the gentleman from Missouri and express my opposition to the committee resolution. When the question of seating the Mississippi Members-elect was first before the House last January, I voted to seat them. To my mind, it would have been unjust to deny them their seats without having had a full and thorough investigation made of the challenge brought against them.

As has been documented in the remarks of the gentleman from Missouri, the report of the committee was most unpersuasive. Further, the tactics and procedures employed in consideration of this matter did not, in my opinion, permit a full and fair consideration of the question.

Mr. Speaker, there have been a number of occasions during this session which have caused me to be something less than proud of the conduct of this body. Certainly the imbalance in party membership has resulted in a tendency on the part of the majority to prevent debate, probing, challenging, and questioning, with the result that the solutions which have been reached have in many instances not been the best possible solutions of which we are capable. Examples such as the procedures employed during the debate on the House rules changes on the first day of the session, and the limitation of debate on the elementary and secondary school aid bill are but two of a long string of instances where the majority party has stifled debate, discussion, and fair consideration of important issues. Similar conduct has, I believe, been employed in connection with the consideration of the Mississippi challenge. I submit that the Members of the House are not today in a position to judge the merits of this case in that we have not had access to the testimony presented or to the hearings on the resolution that is now before us. I cannot take this assignment to judge the case without a deep sense of responsibility—and under the circumstances, I cannot in good conscience support the resolution to dismiss the challenge.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, the question concerning the status of the Representatives from Mississippi is one of the most crucial issues that will ever come before the House. The question is whether the House of Representatives will stand by the U.S. Constitution and the 15th amendment which provides, "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude."

Mississippi has willfully and maliciously violated the Constitution by denying to a substantial number of American citizens the right to vote because they are Negroes. We have the opportunity today to tell the people of Mississippi and the people of this Nation that the House of Representatives upholds the Constitution and does not condone disenfranchisement of American citizens. We must not permit this challenge to be dismissed.

I should like to read to the House a telegram which I have received from the Reverend Martin Luther King, of the Southern Christian Leadership Conference, which I think is important to the Members.

The telegram is as follows:

ATLANTA, GA.,
September 17, 1965.

Congressman WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.:

We appreciate your ardent support for the unseating of five Congressmen from Mississippi and commend you and your colleagues of good will for grasping the seriousness of this challenge. In these days of strife and bitterness one must support the just moral claims of the Mississippi Freedom Democratic Party. They have not rioted. They have destroyed neither person nor property in their pursuit of justice. They have, instead, sought to diligently apply the statutes of our Constitution. To deny them a full and adequate hearing by dismissing their challenge without full debate of the merits of the case is to deny a very moral fiber of our democratic way of life. I pray that you and your colleagues will overpower the motion to dismiss the challenge and keep the principles of this Nation strong in the hearts of almost a million unrepresented citizens of Mississippi. This challenge is a confirmation of the spirit of the 1965 voting rights bill. It says that Congress is determined to make democracy a reality in spite of intimidations and economic reprisals which still impede full citizenship for Negroes in Mississippi.

MARTIN LUTHER KING, Jr.,
Southern Christian
Leadership Conference.

Mr. Speaker, today we are honored that three courageous and dedicated Americans have joined us on the floor. Mrs. Annie Devine, Mrs. Victoria Gray, and Mrs. Fannie Lou Hamer, contestants in this challenge, under the rules of the House have been accorded floor privileges by the Speaker. Their cause is a just one and deserves the support of every Member who believes in human freedom.

Mr. Speaker, the issue here is quite clear cut. There is no question that citizens of the United States were denied the right to vote in Mississippi in 1964.

The record is clear. There are some 2,932 pages of eloquent testimony contained in approximately 600 depositions which were filed with the committee.

There is the record of the hearings conducted last February by the Civil Rights Commission in Mississippi which spells out the denials and the deprivations of the right to vote and the reprisals, both personal and economic, against individuals who attempted to register and vote. The record is written in the faces of Negro citizens who courageously confronted terror, violence, and even murder in their efforts to exercise a fundamental constitutional right—the right to register and vote.

The State of Mississippi has deliberately and systematically denied American citizens the right to register and to vote. It is no accident that as of January 1964, there were approximately 500,000 or 67 percent of the white persons of voting age and approximately 20,000 to 25,000 or only 5 to 6 percent of the Negroes of voting age registered to vote.

According to the Congressional Quarterly, in 1961 the following were the figures for nonwhite registration in each of the five Mississippi congressional districts: First District, 1.3 percent of the nonwhites of voting age registered to vote; Second District, 6.8 percent of the nonwhites of voting age registered to vote; Third District 9.1 percent of the nonwhites of voting age registered to vote; Fourth District, 5.1 percent of the nonwhites of voting age registered to vote; Fifth District, 12.3 percent of the nonwhites registered to vote.

These voting statistics were the result of a deliberate effort on the part of the State of Mississippi to violate the Federal Constitution—an effort which began over 75 years ago.

The Mississippi constitution of 1869 afforded Negro citizens the full right to vote. The next year, in 1870, Congress enacted a statute readmitting Mississippi to representation in the Congress on the condition that Mississippi never amend or change that constitution "as to deprive any citizen or class of citizens of the United States the right to vote."

In 1890 there were in Mississippi 118,890 registered white voters and 189,884 registered Negro voters. In that year, in spite of the 1870 compact with Congress and the 14th and 15th amendment guarantees, Mississippi called a constitutional convention, the purpose of which was described by U.S. Senator George, of Mississippi:

> When we meet in convention, (it) is to devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government under the control of the white people of the State.

The record of the convention reflects, as one delegate put it, "the manifest intention of this convention to secure to the State of Mississippi white supremacy."

This deliberate unconstitutional purpose was successful. In 1890, 60 percent of the voters were Negro. By 1899, when 57 percent of the adult Mississippi population was Negro, less than 10 percent of the electorate were Negro.

The change in the constitution was not enough to keep all Negroes from voting. Coupled with laws purposefully designed to keep Negroes off the voting rolls, there was a systematic and willful use of intimidation, violence, and even murder. There have been at least five murders since 1961 directly connected with the effort of Negroes to register. In fact, just a few weeks ago a minister was critically wounded because of his involvement with voter registration.

According to the Justice Department in McComb, Miss., alone, there were from June to October 1964, 17 bombings of churches, homes and businesses; 32 arrests; 9 beatings, and 4 church burnings as a result of voter registration and civil rights activity.

Violence and terror in Mississippi to stop Negroes from voting is not a new or isolated phenomenon. The interim report of the U.S. Commission on Civil Rights issued in 1963 spells it out:

> Citizens of the United States have been shot, set upon by vicious dogs, beaten and otherwise terrorized because they sought to vote.

In the face of terror, violence and murder, and in the face of the entire political system of a State dedicated to Negro disenfranchisement, the civil rights movement in Mississippi has attempted to aid Mississippi Negroes in gaining their constitutional rights.

In the summer of 1964 the Council of Federated Organizations—COFO—organized the Mississippi summer project aimed at increasing Negro voter registration in Mississippi.

Three young and dedicated Americans, James Chaney, Andrew Goodman, and Michael Schwerner, participated in that project and paid for their patriotism with their lives. The summer was marked by an all-out effort on the part of Mississippi to reject any effort to register Negroes. Every terror tactic was employed and every spurious legal maneuver was undertaken. The actions of Mississippi clearly indicated that the State was determined to continue its violation of the Constitution. Some Negroes did finally register, but by the congressional elections it was clear that 95 to 96 percent of eligible Negroes were still kept off the voter rolls.

In accordance with the statute—2 U.S.C. 201, et. seq.—30 days after the election, a challenge was brought against the Mississippi Congressmen on the grounds that they were unconstitutionally elected because of the illegal disenfranchisement of Negro voters. The contestants in the challenge have complied in every way with the statute.

The majority report of the House Administration Committee is unfortunate, to say the least.

After only a 3-hour subcommittee hearing closed even to committee members, the committee reported on the merits of this case. The contestants were given a chance to testify, but only as to the question of standing. Despite its stated dedication to due process and its "concern that either outright dismissal of the challenge or unseating of the present Mississippi delegation would violate this precept," the committee has ruled on the substance without permitting contestants to speak on the merits.

The majority report erroneously states, "the House in the past has refused to declare a seat vacant even though large numbers of voters were illegally disenfranchised." The committee cites only one case in support of this dubious and dangerous proposition. The contestants' brief submitted to the committee cites approximately 40 cases in which the House upheld the Constitution by vacating seats because of Negro disenfranchisement. The one case cited in the report must be weighed against the 40 cases where the House decided to the contrary.

The majority report gives dominant weight to the proposition that "whatever electoral practices may have occurred in Mississippi during the 1964 elections, it is doubtful that any disenfranchisement, even if proven here, would have actually affected the outcome of the November 1964 election in any of the districts."

In the first place, this is an admission of disenfranchisement. Moreover, if the House accepts this, it will establish the rule that no disenfranchised majority or minority can sustain an election challenge without proof that their votes would have changed the result. The very "unofficial elections" in Mississippi which the report dismisses as "without the authority of any law whatsoever" will become an obligatory proceeding under this precedent in all future election cases involving disenfranchisement.

If this resolution is adopted, it will serve to bar any and all future election challenges on the basis of disenfranchisement. It would be an impossible and insurmountable barrier to require anyone to prove that he would have been elected or that he would not have been elected depending upon the number of citizens who were disenfranchised.

The majority makes no real commitment to strike down unconstitutional elections in the future. It does not want to be interpreted as "condoning any disenfranchisement of any voters in the 1964 elections or in previous elections," but looking to 1966 it offers only its confidence that violation of the Voting Rights Act of 1965 "will be fully investigated and appropriate action taken." There are few districts in the predominantly one-party South where the number of potential voters relying on the act's enforcement provisions could alter the outcome. Far from keeping faith with the Voting Rights Act of 1965, the report gives a green light to present efforts by the State of Mississippi to sus-

pend the law's operation by dilatory legal maneuvers. If adopted, it will be a hardly less visible signal to those who, through violence and intimidation, have already deterred the efforts of many to register under the act.

The report holds that the laws of Mississippi governing the 1964 elections "are all deemed constitutional inasmuch as they have not been set aside by the decision of any court of competent jurisdiction." In other words, it is validating the 1964 Mississippi elections. The report neglects to note that these laws have recently been set aside by a special session of the Mississippi Legislature, called by the Governor for the very reason that he determined that they were unconstitutional.

Perhaps the most flagrant error of the majority report is the proposition that the "Supreme Court of the United States—and not the House of Representatives—is the appropriate tribunal" to pass on the constitutionality of Mississippi's election laws. This is in flat contradiction to a consistent line of modern cases which expressly hold that article 1, section 5, of the Constitution vests sole responsibility for judging elections in the House itself. The Supreme Court may void a law; it cannot void a congressional election.

The majority report says that the Voting Rights Act "provides thorough and complete remedies to any and all such discrimination and disenfranchisement." The act's authors had no such illusions, and its diehard opponents make clear every day that they hold no such fears.

Those who do have faith in the Voting Rights Act can best affirm it by accepting the act's main premise and voting accordingly today: the November 1964 elections in Mississippi were unconstitutional.

There are those who, in the highest traditions of our land, risked their lives to bring this challenge to us so that we may exercise our solemn obligation to the Constitution of the United States. The Voting Rights Act of 1965 does not in any way negate the fact that the Congressmen from Mississippi were illegally elected. It does not overcome the fact that Mississippi has violated the Constitution. It does not relieve us of our obligation to uphold our oath to the Constitution.

The contestants who have challenged the Mississippi elections have used the most orderly devices known to our society. They have used depositions, petitions, affidavits, briefs, and every procedure provided by the law. Are they now to be denied justice?

Mr. Speaker, I ask all my colleagues to vote against dismissing the Mississippi challenge. We have a moral responsibility to live up to our oath to uphold the Constitution.

Mr. Speaker, I include at this point in the RECORD the list of organizations which have supported the challenge:

American Ethical Union.
A. Philip Randolph Foundation.
Amalgamated Clothing Workers of America.
American Civil Liberties Union.
American Jewish Committee.
American Jewish Congress.
American Veterans Committee.
Americans for Democratic Action.
Antidefamation League of B'nai B'rith.
Brotherhood of Sleeping Car Porters.
Catholic Interracial Council.
Christian Family Movement.
College YCS national staff.
Congress of Racial Equality.
Council for Christian Social Action—United Church of Christ.
Delta Sigma Theta Sorority.
Episcopal Society for Cultural and Racial Unity.
Improved Benevolent & Protective Order of Elks of the World.
Industrial Union Department—AFL–CIO.
International Union of Electrical, Radio & Machine Workers.
Iota Phi Lambda, Inc.
National Alliance of Postal Employees.
National Association for the Advancement of Colored People.
National Association of Colored Women's Clubs, Inc.
National Catholic Conference for Interracial Justice.
National Council of Catholic Women.
National Council of Churches—Commission on Religion and Race.
National Council of Negro Women.
National Council on Agricultural Life and Labor.
National Urban League.
Negro American Labor Council.
Northern Student Movement.
Phi Beta Sigma Fraternity.
Southern Christian Leadership Conference.
State, County, and Municipal Employees.
Student Nonviolent Coordinating Committee.
Textile Workers Union of America.
Union of American Hebrew Congregations.
Unitarian Universalist Association—Commission on Religion and Race.
Unitarian Universalist Fellowship for Social Justice.
United Automobile Workers of America.
United States National Student Association.
United Steelworkers of America.
Women's International League for Peace and Freedom.
Zeta Phi Beta Sorority.

OTHER ORGANIZATIONS OUTSIDE LCCR ENDORSEING STATEMENT

Division of Human Relations and Economic Affairs.
General Board of Christian Social Concerns of the Methodist Church.
Lawyers Constitutional Defense Committee.
Mississippi Freedom Democratic Party.

Mr. LIPSCOMB. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, at the proper time I shall seek recognition for the purpose of offering a motion to recommit this resolution to the Committee on House Administration. I shall do so because this matter is serious and basic to representative government and, as such, deserves judicial treatment in the strictest sense.

Article I, section 5, clause 1 of the Constitution says:

> Each House shall be the judge of the elections, returns and qualifications of its own Members.

It is this constitutional duty of the Congress which we are considering today, and the manner in which we fulfill that duty is of the highest importance.

It is generally conceded, as stated by the Legislative Reference Service of the Library of Congress in Senate Document No. 39 of the 88th Congress, that "each House in judging of elections under this clause acts as a judicial tribunal." Numerous court cases have upheld the right of the House to act as such a tribunal.

Throughout this heavily publicized challenge of our five colleagues from Mississippi by the Mississippi Freedom Democratic Party, it has been difficult to maintain judicial composure. The pressure for an early commitment before the facts were presented in a judicial manner has been greater than upon any other issue I have confronted in my 13 years as a Member of this body.

I believe I am correct in saying that no other congressional district outside the State of Mississippi is so intensely interested in this matter as my own 10th District of California, more than 2,000 miles away from the State of Mississippi. Many of my constituents have gone to Mississippi and 12 members of my local bar association assisted in the taking of depositions connected with this challenge. Signed petitions, with hundreds of names, urging my support of the challenge, have been sent to my office. The city council of my largest city passed a resolution with a unanimous vote urging my support of the move to unseat Mississippi's Congressmen. One petition bore the names of 17 faculty members of the great law school at Stanford University. Twelve of the signers were professors of law, associates, or assistants. The remaining five were teaching fellows, lecturers and librarians.

One letter from a distinguished and knowledgeable constituent is typical of thousands I have received. It states:

> The evidence of systematic exclusion of Negroes from the vote in Mississippi is overwhelming. If you reach a different conclusion I will have to assume either that your review of the facts was not objective or that you did not review the facts.

Mr. Speaker, here we are, just a few short moments away from a vote on this matter and I have not yet seen these facts. Should I be asked to evaluate them without having seen them? Can I honestly make a judicial decision solely from newspaper reports and public statements of those who are either opponents or proponents of the Mississippi delegation?

Mr. Speaker, I am deeply troubled by some of the serious ramifications of the matter before us today.

First, if this challenge were to succeed and all five of Mississippi's Congressmen were to be unseated, I am troubled by that portion of article I, section 2 of the Constitution which says, "each State shall have at least one Representative."

Perhaps there is a proper legal answer to this question, but it has not been presented to me as a member of this acting judicial tribunal.

I am troubled by the language of section 2 of the 14th amendment which says that a State's representation shall be reduced in the same proportion which the number of male citizens being 21 years of age and citizens of the United States have been "in any way abridged except for participation in rebellion or other crime."

And I am troubled by the clearcut precedent which this House established in its sixth rollcall of the current session on January 19, 1965, when by a vote of 245 yeas to 102 nays the House declared that only a bona fide candidate for election was a proper party to challenge the election of a Member under the provisions of section 201, title 2, chapter 7 of the United States Code. By this overwhelming vote the House upheld the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], when he said in part:

> Congress never intended to give unqualified authority, pellmell, under this statute to individuals, to good people or to bad people, to contest any Member's seat, for good reason or otherwise.

Earlier the distinguished majority leader had said:

> I say to the gentleman that it (the statute) was intended that this case be limited to those who participated in the election, to one of the candidates in the election.

Mr. Speaker, in this morning's mail I received a communication signed by 17 Members of this body which enclosed the minority views for House Report No. 1008, currently before us which in turn was signed by five members of the House Administration Committee. Excluding duplications there were 20 different Congressmen whose names appear in this communication and its enclosure.

It is interesting to note that on January 19 of this very year, 16 of these 20 Members voted in favor of the principle that a challenge brought under title 2 of the United States Code could only be brought by a candidate. Three of the 20 names did not vote on this rollcall on January 19 and only 1, the gentleman from New York [Mr. RYAN], voted against the principle espoused by the majority leader. Yet here we are considering a challenge against five Congressmen which admittedly has not been brought by a bona fide candidate. This places the persons who signed this letter opposing the motion to dismiss House Resolution 585 in the position of urging that in the very same Congress a clearly established precedent be applied in one manner for one Member and in exactly the opposite manner for five other Members. I say with regret that it appears that precedent, orderly process, and procedure are subject to pragmatic interpretation and can vary with the situation of the moment.

Mr. Speaker, if we are truly to act as a judicial tribunal, we cannot turn our precedents and our principles on and off as we do a water spigot.

Mr. Speaker, these matters which trouble me should also trouble any Member of this body who conscientiously assumes his constitutional responsibility. The simple fact of the matter is that the very serious allegation that Negroes have been systematically excluded from the right to vote in Mississippi has not been supported nor repudiated with clear-cut evidence presented in a proper manner before this judicial tribunal.

To those who would jump to the conclusion that it is our traditional legislative process and procedure which has prevented a proper presentation of evidence to this judicial tribunal, let me remind them that orderly process has been underway. Let them remember that the House Administration Committee was seriously and honestly conducting objective and complete hearings in accordance with the existing law of this Republic, which, we proudly say, is a government of law and not of men. These hearings would have been completed in a timely fashion except for the impatience of those who have no faith in orderly process and the democratic procedures which have developed through almost two centuries of our history. They insisted upon filing a resolution of high privilege to discharge a committee which was legitimately doing its duty in accordance with the stable procedures which distinguish this Republic from anarchy. But for this resolution of high privilege we could look ahead to the benefits of the very process of deliberation and judgment which many proponents of the challenge movement now plead for. Had they shown faith in our democratic process and been willing to trust it instead of concluding prematurely that our existing institutions would not act in deliberate honesty, they would not be in this present dilemma. The cause of civil rights, so honestly pursued by so many of us who choose orderly process over dramatics and demagoguery, has been seriously impaired. In all frankness, I cannot help but say that the dramatics connected with this challenge have produced only confusion. Perhaps they have provided salve to the ego of pseudohumanitarians, but insofar as helping the civil rights movement is concerned, the total effect has been negative. It is regrettable that the hundreds of dedicated persons from my district and all over the Nation who have given their time to a cause have been led astray by ill-advised leadership.

But in the final analysis, Mr. Speaker, we cannot escape two basic facts:

First. This is a tremendously serious matter which goes to the roots of our system of free government.

Second. We do not have the basis upon which we can make an honest decision. So, not because I consider the majority report to represent an "ill-conceived attempt to avoid a hard decision" as the very persons who caused this problem have alleged, but only because it will help us to perform our responsibility as a judicial tribunal, I urge that this resolution be recommitted to the Committee on House Administration.

Mr. BURLESON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, insofar as the validity of the election of our Members is concerned, the Constitution provides that the House of Representatives is the sole judge. Even though the 50 States handle the mechanics of the House elections, we are under no obligation to accept a Member merely because a State certifies his election. On the contrary, the precedents are clear that the obligation we have is not to accept as a Member any person whose election was not in accordance with the provisions of the Constitution.

The problem we face today has to do with that provision of the Constitution. The citizens of Mississippi are contesting the election of five Members. The contestors claim that the 1964 primary and general elections were not open, fair, and free as required by the laws of the United States in that the Negroes of Mississippi, who contribute approximately one-half the electorate, were unlawfully excluded from participation. They further claim that Negro citizens including three of the contestants were prevented from appearing on the ballot as congressional candidates. The contestants further claim that the 1964 Mississippi elections were void because they violate the 1870 compact between the State of Mississippi and the Congress of the United States readmitting Mississippi to the Union; that the elections are void because they violate article I of the Constitution which requires "the House of Representatives shall be composed of Members chosen every second year by the people of the several States"; and that the elections are void because they violate the 13th, 14th, and 15th amendments.

The record in these cases brings to us overwhelming evidence of the facts upon which these cases rest—the almost total, systematic and deliberate exclusion of the Negro citizens of Mississippi from the elections of that State. Over 450,000 Negro citizens of Mississippi were excluded from participating in the 1964 elections which are the subject of this contest. Only 7 percent of the Negro citizens of voting age were registered to vote. And the pitifully small number of Negroes participating in Mississippi elections is because they have been prevented from so doing by an unrelenting program of legislation, discrimination, violence, and intimidation.

In accordance with title 2, United States Code, chapter 7, the prescribed procedures have been followed by the contestants and the contestees, including the submission of evidence and briefs to the Subcommittee on Elections of the House Administration Committee.

Today the House Administration Committee comes to us and asks that we dismiss the Mississippi election contests without a thorough and open review on the merits of the questions raised. The Administration Committee has made its recommendation, after closed hearings, primarily on the grounds that the contestants are not the proper persons to present the facts to the House of Representatives. But, mark, the majority report does not merely resolve that the challenges be dismissed. It declares that the five Congressmen in question are entitled to their seats. If the House votes for the dismissal of the challenges, what it is doing, is putting its stamp of approval and declaring valid the election of Representatives where half of the population of the State has been denied the right to vote.

Five members of the Committee on Administration joined in a dissenting report, noting that "neither the precedents nor the requirement that only an opposi-

tion candidate can contest an election of a Member of the House were established to prevent contests under present circumstances."

The minority report recommends to the House that the entire question should be reconsidered by the committee after adequate public hearings, and a resolution reported based on the merits of the case and not upon the basis of who brought the wrongdoing to the attention of the committee."

I cannot see how the House of Representatives can do less. I urge you to vote for the motion to recommit House Resolution 585.

Mr. BURLESON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BURTON].

Mr. BURTON of California. Mr. Speaker, the eyes of the Nation are watching us today. As Members of the House know full well, our responsibility to be the sole judges of the qualifications of Members of the House is a most grave and important one. Literally the foundation and the concept of our democratic society is affected by how we discharge that responsibility.

The responsibility is not a partisan one. I commend the gentleman from New York [Mr. GOODELL] on the constructive role and contribution he made to the discussion of this issue within the Committee on House Administration.

The problem before us today is one of either accepting a report which dismisses this action entirely, or rejecting this report, so that the Members of the House may have a full opportunity to weigh the vital issues at stake in this matter.

It is beyond question that Negro citizens in Mississippi were denied the right to vote in the last election. Massive documentation and other facts have been gathered by attorneys and court reporters throughout the country, many of them from the San Francisco Bay area. These facts are entitled to the fullest scrutiny and development in the context of extensive public hearings.

I urge rejection of the committee's recommendation. I urge that the House and its committees be given a full opportunity for public hearings on this vital national question.

Mr. BURLESON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Speaker, I have no quarrel with the gentlemen who represent the State of Mississippi in this House. I deem them fine, able, and courteous gentlemen.

My quarrel is with those people of the State of Mississippi who, by use of terror, pressure and other illegal means, prevented qualified American citizens from registering and voting in that State.

Unfortunately, the only means of showing our opposition and disgust with the tactics used by the citizens of Mississippi in preventing other American citizens from voting by the use of terror, pressure, and other illegal means, is by depriving them of representation in this House, in other words deprive them of the benefit of their ill gotten gains by vacating the seats of the delegation from that State.

To my mind this situation is not unlike that of a child who is denied the right to benefit under the will of parents whom he did away with. Thus the people of Mississippi should not be rewarded for their illegal acts by being represented in this body.

Under the circumstances, it seems to me that in acting on the merits of the matter I must vote against the resolution dismissing the challenge to the election of the five Members of the House from Mississippi.

The 1964 elections for Members of Congress in Mississippi were conducted in a manner which violated the condition under which Mississippi was readmitted to representation in Congress in 1870 and in a manner which violated the 15th amendment.

Mississippi adopted a new constitution in 1869 which required as qualifications for voting only that the registrant be male, 21 years of age or older, and that he had lived in the State at least 6 months and in the county at least 1 month.

The act of 1870 by which Congress readmitted Mississippi to representation included as a condition of readmission the following proviso:

And provided further, That the State of Mississippi is admitted to representation in Congress as one of the States of the Union, upon the following fundamental conditions: First, that the constitution of Mississippi shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized.[1]

The Constitution of 1869 apparently provided sufficient protection to Negroes' political rights, because in 1890 there were 189,884 registered Negro voters in Mississippi and 118,890 registered white voters.

Mississippi adopted a new constitution in 1890, and we have evidence that the purpose of the new constitution was to disfranchise the Negro in violation of the condition under which Mississippi was admitted to representation in Congress.

The essential purpose of the Mississippi Constitutional Convention of 1890 was stated clearly and unequivocally by Mr. S. S. Calhoon, who was president of the convention. Mr. Calhoon, in his opening address, spoke about the rule of one race in comparison to the rule of another race, and he said:

> This ballot system must be so arranged as to effect one object, permit me to say—for we find the two races now together.

And later, Mr. Calhoon said:

> That is the great problem for which we are called together; that is the great question for you to solve, and the outside world is looking anxiously and our sister States of the South are looking at the solution we arrive at in reference to that question.[2]

The Constitution of 1890 required that a voter registrant be able "to read any section of the constitution of this State," or understand it when read to him, or give a "reasonable interpretation" of it.

Negroes were disfranchised in such great numbers by use of literacy and interpretation tests that by 1899 less than 10 percent of registered voters were Negro.

Further tests for registration were required by a constitutional amendment of 1954. Voters who were registered before January 1, 1954, did not have to meet the new requirements. This meant that the new tests would not be used to disfranchise white voters who were already registered, but would be used to prevent Negroes from registering.

A Mississippi constitutional amendment of 1960 provided for the additional requirement of "good moral character."

The U.S. Commission on Civil Rights has stated that the kinds of registration requirements which Mississippi established by its constitution of 1890 and by its constitutional amendments of 1954 and 1960 have been applied in a discriminatory manner for the purpose of disfranchising Negroes—"U.S. Commission on Civil Rights, 1961 Report, Book I: Voting," pages 137–138.

The congressional elections in Mississippi in 1964 not only flouted the proviso of the 1870 act which readmitted the State to representation, but also were rendered illegal by violations of the 15th amendment to the U.S. Constitution.

On May 17, the Mississippi Freedom Democratic Party submitted to the Clerk of the House more than 600 depositions providing evidence that great numbers of Negroes were prevented from voting in 1964 because of tests and devices used to reject applications for registration and because of violence and economic reprisals. The evidence which the Privileges and Elections Subcommittee of the Administration Committee has now under consideration is convincing and conclusive.

The contention, Mr. Speaker, that the last congressional elections in New York City should likewise be rendered invalid because many Spanish-speaking American citizens were disfranchised by the State's English-language literacy requirement is without merit.

I had always opposed this literacy requirement of my own State. I believe that it was intrinsically discriminatory, and I gave full support to the provision of the Voting Rights Act of 1965 which prohibits it. Nevertheless, its application is not comparable to the methods used under color of law to disfranchise the Negro in Mississippi. The New York State requirement was at least administered in a manner befitting a law; that is, without prejudice, partiality, or arbitrariness. No one's race stood in the way of his registering to vote in New York if he could meet the English-language literacy requirement, which was in writing and of the same level for all.

Mississippi is not the only State in the South which has disfranchised Negroes. But citizens in Mississippi alone have contested the election of the entire congressional delegation in the 89th Congress. And the Mississippi Freedom Democratic Party has an unassailable right to act as contestant.

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[1] 16 Stat. 67, Feb. 23, 1870.

[2] Journal of the Proceedings of the Constitutional Convention of the State of Mississippi, Aug. 12 to Nov. 1, 1890, opening speech by Mr. S. S. Calhoon (Mr. Calhoon's speech is given on pp. 9–11).

Months before the November 1964 elections, members of the Freedom Democratic Party, which ought to be recognized as a true part of the National Democratic Party, attempted to participate in Democratic Party meetings in their State. In June 1964, Negro Democrats tried unsuccessfully to take part in precinct meetings in 12 or so county seats. During the same month, Negro Democrats tried, again unsuccessfully, to participate in a number of county conventions. This is where the real contest began—in the attempt of Negroes to have a voice in party decisions in their State.

The Mississippi Freedom Democratic Party is a genuine contestant not only because great numbers of Negroes were prevented from voting for candidates for election to the House, but also because Negroes were prevented from exercising any choice with respect to the selection of candidates.

Mr. Speaker, the House of Representatives must vacate the seats of the delegation from Mississippi in order to preserve the integrity of the elections of its own Members.

Mr. BURLESON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. RESNICK].

Mr. RESNICK. Mr. Speaker, I am not an attorney, as many of the Members of this House are. I sat and listened to the gentleman from South Carolina quote precedent after precedent after precedent.

It seems to me that each day we sit here we write new precedents. That is what we are paid to do. That is our job.

The rules change, and we are here to see that they are changed in accordance with the needs of the Nation.

I oppose the motion to dismiss. I call for fair and open hearings. We cannot continue to perpetuate the wrongs of 100 years.

Mr. LIPSCOMB. Mr. Speaker, I yield to the gentleman from New York [Mr. HALPERN] for a unanimous-consent request.

Mr. HALPERN. Mr. Speaker, I rise in opposition to the resolution and in support of the anticipated motion to recommit House Resolution 585. I do so because I have found the committee report on this resolution to be either an exercise in confusion, or a reflection of the failure of the majority to come to grips with the issue which was before it. I believe that the committee should take a closer look at the challenge, and I believe that the American people have a right to expect that when a challenge based upon systematic and wholesale disenfranchisement comes before the House, that matter will receive the serious consideration it warrants. No such consideration is evident in the committee's report.

The majority implies that the election contests should be dismissed because we have passed the Voting Rights Act. The blatant discrimination that prompted us to pass that legislation, impels us today to rectify the invalid consequences of an election based upon that very discrimination.

At the time of this election, 6.7 percent of the eligible Negroes of Mississippi were registered to vote. It is not enough to merely hope for a future which will bring a promise of justice. And to cite that hope as a reason for recommending dismissal of the petition, is to abdicate the constitutional responsibility of the House to "be the judge of the elections, returns, and qualifications of its own Members."

The majority also suggests that this issue is not properly before the House since the Members whose seats are in question were challenged "by persons not actually legal candidates appearing on the ballots." The minority on the committee put forward one answer: that it is fatuous to require a contestant to be a candidate in a jurisdiction in which he or she cannot even be registered to vote. Another answer is that the fact of noncandidacy is completely irrelevant at this point. While this might have been raised in connection with the taking of depositions, it is inappropriately addressed to the issue of the challenge itself. The Clerk of the House, in a formal communication, addressed to the Speaker just this year, reaffirmed the power and duty of the House to hear election cases, in the case of a protest or memorial filed by a contestant, an elector of the district concerned, or any other person. And this reaffirmation is based upon ample precedent.

Mr. Speaker, I am firmly convinced that full, open hearings are required in this matter, that justice may be done, and that objective, reasoned decisions might be forthcoming. I urge my colleagues to join me in supporting a recommittal motion.

Mr. LIPSCOMB. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I join the gentleman from Missouri in protesting this procedure. Forty minutes on one side and 20 on the other is insufficient for this debate. It lends to the appearance, if not the fact, that the Mississippi challenge was shoved into the drawer. I have looked at the arguments which have been advanced against voting to unseat the Mississippi delegation. I, for one, cannot accept those arguments for in essence they are really no more than a plea that we should not "rock the boat." I say this is a boat that has needed rocking for a good many years. The time is long overdue for this House to put itself on record that it will not be a tacit accomplice to the systematic deprivation of the voting rights of U.S. citizens.

Is it not rather strange that were the issue before this House the unseating of a Member because of fraud in his election, there would be no reluctance to act decisively; there would be no reluctance to insist upon our principle of fair elections; no reluctance to submit a full statement of the facts. Yet, in this case, where the election has been tainted by mass violations of the fundamental rule against racial discrimination, we seem to be torn between doing what we know is right and not "rocking the boat."

The least that could and should have been done here, Mr. Speaker, was to have had public hearings. From all appearances the Committee on Administration of the House of Representatives has simply given blanket acceptance to Mississippi's election procedures. The report of the committee is completely unpersuasive. There is no analysis of the charges; in fact no report to the House as to the fairness or lack of fairness of the elections.

There appear to be two major arguments against unseating the Mississippi delegation. The first of these is some concern with whether the present situation falls within the precedents of the House. An examination of those precedents would seem to indicate that at worst there is precedent both for and against unseating. In such a situation it seems to me that there is no obstacle to our doing what we believe is right. Furthermore, to the extent that there may be precedents to the contrary—precedents which would keep us from acting in a flagrant case of the kind we have before us—it is high time we consigned such rules to the junk heap of history.

The second major argument against unseating the Mississippi delegation is that the Voting Rights Act of 1965 provides future safeguards against a repetition of the situation.

But what of today, tomorrow, and next year? The Voting Rights Act will after all, not affect the Mississippi congressional representation until November 1966. If the Mississipi delegation is unseated, I should think it would be possible to hold new and fair elections and to return to this Congress a delegation elected by the vote of all the people of Mississippi.

But beyond that, what is involved here is the establishment of a principle—the principle that this House will not sanction the seating of those whose election has been obtained through the denial of constitutional rights. The dignity of this House and the confidence of the American people in it requires no less.

Mr. BURLESON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HAYS] a member of the committee.

Mr. HAYS. Mr. Speaker, I listened with interest to the speech of the gentleman from New York [Mr. LINDSAY], who is a candidate for office in the city of New York, and I noticed that he wanted to lay all of the blame for this resolution at the door of the majority party.

I believe it is interesting in passing to point out that not a single member of the minority party, the Republican Party—which is not Mr. LINDSAY's party, because he constantly denies that it is—signed the minority views. So this majority report represents a bipartisan approach, an approach which is made as it has been made to every contest in the 17 years that I have been in the Congress and in the 16 years and some months that I have sat on this committee.

I do not know how many votes Mr. LINDSAY's speech is worth in New York, but it is too transparent to be worth any in my area.

What I wanted to say, and what I got the time to say, Mr. Speaker, is that I heard a news broadcast this morning

which purported to be an objective report of what was going to happen here, and it said that it was likely that this case would be dismissed, and part of the reason was because this committee is dominated by Southerners.

Mr. Speaker, I ask unanimous consent to have printed in the RECORD at this point the list of the Members of the Committee on House Administration.

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

There was no objection.

The list is as follows:

COMMITTEE ON HOUSE ADMINISTRATION

Omar Burleson, Texas, chairman.
Samuel N. Friedel, Maryland.
Robert T. Ashmore, South Carolina.
Wayne L. Hays, Ohio.
Paul C. Jones, Missouri.
Frank Thompson, Jr., New Jersey.
Watkins M. Abbitt, Virginia.
Joe D. Waggonner, Jr., Louisiana.
Carl D. Perkins, Kentucky.
John H. Dent, Pennsylvania.
Sam M. Gibbons, Florida.
Lucien N. Nedzi, Michigan.
John Brademas, Indiana.
John W. Davis, Georgia.
Kenneth J. Gray, Illinois.
Augustus F. Hawkins, California.
Jonathan B. Bingham, New York.
Glenard P. Lipscomb, California.
Robert J. Corbett, Pennsylvania.
Charles E. Chamberlain, Michigan.
Charles E. Goodell, New York.
Willard S. Curtin, Pennsylvania.
Samuel L. Devine, Ohio.
John N. Erlenborn, Illinois.
William L. Dickinson, Alabama.

Mr. HAYS. I would point out that of those 25 Members, the gentleman from Texas [Mr. BURLESON], the gentleman from South Carolina [Mr. ASHMORE], the gentleman from Virginia [Mr. ABBITT], the gentleman from Louisiana [Mr. WAGGONNER], the gentleman from Florida [Mr. GIBBONS], the gentleman from Georgia [Mr. DAVIS], and the gentleman from Alabama [Mr. DICKINSON] are southerners—seven in all. I suppose you could count the gentleman from Maryland [Mr. FRIEDEL] but he signed the minority report. So, since he is on the other side, he would not be part of the domination. I suppose, if you wanted to be contentious, you could put in Missouri and Kentucky, which are border States, but if you put in all of those, you only come up with 10 out of 25, and 1 out of the 10 voted with the minority. So I would ask that if the press would like to in its reporting of this, they could say that the Committee on House Administration is dominated by northerners.

Mr. BURLESON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, unless the House of Representatives votes today to recommit the Mississippi challenge to the Committee on House Administration with instructions to hold adequate public hearings and report on the merits of the individual cases, it will have defaulted on its constitutional responsibility to be the sole judge of the elections of its Members. The sworn statements and depositions documenting case after case of denial of the vote through racial discrimination are in reality petitions for redress of grievances by the Negro Americans of Mississippi which can only be handled by the House of Representatives. The minority report states the case tersely and well. May I quote to you the excellent minority views by the following members of the Committee on House Administration: Congressmen SAMUEL FRIEDEL of Maryland, LUCIEN NEDZI of Michigan, JOHN BRADEMAS of Indiana, AUGUSTUS HAWKINS of California, and JONATHAN BINGHAM of New York:

> The record in this case clearly indicates disfranchisement of voters in the State of Mississippi due to inadequate official protection of their rights as well as of their lives and limbs. We note that the House has vacated seats of Members on the basis of disenfranchisement and/or intimidation. * * * The entire question should be reconsidered by the committee after adequate public hearings, and a resolution reported based on the merits of the case and not upon the basis of who brought the question of wrongdoing to the attention of the committee.

The Committee on House Administration did not hold hearings on the basic charges that almost none of the Negro Americans in Mississippi, 45 percent of the State's population, voted in last year's election even though this Congress has just recently made a finding that there has been massive racial discrimination in voting in Mississippi for many years when it passed the Voting Rights Act of 1965. Instead the committee chose to ignore these facts and to dismiss these charges because they say they were not brought in the proper way.

As a member of your Judiciary Committee I am proud of the law we drafted and this House passed to protect the right to vote for all Americans. However, may I also respectfully say that the new law has not yet been terribly successful in Mississippi nor have most State officials indicated a willingness to comply voluntarily. Federal registrars have been appointed in only 4 out of the 82 counties in Mississippi, and have now enrolled only about 13,000 additional Negro Americans; and others have been registered by local officials in some counties. However, I would point out that when the Attorney General testified before our committee, he stated that only about 29,000 out of the approximately 425,000 Negro Americans in Mississippi of voting age were registered to vote last year. Even after adding all these figures statistics clearly show that there is a long, long way to go.

I feel that only the appointment of Federal registrars throughout the State of Mississippi and the proper handling of the Mississippi challenge by this House can assure all American citizens in Mississippi of the right to vote without fear.

Mississippi officials are fighting the new law with every means available in order to delay as long as possible the day when all Negro Americans in Mississippi will be able to register and vote. Dismissing the effort to unseat the Mississippi Congressman will provide just the additional encouragement needed by the officials and the racist social system of Mississippi to continue official defiance and physical and economic intimidation.

Just last week the Mississippi attorney general initiated court action to stop local election officials from allowing citizens to vote who were registered by Federal examiners in the four counties. It would seem that the State attorney general is not satisfied with challenging the constitutionality of the law in Federal court, but now wants to start dilatory legal action in his own State courts in order to interfere with the administration of the new law.

Further the economic and physical intimidation to stop Negro Americans from going to the polls is still continuing and there have been indications that it is increasing. For example, just last night another Negro church was blown up. This occurred in Sidon, Miss., in Leflore County—one of the four Mississippi counties where Federal registrars have been sent.

My colleagues, the effort to oppose the motion to dismiss is supported by the entire civil rights movement led by the leadership conference on civil rights, including the labor, religious, and civic organizations which are fighting for human dignity for all Americans. Also the Democratic State Central Committee of Michigan yesterday sent the entire Michigan Democratic delegation telegrams urging them to oppose this dismissal motion. I will include the communications from these various groups and others in the RECORD immediately following my remarks.

The procedures followed by the elections subcommittee in handling this matter are totally indefensible. Instead of holding hearings on the merits of the contestants' allegations, the only question considered by the subcommittee was the motion by the five incumbent Congressmen to dismiss the challenge against themselves. How can this House possibly decide to dismiss the challenge when only nine Members have been able to examine the relevant documents and hear and question the witnesses? The hearings on Monday and Tuesday morning, which did not examine the merits of the case, were held in secret. These hearings were not only closed to the public, an unusual procedure to say the least and not only were Members of Congress denied the opportunity to attend, but even these members of the full House Administrations Committee, who happen not to be on the elections subcommittee, were not allowed to attend. Further, neither members of the full committee nor other Members of the House have been able to obtain copies of the relevant documents. Even this committee report has only been available to the Members for 24 hours before the issue came to the floor. Of the many items that I find inconsistent and indefensible in the majority report, the most appalling is the last phrase in the motion. After not even considering the contestants' complaints that these five gentlemen were elected

through a totally unconstitutional process and restricting themselves to the procedural questions, the committee has still reported out a motion stating that these Members are "entitled to their seats."

I understand that the Committee on House Administration has met again on this matter in just the last few hours to approve an amendment striking this phrase from the resolution. I respectfully submit that the original inclusion of this phrase is just one of many illustrations in the majority report of the committee's eagerness to ignore the evidence and to bury this matter. I have joined with many of my colleagues over the last few months in urging expeditious consideration of the substantive issues involved—not improper procedures in order to dismiss the entire matter as quickly as possible.

I urge my colleagues to vote for a motion to recommit the entire question to committee with instructions to hold adequate public hearings on the merits of the cases and to report back a resolution based on those hearings. If that recommittal motion fails I urge my colleagues to vote against this motion to dismiss the Mississippi challenge. I want to respectfully point out that a vote against the motion to dismiss, if successful, would not be any final dispositive action on the challenge but would throw the entire issue open for whatever action the House of Representatives would then decide upon. May I say that no one is today asking for a vote to vacate the seats of the five Mississippi Members, although a veritable mountain of uncontradicted and incontrovertible evidence has been submitted to prove the obvious and well-known fact that Negro Americans are and have for decades been barred from voting in Mississippi because of their race. My colleagues, today the issue is simply whether this House will assure a fair hearing of the merits of these petitions for redress of grievances submitted by thousands of Negro Americans of Mississippi.

This is the very least that can be asked of us in the name of simple justice. The men and women who have journeyed from that State to bear mute and respectful attendance at these proceedings are watching us, ladies and gentlemen. Indeed the whole country is watching to see what this 1st session of the 89th Congress will do. I pray you as diligent, capable, competent leaders, with whom I have been so proud to serve during these 9 months, that you will join with me in a motion to eradicate the undemocratic practices that every one of you in your heart knows to exist.

So I urge respectfully your support of a motion to recommit.

WASHINGTON, D.C.,
September 17, 1965.

HON. JOHN J. CONYERS, JR.
Washington, D.C.:

Imperative you oppose dismissal of Mississippi challenges. Majority report a testament of shame. Nothing more morally compelling than you vote to have issue of Negro disenfranchisement faced now.

The Rev. MARTIN LUTHER KING, Jr.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., September 15, 1965.

DEAR MR. CONGRESSMAN: We wish to call your attention to the enclosed statement in opposition to the dismissal of the Mississippi challenge.

Forty-four of the organizations that cooperate in the Leadership Conference on Civil Rights were represented at a meeting devoted to this issue. It was agreed by those present that "inadequate consideration" has been given "to the challenge or to alternative methods or approaches under which the House could exercise its constitutional authority to rule on the election and qualifications of its Members."

These organizations join in urging all House Members to oppose the motion that is expected to be made this week to dismiss the challenge. They call on all Congressmen to take a searching look at the systematic disfranchisement of thousands of Mississippi citizens—a disfranchisement that raises serious questions about the legality of the elections in which the present Mississippi House delegation was chosen.

Respectfully yours,

ARNOLD ARONSON,
Secretary.

Enclosure.

STATEMENT ON THE MISSISSIPPI CHALLENGE
(Adopted by the Leadership Conference on Civil Rights, Sept. 14, 1965)

The undersigned organizations associated in the Leadership Conference on Civil Rights urge the defeat of the attempt by the House Administration Committee to dismiss the challenge of Mississippi citizens to the seating of the Mississippi House delegation.

We deplore the haste with which dismissal is being proposed. The motion ignores the many questions that have been raised about the legality of the elections that brought the five Mississippi Members to Congress.

The pattern of denial of the rights to vote in Mississippi has been evidenced by the report and hearings of the U.S. Commission on Civil Rights, by testimony taken in connection with the challenge filed to contest the elections of the Mississippi Congressmen, by hearings on the Voting Rights Act of 1965 and by other information available to Congress.

We feel the House Adminstration Committee has given inadequate consideration to the challenge or to alternative methods or approaches under which the House could exercise its constitutional authority to rule on the election and qualifications of its Members.

Only two subcommittee hearings have been held, both geared to the dismissal and to no other aspect of the issue. No public hearings have been held. Copies of the evidence on which the challenge is based have not been made available to House Members. Dismissal of the challenge at this time would close the door to full hearings and full House discussion.

Therefore, we urge all Members of the House to vote against the motion to dismiss.

COOPERATING ORGANIZATIONS ENDORSING CHALLENGE STATEMENT—SEPTEMBER 14, 1965

American Ethical Union.
A. Philip Randolph Foundation.
Amalgamated Clothing Workers of America.
American Civil Liberties Union.
American Jewish Committee.
American Jewish Congress.
American Veterans Committee.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Brotherhood of Sleeping Car Porters.
Catholic Interracial Council.
Christian Family Movement.
College YCS National Staff.
Congress of Racial Equality.
Council for Christian Social Action—United Church of Christ.
Delta Sigma Theta Sorority.
Episcopal Society for Cultural and Racial Unity.
Improved Benevolent & Protective Order of Elks of the World.
Industrial Union Department, AFL–CIO.
International Union of Electrical, Radio, and Machine Workers.
Iota Phi Lambda, Inc.
National Alliance of Postal Employees.
National Association for the Advancement of Colored People.
National Association of Colored Women's Clubs, Inc.
National Catholic Conference for Interracial Justice.
National Council of Catholic Women.
National Council of Churches, Commission on Religion and Race.
National Council of Negro Women.
National Council on Agricultural Life and Labor.
National Urban League.
Negro American Labor Council.
Northern Student Movement.
Phi Beta Sigma Fraternity.
Southern Christian Leadership Conference.
State, County, and Municipal Employees.
Student Nonviolent Coordinating Committee.
Textile Workers Union of America.
Union of American Hebrew Congregations.
Unitarian Universalist Association, Commission on Religion and Race.
Unitarian Universalist Fellowship for Social Justice.
United Automobile Workers of America.
United States National Student Association.
United Steelworkers of America.
Women's International League for Peace and Freedom.
Zeta Phi Beta Sorority.

Other organizations outside LCCR endorsing statement

Division of Human Relations and Economic Affairs General Board of Christian Social Concerns of the Methodist Church.
Lawyers Constitutional Defense Committee.
Mississippi Freedom Democratic Party.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C., September 16, 1965.

DEAR CONGRESSMAN CONYERS: On January 4, you and 148 of your colleagues voted against the seating of the Mississippi delegation in the House. Subsequently, citizens of the State of Mississippi, carefully following the prescribed procedures, instituted challenges to the election of the five Members of the House from that State. The Committee on House Administration has now recommended final and summary dismissal of the challenges and has asked the House to adopt a resolution to that effect.

We urge you to oppose this summary dismissal. The record on which the challenge is based indicates massive disfranchisement of potential voters in the State of Mississippi. We believe that the House, to which the Constitution gives the sole responsibility for determining whether or not its Members have been properly elected, should direct its Committee on House Administration to conduct adequate public hearings on the underlying issues in the case before asking Members of the House to make a judgment on the merits of the challenge.

Under the circumstances of the instant case, we cannot agree with those who argue that the contestants are not proper parties because they were not candidates in opposition to the contestees. To require that a contestant be listed on a ballot as a candidate in a jurisdiction where it is impossible

for him or her to register to vote would be the grossest type of legal fiction.

Finally, it should be noted that out of the depths of frustration citizens of the State of Mississippi have done everything within their power to seek redress of their grievances through the orderly processes of the law. We believe they should not now be turned away without the most careful consideration of their plea.

We hope you will support the motion to recommit the matter to the committee for adequate public hearings which would lay the foundation for consideration of the basic question on its merits.

Sincerely yours,

EUGENE CARSON BLAKE,
Chairman.

ROBERT W. SPIKE,
Executive Director.

DETROIT, MICH.,
September 17, 1965.

Representative JOHN CONYERS,
House Office Building,
Washington, D.C.:

Urge you vote against motion to dismiss Mississippi congressional challenge and support motion to recommit to committee with instruction for open hearing.

ROBERT HOPPE,
Commission on Religion and Race Presbytery of Detroit.

LANSING, MICH.,
September 14, 1965.

Hon. JOHN CONYERS, JR.,
Washington, D.C.:

Urge continued opposition to seating Mississippi congressional delegation. Michigan Democrats unanimously behind you and Constitution.

ZOLTON A. FERENCY,
Chairman, Democratic State Central Committee of Michigan.

DEMOCRATIC STATE CENTRAL COMMITTEE OF MICHIGAN,
Lansing, Mich, September 14, 1965.

Hon. JOHN CONYERS, JR.,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN: In further reference to my wire, I am enclosing a copy of the resolution of the February convention which was adopted unanimously. Keep up the good work.

Sincerely,

ZOLTON A. FERENCY,
Chairman.

Enclosure.

THE MISSISSIPPI CONGRESSIONAL DELEGATION

Regisration procedures and the November 1964 elections in the State of Mississippi were conducted by the officials of that State in a manner clearly designed to discriminate systematically against the Negro citizens of the State; and

Three citizens of Mississippi, Mrs. Fanny Lou Hamer, Mrs. Annie Devine, and Mrs. Victoria Gray—in the Second, Fourth, and Fifth Congressional Districts respectively—have challenged the seating of the Congressmen now representing those districts, and these three citizens have further claims that they themselves should in fact be seated as Members of Congress from those districts; and

Citizens of Mississippi residing in the First and Third Districts have challenged the validity of the elections held there in 1964, claiming that these seats should in fact be declared vacant; and

The Mississippi Freedom Democratic Party in support of these claims has filed challenges and brief in accordance with the statutory provisions governing challenges; and

Based on depositions collected by the Mississippi Freedom Democratic Party and the challenged Mississippi Congresmen the Subcommittee on Elections will make recommendations regarding the unseating of the Mississippi delegation to the floor of the House; and

In support of this challenge the Democratic Members of Congress from Michigan voted not to seat the Mississippi Congressmen until such time as a full investigation by the House of voting and registration procedures in Mississippi has taken place: Therefore be it

Resolved, That the Democratic Members of Congress from the State of Michigan be commended for their votes not to seat the Mississippi delegations; and be it further

Resolved, That the Democratic Party of the State of Michigan urges the Democratic Members of Congress from Michigan to continue to vote for the unseating of the Mississippi delegation until such time as a delegation is elected in free elections, open to all people and conducted in accordance with the Constitution; and be it further

Resolved, That the Democratic Members of Congress from Michigan are hereby urged to give their support to the calling of special elections following a period of federally supervised open registration; and be it further

Resolved, That copies of this resolution be sent to the Democratic Members of Congress from the State of Michigan, the Speaker of the House of Representatives, and the members of the House Subcommittee on Elections.

DETROIT, MICH.,
September 17, 1965.

Hon. JOHN CONYERS, JR.,
House Office Building,
Washington, D.C.:

Greetings on behalf of the American Civil Liberties Union of Michigan. I urge a vote in opposition to the motion to dismiss the challenges to the Mississippi Congressmen. The House itself will be the loser if the challenges are shelved without full public consideration.

ERNEST MAZEY,
Executive Director ACLU of Michigan.

CITY OF DETROIT, COMMISSION ON COMMUNITY RELATIONS,
Detroit, Mich., August 27, 1965.

Hon. JOHN CONYERS, JR.,
House of Representatives Office Building,
Washington, D.C.

DEAR CONGRESSMAN CONYERS: On behalf of the Commission on Community Relations and its supporters I would like to call to your attention an action of the Commission on Community Relations at a recent commission meeting. Upon the motion of Commissioner Mrs. Golda Krolik the commission endorsed the efforts of the House of Representatives for a speedy hearing on the challenge to the seating of the Mississippi Congressmen. In discussion which preceded this motion the commission commended your fine work and many of your colleagues in leading this challenge.

It is our hope that out of this action will come just and equal representation for the citizens of the State of Mississippi.

You have our gratitude and support for the work you have done and may do in the future to see that this goal is achieved.

Sincerely yours,

RICHARD V. MARKS,
Secretary-Director.

DETROIT, MICH.,
September 16, 1965.

Hon. JOHN CONYERS, JR.,
House of Representatives,
Capitol Building, Washington, D.C.:

Request you oppose majority report to dismiss petition to unseat Mississippi Congressmen. Prefer recommittal to committee.

HENRY B. LINNE,
President, Michigan Federation of Teachers.

CHICAGO, ILL.,
September 17, 1965.

Hon. JOHN CONYERS,
House Office Building,
Washington, D.C.:

Do not dismiss the Mississippi challenge. If you do, the Mississippi racists, secure in the knowledge that Congress has refused to overturn their illegal elections, will revert to their methods of brutality and intimidation in order to keep the Negroes of Mississippi from exercising their full rights.

CHARLES COGEN,
President,
American Federation of Teachers.

AMERICAN CIVIL LIBERTIES UNION,
New York, N.Y., September 9, 1965.

Hon. JOHN CONYERS, JR.
House Office Building,
Washington 25, D.C.

DEAR SIR: We respectfully transmit to you the enclosed memorandum in support of the pending challenge to the seating of the Members from Mississippi. The memorandum has been signed by a number of attorneys from many States.

The ACLU and those who signed the memorandum feel strongly that the challenge is based on sound evidence and substantial House precedents. The depositions now before the House, as well as numerous other government reports and judicial findings, establish beyond question the fact of systematic exclusion of Negro voters from Mississippi's polling places. Aside from demonstrating that obvious violations of the 14th and 15th amendments have been committed by the State of Mississippi in its election processes, the evidence now before the House affords ample grounds for unseating Mississippi's Representatives, in accordance with such venerable House precedents as *Lynch* v. *Chalmers* (1882), and *Johnston* v. *Stokes* (1896).

The Voting Rights Act of 1965 expresses the commitment of the Congress to the principle of free elections throughout the United States. But the evidence developed in support of this challenge makes it clear that patterns of State-inspired intimidation and reprisals will not end in Mississippi, even with vigorous enforcement of the act. Moreover, the sitting Representatives were in fact sent to this Congress by an election which constitutes a travesty of the first principles of republican government. We urge that you preserve the integrity of the membership of the House by bringing the challenge to the floor and by voting to support it.

Sincerely yours,

ERNEST ANGELL,
Chairman, Board of Directors.
JOHN DE J. PEMBERTON, JR.,
Executive Director.

MEMORANDUM IN SUPPORT OF THE CHALLENGE TO THE SEATING OF MISSISSIPPI CONGRESSMEN

September 9, 1965.

We write to express our view as members of the bars of our respective States that the pending challenge to the seating of Representatives from the State of Mississippi is based on well-established facts and sound constitutional precedents. We hope you will find that it merits your active support in bringing it to the floor of the House and in favorable action on the floor.

I

No responsible spokesman has challenged the factual evidence of massive disenfranchisement of Negro voters in Mississippi. Part of this evidence is set out in the more than 10,000 pages of depositions secured from Mississippians by the contestants and duly printed for the House of Representatives at the direction of the Clerk. Numerous findings based on overwhelming additional evidence presented to agencies of the executive

branch and to the courts, and embodied in investigative reports and judicial opinions, establish beyond any doubt the fact of systematic exclusion of the Negro from the polling place in Mississippi.

The withdrawal of the ballot from Mississippi Negroes has been accomplished by a long-continued and deliberate effort to negate the mandate of the 15th amendment and reverse the result of the Civil War itself. Means employed have ranged from poll taxes and discriminatorily-applied literacy and "constitutional interpretation" tests to systematic intimidation and violence, inspired and sometimes conducted by public officials. Organs of State government, from the Mississippi Constitutional Convention of 1890, to successive State legislatures, voting registrars and local sheriffs, have joined in fashioning and executing the design to disenfranchise. So effective has been the design and its execution that Negro voter registration has been reduced from approximately 189,000 in the late 1880's to approximately 35,000 or 6.7 percent of the Negro population of voting age today.

II

The legal basis for the challenge is direct and straightforward:

1. The systematic exclusion of Negroes from the election process in Mississippi violates the 14th amendment, which prohibits the denial of equal protection of the laws, and the 15th amendment, which prohibits abridgement of the right to vote on account of race, color, or previous condition of servitude. Earlier this year, in a suit brought by the Department of Justice to test the very statutes which have been employed against Negroes as a part of the systematic exclusion which constitutes the basis for the present challenge, the Supreme Court indicated that Mississippi's voting laws would be held to violate the 14th and 15th amendments on a showing of the facts which are so amply demonstrated by the record in the challenge now pending before Congress. *United States* v. *Mississippi*, March 8, 1965, 33 L.W. 4258. In the companion case of *United States* v. *Louisiana*, March 8, 1965, 33 L.W. 4262, in which the Government was actually permitted to introduce in the trial court the evidence supporting its allegations, statutory provisions virtually identical to those passed by Mississippi to disenfranchise Negroes were held unconstitutional.[1] However, the record in the pending challenge shows that more than discriminatory statutes is at work to keep Mississippi Negroes from voting. State-inspired and State-condoned intimidation and violence, as well as threats of economic reprisals, are commonplace and they, even more clearly than the statutes, are employed in the design to disenfranchise, thus flouting the constitutional commands of the 14th and 15th amendments.

2. Acting under its constitutional power and duty to "be the judge of the elections, returns, and qualifications of its own Members," the House of Representatives has time and again set aside the result of an election marked by fraud, intimidation, or other illegality. Specifically, the House has refused to seat Members in over 40 instances where violence, intimidation or fraud was practiced against Negro voters to influence an election contest. Many of these cases are discussed in detail at pages 41–86 of the contestants' brief, and all are summarized in the brief's appendix B. They show that the House does not shrink from either seating a contestant in place of a certified Member or from declaring a seat vacant so that new elections may be held, if that is what the evidence demands. For example, on facts less compelling than those now presented by the pending challenge, the House set aside election results in the Mississippi case of *Lynch* v. *Chalmers*, 47th Cong., Hinds, vol. 2, sec. 959, p. 263 (1882), and the South Carolina case of *Johnston* v. *Stokes*, 54th Cong., Hinds, vol. 2, sec. 1126 (1896).

The variety of these and other cases cited by the contestants indicates that the House's power to judge the qualifications of its Members has been used neither capriciously nor rarely. The protection afforded by this power to the principle of free elections and the integrity of representative government has been extended to incumbents, contestants, and voters in many States for well over a century. To justify the use of the power in this instance little more need be said than that Mississippi's election process is unique in its degree of corruption. The voter registration facts in Mississippi congressional districts are a world apart from those in any other election district known to us. For example, as of January 1964, in Humphreys County of the Second Mississippi Congressional District, there was not one registered Negro voter out of a voting-age Negro population of 5,561. For the State as a whole, the U.S. Commission on Civil Rights reports that less than 7 percent of Negroes of voting age are registered to vote. By comparison, in such States as Alabama and Louisiana, recent estimates by the Justice Department place the percentage at approximately 19.4 percent and 32 percent, respectively. The difference in percentage points between Mississippi and other Southern States is more than one of degree—and it reflects the virtually total exclusion of Mississippi Negroes from the State's electoral process.

3. There is no doubt that the challenges themselves are now properly before the House, both under the provisions of 2 U.S.C. 201 which permit any person to contest the election of any Member, and under the long-standing traditions of the House itself, which, as recently summarized by the Clerk, permit House adjudication of a contested election in the case of a protest or memorial filed by an elector of the district concerned or by any other persons. Letter of Assistant Clerk to Speaker, CONGRESSIONAL RECORD, page 810, January 14, 1965. Indeed, there are statutory and case precedents establishing House jurisdiction of the pending challenge which go back to the early years of our history.

The only question which merits discussion is whether the challengers here qualify as parties or contestants for purposes of availing themselves of the statutory deposition and subpena procedures found in 2 U.S.C. 203 et seq. While it is obvious that the contestants here—all Negroes—did not appear as candidates for congressional seats on the regular Mississippi election ballot, it is equally obvious that they could not do so because of the systematic exclusion of Negroes from Mississippi's election processes. It would be unjust and self-defeating for Congress to apply 2 U.S.C. 203 et seq. in such a way as to exclude from the ambit of its procedures the persons they were designed to protect: those complainants who, like the contestants here, failed to be designated on the ballot because of the very injustices sought to be remedied.

Moreover, even if the challengers do not qualify as opposing candidates, objection to the use of the statutory deposition procedures has been waived by the failure of the Members from Mississippi to take timely exception.[2] Indeed, the Members who now challenge the use of the deposition procedures actively participated in the taking of the depositions by cross-examining witnesses and by entering into stipulations concerning them. Now that the depositions have been completed and printed, and 7 months after the initial debate on the challenge by the House—during which the majority leader stated, in effect, that the statutory deposition procedures should be employed—it is too late for the sitting Members to attack the use of these procedures by the contestants.

What is at stake in the pending challenge to the seating of the Mississippi delegation in the House is nothing less than the integrity of representative government. As the then Committee on Elections recognized early in the 35th Congress in the election challenge of *Whyte* v. *Harris*, the "freedom and purity of elections constitute the very life of republican government." (House Misc. Doc. No. 57, 35th Cong., 1st sess., 1 Bart. 257 (1858).) We believe that statutory law, the Constitution, and valid congressional precedent, amply warrant the action requested of the House. In fact, the mandate of the Constitution may fairly be said to impose an obligation to grant the relief asked by the contestants.

III

It is no answer to the force of the present challenge to assert that the Voting Rights Act of 1965, effective legislation though it may be, will drastically reduce future discrimination by the State of Mississippi against Negro voters. What is before the House is the validity of the elections of November 1964, elections in which State action deprived virtually the entire Negro population of Mississippi of the ballot, and as a result of which Congressmen purporting to represent the people of Mississippi are seated in the House. It is also worth noting that neither the Voting Rights Act nor the recent repeal of Mississippi's patently unconstitutional voter registration laws will substantially affect such extra-legal, but State-fostered methods of voter intimidation as the physical violence and economic reprisals documented in the depositions supporting the present challenge. To convince white Mississippians that continued flouting of the 14th and 15th amendments is no longer possible or profitable, the results of the 1964 elections must be set aside.

IV

The proponents of the challenge will shortly seek to bring the matter before the entire House. Since no resolution is pending, it is likely that the question of the seating of Mississippi's Representatives will be raised in the form of a privileged motion seeking to discharge the Committee on Administration and its Elections Subcommittee from further consideration of the challenge. This procedure is fully supported by the venerable House precedent of *Page* v. *Pirce*, in which Speaker Carlisle stated that such a motion "presents a question of the highest privilege." (3 Hinds § 2585, 17 CONGRESSIONAL RECORD 7403–04 (1886).) We hope you will take whatever action is necessary to bring the challenge from the Administration Committee to the floor of the House and we respectfully urge you to support it there.

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[1] It may be noted parenthetically that the State of Mississippi, at the urging of Gov. Paul B. Johnson, has repealed these statutes in order to secure a more advantageous footing for resisting the new Voting Rights Act of 1965.

[2] The sitting Mississippi Members have not availed themselves of the objection procedure recently used and approved by the House in the case of Representative OTTINGER of New York, whose seat was challenged by the campaign manager for a defeated candidate. There a resolution dismissing the deposition procedures on the grounds that the challenging party did not qualify to use them was introduced in the House soon after the deposition proceedings were begun. Apparently, the Mississippi Members knew of this means of challenging the use of the statutory deposition procedures and their failure to object was the result of a conscious decision, not mere inadvertence. See story in Jackson Daily News, Jan. 28, 1965, reproduced at p. 100 of the contestants' brief.

The principle of free and fair elections open to an entire constituency is the bedrock of our democratic Republic. Only in free and fair elections can our sytsem of representative government work. Only in free and fair elections, untainted by the illegality proscribed by our Constitution, can Mississippi reclaim its place in the eyes of the Nation and in the Halls of Congress.

SIGNERS OF MEMORANDUM

Alaska: Wendell P. Kay, Anchorage.

Arizona: Jay Dushoff, Phoenix; Sheldon Mitchell, Phoenix; S. Leonard Scheff, Tucson.

California: Sidney Bleifeld, Los Angeles; Irwin Gostin, San Diego; Francis Heisler, Carmel; Marshall W. Krause, San Francisco; Seymour Mandel, Los Angeles; Ben Margolis, Los Angeles; Harry Margolis, Saratoga; Kurt W. Melchior, San Francisco; Edward Mosk, Los Angeles; Frank E. Munoz, Los Angeles; Fred Okrand, Los Angeles; Chas. I. Rosin, Los Angeles; William G. Smith, Los Angeles.

Colorado: Charles A. Graham, Denver; Samuel D. Menin, Denver; Harry K. Nier, Jr., Denver; Elizabeth Schunk (Miss), Denver.

Connecticut: Thomas I. Emerson, New Haven; Robert L. Krechevsky, Hartford; H. D. Leventhal, Hartford; Frank Logue, Trumbull; Catherine G. Roraback, New Haven.

Florida: John M. Coe, Pensacola; Stanley M. Pred, Miami.

Georgia: Leonard Haas, Atlanta.

Hawaii: Morton King, Honolulu.

Illinois: William W. Brackett, Evanston; David Connolly, Rockford; Elmer Gertz, Chicago; Burton Joseph, Chicago; Lee Leibik, Chicago; Charles R. Markels, Chicago; James D. Montgomery, Chicago; Sidney D. Podolsky, Aurora; George Pontikes, Chicago; Bernard Weisberg, Chicago.

Indiana: Benjamin Piser, South Bend; Thomas H. Singer, South Bend.

Iowa: George Lindeman, Waterloo; Jesse E. Marshall, Sioux City; Melvin H. Wolf, Waterloo.

Kansas: Champ Eraham, Emporia; Joseph H. McDowell, Kansas City.

Kentucky: Joseph S. Freeland, Paducah; Edgar A. Zingman, Louisville.

Maine: Louis Scolnik, Lewiston.

Maryland: Elsbeth Levy Bothe, Baltimore; Marvin Braiterman, Baltimore; Harry Goldman, Jr., Baltimore; Norman H. Heller, Wheaton; David B. Isbell, Chevy Chase.

Massachusetts: Bradlee M. Backman, Lynn; Edward J. Barshak, Boston; Albert R. Beisel, Jr., Boston; G. d'Andelot Belin, Boston; Irving Fishman, Waban; Helen L. Gray, Cambridge; Reuben Goodman, Boston; Roy A. Hammer, Boston; Julian S. Himes, Dorchester; Dunbar Holmes, Boston; Charles Ingram, Lynn; Manuel Katz, Boston; Ronald F. Kehoe, Boston; Daniel Klubock, Boston; Merrill B. Nearis, Gloucester; Allan R. Rosenberg, Boston; Francis J. Ulman, Boston; Max Volterra, Attleboro; Henry Weissman, Springfield; Howard Whiteside, Boston; Ernest Winsor, Cambridge; Mr. & Mrs. Roger Witken, Brookline; Stephen Wolfberg, Boston; Norman Zalkind, Boston.

Michigan: John Bratton, Lansing; Justin Brocato, Kalamazoo; Jerome H. Brooks, Farmington; Richard W. Crandell, Cadillac; Erwin Eilmann, Detroit; Ronald D. Feldman, Detroit; John F. Foley, Detroit; Ernest Goodman, Detroit; Benjamin Marcus, Muskegon; Jerry S. McCroskey, Muskegon; Rolland R. O'Hare, Detroit; Dean A. Robb, Detroit; Ralph I. Selby, Bay City.

Minnesota: Newton S. Friedman, Duluth; Sheldon D. Karlins, Minneapolis; Arnold A. Karlins, Minneapolis; Arthur Roberts, Duluth; W. L. Sholes, Minneapolis.

Mississippi: Alvin J. Bronstein, Jackson.

Missouri: Irving Achtenberg, Kansas City; Glenn L. Moller, St. Louis; Stanley D. Rostov, Kansas City.

Nebraska: Loren G. Olsson, Scottsbluff.

New Hampshire: Arthur H. Nighsnander, Laconia; Lawrence J. Walsh, Wolfeboro.

New Jersey: William R. Gilson, Summit; Milton Gurney, Newark; Maurice Levinthal, Paterson; Needell & Needell, Rahway; William Rossmoore, Newark; Irvin L. Solondz, Newark.

New York: Ernest Angell, New York; Philip Beane, New York; Steven M. Bernstein, Long Beach; Ellis L. Bert, New York; Melvin Block, Brooklyn; Albert H. Blumenthal, New York; John J. Cavanaugh, Albany; Julien Cornell, Central Valley; David Dretzin, New York; Edward J. Ennis, New York; Walter Frank, New York; Victor S. Gettner, New York; Richard G. Green, New York; Jeremiah S. Gutman, New York; Thomas M. Hampson, Pittsford; Stephan A. Hochman, New York; Dorothy Kenyon, New York; David R. Kochery, Buffalo; Milton Konvitz, Ithaca; William Kunstler, New York; Richard Lipsitz, Buffalo; Victor A. Lord, Jr., Albany; Pierre Lorsey, New York; Louis Lusky, New York; Lewis Mayers, New York; Mortimer J. Natkins, New York; Wade Newhouse, Buffalo; John de J. Pemberton, Jr., New York; Lloyd H. Relin, Rochester; J. Ward Russell, Glens Falls; Herman Schwartz, Buffalo; Leon F. Simmonds, Endicott; Peter Simmons, Buffalo; Mrs. Eleanor Soll, Scarsdale; Stephen C. Vladeck, New York; Allan Westin, New York; Erwin N. Witt, Rochester; Melvin L. Wulf, New York.

North Carolina: Lemuel H. Davis, Raleigh; Reginald L. Frazier, New Bern; Herman L. Taylor, Greensboro.

North Dakota: Milton K. Higgins, Bismarck; Robert Vogel, Mandan.

Ohio: Charles A. Anderson, Dayton; Harland M. Britz, Toledo; Frederick M. Coleman, Cleveland; Jack Day, Cleveland; Jack Gallon, Toledo; S. Lee Kohrman, Cleveland; Robert D. Mishne, Cleveland; William J. Rielly, Cincinnati; Stanley U. Robinson, Jr., Columbus; Franck C. Shearer, Columbus.

Oklahoma: Warren L. McConnico, Tulsa.

Oregon: Maurice O. Georges, Portland; Paul R. Meyer, Portland.

Pennsylvania: Charles Covert Arensberg, Pittsburgh; Arthur L. Berger, Harrisburg; Jack Brian, Upper Darby; T. Sidney Cadwallder, Yardley; Burton Caine, Philadelphia; James M. Carter, Pittsburgh; Martin D. Cohn, Hazleton; David H. H. Felix, Philadelphia; Albert Gerber, Philadelphia; David R. Hobbs, Hancock; A. Harry Levitan, Philadelphia; Marjorie Hanson Matson, Pittsburgh; Franklin Paul, Philadelphia; Stephen I. Richman, Washington; Victor Roberts, Norristown; Henry Sawyer III, Philadelphia; Daniel H. Shertzer, Lancaster; Saul C. Waldbaum, Philadelphia.

Rhode Island: Benjamin W. Case, Jr., Wakefield; William Edwards, Providence.

South Carolina: John Bolt Culberston, Greenville.

South Dakota: Marvin K. Bailin, Sioux Falls.

Texas: Don Gladden, Fort Worth; Ben G. Levy, Houston; Fred O. Weldon, Jr., Dallas; John B. Wilson, Dallas.

Vermont: Donald Hackel, Rutland; John L. Williams, Rutland; James Oakes, Brattleboro.

Virginia: Joseph A. Jordon, Jr., Norfolk.

Washington, D.C.: P. J. Adolph, Washington, D.C.; David Carliner, Washington, D.C.; Monroe H. Freedman, Washington, D.C.; Len W. Holt, Washington, D.C.

Washington: Stuart D. Barker, Seattle; Arthur G. Barnett, Seattle; Raymond Brown, Seattle; Philip Burton, Seattle; John Caughlan, Seattle; Frank DuBois, Everson; William Dwyer, Seattle; Landon R. Estep, Seattle; M. Brock Evans, Seattle; Lady Willie Forbus, Seattle; William L. Hanson, Seattle; Francis Hoague, Seattle; David Hood, Seattle; Benjamin H. Kizer, Spokane; Sam Levinson, Seattle; Kenneth MacDonald, Seattle; Phillip Offenbacker, Seattle; Chas. H. W. Talbot, Richland; Leonard Schroeter, Seattle; James B. Wilson, Seattle; Alvin Ziontz, Seattle.

West Virginia: Horace S. Meldahl, Charleston.

Wisconsin: Meyer Papermaster, Milwaukee; Ted Warshafsky, Milwaukee; Leonard Zubrensky, Milwaukee.

Wyoming: John A. King, Laramie; Charles L. Bates, Rawlings.

Mr. LIPSCOMB. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Speaker, I rise to support the resolution of the committee as it will be amended by a motion by the distinguished majority floor leader, the gentleman from Oklahoma [Mr. ALBERT], as I am advised.

Mr. Speaker, it is regrettable that this issue should be before the House 10 months after the election in 1964 and 8 months after the men in question were given the oath of office in January 1965. Furthermore, Mr. Speaker, had the Congress of the United States followed the action of the then majority leader of the House, the gentleman from Indiana [Mr. HALLECK], in 1947 and passed legislation against the poll tax, and had we enacted legislation on civil rights in 1957 as passed by the House and the civil rights legislation of 1960 as passed by the House, we would not have this issue before us today.

Mr. Speaker, I am pleased indeed that we have the Voting Rights Act of 1965 the law of the land, which has already demonstrated its effectiveness in those States in the South which have so long flaunted the Constitution.

I note that a substantial majority of the committee has recommended that the challenge be dismissed. The reasons therefor were most ably expressed by my colleague, the gentleman from Ohio [Mr. HAYS]. I shall not go into them further.

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

Mr. McCULLOCH. I am happy to yield to my good friend, the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, the gentleman made reference to 1947. I was the majority leader in that Congress and we did enact a bill at that time outlawing the poll tax, because at that time that was a device to keep people from voting. I have supported, along with the gentleman from Ohio, other measures as recently as the 1965 act. I rise only to say that it was suggested here a moment ago that if we do not vote against this report from the committee we are giving tacit approval to the disfranchisement of people who are entitled to vote. I do want to make it very clear for myself that actually the very definite disapproval of disfranchisement was shown by the result of the votes that we had on voting rights bills for many, many years. And on that I stand.

Mr. McCULLOCH. Mr. Speaker, I would like to summarize my opinions on the matters that have been touched upon so accurately and ably by my colleague, the gentleman from Indiana [Mr. HALLECK], by saying that the Voting Rights Act of 1965 and the recently decided case of the United States against Mississippi have already made a deep impression upon the Southern States to whose action we have taken objection. I dare say that when the new legislation and the

new laws and the new procedures of the State officials become effective and they really see and know the handwriting on the wall, the problem which is before us will not return again.

Mr. Speaker, I was impressed by one paragraph in the committee's report, and it bears the careful attention of every Member of the House, and I quote the next to the last paragraph on page 3 of the report as follows:

> The committee notes that the presidential electors, whose votes were certified to the Congress and counted in the joint session of the Congress held on January 6, 1965, were elected under the same laws as was a Senator who was subsequently seated without question in the Senate of the United States. The concurrent election for presidential electors, the U.S. Senator, and the five Representatives from the State of Mississippi was conducted under the same laws, the same officers, and the same conditions.

Mr. Speaker, we should not cast a permanent cloud on the selection of the presidential electors or on the election of the junior Senator from Mississippi.

Mr. Speaker, I intend to vote for the resolution as it will be amended by the majority leader, the gentleman from Oklahoma [Mr. ALBERT].

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

Mr. McCULLOCH. I would be glad to yield to my good friend, the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. I would like to point out to my colleague from Ohio that one of these contestants was a candidate in a Democratic primary in Mississippi for Senator. She was defeated. Had she been in exactly the same situation in our State of Ohio, she would have been precluded by law from being a candidate for any office in the general election.

Mr. McCULLOCH. That is a correct factual and legal statement and I thank the gentleman for his contribution.

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

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. THOMPSON], a member of the committee.

Mr. THOMPSON of New Jersey. Mr. Speaker, today the House is sitting as a judge in fulfilling a responsibility conferred by the Constitution, a judicial function which can occur on only one other occasion, that of impeachment proceedings. We do not sit in judgment of any Member as an individual but rather to determine the right to sit in this House, a decision from which there can be no appeal. It is a solemn duty and one which no Member takes lightly.

Like other Members of the House, I approach the decision on the pending resolution with humility and with a deep sense of the extreme gravity of the question being posed here. Unlike other Members, it has been my responsibility as a member of the House Administration Committee to help frame the recommendation in this case being presented to the House today. It is a grave responsibility to pass on such a case that has so many far-reaching implications and which involves so many complex and conflicting ramifications.

This is a question which has involved a lengthy dialog within each of us—our love and respect for the institution in which we are privileged to serve, its rules and precedents: the legal and moral aspects of this case: the philosophic convictions which motivate each of us: the prejudices to which each of us is susceptible: the circumstances which dictate that we act today as the jury in this unique case. Yet all of us sense that the final judgment of whatever we do here today will be made in the light of history—the history of this House in terms of the precedents we make and in a greater sense the history of human freedom, dignity, and representative government.

During the past months, Mr. Speaker, I have studied the volumes of precedents involving contested election cases. I have studied the debates in the Congressional Globe and the CONGRESSIONAL RECORD of these contests. I have studied the volumes of printed depositions in the case now before us and the brief prepared in behalf of the contestants. This study has provided a historic context which has added to this deep feeling of the gravity of the questions being presented to us for decision today. It has also given me a new respect for the institution in which we serve.

Mr. Speaker, in the brief time allotted to me, I would like to make several points that I feel are relevant to the case before us in the hope that they will find common ground with our colleagues on both sides of the aisle and perhaps, in the cold light of history, shed some light for our successors who will also be called upon to wrestle with their consciences in election contests long after we have departed.

I will not dwell on any detailed discussion of precedents involved in this case. Let it be said that precedents exist on both sides of this question as to whether or not the challenge brought against the incumbent Members of the Missisippi delegation should be dismissed on grounds alleged by the contestants, namely, that Negroes have been systematically and deliberately excluded from the electoral process in Mississippi through the utilization of unconstitutional registration and election statutes, and that they were disenfranchised by acts and threats of violence, terrorism, and intimidation.

Mr. Speaker, the evidence is clear that such allegations have been substantiated by suits decided in Federal courts, by findings of the Civil Rights Commission, by hearings before the House Judiciary Committee over recent years, and by sworn depositions filed in support of this challenge. Such evidence is a matter of public record. We note that the contestants also rely on grounds involving alleged violations of the 14th and 15th amendments to the Constitution.

Such unconstitutional denial of the rights of citizenship was not limited to the 1964 election, but is part of an historic pattern that dates to post-Reconstruction years. It is here that we find the last number of House precedents denying seats to Members-elect to the House in which such allegations were acted upon by our predecessors many Congresses ago. Since then, there has been acquiescence in the social and economic mores that have produced the closed society in many States that has been carried through their political institutions. In a sense, we are being called upon here today to pass judgment not just on the individual election contests before us today, but on the entire fabric of a system that has existed since before most of us were born. It is a system that none of us helped to shape, growing out of a terrible civil conflict and harsh Reconstruction period which left terrible scars on the conscience of our Nation, scars that are still visible here today.

Mr. Speaker, the verdict of history is harsh because of the neglect of the constitutional rights of our Negro citizens. Over the years, they have been denied equal opportunity to education, employment, travel, dignity, and the economic benefits of a rising standard of living enjoyed by other Americans. They have been subjected to economic reprisal, threats, violence, and death for attempts to exercise their basic rights of citizenship that many Americans take for granted.

It was almost 100 years after the Civil War before Congress faced up to its responsibilities by enacting the Civil Rights Act of 1957. In the past 8 years, we have enacted other laws to try to remove the stain of history in the treatment of our Negro citizens—the Civil Rights Act of 1960, the Civil Rights Act of 1964, and the Voting Rights Act this year. I am proud of my votes for these and other related economic measures—milestones of human progress to help right grievous wrongs of past generations.

In this bipartisan effort, we are all indebted to the distinguished gentleman from New York [Mr. CELLER], chairman of the Judiciary Committee and dean of this House, who piloted these bills through the House; to the gentleman from Ohio [Mr. McCULLOCH], the ranking minority member of the committee; and to the leadership in this historic effort exhibited by the distinguished gentleman from Massachusetts, whom we have elected Speaker of the House.

In terms of the present election contest, the Voting Rights Act of 1965—Public Law 89–110—is most significant. The majority report of the House Administration Committee clearly states the legal framework under which this case has been considered:

> The Voting Rights Act of 1965 is now the law of the land, in full force and effect. The committee is cognizant of the fact that the alleged practices complained of by the contestants in the 1964 Mississippi elections would constitute violations of the new act if occurring subsequent to its enactment. There is now clear and adequate legal authority for the Federal Government to protect the rights of voters and to assure the right of all citizens to become registered voters (p. 4, H. Rept. No. 1008).

> The committee majority continues by unequivocally stating: "We want to make clear that the herein action recommended by this committee should not be interpreted as condoning any disenfranchisement of any voters in the 1964 elections or in previous elections. Nor does the committee mean to imply by its recommendation of dismissal of these

contests that the House cannot take action to vacate seats of sitting Members. In the view of the committee, the House should make every effort to scrutinize with great care all future elections. If evidence of violations of the Voting Rights Act of 1965 is presented to the House, we are confident that it will be fully investigated and appropriate action taken (p. 5, H. Rept. No. 1008).

It is clear then, Mr. Speaker, that members of the House Administration Committee, who are responsible for the handling of contested election cases view the enactment of the Voting Rights Act of 1965 as a "watershed" in the history of such cases alleging disenfranchisement of Negroes or other citizens. The record of this debate, whatever the outcome on the pending resolution, will constitute a clear precedent that the House of Representatives will no longer tolerate electoral practices in any State or district which violate the legal or constitutional rights of citizens to register, vote, or to become candidates for office. So long as I am a Member of this House, I intend to make certain that this precedent is carried forward in any future election or election contest.

Having made this extremely important precedent involving future elections, the House must then decide what must be done in the case before us which involves alleged violations occurring during the 1964 Mississippi elections, prior to the enactment of the new Voting Rights Act. The report of the committee lists the many considerations which have been taken into account. On several of the points there is general agreement:

First. That the committee considered the question of due process—the rights of the contestants as well as the rights of the challengers:

This committee is dedicated to the preservation of the American tradition of due process. In the instant case, there is concern that either outright dismissal of the challenge or unseating of the present Mississippi delegation would violate this precept (p. 2, H. Rept. No. 1008).

Second. That the committee realized that the case was not one that followed the usual pattern of contested election cases:

The instant case is a complex one. There was delay in obtaining copies of the depositions and testimony filed by the contestants (exceeding 3,000 printed pages) (p. 3, H. Rept. No. 1008).

Third. That the committee recognized the validity of the official Mississippi election returns certified in the presidential, senatorial, and congressional elections of November 3, 1964, and that it took into account the House action on January 4, 1965, in authorizing the Speaker to administer the oath of office to the five Mississippi Members-elect, based on valid certificates of election properly filed with the Clerk of the House.

Many of us who serve on the House Administration Committee were concerned over the delay in having the case formally referred to the committee for consideration. The uncertainties over what portion of the voluminous number of depositions filed in support of the contestants' case should be printed for referral to the committee revealed the need for improving our methods and procedure in handling of future election contests. I and a number of our colleagues met on numerous occasions with the Clerk of the House in an attempt to resolve the impasse, finally resulting in the printing, in five volumes, of all such depositions and documents relative to the case. Even those which were clearly not in full compliance with existing statutes were finally printed and referred to the committee.

Mr. Speaker, I am pleased that the committee, in its report, adopted as its first recommendation that remedial action be taken in this regard:

That the House Administration Committee, because of its concern over present House procedures governing election contests, undertake a thorough review of such procedures in the light of this case and make recommendations for improving and clarifying them so as to deal more expeditiously with such cases in the future, particularly those involving violations of the Voting Rights Act of 1965.

Attention is again called to the specific reference to the Voting Rights Act of 1965, the watershed principle which we are affirming by precedent in the House today. I intend to press for the full implementation of this important recommendation within the House Administration Committee because of the far-reaching guarantees it would provide both sitting members and contestants in future election cases.

We will soon vote on the pending resolution in the Mississippi case. All of us have grave questions which we have asked ourselves in making our decision. I would like to share some of mine with you.

Would due process be served in attempting to correct almost 100 years of acknowledged wrong to our Negro citizens in Mississippi and other States by applying House precedents created during the stormy Reconstruction Congresses, whose harsh enactments helped create and foster the closed society, which over the years is responsible for these injustices?

Would due process be served in referring this case back to the committee for more deliberate action, including full hearings which would mean further delay and inconvenience to both the sitting Members and the contestants to decide this case on laws and practices that have now been rendered moot by the enactment of the Voting Rights Act of 1965?

Would the dismissal of this case be wrongly interpreted in Mississippi as condoning such practices, in view of the clear language of the committee report, the precedent being made in this debate today, and the dissemination of its meaning through the public media stating in clear terms that such practices will no longer be tolerated by the House of Representatives?

Would possible eventual unseating of the present Mississippi delegation contribute toward an improvement of the social, economic, and responsible political climate in that State, already torn by violence, bitterness, and racial conflict? Should we in the House base our consideration of this case in such terms?

Would the precedent created here by refusal to dismiss this contest brought by persons not legal candidates—in the strict sense in that they did not appear on the ballot—open a Pandora's box, subjecting all Members of the House to possible frivolous contests brought by persons or groups on the lunatic fringe? Could a rash of such contests disrupt and paralyze the orderly business of the House?

Is not the cause of justice and the reestablishment of constitutional guarantees of all citizens to register, vote, and become candidates for office better served by affirming this watershed precedent, relying on the full powers of the Voting Rights Act of 1965 and the action of the 90th Congress and future Congresses to make certain that illegal or unconstitutional electoral practices are never again tolerated?

All of these difficult and searching questions and many more, Mr. Speaker, have tormented our minds and consciences as we struggle for the vision, the wisdom, and the courage to render, as we must, our judgment in this case. We realize that we cannot base our decision on strictly legal grounds, nor strictly on House precedents, nor on moral grounds alone. All are integral parts of this case. Whatever the action may be on the pending resolution, there can be no real winner or loser in any meaningful sense so far as the individual parties on either side of this contest are concerned. We must look more broadly.

All of us are the losers, Mr. Speaker. The type of electoral practices which have taken place in Mississippi and other States in 1964 and for many generations have robbed some of our people of basic rights of citizenship. This has, in turn, undermined the rights of all citizens and weakened our system of representative government at a time when we are engaged in a world struggle for survival with a hostile, totalitarian force.

The only winners in what we finally decide today can be the long-disenfranchised citizens of Mississippi and other States. They must take full advantage of the legal guarantees of the Voting Rights Act of 1965 by registering to vote and by voting on election day. I am confident that the act is and will be fully enforced by the appropriate Federal authorities. I am likewise certain that the Members of the House, as has been made clear here today, will make certain that elections and election contests will hereafter be judged on the basis of the full compliance with the provisions of the Voting Rights Act of 1965.

Mr. Speaker, looking ahead in full confidence that the people of Mississippi will avail themselves of the right of franchise and choose wisely, and because of my faith in the future of representative government everywhere, I will vote for the committee resolution to dismiss the pending case.

The SPEAKER. The gentleman from California [Mr. LIPSCOMB] is recognized.

Mr. LIPSCOMB. Mr. Speaker, we have one speaker left on our side. Will

the distinguished gentleman from Texas yield time now?

Mr. BURLESON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Speaker, I rise as a member of the House Committee on Administration as well as one of the few Members of this House who is an alumnus of the University of Mississippi. I enjoyed my year of study in Mississippi very much and my remarks today are therefore not directed at any Member of this House.

I want to take this opportunity to join the gentleman from California [Mr. HAWKINS] in expressing my appreciation to the distinguished chairman of our committee, the gentleman from Texas [Mr. BURLESON] for the fairminded way in which he has handled this matter.

My position on this issue, Mr. Speaker, is not complicated. It is very simple. It is as stated in the minority report, which I signed—that the House should not support the final and summary disposal of the challenge to the election of the five Members of the House from Mississippi. Why? Because the House Committee on Administration has not in fact conducted adequate public hearings on the merits of this case. We are all aware of the systematic disenfranchisement of Negro voters in the State of Mississippi. To fail to conduct adequate public hearings on this matter seems to me therefore to do violence to commonsense; to do violence to the basic principles of the Constitution of the United States and to do violence as well, and finally, to the dignity and to the integrity of this House of Representatives which we all love. We should have adequate public hearings on the merits of this case, and I hope therefore, Mr. Speaker, that we recommit this resolution.

Mr. LIPSCOMB. Mr. Speaker, I yield to the ranking minority member of the elections subcommittee, the gentleman from New York [Mr. GOODELL] to close debate.

Mr. GOODELL. Mr. Speaker, I too am sorry that there is not more time for debate under this procedure. This is not the fault of any individual because the rules of the House provide for 1 hour of debate.

We are in many respects here asked to exercise the wisdom of Solomon. There are human rights involved. There are congressional rights involved. Certainly the whole issue of due process is involved in our decision today.

The gentleman from New York [Mr. RYAN] made the statement that if we dismiss this contest, in the future a contestant will have to prove that it would have made a difference in the election if the discrimination alleged did not occur.

As a matter of legislative history, I want to deny this from my point of view. I think it is important in any future contest that there be no confusion about this issue. Some Members have been decrying the committee report. I say to them, I believe in the future, you will not be decrying it, you will be invoking the language of the committee report and the legislative history we are writing today. When we bring issues before the Congress of the United States of the momentous importance of this issue, certainly they must be brought with due process.

We are clearly saying here that as a matter of legislative history, no candidates who do not avail themselves of the proper procedures can be heard. We are clearly saying that prospective candidates who want to get on the ballot but do not, so that there are no candidates in opposition in an election had better avail themselves of existing legal remedies in the courts. We are clearly saying that where they did not go to the courts, and where they had the power to go to the courts and get relief and get on the ballots, if they were denied the right to go on the ballot for unconstitutional or illegal reasons, we will not give those contestants standing as a matter of due process before the Committee on House Administration or the full House.

Those who are contesting here did not avail themselves of the legal remedies available to them to get on the ballot. If they had, or if anyone had, there would have been an issue here. But these alleged contestants are asking us to overturn an election at their request when they did not even avail themselves of the procedure to make a contest of it in the State of Mississippi. We have a clear legislative history here today that the Voting Rights Act of 1965 will be considered in the future in conjunction with the power of this Congress to unseat Members. We have a clear legislative history that the Committee on House Administration and the House of Representatives will scrutinize most carefully the future elections, and we have a commitment clearly in the legislative history that we will revise our election contest procedures, so that the rights of all contestants and Members of Congress will be protected in the future.

In striving to exercise, in our poor, futile, mortal way, the wisdom of Solomon today, I believe, on balance, that justice will be done, and will only be done, if we dismiss the election contest and adopt the resolution before us today. I so urge my colleagues.

Mr. BURLESON. Mr. Speaker, I yield the gentleman from California [Mr. CORMAN] 1 minute.

Mr. CORMAN. Mr. Speaker, I oppose the resolution.

There is no doubt that a substantial majority of the House understands and supports the 15th amendment to the Constitution. We demonstrated this when we enacted the voting rights bill giving the executive branch broad powers of enforcement.

Yet, this resolution rejects an opportunity—more immediate, more efficacious than any legislation—to stop racial discrimination in the election of Members of this House.

The Constitution gives us final judgment on eligibility of our Members. This most certainly dictates that we go beyond mere formalities and weigh carefully the substantive question as to the quality of the election which purports to establish eligibility for membership.

It is true that the machinery of the Federal Government is now being used to prevent recurrence of the situation existing in 1964 in Mississippi. The news that many white Mississippians are cooperating is encouraging.

But how quickly they would all cooperate if this House concluded that it would seat Members only when they were elected under circumstances consistent with the 15th amendment.

Mr. BURLESON. Mr. Speaker, I yield to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I support the proposed motion to recommit.

Mr. Speaker, I support the minority views on House Resolution 585, opposing final and summary disposal of the Mississippi election contests.

I support the motion to recommit the resolution for further consideration by the committee in order that adequate public hearings may be held to allow Members and the public to have the opportunity to evaluate and judge all the facts in the proper light and atmosphere.

Mr. BURLESON. Mr. Speaker, I yield the remainder of the time to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Speaker, in the beginning there was a question, sometime during the interim there was a study, and in the end there is a resolution. That is what we are now considering.

Whether we should follow the advice of the minority that we talk for days, weeks, or months, or whether we should sum it up in a few minutes, it still gets down to the same principle.

The principle is that all of us, both those holding the minority viewpoint and those holding the majority viewpoint, recognize that some things happen in a particular State and in certain congressional districts which are not peculiar to those congressional districts nor to that particular State or region. Throughout the years since I can remember in my rather long life and participation in politics, there has been a question of disenfranchisement and of fraud here and there. When I was a young man in a small coal mining town, a different type of fraud was involved. It was not a fraud perpetrated because of color; it was fraud perpetrated because of a lack of knowledge of the language. As a young man I can remember talk of how they voted in a little barbershop in the coal mining towns. A ballot box was set on the table that had no top. As each individual miner came in to vote, his ballot dropped down to the cellar, where the foreman for the mining company adjusted it to suit the purpose.

I can remember in the town of New Kensington, in a case before the superior court, the superior court judge said in his findings in that particular contest that it had been proven in that district that they did not count the ballots; they merely weighed the boxes.

Throughout the history there has been fraud. But in this particular case the Members of Congress who are sitting here as Members from Mississippi are not being challenged as to their seats. There

is nothing in the minority views that states that these men shall not be seated as Members of Congress. The only difference is in the degree of the study to be made of that which happened in Mississippi. I was one of the Members who voted not to seat these Members at the beginning, but to withhold now the dismissal of the case against them would be an injustice and would be unfair to these Members now serving as accepted Members of this House.

Mr. DAWSON. Mr. Speaker, when we took the oath of office to support the Constitution of the United States, we undertook a sacred national obligation. The present contest cases to vacate the seats of five Congressmen from Mississippi and to hold new elections requires us to face the responsibility which the U.S. Constitution imposes upon us. These contest cases tests the integrity of the entire House, which, under the Constitution, is made the sole judge of its membership. It also tests the integrity of each one of us.

These contest cases are based on the deliberate and unconstitutional disenfranchisement of almost one-half of the population of the State of Mississippi who were excluded from voting, solely because of their race, by brutality, intimidation, fraud, terror, and murder. The pattern and practice of disenfranchising Negroes in Mississippi cannot be denied by anyone. It has been proven time and time again, in case after case in the courts. It has been fully documented by the U.S. Commission on Civil Rights, by the Department of Justice, by judicial decisions, and by the Congress itself. As all of us know, the Voting Rights Act of 1965, which the President signed just a month ago on August 6, was the congressional acknowledgment of this need and a recognition of the widespread discrimination in voting based on race.

This House has the responsibility when the validity of an election of a Congressman is presented to us, to determine whether that election was free, fair, and open to the whole body of legal electors. The very life of government in a democracy is based upon the freedom and purity of its elections. If the citizenry is disenfranchised in the choice of its representatives, the very heart of representative government decays.

I say to my colleagues that this is a matter of integrity. We cannot be faithful to our trust if we do not face the issue of whether the Congressmen whose elections are here challenged were sent to this House as a result of a tainted election.

This is not the first time that this issue has been before the House. There have been 43 election contests in which the House of Representatives, from the 40th Congress through the 56th Congress—1867 through 1901—has unseated a Congressman because Negro citizens were excluded from the election. These 43 cases involved Congressmen from 14 States. In each case the House, over a period of 34 years, without regard to whether the individual contested Congressman had any part in the disenfranchisement, cleansed its rolls by unseating the beneficiary of the tainted election and ordering new elections.

I have no personal animosity against any of the five Members whose election is now being contested; but none of us can shrink from fulfilling our responsibility to this House and to the Nation now that the contest has squarely been brought to the House.

There are some who say that the Voting Rights Act of 1965 is sufficient to alleviate the wrongs committed against the Negroes of Mississippi. They are wrong. Even if the act succeeds in its purpose, even if all eligible Negroes will be able to register, even if all registrants will be able to cast their votes in the election, and even if all the votes they cast will be fairly and fully counted, that will not correct the great evil caused by the disenfranchisements in the 1964 Mississippi elections.

The Voting Rights Act, however, has not yet succeeded. Negroes are still being intimidated from registering. They will endure even greater intimidation when they seek to vote. The enforcement of the Voting Act will require extensive litigation and long delay, whereas the unseating of an illegally elected representative will make it crystal clear to the State that it must accord full voting rights to all its citizens, if it desires to have representation in this House.

The House must, for the sake of the Nation's integrity, vote to unseat the five Mississippi Congressmen whose elections have been challenged in these cases, and to order the holding of new elections by all the people of Mississippi to fill the vacated seats. To do less would be unfaithful to our trust.

Mr. EDWARDS of Alabama. Mr. Speaker, I support House Resolution 585, the resolution to dismiss the contest of election of the Congressmen from the State of Mississippi.

Thoughtful, reasonable citizens all over the country will, I am confident, also support this resolution in confirming that the sitting Mississippi delegation has full right and entitlement to seats in this House of Representatives.

I note that Members opposed to the resolution argue that the issue ought to be settled on its merits rather than on the basis of who it is that brings the question to the attention of the House.

The argument is devious. Evidently it is an attempt to divert attention from the nature of this issue in a way which is inconsistent with reasonable legislative process.

The fact is that in support of this resolution none of the arguments of the majority of the House Administration Committee have had to do with who brings the case to our attention. They are directed to the merits of the issue.

The committee has properly and thoroughly consulted the history of the House of Representatives to ascertain what precedents apply in this case.

The committee has correctly concluded that it is the Supreme Court and not the House of Representatives which is the appropriate body to pass upon the legal controversies arising out of charges that disenfranchisement may occur in any election.

At the heart of the issue is whether the election in point was an official election or not. And it is a fact that the congressional and presidential election of November 3, 1964, in Mississippi were conducted on the basis of Mississippi and Federal election laws which have not been set aside by the decision of any court of competent jurisdiction.

The committee's study of the issue shows that even if any disenfranchisement had been shown, it is doubtful that it would have actually affected the outcome of the November 1964 election in any of the Mississippi districts.

There is no substantial disagreement with the point that the Constitution gives to the House of Representatives itself the jurisdiction over the claim and right to a seat in the House of Representatives.

It is important to note that the House, rather than simply ignore the claim of the contestants, put the issue to a vote on January 4, 1965. And by a vote of 276 to 149 the House authorized the Speaker to administer the oath of office to the five Mississippi representatives on the basis of the valid certificates of election for each of the five which were on file in the office of the Clerk of the House.

This action established the prima facie right of each of the five to his seat in this body, and it recognized the right of each to perform the constitutional duties of his office.

In that action the House also recognized that the contestants did not challenge their alleged exclusion from the ballot before the election was held, and furthermore, did not attempt to challenge the issuance of the certificates of election in Federal district court following the election.

Apparently we can anticipate now that the supporters of this contest will proclaim wide and far around the country that their effort is being turned back by the House because of who the contestants are rather than on the basis of the merits of the case.

And in today's atmosphere of emotionalism and a kind of super-righteousness which sometimes lets high feeling obscure the significant facts, we can expect that their position will be accepted to some degree.

It is my hope that in this case, as with all such cases where high feeling is a factor, reasonable men will take precautions to inform themselves before reaching conclusions.

I commend the work of the House Administration Committee in this matter and I urge adoption of the resolution.

Mr. HELSTOSKI. Mr. Speaker, I wish to take this opportunity to express my opposition to the adoption of House Resolution 585, providing for the dismissal of the five Mississippi election contests and declaring that these Members are duly elected to their seats in this august body.

I cannot see how the House Administration Committee can come to the conclusion that these Members were legally elected when many citizens of that State did not have the opportunity to take part

in the elections to express their choice as to who is to represent them in Congress.

The authorities of Mississippi have taken a Janus-like attitude in their election procedures. As a whole, we exhort all of our citizens to take as great a part in our elections as is possible, yet on the other hand devious methods have been used to disenfranchise many thousands of American citizens from exercising their right to cast a ballot.

Because of the flagrant violations of the provisions of the 15th amendment to the Constitution, this Congress was forced to take action and to pass legislation to provide for voting rights to many citizens who were denied them by actions of election officials in many States.

Many needless hours were spent in implementing the provisions of this 15th amendment when all this could have been avoided if certain authorities would have adhered to the explicit directive embodied in that amendment.

I bear no animosity to any Member of the Mississippi congressional delegation. I do, however, challenge the method of their election to the House of Representatives.

It is my honest opinion that the elections were not lawfully conducted under the principles of our Constitution, which is the basic law of this country.

This honorable body is to represent all of the citizens of the United States, regardless of race, color, or creed. The gentlemen from Mississippi were elected by the white citizens, with only a small minority of Negro citizens being permitted to cast a ballot. Under these circumstances, they do not truly represent the citizens of the State of Mississippi.

I say it with pride that this House of Representatives is the most representative legislative body of any in the world. Our citizens have a multiple choice of candidates when they arrive at the polls to cast their vote. This is unlike many other countries where there is only a single slate of candidates and no other choice is permitted. Even under those conditions, when the election results are never in doubt, up to 99 percent of the eligible voters take part in an election.

In the present instance, we have seen every method used to stifle the will of the people by denying certain people to cast a ballot. Yet how many of our Nation's 170 million people have taken a voice in protest of this disenfranchisement?

Can you imagine what a hue and cry would arise if, in an election year, the authorities would proclaim that only Democrats could vote? Or, in another State, only Republicans could cast ballots. Yet, in this instance, it is an analogous situation changed only to a white and black race participation.

One of the most effective methods used in Mississippi to deny the right of voting is contained in the words of the Mississippi Constitution which requires that an applicant "be able to read and write any section of the constitution of the State and give a reasonable interpretation thereof to the county registrar." This provision permitted the county registrars to disenfranchise nearly every Negro who appeared for registration, by strict enforcement of the clause in the constitution. On the other hand, he could, if he so desired, permit whites to register without reference to the wording in the constitution.

If we are to be fair in our dealings with the citizens of the United States, this House should vote down the dismissal of the challenge of the Mississippi Freedom Democratic Party and refer this resolution back to the House Administration Committee for full and open hearings on the legality of the election of the present Mississippi congressional delegation.

As I said before, I have no personal fight with any of the present members of the Mississsippi delegation, but if their election was in accordance with just procedures they should have no hesitancy in bringing out the facts into the open.

I shall support a motion to recommit this resolution to the House Administration Committee, if one is presented, so that open hearings on the entire question could be conducted by the committee and all the evidence can be spread upon the record.

If there was no illegality in the election of the present membership of the Mississippi delegation to this Congress, they should be the first to step forward in support of an opening hearing on this matter, to remove, once and forever, any suggestion of taint or fraud under which they now hold their seats.

This country fights throughout the world to protect the rights of citizens of other countries and to permit self-determination for them. But we neglect our own backyard if we allow certain citizens to cast a ballot and bar others from doing the same.

Mr. Speaker, in justice to all the citizens of Mississippi, let the facts become known in open hearings on this subject we have before us. In conscience, I must vote against the passage of the resolution, and hope it is recommitted for further study with open hearings.

Mr. BINGHAM. Mr. Speaker, I am opposed to dismissal of the challenge to the seats of the incumbent Members from Mississippi. My opposition is based on the fact that there are a substantial number of serious and important questions which are as yet unresolved and which I believe deserve resolution by this Congress. Dismissal of the challenge on the basis of the majority report of the Committee on House Administration and on the basis of the record which has been made in this case is inconsistent with the need to bring order out of the chaos that now exists and which would be perpetuated by adoption of the majority report at this time.

Virtually all of our attention has thus far been focused on the question of the precise implications of the challenge procedure of the United States Code. In my judgment, this inquiry must be viewed in a much broader context. First, it is apparent that there was, in fact, massive disfranchisement of Negro voters in Mississippi elections in 1964. Second, we do have the responsibility under the Constitution to pass on disputes involving election of Members of the House of Representatives.

I have examined the House precedents in election dispute questions and find no compelling judgment which flows from them. In fact, there appears to be precedents supporting each side of both the procedural and the substantive issues involved in this proceeding. I have also read carefully the majority report and have discussed this matter with several of our colleagues and still find several vital questions unanswered. I cannot, in good conscience, support any proposal to resolve this matter adverse to the challengers while these questions are unanswered.

Foremost among the questions which are critical to a full and fair resolution of this controversy is the problem of procedure for challenging the election of a Member where there have been massive violations of the constitutional rights of voters. If as the majority contends, the challenge procedure is inapplicable, then what procedure would be available? In the event there is no established procedure, does this not suggest that the Congress has provided no means for discharging its constitutional responsibilities to resolve disputes involving the election of its Members?

It has been suggested that there are other procedures available by which these disputes could have been brought before the House of Representatives, such as filing a memorial. If this is true, why should the House not apply these procedures despite the technical differences between the forms issued by the challengers and the nicety of language which might have evoked an alternative procedure?

I am aware of the concern of many of our colleagues that it would be potentially unwise to permit unlimited use of the challenge and deposition procedure. I agree that such unlimited use would be unwise; it might, for example, permit extreme rightwing individuals and groups to harass liberal Congressmen after their election. However, to permit the present challenges to be considered on the merits would not be a precedent for unlimited use of the challenge procedure. For, as the minority report states, the present circumstances are very special, involving as they do an illegal denial of the opportunity to be a candidate. In effect, if the minority views were accepted, this House would be saying that a contestant is one who either appeared on the ballot or who, but for unconstitutional State action, would have appeared on the ballot as a rival candidate.

I am also aware of several issues raised by the majority report which at first glance seem to support its position. However, I do not believe that, on the record made to date, these issues can reasonably be resolved in support of the motion to dismiss. For example, there is the claim that the contestants did not take any legal steps to undo the State action excluding them from the ballot or to attempt to enjoin the issuance of the certificates of election. I believe there should be further discussion and examination of this fact, particularly in the light of House precedents which indicate

that court actions are not binding on this House in election disputes.

Similarly, I have examined the record which indicates that in the extralegal elections conducted by the Mississippi Freedom Democratic Party, the contestants received fewer votes than the contestee Congressmen received in the State-conducted balloting. Although this appears to bear on the question of whether the results would have been different in the absence of illegal discrimination against Negro voters and candidates, I believe that far more evidence would be required to sustain any conclusion contrary to the interests of the contestants. For example, the motivation of people to vote in an extralegal election is obviously low and the access to public media which would have been available to a legally sanctioned candidate might well create a significantly higher vote in that candidates' behalf.

In addition to the aforementioned problems, all left unresolved by the majority report, there are further problems which I believe are essential to any final disposition of this controversy, but there is no need to itemize them.

The report is far from clear as to the basis for the recommended dismissal. I am somewhat comforted by this fact, because it means that the majority report of the committee does not establish a binding precedent adverse to a future challenge based on systematic and illegal discrimination against voters and candidates.

Under all the circumstances here present, I believe these cases should be returned to the committee with instructions to hold public hearings and issue a report based on the merits of the challenges.

Mr. COHELAN. Mr. Speaker, I do not agree that the challenge brought by the Mississippi Freedom Democratic Party should be dismissed. I do not agree with the recommendation of the House Committee on Administration and I will not vote to support it.

I do not see how it is possible to overlook or condone or accept the fact that in this last election the Negro citizens of Mississippi, who represent 42 percent of that State's voting age population, were systematically disenfranchised and deprived of their legitimate rights.

The 15th amendment to the Constitution is unmistakably clear that no citizen's right to vote shall be denied or abridged on account of his race or the color of his skin. But the figures show that at the time of this election, only 28,000, or 6 percent, of the eligible Negroes had been permitted to register. In Clarke County, for example, with nearly 3,000 Negroes of voting age, only 1 Negro had actually been registered.

The 14th amendment is equally clear that if the right to vote is denied or abridged, the basis of representation shall be proportionately reduced. But the committee's action takes no cognizance of this constitutional safeguard or of its flagrant disregard.

Mr. Speaker, earlier this year we passed a historic bill to sweep away the remaining obstacles and restrictions to full voting rights. We passed this bill in the belief that the right to vote was a cornerstone of democracy; that it was an essential element of our form of representative government which must be defended and secured.

But where is the consistency in passing such a bill and in turn denying this challenge today? I cannot find it in the statute books. I cannot find it in the spirit of our law. And I cannot find it in the facts of this case.

I agree with the committee on one point: the House should make every effort to scrutinize all future elections with great care. But this certainly does not speak to the case before us today. It certainly is far from a sufficient response to the injustice which has occurred. For the fact is that more than 400,000 Negroes were kept from the polls in this last election. How many of them actually would have voted is problematical. But that they were purposely and effectively kept from the registration booths is beyond question.

Mr. Speaker, I am firmly opposed to dismissing this challenge, particularly on the technicality on which the committee bases its action. I believe that we should, and I urge that we do, defeat this resolution and return it to the committee for full public hearings and a decision based on the merits of the case. Only in this way can we insure that all of the citizens of Mississippi—white and Negro alike—are accorded their proper, basic, and constitutional right of participating in the selection of their representatives in this great House of all the people.

Mr. FRASER. Mr. Speaker, the issue now under discussion is without doubt one of the most important actions the 89th Congress will take. The challenge to the Representatives from the State of Mississippi is not only an internal question affecting the prerogatives of the House, but is a fundamental issue dealing with the right of all Americans to participate freely in the election of their representatives.

I do not believe that this body has given adequate consideration to all the questions posed by the challenge and for this reason I oppose the motion to dismiss the charges.

I believe that the challenge should be referred back to the House Administration Committee for additional hearings. Such hearings should more carefully examine the elections being contested and not just the question of whether the contestants had legal standing to bring their challenge. As the minority views of the report on House Resolution 584 state:

> Neither the precedents nor the requirement that only an opposition candidate can contest an election of a Member of the House were established to prevent contests under present circumstances.

Such a requirement, in my opinion, was almost impossible to meet in view of the widespread discrimination in Mississippi and the actions of its officials.

For these reasons, I urge the recommittal of the challenge to the House Administration Committee for open hearings.

Mr. ABBITT. Mr. Speaker, these contested election cases are most important. I strongly support the resolution now pending. As a member of the Elections Subcommittee of the Administrations Committee of the House of Representatives, I have looked into this matter carefully and painstakingly. I feel that it should be clear and beyond a shadow of a doubt that the statutes under which these contests were brought are not available to the contestants. It should be made crystal clear that in a contest for the seat of a Member of the House of Representatives, under the statutes, the contestant must have been a legal candidate in the election contest for the seat. The statutes under which these contestants are proceeding do not provide that a person not a party to an election contest is eligible to challenge an election under the statutes. Of course, there are other avenues open such as a resolution by a Member or a petition to the Congress.

I am convinced that the overwhelming majority of the subcommittee is in accord with the sentiments I have just expressed.

On January 19, 1965, this House passed the following resolution:

> Whereas James R. Frankenberry, a resident of the city of Bronxville, N.Y., in the Twenty-fifth Congressional District thereof, has served notice of contest upon Richard L. Ottinger, the returned Member of the House from said district, of his purpose to contest the election of said Richard L. Ottinger; and
>
> Whereas it does not appear that said James R. Frankenberry was a candidate for election to the House of Representatives from the Twenty-fifth Congressional District of the State of New York, at the election held November 3, 1964: Therefore be it
>
> *Resolved*, That the House of Representatives does not regard the said James R. Frankenberry as a person competent to bring a contest for a seat in the House and his notice of contest, served upon the sitting Member, Richard L. Ottinger, is hereby dismissed.

In 1940, there was a similar contest wherein one Miller was a candidate for the House of Representatives in Ohio against Representative KIRWAN in the primary. Our beloved colleague, Mr. KIRWAN was nominated and his opponent was not a candidate in the general election but attempted to contest the seat. The contest was disposed of by the House in 1941 by resolution reported in the CONGRESSIONAL RECORD, 1941, volume 87, part 1, page 101. The proceedings in the House at that time read as follows:

H. RES. 54

> Whereas Locke Miller, a resident of the city of Youngstown, Ohio, in the Nineteenth Congressional District thereof, has served notice of contest upon Michael J. Kirwan, the returned Member of the House from said district, of his purpose to contest the election of said Michael J. Kirwan; and
>
> Whereas it does not appear that said Locke Miller was a candidate for election to the House of Representatives from the Nineteenth Congressional District of the State of Ohio, at the election of November 5, 1940, but was a candidate for the Democratic nomination from said district at the primary election held in said district at which Michael J. Kirwan was chosen as the Democratic nominee: Therefore be it

Resolved, That the House of Representatives does not regard the said Locke Miller as a person competent to bring a contest for a seat in the House and his notice of contest, served upon the sitting Member, Michael J. Kirwan, is hereby dismissed; and no petition or other paper relating to the subject matter contained in this resolution shall be received by the House, or entertained in any way whatever.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. Speaker, these two cases are on all fours with the cases now before us. They are precedents that must and should be controlling. For this House to hold otherwise would be a travesty upon justice and in disregard of the law. The statute in question does not open up to anyone or any number of individuals for good or bad reasons the right to proceed under the statute to contest the election of any Member of the House but is confined exclusively to legitimate and legal contestants in the elections and rightly so.

In these cases, the sitting Members have been duly and legally elected under the laws of the State of Mississippi. They have been properly certified as the duly elected candidates by the Governor of the State of Mississippi. No fraud is charged, no wrong-doing is laid at the door of these Members. The contestants were not legal and legitimate contestants in the election. As a matter of fact, all the contestants participated in the primary and in the general election. Three of them were candidates in the primary and under the law were legally and morally bound to support the nominees of the Democratic primary which, of course, they have not done.

It is clear that the contestants are not proper parties to contest the election of these sitting Members from Mississippi. The statute is not open to them and the resolution should be unanimously approved.

Mr. ANDERSON of Illinois. Mr. Speaker, I shall cast my vote against the resolution to dismiss the five Mississippi election contests. I do so with the deep and abiding conviction that the procedures that have been employed in this case by the Elections Subcommittee of the House Administration Committee have not afforded the contestants the opportunity to which they are entitled under the statutes and under the precedents of this House to a full and complete hearing.

It is uncontroverted in the record here today that the subcommittee held but a single meeting from which the press was barred, the public was barred, and Members of the House Administration Committee who did not serve on the Elections Subcommittee were barred from attending. I am deeply disturbed at the implications carried by such procedures. The House should have nothing to hide in a matter of this kind, and I can think of no reason in the world why this should not have been a public hearing and why the amount of time necessary to completely go into all of the allegations of the contestants should not have been taken. I have consistently been critical throughout this first session of the 89th Congress of the efforts by the Democratic Party in the House to ram through legislation with inadequate hearings and with little or no opportunity given to the minority to even express their dissent or to offer perfecting amendments.

In a somewhat different context, we have witnessed once again here on the floor of the House this afternoon this same Democratic majority seek to accomplish the same objective with respect to these election contests. I could not condone such procedure in the case of a bill involving the establishment of a National Foundation for the Arts and Humanities, which was the bill considered on the floor of the House yesterday, nor can I condone it with respect to the matter which is before us today.

In all candor, Mr. Speaker, I would state that if the vote today were on the Ryan resolution to oust all of the Members of the Mississippi delegation from their seats here in the House, I would vote against it because I do not feel that as one of the Members of this body charged with the constitutional responsibility of sitting in judgment upon their right to hold their seats in this Congress that the facts have been developed on the public record which would entitle me to make such a decision. However, by the same token, Mr. Speaker, I do not feel that the Elections Subcommittee has conducted an adequate public hearing of this matter which would entitle me as a Member of this body today to vote to completely dismiss the challenges that have been filed.

Mr. BUCHANAN. Mr. Speaker, the Mississippi delegation to the Congress has been duly elected to this body, certified as elected by their State, and previously seated at the outset of the session by a vote of the House of Representatives itself.

To honor the request of those who contest these elections would not serve to gain representation for any person who claims to have been disenfranchised in the State of Mississippi but rather would remove from this body all representation for all of the people of Mississippi. It would be an act of retribution and a vengeance rather than a remedial action. Further, the outcome of not one of these elections would be changed even if the votes of all of those allegedly disenfranchised were added into the total vote. I, therefore, congratulate the committee for its recommendation that the contests be dismissed, and urge that House Resolution 585 be adopted by the House.

Mr. CLEVELAND. Mr. Speaker, my opposition to the resolution rests in substantial part on the same foundation which supported my vote and argument against dismissing the election contest against the gentleman from New York [Mr. OTTINGER]. That conflict was dismissed when a majority of the House voted to accept the contention of the majority leader that the person bringing the contest, not having been a candidate for that seat himself, was not legally competent to bring it. My arguments and those of the majority leader and others are set forth fully in the CONGRESSIONAL RECORD for January 19, 1965, page 952 et seq.

In the present case, as in the Ottinger case, the contention is being made that the persons bringing the suit or contesting these elections in Mississippi are not legally competent to do so because they were not themselves candidates in those elections. I believe the decision the House took in January in the Ottinger case was erroneous and contrary to statute. I believe the same argument applies in the present case.

On January 19, I quoted the applicable statute, 2 U.S.C. 201:

> Whenever any person intends to contest an election of any Member of the House of Representatives of the United States he shall—

The law clearly states "any person," not just a candidate, may bring suit to contest an election for the House. It is true that the House itself, under the Constitution, is the sole judge of its own membership and, in acting under this overall authority, it may be argued that the House in January, in the Ottinger case, overruled or rewrote, in effect, its own statute. If this were the argument, we would have to bow to the superior forces that can be mustered by the majority and let the matter go. But the majority is not making this argument; it continues to argue that a person must have been a candidate to contest an election for the House, an interpretation which I strongly believe is incorrect and contrary to both law and precedent. So, in fact, the majority's decision is a decision based on force of numbers and wrought solely out of the strength of its majority. This is rule by men, not law, then; and I strongly believe that it is wrong.

Consistent, then, with this view of affairs, consistent with my vote in the Ottinger case, and consistent with what I believe to be the law as well as what is right, I shall vote against the dismissal of this resolution.

Mr. ABERNETHY. Mr. Speaker, I wish to express thanks to those in the House of Representatives who have stood by the members of our delegation throughout this long ordeal. We have made this fight with limited funds against the heaviest kind of organized pressures and pressure groups. The so-called contestants have been well financed. They have resorted to every kind of misrepresentation, demagoguery and innuendo to press this illegal challenge. In fact, it has not been a challenge, Mr. Speaker. It does not have the first element of a challenge. It has been nothing less than a well-organized pressure effort to throw five duly elected Members out of their rightful seats in this body.

Mr. Speaker, I have not stolen any votes. I am not charged with any fraud. I am not charged with a violation of the Corrupt Practices Act. In fact, I am charged with nothing offensive to this body or to my fellowman.

No charges are made that I or any member of our delegation has failed to comply with the election laws, State or Federal. No one has challenged our qualifications to properly represent our

people, our State or our country. They simply ask that we be thrown out on the ground that someone else has allegedly violated the election procedures. And they have not proven this.

Oddly enough, Mr. Speaker, we were not the only persons elected in Mississippi on the election day last November. Presidential electors were elected that day. Their ballots were cast and counted in this very Chamber for the Republican nominee. They make no complaint about that.

A U.S. Senator was elected in that election. He was sworn and seated in the Senate. They make no complaint about that.

They make no claim to my seat, or to those of my colleagues. What would be gained, if their contest prevails and we are thrown out of this body? Every Mississippian would be a loser, including the so-called contestants. But, oh yes, these lawyers from New Jersey, New York, and numerous other places—150 or more in all—would become great heroes among the experts in the creation of chaos and confusion. That is their game and they play it well.

These so-called contestants make the contention that some people were denied the right to vote. As for themselves, they make no complaint at all. And they cannot make such. The facts are that each and every one of them offered to vote and did vote in the primary election. Several were candidates, some for House seats, another for the Senate. They make no complaint they were unable to get on the ticket. They cannot make such because the names of some of them appeared thereon, and they were defeated. They appear to be very poor losers, Mr. Speaker.

When defeated in the primary, they bound themselves to vote for the nominees. This is the law of our State. On the contrary they attempted to run as independents. They fully and completely failed to qualify as such.

They do not complain that they were denied the right to vote in the general election last November. They could not so complain because each and everyone of them appeared at the polls, requested, and received ballots, voted and dropped them in the ballot box and they were counted along with others so cast.

An election contest according to all precedents I have read is a well defined procedure by which no candidate seeks to try title to the office involved, claiming himself to have been elected. These people claim no right to these offices.

They were not candidates. Therefore, under each and every precedent of this body—Kirwan case in 1941, Peterson case in 1944, 71 challenged members in 1945 and the Ottinger case in January 1965—they are not qualified contestants. In the cases here cited, all of which are foursquare with these so-called contests, the claims of the contestants were rejected. And I submit, Mr. Speaker, this is the only action this House can take if it follows the precedents heretofore laid down by this body.

In closing, Mr. Speaker, I again wish to thank my friends. With your help I am confident of the outcome.

Mr. ROBISON. Mr. Speaker, since the House—according to the precedents—is acting as a court in considering the election contests against the present Representatives from the State of Mississippi, and as a court of last resort and of highest powers at that, I would presume that these remarks of mine might be considered as being in the nature of a dissenting opinion to that expressed by a majority of the Committee on House Administration.

I have followed the developments in this matter most closely, especially so because I was one of the 276 House Members voting in the affirmative on the previous question on House Resolution 1, of this Congress, when it was presented to us on last January 4.

In so voting, it was my understanding that I was not then making any decision as to the merits—whatever they might prove to be—of the contestants' case. In point of fact, I was not then in a position so to do by virtue of the fact that, along with most of my colleagues, I was not in possession of any information other than the news media reports to the effect that the election of the Mississippi Representatives might be contested and, as we all will recall, such debate as there was on House Resolution 1 was so limited as to be of no informational help whatsoever.

It was, therefore, my expectation that the contests would receive an adequate consideration, on their merits, after full and open hearings by the Committee on House Administration.

Regretfully, I must say that this expectation on my part has not been realized.

If anything of value can be gained from the report which accompanies the resolution now before us—House Resolution 585—it is that the majority of the committee has made a determination that the named contestants are not proper parties in a proceeding such as this. Seemingly—although the committee report is so ambiguous that even this point involves some speculation on my part—the dismissal recommendation here on the part of the majority of the committee is based upon the precedent supposedly established by the House earlier this year in dismissing a contest brought against the gentleman from New York [Mr. OTTINGER]. That particular dismissal—against which I voted—as the RECORD will show—rested upon the fact that the nominal contestant in the Ottinger case was not also a "contestant" for that Member's seat.

Having so voted in the Ottinger case, it would seem to me to be inconsistent for me now to vote for the summary dismissal of the Mississippi contests on the same narrow grounds, although I am frank to admit that the precedents of past House actions supposedly controlling on this point of who is or who is not a proper contestant in these cases leave much to be desired from the standpoint of consistency.

In any event, it is amply clear that the House is the final judge or arbiter over matters involving the election or qualifications of its own Members and that, as such, it is not a technical court of equity nor strictly bound by prior precedents or rulings.

The larger question to be resolved here, then, is whether or not the committee has considered these contests on their merits.

I cannot agree that it has, and I therefore am of the opinion that the entire matter should be returned to the committee for further consideration which, I would hope, would not occur until after adequate public hearings had been held.

I shall therefore vote, if given the opportunity, for a motion to recommit and, if that should fail, against House Resolution 585. I do so with a full awareness of the possibility that this could leave the presently seated Members from Mississippi in continuing doubt as to their status, and I regret this for they are my friends and I hold them—all—in the highest regard.

Mr. COLMER. Mr. Speaker, I am sure that it is not necessary to point out here that this is not a very pleasant situation in which your Mississippi delegation finds itself today. While we do not entertain the slightest doubt about the ultimate outcome, we find little comfort in the knowledge that this alleged contest has serious political implications on a national basis. At the same time, we must be realistic enough to recognize the facts of political life. We must take cognizance of the conflict of the political philosophy of ourselves and the handful here in the House leading the fight as well as those behind them. We must also take into consideration the tremendous pressure that has been brought upon the membership of this House by outside influences.

Mr. Speaker, I am confident that I bespeak the sentiment of my colleagues as well as my own when I state that there is no bitterness or resentment on our part toward any of our colleagues. Their decision in this matter, as in all others which confront them, is one for their own discretion and conscience.

But, Mr. Speaker, I cannot refrain from deploring some of the tactics and the operations that have been used by those, outside of the Congress, who deliberately conspired to bring this action to deny my State representation in the House of Representatives. It must be obvious to all fair-minded people, familiar with this matter, that this action against my State was but a part of an overall conspiracy. In fact, it has been admitted by the representatives of some of these organizations that Mississippi was to be used as the pilot; and, if successful, they would then move in on other States of the South.

It would be difficult to make anything like an accurate appraisal of the money that has been spent, not by Negroes of Mississippi but from out of the State, in this effort. I am confident that it was not less than $1 million.

Mr. Speaker, we who have the honor of representing Mississippi in this Chamber have a combined service of more than 100 years. I alone have the honor of having been a Member of this body for some 33 years. We have endeavored during our service here to deport ourselves with honor and dignity and to legislate for the best interest not only of our State, but what we conceive

to be the best interest of the Republic. But, Mr. Speaker, no one recognizes more than we that we are expendable. It little matters so far as the maintenance of the dignity and perpetuation of this Congress is concerned whether we remain or go. But, Mr. Speaker, the maintenance, stability, and dignity of this House as an institution is important. If the membership of this body is to be subjected to this type of procedure, where the whole delegation of a sovereign State can be successfully challenged by some nebulous political group, then the very foundation of the Congress would be destroyed. In fact, as we pointed out to the committee, sufficient Members could be challenged under such a precedent, where there were no bona fide contestants, to paralyze and make inoperative the whole Congress.

Mr. Speaker, for the RECORD, I should like to submit the following opening statement made by me on behalf of the Mississippi delegation in the hearing before the subcommittee when this alleged contest was considered by that group:

STATEMENT OF CONGRESSMAN WILLIAM M. COLMER BEFORE THE ELECTIONS SUBCOMMITTEE OF THE COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, SEPTEMBER 13, 1965

Mr. Chairman, members of the subcommittee, in view of the fact that the counsel for the Mississippi delegation in this alleged contest has been appointed by President Johnson as a member of the fifth circuit of the U.S. Court of Appeals and has assumed that position, we will present our own case. And while there are five separate contests, there is in fact but one issue. We will therefore discuss the purported contests en bloc. In the absence of the benefit of counsel we have divided the 1½ hours allocated to us for discussion among the five of us. Not because of any particular or superior ability but I assume because I am the dean of the Mississippi delegation, I have been selected to make the opening statement.

HISTORICAL

It might be well to state in the beginning what happened in the 1964 election, which is here attempted to be challenged. Mississippi held its primaries on June 2, 1964. In the Democratic primary held on that date all five of Mississippi's House Representatives were, of course, up for renomination, as well as its junior Senator, JOHN C. STENNIS. All four of my colleagues, to wit, THOMAS G. ABERNETHY, JAMIE L. WHITTEN, JOHN BELL WILLIAMS, and former Congressman Arthur W. Winstead, as well as myself and Senator STENNIS were renominated in that primary.

In that primary election, Congressman ABERNETHY had no opposition and he, therefore, was duly declared the Democratic nominee. Congressman WHITTEN was opposed by one Fannie Lou Hamer. WHITTEN was declared the Democratic nominee. In the Third District, Congressman JOHN BELL WILLIAMS was opposed by one J. M. Houston, a Negro. WILLIAMS was declared the Democratic nominee. In the Fourth District, our former colleague, Arthur W. Winstead, was opposed by two opponents but received a majority of the votes and was declared the Democratic nominee. In the Fifth (COLMER district), COLMER was opposed by three opponents, two of whom were of the white race and one of the Negro race. In this spirited contest COLMER received a majority of the votes and was declared the Democratic nominee.

In the statewide race, Senator STENNIS was opposed by one Victoria Jackson Gray, also of the colored race. Senator STENNIS received an overwhelming majority of the votes and was declared the Democratic nominee for the Senate.

In the 1964 general election neither Congressmen ABERNETHY, WHITTEN, WILLIAMS, nor COLMER had an opponent. The four of us were, therefore, duly certified to the Clerk of the U.S. House of Representatives by the duly authorized Governor and secretary of state of Mississippi as the duly and legally elected Representatives from the State of Mississippi as witnessed by the Honorable Ralph Roberts, Clerk of the U.S. House of Representatives, as was also Hon. PRENTISS WALKER, a Republican, who had defeated former Congressman Arthur Winstead in the said election.

MOCK ELECTION

However, a self-styled Freedom Democratic Party group held what they were pleased to term "freedom elections" in the Second (WHITTEN), Fourth (WALKER), and Fifth (COLMER) Districts. These were nothing but mock elections, tantamount to straw votes, and were held without any sanction of law and conducted over a period of 4 days, from October 30 to November 2. They were conducted by private individuals. No list or other data was filed with State authorities or, for that matter, has been filed in this alleged contest to show who participated therein; or whether they were qualified electors.

It should also be pointed out here that in the Second District, Fannie Lou Hamer, who was a candidate in the primary against Congressman WHITTEN, was also a candidate in the mock election against Congressman WHITTEN. Likewise, the said Victoria Jackson Gray was a candidate against Senator STENNIS in the primary and then was a candidate against Congressman COLMER in the mock or straw vote election.

Under Mississippi law, one cannot be unsuccessful as a candidate in a primary and run later in the general election. Thus, both the said Hamer and Gray were estopped under the law from running in the general election even had they so desired.

NO CONTEST WITHOUT A CONTESTANT

The one thing that I desire to emphasize and reemphasize before further discussion is that in order for there to be a legal contest in the House of Representatives there must be a legal, bona fide contestant. The books are full of cases bearing out this fact. Even the old precedents relied on by the opposition here, if fully revealed, disclose that even in those cases there were contestants and the decisions, regarded by them as favorable, were reached upon other grounds such as fraud, riots, and so forth.

It will be noted from the notice of the intent of the opposition to contest the seats of the incumbents, that they proceeded upon this theory. In other words, they elected to proceed under section 201, title 2, United States Code, requiring a legal contestant. That is, a contestant who had been unsuccessful in an election against a contestee. They subsequently attempted in their brief to change their procedure. But having made their selection, they are bound by it, although they now admit that they are not contestants in the light of the statute.

We repeat there cannot be a contest without a bona fide contestant.

Time will not permit me to recite the many precedents substantiating this fact but I do want to briefly call the committee's attention to two recent cases:

THE KIRWAN CASE

Locke Miller was a candidate for Congress against Representative KIRWAN in the Democratic primaries of 1940. Mr. KIRWAN was nominated. Mr. Miller was not a candidate in the general election but attempted to contest the seat. On these facts, the House resolved that it did "not regard the said Locke Miller as a person competent to bring a contest for a seat in the House and his notice of contest, served upon the sitting Member, Michael Kirwan, is hereby dismissed."

The entire language of the House resolution appears at page 952 of the CONGRESSIONAL RECORD for the present session of Congress, where it was printed at the request of the majority leader, Mr. ALBERT.

THE OTTINGER CASE

Subsequently and to wit on January 19, this year, this principle was reiterated in this House. In the Ottinger case, a Mr. Frankenberry, who was not a candidate in the general election (incidentally, the same general election in which the Mississippi delegation was elected) sought to contest the seat of Representative OTTINGER who had been declared elected. The House on a recorded vote last January upheld the contention of Mr. OTTINGER that in view of the fact that Mr. Frankenberry had not been a candidate in the general election, he was not a fit person to contest the election and Mr. OTTINGER was seated.

With no desire to make comparisons by which Congressman OTTINGER might suffer, I point out that the case against Mr. OTTINGER was a stronger case than against the Mississippi delegation. For the record will disclose that there were charges amounting to violation of the election laws concerning the amount of money that could be expended. In our case, not one suggestion of the faintest nature has ever been mentioned of irregularity or fraud in our election.

CLAIM ILLEGALITY MISSISSIPPI ELECTION LAWS

In their scattergun attempt to make a case against the Mississippi delegation, the charge was made that the Mississippi election laws under which the delegation was elected were illegal and unconstitutional in that they violated the compact of 1870 which readmitted Mississippi to the Union. If this contention be justified then it is common knowledge that every State in the Confederacy, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, and Arkansas, as well as Mississippi, are in the same position. Assuming that these States were out of the Union (the Supreme Court of the United States in *Texas* v. *White*, 1869, held that they never were out), for the sake of argument, all of the Representatives from these States in the Congress since 1870 must be considered also as illegally elected.

Do the proposed contestants here expect to unseat all of the present Members from these States if successful in the Mississippi case?

As a matter of fact, if this be true then I have been serving illegally in this House since 1932, a total of 33 years. And the same goes for Congressmen ABERNETHY, WHITTEN, WILLIAMS, and WALKER, who have a combined service of 67 years. If this were followed to its logical conclusion, what effect would such a decision have upon the laws that have been enacted by the Congress while all of these Representatives and Senators from these States have been serving illegally over these many years?

COURTS ARE ARBITERS OF LEGALITY OF STATE LAWS

As a matter of fact, all of the precedents are to the effect that the courts are the proper tribunal to decide the legality of election laws. The House without debate in a South Carolina case (*Dantzler* v. *Leaver*, 2 Hinds, 1137, p. 742) upheld its Committee on Elections which said, "The South Carolina constitution of 1895 contained educational and property qualifications. Contestant contended that even if he was not elected the contestee should be unseated. The committee pointed out that Virginia, North Carolina, Georgia, Florida, Alabama,

Mississippi, Louisiana, Texas, and Arkansas were in identically the same position as South Carolina and that if one were unseated for this reason all Representatives from these States would likewise have to be unseated, and the seats would have to remain vacant until new constitutions could be adopted and new laws enacted." The House agreed and seated the contestee. There are numerous other precedents to the same effect. (*Houston* v. *Broocks*, 1 Hinds, 643, p. 854.)

MOOT QUESTION

To be realistic and to blueprint the exact situation here, we assert that this whole question has become a moot one and is no longer worthy of consideration. In substantiation of this statement we remind the committee of the following facts:

1. Congress has only this year passed the so-called voting rights bill which in fact nullifies all of the election laws of the State of Mississippi (as well as other States) of which the purported contestants complained.

2. The State of Mississippi has, by amending its constitution, repealed all of the laws affecting voting rights of which complaint here is made.

3. To all intents and purposes this purported contest was settled on January 4, 1965 (CONGRESSIONAL RECORD, p. 19) when the House on motion of the majority leader, Mr. ALBERT, by a rollcall vote authorized the Speaker to administer the oath of office to the Members (here contested) of the Mississippi delegation. The resolution so authorizing the Speaker was as follows:

"*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentlemen from Mississippi, Mr. THOMAS G. ABERNETHY, Mr. JAMIE WHITTEN, Mr. JOHN BELL WILLIAMS, Mr. WM. M. COLMER, and Mr. PRENTISS WALKER."

It would appear that those pushing this so-called contest apparently are following their usual role where they prefer the issue to the objectives they claim to seek.

FAR-REACHING IMPLICATIONS

Mr. Chairman, it is inconceivable that this House, notwithstanding all of the political pressures that have been, is being, and will be exercised by those who have conspired to deny the great State of Mississippi of its representation in the House of Representatives, will fail to withstand this type of an attack upon its Members and the dignity of the House itself. Is it unreasonable to assume that if the efforts of this self-styled Freedom Democratic Party should prevail, the very stability of the House of Representatives as a dignified legislative institution will be undermined. Is it unreasonable to assume that any group in any State, North, South, East, or West, could challenge any Member or any State delegation if this precedent should be set. Today it is the Freedom Democratic Party in Mississippi. Who can say that tomorrow it will not be the Ku Klux Klan, the Black Muslims, or any other organization in any other State of the Union who would be encouraged to do likewise? Yes, it is conceivable that a conspiracy on a national level could disrupt and stop the functioning of the Congress if such a precedent was once established.

On January 19th, discussing this matter in another case, the gentleman from Oklahoma, the distinguished majority leader, Mr. ALBERT, said among other things the following:

"If the contention of the gentleman is correct, there is no limit to the number of individuals who could contest any seat in this House, if the contest were brought in due time.

"I wish to quote from the statute. I have already quoted from the precedent of the Kirwan case. I say to the gentleman that it was intended that this case be limited to those who participated in the election, to one of the candidates in the election.

"I say that the Congress never intended to give unqualified authority, pell-mell, under this statute, to individuals, to good people or to bad people, to contest any Member's seat, for good reason or otherwise."

CONCLUSION

Finally, Mr. Chairman and members of the committee, we are asking you to uphold the dignity of the House; to stop the highly organized and burdensome harassment of your Mississippi delegation as well as the harassment of all of the Members of the House, by this well organized, well financed group conspiracy.

We respectfully but firmly request that these alleged contests be forthwith dismissed.

Mr. WHITTEN. I wish to say we all are deeply indebted to those of our friends who were helpful in handling of this matter before the committee and in voting to dismiss the pending challenge. In that connection, I would like at this point to show for the permanent record that none of the so-called contestants were candidates in the 1964 elections. In fact, three of them were candidates in the Democratic primary which, under section 3129 of the Mississippi Code, would bind them to support the nominee of the primary and would make them ineligible to be candidates in the general election in November.

Mr. Speaker, while it has not been called to the attention of the House during the debate, when our counsel, former Gov. J. P. Coleman, was appointed to the U.S. Court of Appeals, it fell to the lot of our delegation to complete the handling of the matter of these so-called contests against Mississippi before the Committee on House Administration, including the argument. As I pointed out in the closing argument, before the committee, the so-called contestants agreed they were now making no claim to any seat held by the present Members. This statement was concurred in by their counsel on Wednesday of this week; but they agreed that what they wanted was to have the seats declared vacant, thus leaving our State without representation.

In view of this, Mr. Speaker, I would candidly point out that there was, in fact, no basis for the contest from the outset, and under all precedents the matter should not have reached the point that it has here. Also, may I say we were asked to file the motion to dismiss these so-called contests, to prevent further harassment of the membership of the House.

Mr. Speaker, the Governor of the State of Mississippi, on November 10, 1964, certified to the Clerk of the House of Representatives that each of the present Members of the Mississippi delegation had been elected to a 2-year term in the general election of November 3, 1964. Each of the Mississippi Members was duly sworn in as a Representative in the Congress from Mississippi on January 4, 1965—House Journal, January 4, 1964, 1st session, 89th Congress.

Mississippi Members of the House thereafter were assigned to committees and have been performing their general duties as Members of the House since said date of January 4, 1965.

It is to be noted that nowhere in all the allegations of the "notice of contest," or in the brief subsequently submitted by the so-called contestants, is there any charge or allegation that any Member of the Mississippi delegation participated in or had any knowledge of fraud.

Section 5 of the Constitution, which reads, "Each House shall be the judge of the election returns and qualifications of its own Members," is fully controlling and there can be no question but what the House is the sole and only judge of matters covered in such constitutional provision. In the exercise of its rights and duties, the House sets up rules for itself and, under such section, the House has recommended and Congress has passed statutes which provide for specific methods for instituting of contest as to title to a seat in the House—title 2, United States Code, sections 201–226. Though we might agree that the House has not always held these statutes as an absolute and binding force, it does regard them as a sound rule.

Thus, on that basis the question here is not one of what the House could do but of what in the exercise of its sound judgment it should do. Certainly to follow the rule and dismiss the pending so-called contest would be sound in this instance because the claimed contestants were not candidates in the general election but attempted to bring themselves within the purview of the statute to the point of using its provisions to their advantage.

Though there are various methods of contesting a seat, which have been used in prior years, the House may adjudicate the question of whom to seat in each of the four following questions:

1. In the case of a contest between the contestant and the returned Member of the House, instituted in accordance with the provisions of law.

2. In the case of a protest or memorial filed by an elector of the district concerned.

3. In the case of a protest memorial filed by any other person.

4. On motion of a Member of the House.

These are from Cannon's Precedents of the House of Representatives, volume VI, section 78, page 111.

The so-called contestants in the instant cases elected to proceed under the statutory provisions of title 2, United States Code, sections 201–226—see origin notice of contests, "notice of intention to contest election pursuant to title 2, United States Code, section 201."

In choosing to proceed under title 2, United States Code, section 201, the contestants secured to themselves certain rights of procedure under such statutes:

First. Each so-called contestant had the right to apply for issuance of subpenas to any judge of any court of the United States, any chancellor judge or justice of the court of record of any State, any mayor, recorder, or intendant of any town or city.

Second. By following the statutory procedure, the so-called contestants had a right to have such officer to issue his return of subpena, direct it to all such

witnesses as shall be named to him, requiring their attendance before him at some time and place named in the subpena, in order to be examined regarding the respective election.

Third. By consent in writing the so-called contestants had the right to take depositions without notice and by such written consent to take depositions before any officer or officers.

By following such statutory proceeding any witness who failed to attend within the county is subject to forfeit a cash penalty or is liable for indictment for a misdemeanor and punishment by fine or imprisonment.

The so-called contestants claimed other rights applicable by reason of following the statutory procedure, all of which is shown by title 2, United States Code, sections 201–226. As stated, while there is no question about the House of Representatives having the power to do as it pleases in the matter, certainly it would be sound in the exercise of its discretion for the House to require that the so-called contestants having chosen to claim the benefits of such statutory proceedings must follow the requirements of such statutes.

At the threshold of this presentation we are confronted with the indisputable fact that on November 3, 1964, a general election was held in the State of Mississippi on the date prescribed by Federal law. In this election the people of Mississippi voted for a U.S. Senator, for presidential electors, for certain State officials, as well as Members of the House. The contestants raise no claim that this election was conducted any differently or under any different circumstances to those similarly held for the past 60 years, and about which there has been no contest in the Congress or elsewhere.

The presidential electors elected in this election cast their ballots for President. The alleged contestants raised no claim that the election of the electors was invalid or that their votes for President were invalid, even though elected in the same election with the same votes and under the same circumstances as were the Mississippi House Members.

The candidate elected to the U.S. Senate in that election was sworn, seated, and like the House Members is now serving. These alleged contestants have raised no claim that the election of the said Senator was invalid, even though he was elected in the same election as were the Members of the Mississippi House delegation.

In the case of Congressman THOMAS G. ABERNETHY, First Mississippi District, no one made an effort to qualify in either the primary, the general election, nor was a local election held. Certainly there is no basis for any showing whatsoever that any action by the House would change the outcome of such election.

In the case of Congressman JAMIE L. WHITTEN, Second Mississippi District, it is to be noted that in the notice of intent to contest election pursuant to title 2, United States Code, section 201, the said Mrs. Fannie Lou Hamer stated she was a candidate in the regular Democratic primary of June 2, 1964, and that she was overwhelmingly defeated in such primary election by a vote of 35,218 to 621—page 1, notice of intention to contest election, pursuant to title 2, United States Code, sections 201–226.

Said so-called contestant further alleged in her said notice that following her contest in the Democratic primary election she attempted to place her name upon the ballot in the general election as an independent candidate. For the name of the said so-called contestant to have been placed on the general election ballot after defeat in the primary election would have been in violation of section 3129 of the Mississippi Code of 1956, as was held in the case of *Ruhr* v. *Cowan*, 146 Mississippi Reports, 870–112 So. 386. Most States have similar statutes.

In the so-called notice to contest, the said Fannie Lou Hamer goes further and alleges as follows:

> I then ran as a candidate for a seat in the House of Representatives from the Second Congressional District in the "freedom election" held in Mississippi from October 30 to November 2, 1964, in which said election all citizens who had the qualifications required by Mississippi law were permitted to participate without intimidation or discrimination as to race or color. In that election I received a total vote of 33,009 while you received only 59. Accordingly, in addition to contesting your purported election I will upon the basis of the "freedom election" claim the seat in Congress from the Second Congressional District of Mississippi.

Of course, this mock election, if actually held, has no standing whatever. It is to be noted, however, that said Fannie Lou Hamer claims she received less votes in the mock election than the 70,218 votes received by Congressman WHITTEN in the general election, when he had no opponent.

Thus, it is evident that, accepting all the claims of the said Fannie Lou Hamer about her 4-day election in which she avers everyone she considered qualified was permitted to vote, the said Fannie Lou Hamer claims to have received less than half the votes Congressman WHITTEN received in the general election and less than he received in the primary. Under all her allegations, it is evident that the outcome of the election would in no way have been changed.

In the Third Congressional District, while JOHN BELL WILLIAMS was opposed by one J. M. Houston in the Democratic primary, said Houston disappeared from the picture and neither of those who attempt to contest Congressman WILLIAMS' election attempted to qualify, were candidates in the primary, nor were they candidates as Republican or independent in the general election. Although there was no election of county and municipal officials in 1964 and though Mr. WILLIAMS had no opposition, 84,305 voters went to the polls and took the trouble to mark their ballots for him.

In the Fourth District there was a contest between Mr. PRENTISS WALKER, Republican, and former Congressman Arthur Winstead, Democrat. Mr. WALKER, Republican, received 34,684 votes, winning the election, and was duly certified by the Governor as the winner. In this district the claimed-to-be-contestant, Mrs. Annie Devine, states that they, too, held a mock election where all all citizens who had the qualifications required by Mississippi law were permitted to participate. The said Mrs. Annie Devine claims to have received only 9,067 votes. It is apparent on the face of this statement that no action taken by the House of Representatives could in any way change the outcome of the election in that district.

In the Fifth Congressional District, Congressman WILLIAM M. COLMER was unopposed by any of those who have instituted contest against his election. Mrs. Victoria Jackson Gray, who attempts to contest his election was actually a candidate in the Democratic primary in opposition to Senator JOHN C. STENNIS. It might be of interest to note she received only 4,703 votes as compared to 173,764 votes for Senator STENNIS. As already pointed out, by qualifying as a candidate in the Democratic primary Mrs. Gray pledged her support to those nominated in that primary. However, Mrs. Gray alleges in her notice of contest under the statutes that a mock election was held for 4 days in the Fifth District and states that she received only 10,138 votes in such mock election. Congressman COLMER, running unopposed and in a year in which county and municipal offices were not involved in election, received votes from 83,120 persons who went to the polls and took the trouble to mark their ballot for him.

Thus, it is to be seen that under all the allegations by the so-called contestants there would be no change in the outcome of the election and that the Members duly certified and approved by the Congress in its resolution on January 4, 1965, as Mississippi Representatives in the Congress should retain their seats.

Now, while "each House shall be the judge of the election returns and qualifications of its own Members," the House has the further obligation of discharging the many other constitutional duties and obligations of this body, such as providing for raising and collecting of taxes, to appropriate money for operations of the Government, and, of course, take its part in providing laws for the operations of the country, determine and adopt rules for its own proceedings, and so forth, all of which as a coordinate House of the legislative branch it must do to maintain the Congress as one of the three equal and coordinate branches of the Government, legislative, judicial and executive.

What action the House should take in the instant case must be considered in line with the other obligations for the orderly handling of the business of the House. It is acknowledged that the House has an obligation to all persons, the public, all candidates, its Members; but its primary obligation is to protect its own integrity, which means it must protect the right and opportunity of its Members to work, that it may perform its function and maintain its place in our Government. An equal of the Senate and together with the Senate, it must remain one of the three coordinated branches as mentioned before.

Now, as to why this committee and the House should dismiss the proceedings here, subsequent to the filing of notice to contest under the statutes, it is to be noted at this point, on page 1 of their answer to the purported contest each of the Representatives in Congress from Mississippi pointed out that the affidavits of service were defective and for this reason "your purported contest should be dismissed and by its own terms your purported contest is not a contest." Further, it is to be noted that on page 3 each of the Mississippi Representatives in Congress set out additional reasons the purported notice of contest should be dismissed and, further that "all other rights are reserved."

This so-called answer was filed by the Mississippi Representatives, that they not be in default of orderly procedures of the Congress.

Beginning on January 27, 1965, attorneys for the claimed-to-be-contestants began a series of hearings throughout the country.

Title 2, United States Code, enacted in 1851, under which the contestants elected to proceed, permits the holding of any number of hearings at any number of places at the same time. Proceeding under such statutes 125 lawyers, apparently well-financed, held hearings all over the United States. As many as 12 hearings were conducted during identical hours in as many as 8 States from Connecticut to California. Quite evidently the Members of the Mississippi delegation could not hope to attend or provide lawyers for all these hearings, though with only brief notice lawyer friends were able to attend some hearings.

A partial list of the hearings and the dates on which they were held follows: January 27, Canton; January 28, Natchez; January 29, Natchez, Jackson, Greenwood; January 30, Greenville, Jackson, Greenwood; February 1, Jackson; February 2, Meridian, Holly Springs, Clarksdale, Palo Alto, Calif.; February 3, Holly Springs, Gulfport; February 4, Clarksdale, Moss Point, Magnolia, Greenville, Meridian, Vicksburg; February 5, Columbus, Magnolia, Greenwood, Greenville; February 6, West Point, Magnolia, Cleveland, Tylertown; San Jose, Calif.; San Francisco, Calif.; Berkeley, Calif.; February 8, Charleston, Laurel, Natchez, Aberdeen, Canton, West Point, McComb, Magnolia, Tylertown; February 9, Laurel, Batesville, Aberdeen, West Point, Greenwood, McComb; February 10, Canton, Indianola, Batesville, Hattiesburg, Liberty, Brandon, Charleston; Philadelphia, Pa.; Detroit, Mich.; Stanford, Calif.; February 11, Indianola, Holly Springs, Hattiesburg, Starkville, Batesville; Chicago, Ill.; Philadelphia, Pa.; New Haven, Conn.; New York, N.Y.; Washington, D.C.; Buffalo, N.Y.; Berkeley, Calif; February 12, Jackson; Philadelphia, Pa.; Boston, Mass.; Newark, N.J.; Washington, D.C.; February 13, Canton.

Members of Congress could not hope to meet such a massive attack. Reimbursement by the Congress is limited to $2,000 to cover expenses and attorneys' fees.

These hearings have been supplemented by the circulation of petitions throughout many areas of the country. A large delegation from all over the country moved on Washington in late June and called on practically all Members of Congress. Most of these individuals were under voting age and made strong demands to unseat the Mississippi delegation, though they showed no knowledge of what was involved. In addition, there was a sit-in staged in the office of the Clerk of the House on June 19. Further efforts to move in on the Congress came on August 9, 1965; and, according to the press, there have been threats to move in on the floor of the House and actually displace Members of Congress from their seats. There can be no doubt but what a major purpose of this attack is to create dissension and turmoil.

It might be well to note that any individual or any group, conservative, radical, or otherwise, Communist or non-Communist, could create the same situation with regard to any delegation; and if the House of Representatives went along with any such efforts it would, in effect, cause the House to destroy itself from within.

In accordance with the requirements of the statute, the Clerk of the House examined the material compiled in connection with the numerous hearings and determined as follows:

> The testimony in this matter is of such admixture of papers in relation to the five congressional districts in the State of Mississippi that it was impossible for the Clerk to determine to which congressional district the testimony applies. He finds that said testimony failed to comply with sections 203, 209, 218, 221, 222, and 223 of title 2 of the United States Code.

Should a citizen, an elector, a noncandidate be permitted to carry a duly elected Member through such an ordeal as has the Mississippi delegation without any sworn statement, any security for cost? The House has always said no.

It is well to cite here section 290 of Jefferson's Manual to show why the House so jealously guards for its own integrity the freedom of its Members from court orders, and so forth. If it did not do so, enough Members could be arrested or summoned, particularly by a national organization like the National Lawyers Guild, to prevent the very organization of the House itself. I quote:

> This privilege from arrest, privileges, of course against all process the disobedience to which is punishable by an attachment of the person; as a subpena ad respondendum, or testificandum, or a summons on a jury; and with reason, because a Member has superior duties to perform in another place. When a Representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits no comparison.

Thus it is that the Mississippi delegation must be permitted to discharge their duties as Members of Congress, free of the present harassment.

If this motion to dismiss were to fail, and if our elections are to be set aside on the general allegations of any individual or group, the House of Representatives would be faced with setting aside the elections in numerous States, for the Attorney General testified before the Judiciary Committee in support of the changes in Federal law that there were many States, which he listed, which had various restrictive provisions as to voting qualifications and the Congress itself included many States as coming within the provisions of section 3, whereby the Attorney General could send in Federal registrars.

As you can readily see, we are up against a well-organized, well-financed national effort by well-known national organizations. To learn more of their background you might wish to read the CONGRESSIONAL RECORD of February 3, 1965, pages 1943–1953. You will see we have been dealt with by experts.

My colleagues, if you do not act now to put an end to this type of thing, you and all Members of Congress may be subjected to the same situation, which would not only place heavy financial burdens upon you and other duly elected Members but would completely destroy the legislative processes of the House of Representatives.

Mr. LOVE. Mr. Speaker, a very careful consideration of the entire problem before us today, including the report and recommendations of the House Committee on Administration causes me to observe that, on a strict legal basis, the committee appears to be correct. Yet, for reasons hereinafter stated, I shall vote for recommittal.

It is much like the filing of a general demurrer in a lawsuit. The demurrer to a petition says in effect that everything in the petition is admitted as true, but the petitioner still has no cause of action. This is the position in which the contestants find themselves in the Mississippi case before the House. There was no opposing candidate running in four of the five congressional elections held under the same laws that elected presidential electors and a Senator. And, the challengers had no claim to election as they came into being through an unauthorized election which lasted 4 days and was even more one-sided than the election which sent our five Mississippi Representatives to the House.

It is the responsibility of the House to sit as judges much like we would be required to do if impeachment proceedings were brought against a President. There is no appeal.

The crux of the matter is simply this: If the qualifications of a Member of the House can be brought into issue by reason of an election which disfranchises some part of the electorate contrary to the Constitution of the United States, then our body has not acted fully and completely by making a report and a recommendation for dismissal based solely on technical grounds after a 3-hour executive session by the Committee on House Administration which had considered the notices of contest.

The people of Mississippi, even those who are alleged to have acted improperly—yes, the people of the entire country deserve to have their day in court—the court of representative government,

in this case, the House of Representatives of the United States. Only a full and complete public hearing before the appropriate committee of the Congress would satisfy those who deplore disenfranchisement and cry for justice.

So, as a judge, I would say, "Demurrer overruled." Let us try the case on its merits and bring out all the facts even though the probable end result will be dismissal. If the evil of disfranchisement is ever to be eradicated from the American scene, the need is to dramatize the facts so that all persons will know that some American citizens were denied their constitutional rights.

For these reasons, I support recommittal and, if this fails, I shall vote against the resolution, as amended, particularly since the amendment strikes from the resolution that the five Congressmen were "entitled to their seats." This just makes the resolution more technical and would make final action, if the resolution were adopted, nothing more than a refusal to meet the issue at this time.

If, perchance, these remarks fall into the hands of some of my constitutents who find me a bit legalistic—somewhat judicial—may I remind them that today was the first time my duties required me to sit as judge and jury.

Mr. ALBERT. Mr. Speaker, will the gentleman from Texas yield to me for the purpose of offering an amendment?

Mr. BURLESON. Mr. Speaker, I yield to the distinguished majority leader.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On page 2, line 1, after the word "dismissed" insert a period and strike out the remainder of the resolution.

The SPEAKER. The gentleman from Oklahoma is recognized.

Mr. ALBERT. Mr. Speaker, the purpose of this amendment is to make this resolution conform to the problem which is before the House. I hope and trust that the amendment will be adopted and that the resolution as amended will be enacted.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield briefly on the amendment to the gentleman from Georgia.

Mr. DAVIS of Georgia. I rise as a member of the Subcommittee on Elections of the Committee on House Administration, and as one who has devoted most of his time since Monday morning to this question. I wish to say that it has been truly said that we are sitting as a court, and what we are really doing is framing the order of the court that we will render today, sitting in judgment on this question.

The amendment which the majority leader has offered will simply delete that portion of the resolution which says: "and that the said Members from Mississippi are entitled to their seats as Representatives of said districts and State."

Regardless of how one may feel on the question of whether they are entitled to their seats, I submit that the wording, in all intellectual honesty, is appropriate only after a hearing on the merits. It is not appropriate when one dismisses a petition without hearing the merits.

I therefore support the amendment. I say that a simple wording of dismissal is appropriate. Any more is mere gratuitous recital.

Mr. ALBERT. I thank the gentleman from Georgia.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished minority leader for the purpose of debate on the amendment.

Mr. GERALD R. FORD. Mr. Speaker, I agree with the amendment offered by the gentleman from Oklahoma, the distinguished majority leader. I hope it will be approved.

In my judgment the words which are now sought to be stricken should not have been included in the resolution in the first instance.

This is a way, and a proper way, for us as a body, as the House as a whole, to remedy the situation.

The approval of the resolution with this amendment will mean that the House of Representatives on this occasion at this time is in effect taking a very limited action; we are dismissing the petition. We are taking no other action.

I believe the House is intelligently working its will on the basis of a recommendation made by the Committee on House Administration. The House, on the other hand, retains jurisdiction for any other aspects of this dispute which might properly come before it. As other facts are developed, if they are, the House can, and I am sure will, intelligently and constructively work its will.

I have confidence in the action today. I am just as confident that the action in the future will be constructive.

I conclude with the observation that there are those among us here this afternoon who would want to go off in one direction to an extreme and there are those who would want to go to the opposite extreme. The vast majority of the Members of this body on both sides of the aisle, in my judgment, will take a constructive and proper course in the solution of this dispute.

I urge the adoption of the amendment.

Mr. ALBERT. I thank the gentleman.

Mr. Speaker, as I said at the beginning, this amendment is to make the action under this resolution conform to its purposes and to restrict it in that regard.

May I say, Mr. Speaker, in that connection, that the action of the committee in bringing this resolution here has been appropriate. The gentleman from New York, my good friend [Mr. RYAN] announced, if I am not mistakenly informed, that he would call up a resolution to vacate the seats of the members of the Mississippi delegation if the committee did not act within a reasonable time. I understood he was going to call it up on the 21st. The committee has acted expeditiously, as the committee had to act if it was going to act at all before the gentleman from New York brought up his resolution. We are limiting and conforming this resolution to the problem that is before us, and I urge its adoption.

Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT] for a unanimous-consent request.

Mr. ROOSEVELT. Mr. Speaker, I simply rise to point out to my colleagues, while I support the amendment of the very able majority leader, he makes it clear that there is now no question of substance; and therefore, I shall support the motion to recommit so that there may be an opportunity for a substantive vote.

Mr. BURLESON. Mr. Speaker, will the gentleman yield to me?

Mr. ALBERT. I yield to the chairman of the committee.

Mr. BURLESON. Mr. Speaker, I support the amendment offered by the distinguished majority leader. I feel it is proper under the circumstances, and I hope it will be adopted.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BURTON of California. Mr. Speaker, in light of the statement by the gentleman from Georgia [Mr. DAVIS], the record is unchallengeably clear that neither the House Administration Committee nor the Members of this House, if the committee's resolution is adopted, have judged this challenge on its substantive merits.

The adoption of the amendment by the majority leader, Mr. ALBERT, clearly demonstrates that the House has refused to give its approval to the committee's language that the present incumbents from Mississippi "are entitled to their seats as Representatives of said districts and State."

Mr. MOORHEAD. Mr. Speaker, I rise in support of the amendment of the gentleman from Oklahoma [Mr. ALBERT] to House Resolution 585.

A clear pattern of voting discrimination in Mississippi has been established. However, there are serious legal questions as to whether the contestants are proper parties and as to whether the remedy should have been grounded on the 14th rather than the 15th amendment. There are technical grounds for supporting that part of House Resolution 585 which dismisses the election contests but there is no necessity, there is no requirement, there is no justification for that portion of the resolution that states that the named contestees "are entitled to their seats as Representatives of said districts and State."

To say the very least, these elections were tainted by discrimination and even if this House should dismiss the election contest on technical grounds, it should not adopt a resolution which in any way appears to condone discriminatory election practices.

I urge the adoption of the amendment deleting this language.

Mr. ALBERT. Mr. Speaker, I move the previous question on the amendment and the resolution.

Mr. FULTON of Pennsylvania. Mr. Speaker, I am on my feet. I rise in opposition to the amendment.

The SPEAKER. The gentleman from Pennsylvania rises in opposition. The Chair advises the gentleman that under the rules he cannot be recognized unless time is yielded to him. The gentleman from Oklahoma has moved the previous question on the amendment and the resolution.

Mr. FULTON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FULTON of Pennsylvania. Will this amendment foreclose the resolution of Mr. RYAN being brought up by action of the House in the affirmative on this resolution?

The SPEAKER. That is a matter for the House to determine in carrying out its will.

The question is on the motion of the gentleman from Oklahoma ordering the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution as amended.

Mr. GUBSER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUBSER. Mr. Speaker, I intend to offer a motion to recommit. Will the Chair please advise when that will be in order?

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. GUBSER. I am, Mr. Speaker.

The SPEAKER. The Chair will advise the gentleman now is the appropriate time.

Mr. GUBSER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GUBSER moves to recommit House Resolution 585 to the Committee on House Administration.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. HAWKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. CURTIS. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. BURLESON and Mr. CURTIS.

The House divided, and the tellers reported that there were—ayes 129, noes 207.

So the motion to recommit was rejected.

The SPEAKER. The question is on the resolution, as amended.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 143, answered "present" 10, not voting 51, as follows:

[Roll No. 307]

YEAS—228

Abbitt	Fogarty	Murray
Albert	Ford, Gerald R.	Natcher
Anderson, Tenn.	Fountain	O'Hara, Mich.
Andrews, Glenn	Frelinghuysen	O'Konski
Andrews, N. Dak.	Fulton, Tenn.	Olsen, Mont.
Ashbrook	Fuqua	Olson, Minn.
Ashmore	Gathings	O'Neal, Ga.
Aspinall	Gettys	Passman
Ayres	Giaimo	Patman
Bandstra	Gibbons	Pepper
Baring	Gonzalez	Perkins
Bates	Goodell	Pickle
Battin	Greigg	Pike
Beckworth	Grider	Pirnie
Belcher	Griffiths	Poage
Bennett	Gross	Poff
Betts	Gurney	Pool
Blatnik	Hagan, Ga.	Purcell
Boggs	Hagen, Calif.	Quillen
Bolling	Haley	Randall
Bow	Hall	Redlin
Bray	Halleck	Reid, Ill.
Brock	Hamilton	Rhodes, Ariz.
Brooks	Hanna	Rivers, S.C.
Broyhill, N.C.	Hansen, Idaho	Rivers, Alaska
Broyhill, Va.	Hardy	Roberts
Buchanan	Harris	Rogers, Fla.
Burleson	Harsha	Rogers, Tex.
Burton, Utah	Harvey, Ind.	Roush
Byrnes, Wis.	Hathaway	Satterfield
Cabell	Hays	Saylor
Callaway	Hechler	Schisler
Cameron	Henderson	Schneebeli
Carter	Herlong	Scott
Casey	Hosmer	Secrest
Cederberg	Hull	Selden
Chamberlain	Hungate	Shriver
Chelf	Hutchinson	Sikes
Clancy	Jarman	Sisk
Clark	Jennings	Subitz
Clausen, Don H.	Johnson, Calif.	Slack
Collier	Johnson, Okla.	Smith, Calif.
Conable	Johnson, Pa.	Smith, Va.
Cooley	Jonas	Staggers
Corbett	Jones, Ala.	Stanton
Cramer	Jones, Mo.	Steed
Culver	Kee	Stephens
Cunningham	King, Calif.	Stubblefield
Curtin	King, N.Y.	Talcott
Dague	Kirwan	Teague, Calif.
Davis, Ga.	Kornegay	Teague, Tex.
Davis, Wis.	Laird	Thompson, N.J.
de la Garza	Landrum	Thomson, Wis.
Dent	Langen	Todd
Denton	Lennon	Trimble
Derwinski	Lipscomb	Tuck
Devine	Long, La.	Tuten
Dickinson	McClory	Udall
Dole	McCulloch	Ullman
Dorn	McEwen	Utt
Dowdy	McFall	Waggonner
Downing	McMillan	Walker, N. Mex.
Duncan, Tenn.	Mahon	Watkins
Edmondson	Marsh	Watson
Edwards, Ala.	Martin, Ala.	Watts
Ellsworth	Martin, Nebr.	Weltner
Erlenborn	Matsunaga	Whalley
Everett	Matthews	White, Idaho
Evins, Tenn.	Michel	White, Tex.
Fascell	Mills	Whitener
Findley	Minshall	Willis
Fisher	Mize	Wilson, Charles H.
Flood	Moeller	Wright
Flynt	Monagan	Young
	Moore	Younger
	Morrison	Zablocki
	Morton	
	Moss	

NAYS—143

Adams	Burton, Calif.	Daddario
Addabbo	Byrne, Pa.	Daniels
Anderson, Ill.	Cahill	Delaney
Annunzio	Callan	Diggs
Ashley	Carey	Dingell
Baldwin	Celler	Donohue
Barrett	Clevenger	Dow
Bell	Cohelan	Dulski
Bingham	Conte	Dwyer
Boland	Conyers	Dyal
Brademas	Corman	Edwards, Calif.
Broomfield	Craley	Evans, Colo.
Burke	Curtis	Fallon
Farbstein	Krebs	Price
Farnum	Kunkel	Quie
Feighan	Lindsay	Reid, N.Y.
Fraser	Long, Md.	Resnick
Friedel	Love	Reuss
Fulton, Pa.	McCarthy	Rhodes, Pa.
Garmatz	McDade	Robison
Gilbert	McDowell	Rodino
Grabowski	McGrath	Rogers, Colo.
Green, Oreg.	McVicker	Ronan
Green, Pa.	Macdonald	Rooney, N.Y.
Griffin	MacGregor	Roosevelt
Grover	Machen	Rosenthal
Gubser	Madden	Rostenkowski
Halpern	Mailliard	Rumsfeld
Hanley	Martin, Mass.	Ryan
Hansen, Wash.	Mathias	St Germain
Harvey, Mich.	Meeds	St. Onge
Hawkins	Minish	Scheuer
Helstoski	Mink	Schmidhauser
Hicks	Moorhead	Schweiker
Holland	Morgan	Sickles
Horton	Morse	Springer
Howard	Mosher	Stafford
Huot	Multer	Stalbaum
Irwin	Murphy, Ill.	Stratton
Jacobs	Murphy, N.Y.	Sweeney
Joelson	Nedzi	Tenzer
Karsten	Nix	Vanik
Karth	O'Brien	Vivian
Kastenmeier	O'Hara, Ill.	Wolff
Keith	O'Neill, Mass.	Wyatt
Kelly	Patten	Wydler
King, Utah	Philbin	Yates
Kluczynski	Powell	

ANSWERED "PRESENT"—10

Abernethy	Keogh	Whitten
Cleveland	Pelly	Williams
Colmer	Race	
Duncan, Oreg.	Walker, Miss.	

NOT VOTING—51

Adair	Hansen, Iowa	Roudebush
Andrews, George W.	Hébert	Roybal
Arends	Holifield	Senner
Berry	Ichord	Shipley
Bolton	Latta	Smith, Iowa
Bonner	Leggett	Smith, N.Y.
Brown, Calif.	Mackay	Sullivan
Clawson, Del	Mackie	Taylor
Dawson	May	Thomas
Farnsley	Miller	Thompson, Tex.
Fino	Morris	Toll
Foley	Nelsen	Tunney
Ford, William D.	Ottinger	Tupper
Gallagher	Pucinski	Van Deerlin
Gilligan	Reifel	Vigorito
Gray	Reinecke	Widnall
	Roncalio	Wilson, Bob
	Rooney, Pa.	

So the resolution was agreed to.

The Clerk announced the following pairs:

For this day:

Mr. Senner with Mr. Del Clawson.
Mr. Shipley with Mr. Fino.
Mr. Miller with Mr. Berry.
Mr. Ottinger with Mr. Tupper.
Mr. Smith of Iowa with Mrs. Bolton.
Mr. Foley with Mr. Widnall.
Mr. Gilligan with Mr. Roudebush.
Mr. Farnsley with Mr. Nelsen.
Mr. Thomas with Mr. Riefel.
Mr. Thompson of Texas with Mr. Latta.
Mr. Van Deerlin with Mrs. May.
Mr. Vigorito with Mr. Reinecke.
Mr. Gray with Mr. Smith of New York.
Mr. Rooney of Pennsylvania with Mr. Adair.
Mr. Toll with Mr. Mackie.
Mr. Gallagher with Mr. Pucinski.

On this vote:

Mr. Hébert for, with Mr. Keogh against.
Mr. Tunney for, with Mr. Race against.
Mr. Morris for, with Mr. Duncan of Oregon against.
Mr. Arends for, with Mr. Cleveland against.
Mr. Bob Wilson for, with Mr. Pelly against.
Mr. Ichord for, with Mr. Brown of California against.
Mr. Taylor for, with Mr. William D. Ford against.
Mr. Holifield for, with Mr. Leggett against.
Mr. Mackay for, with Mr. Dawson against.

Mr. Bonner for, with Mr. Roncalio against.
Mr. George W. Andrews for, with Mrs. Sullivan against.
Mr. Hansen of Iowa for, with Mr. Roybal against.

Mrs. HANSEN of Washington changed her vote from "yea" to "nay."

Mr. CALLAN changed his vote from "yea" to "nay."

Mr. DUNCAN of Oregon. Mr. Speaker, I have a live pair with the gentleman from New Mexico [Mr. MORRIS]. If he were present he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. RACE. Mr. Speaker, I have a live pair with the gentleman from California [Mr. TUNNEY]. If he were present he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. KEOGH. Mr. Speaker, I have a live pair with the gentleman from Louisiana [Mr. HÉBERT]. If he were here he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. PELLY. Mr. Speaker, I have a live pair with the gentleman from California [Mr. BOB WILSON]. If he were present, he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. CLEVELAND. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. ARENDS]. If he were present he would have voted "yea." I voted "nay." Therefore, I withdraw my vote and vote "present."

Mr. WHITTEN. Mr. Speaker, in hearings before the committee it was agreed that this was an attack upon the seats of the State of Mississippi rather than against the individuals. Thus I felt that I had the privilege of voting "yea." I ask unanimous consent to withdraw my vote and vote "present."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BURLESON. Mr. Speaker, I offer an amendment to the title of the resolution.

The Clerk read as follows:

Amendment offered by Mr. BURLESON: Amend the title to read "Dismissing the Five Mississippi Election Contests."

The amendment was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. POOL. Mr. Speaker, I was called away from the floor on important business from my district when rollcall 306 was taken today. Had I been present I would have voted "yea" on that rollcall.

TO AMEND THE FEDERAL FARM LOAN ACT AND THE FARM CREDIT ACT OF 1933

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4152) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933 to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, to provide for allocating certain earnings of such banks and associations to their users, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

AMENDMENT

Page 2, line 9, strike out "15" and insert "12".

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

Mr. LAIRD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from North Carolina if this has been cleared with the gentleman from Pennsylvania [Mr. DAGUE]?

Mr. COOLEY. Mr. Speaker, if the gentleman will yield, I might say to my friend that it was unanimously agreed to by the House Committee on Agriculture. There is just a change in one figure in the bill between "15" and "12."

Mr. LAIRD. That is not the question I asked of the gentleman from North Carolina. We have a procedure that we have worked out here to the effect that these matters under unanimous-consent request will be cleared with the ranking minority member.

Mr. COOLEY. I do not see the ranking minority member here on the floor at the present time. I am certain that he would be in favor of this. He voted for this in the committee and it was reported out of the committee unanimously.

Mr. LAIRD. I do not see the gentleman from Pennsylvania. I am attempting to get in touch with him at the present time. Until I have heard from him I must object. I intend to get in touch with him just as quickly as possible.

Mr. COOLEY. I do not know where the gentleman is. I am sure I cannot locate him any faster than the gentleman from Wisconsin can locate him.

Mr. LAIRD. We have this specific procedure worked out under which these matters are cleared with the ranking minority member.

Mr. COOLEY. I understand that, but there was a unanimous vote in the committee and I stated to the gentleman from Wisconsin that it was a unanimous vote. I do not see why there would be any objection.

The SPEAKER. The Chair assumed that the matter had been cleared with the other side.

Mr. LAIRD. I am under the impression that it has not been so cleared.

The SPEAKER. The Chair suggests that the gentleman from North Carolina withdraw his request.

Mr. COOLEY. Mr. Speaker, I withdraw the request, and I shall see if I can find the gentleman from Pennsylvania [Mr. DAGUE].

The SPEAKER. The request of the gentleman from North Carolina is withdrawn.

COMMERCE DEPARTMENT TRANSPORTATION RESEARCH

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (S. 1588) to authorize the Secretary of Commerce to undertake research, development, and demonstrations in high-speed ground transportation, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1017)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1588) to authorize the Secretary of Commerce to undertake research, development, and demonstrations in high-speed ground transportation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That, consistent with the objective of promoting a safe, adequate, economical, and efficient national transportation system, the Secretary of Commerce (hereafter in this Act referred to as the 'Secretary') is authorized to undertake research and development in high-speed ground transportation, including, but not limited to, components such as materials, aerodynamics, vehicle propulsion, vehicle control, communications, and guideways.

"SEC. 2. The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation could make to more efficient and economical intercity transportation systems. Such demonstrations shall be designed to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service. In connection with contracts for demonstrations under this section, the Secretary shall provide for financial participation by private industry to the maximum extent practicable.

"SEC. 3. Nothing in this Act shall be deemed to limit research and development carried out under the first section or demonstrations contracted for under section 2 to any particular mode of high-speed ground transportation.

"SEC. 4. The Secretary is authorized to collect and collate transportation data, statistics, and other information which he determines will contribute to the improvement of the national transportation system. In carrying out this activity, the Secretary shall utilize the data, statistics, and other information available from Federal agencies and

other sources of the greatest practicable extent. The data, statistics, and other information collected under this section shall be made available to other Federal agencies and to the public insofar as practicable.

"SEC. 5. (a) There is hereby established in the Department of Commerce an advisory committee consisting of seven members who shall be appointed by the Secretary without regard to the civil service laws. The Secretary shall designate one of the members of the Advisory Committee as its Chairman. Members of the Advisory Committee shall be selected from among leading authorities in the field of transportation.

"(b) The Advisory Committee shall advise the Secretary with respect to policy matters arising in the administration of this Act, particularly with respect to research and development carried out under the first section and contracts for demonstrations entered into under section 2.

"SEC. 6. (a) In carrying out the provisions of section 2 of this Act, the Secretary shall provide fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of the employees of any common carrier who are affected by any demonstration carried out under a contract between the Secretary and such carrier under such section. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements, or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment as a result of such demonstration; (4) assurances of priority of reemployment of employees terminated or laid off as a result of such demonstration; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment as the result of such demonstrations which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act (49 U.S.C. 5). Any contract entered into pursuant to the provisions of section 2 of this Act shall specify the terms and conditions of such protective arrangements.

"(b) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employeed by contractors or subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained upon the construction work. The Secretary of Labor shall have with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"SEC. 7. In exercising the authority granted in the first section and section 2 of this Act, the Secretary may lease, purchase, develop, test, and evaluate new facilities, equipment, techniques, and methods and conduct such other activities as may be necessary, but nothing in this Act shall be deemed to authorize the Secretary to acquire any interest in any line of railroad.

"SEC. 8. (a)(1) In exercising the authority granted under this Act, the Secretary is authorized to enter into agreements and to contract with public or private agencies, institutions, organizations, corporations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(2) To the maximum extent practicable, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into such agreements or contracts to carry out research and development under this Act shall be geographically distributed throughout the United States.

"(3) Each agreement or contract entered into under this Act under other than competitive bidding procedures, as determined by the Secretary, shall provide that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, may, for the purpose of audit and examination, have access to any books, documents, papers, and records of the parties to such agreement or contract which are pertinent to the operations or activities under such agreement or contract.

"(b) The Secretary is authorized to appoint, subject to the civil service laws and regulations, such personnel as may be necessary to enable him to carry out efficiently his functions and responsibilities under this Act. The Secretary is further authorized to procure services as authorized by section 15 of the Act of August 3, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem, unless otherwise specified in an appropriation Act.

"SEC. 9. In exercising the authority granted under this Act, the Secretary shall consult and cooperate, as he deems appropriate, with the Administrator of the Housing and Home Finance Agency and other departments and agencies, Federal, State, and local. The Secretary shall further consult and cooperate, as he deems appropriate, with institutions and private industry.

"SEC. 10. (a) The Secretary shall report to the President and the Congress not less often than annually with respect to activities carried out under this Act.

"(b) The Secretary shall report to the President and the Congress the results of his evaluation of the research and development program and the demonstration program authorized by this Act, and shall make recommendations to the President and the Congress with respect to such future action as may be appropriate in the light of these results and their relationship to other modes of transportation in attaining the objective of promoting a safe, adequate, economical, and efficient national transportation system.

"(c) The Secretary shall, if requested by any appropriate committee of the Senate or House of Representatives, furnish such committee with information concerning activities carried out under this Act and information obtained from research and development carried out with funds appropriated pursuant to this Act.

"SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $20,000,000 for the fiscal year ending June 30, 1966; $35,000,000 for the fiscal year ending June 30, 1967; and $35,000,000 for the fiscal year ending June 30, 1968. Such sums shall remain available until expended.

"SEC. 12. Except for section 4, this Act shall terminate on June 30, 1969. The termination of this Act shall not affect the disbursement of funds under, or the carrying out of, any contract commitment, or other obligation entered into pursuant to this Act prior to such date of termination."

OREN HARRIS,
HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN JARMAN,
J. J. PICKLE,
DANIEL J. RONAN,
JOHN BELL WILLIAMS,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
ALBERT W. WATSON,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN O. PASTORE,
FRANK J. LAUSCHE,
VANCE HARTKE,
THRUSTON B. MORTON,
HUGH SCOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1588) to authorize the Secretary of Commerce to undertake research, development, and demonstrations in high-speed ground transportation, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause and inserts a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. This substitute is substantially the same as the House amendment. The differences between the House amendment and the substitute agreed to by the conferees are set forth below.

COMPENSATION OF MEMBERS OF ADVISORY COMMITTEE

Section 5 of the House amendment provided for an Advisory Committee to advise the Secretary of Commerce with respect to policy matters arising in the administration of the legislation. The Senate bill contained no comparable provisions. The conference substitute is the same as the House amendment, except that provisions relating to compensation and reimbursement for certain expenses of members of the Advisory Committee were deleted by the conferees. It is expected that members of the Advisory Committee will serve without compensation, but will be reimbursed for travel expenses (including per diem in lieu of subsistence) and under other statutory authority (5 U.S.C. 73b–2).

EMPLOYEE PROTECTION

Subsection (a) of section 6 of the House amendment requires the Secretary of Commerce, in providing for demonstrations under section 2 of the legislation, to provide fair and equitable arrangements (as determined by the Secretary of Labor) to protect the interests of the employees of any common carrier who are affected by any demonstrations carried out by such carrier pursuant to a contract with the Secretary of Commerce under section 2. The Senate bill provides that in carrying out the purpose of section 2 the Secretary of Commerce shall provide fair and equitable arrangements (as determined by the Secretary of Labor) to protect the interests of railroad employees involved in operations which are the subject of such demonstrations. The conference substitute is the same as the House amendment.

The conferees wish to emphasize that under section 6 of the conference substitute,

for example, the employees of a contracting railroad who are affected by a demonstration conducted by such railroad pursuant to a contract with the Secretary of Commerce, or employees of a contracting bus company who are affected by a demonstration carried out by the bus company pursuant to a contract with the Secretary of Commerce, would be protected by the fair and equitable arrangements provided in this section. Thus, under the language adopted, affected employees of a contracting bus company, for example, would be protected by fair and equitable arrangements in the contract between the common carrier for which they are employed and the Secretary of Commerce against a worsening of their positions with respect to their employment as the result of such contracted demonstration.

Section 6 of the conference substitute (which is the same as section 6 of the House amendment) directs that such arrangements in no event would provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Section 5 of the Interstate Commerce Act has to do with consolidation and mergers of certain common carriers. Section 5(2)(f) applies to the protection of employees in the consolidation and mergers of railroads. The making of section 5(2)(f) applicable in the case of employees of any carrier with which the Secretary of Commerce has a contract for a demonstration under this legislation can have no effect upon any construction placed upon section 5(2)(f) or section 5 or indeed on any other provisions of the Interstate Commerce Act.

PATENT PROVISIONS

The House amendment provided that any agreement or contract entered into by the Secretary of Commerce under the legislation must contain provisions that all information, uses, processes, patents, and other development resulting from any activity undertaken pursuant to such agreement or contract will be made readily available on fair and equitable terms to the transportation industry and industries engaging in furnishing supplies to such industry. The Senate bill had no comparable provisions. The managers on the part of the Senate insisted on the deletion of these provisions in view of the position which the Senate recently had taken upon this subject, the current study being made looking toward a general governmental patent policy, and the assurances which the Senate managers had received from the Secretary of Commerce that pending the enactment of such general legislation he will carry out the President's patent policy guidelines by including in the contracts entered into under this legislation provisions properly protecting the public interest by providing either for the Government to take title to resulting patents or for the retention by contractors of title with agreement to some form of licensing. In view of such assurances, the managers on the part of the House receded.

AUTHORITY WITH RESPECT TO COLLECTION OF TRANSPORTATION STATISTICS, DATA, ETC.

Both the Senate bill and the House amendment gave the Secretary of Commerce authority with respect to the collection of transportation data, statistics, and other information which he determines will contribute to the improvement of the national transportation system. Both versions had provisions terminating the legislation on June 30, 1969; however, the Senate bill excepted from this termination provision the authority granted the Secretary with respect to the collection of transportation statistics, data, and other information. The House amendment contained no such exception. While existing law provides the Secretary with certain authority to collect transportation statistics, in order to avoid doubt after June 30, 1969, as to the general authority and responsibility of the Department of Commerce with respect to the collection of transportation statistics, data, and other information, the provisions in the Senate bill have been retained in the conference substitute.

OREN HARRIS,
HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN JARMAN,
J. J. PICKLE,
JOHN BELL WILLIAMS,
DANIEL J. RONAN,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
ALBERT W. WATSON,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, this conference report on the bill, S. 1588, to provide that the Secretary of Commerce undertake research, development, and demonstration in high-speed ground transportation, is a unanimous report with all members of the Transportation Subcommittee of the Committee on Interstate and Foreign Commerce participating and agreeing.

There was actually one amendment of any substance in disagreement between the House provisions and the Senate bill, and that had to do with the patent provisions that were included by an amendment which was proposed by our distinguished colleague from California [Mr. Moss]. The Senate had a very adamant attitude on even the limited provision affecting the patent situation which the conferees discussed at length with the Senate conferees on this subject. We had endeavored to work out a position on this particular problem, limiting it to making information on such patents that might be developed under the research contracts available to the transportation industry and related industries, on a fair and reasonable basis. However, the conferees of the other body insisted that this was a matter which a committee of their body was giving study and consideration to, and they contemplated an overall policy was going to be worked out.

They have been through this problem within the other body on several occasions, and that body has taken a very definite position on the matter.

Therefore the conferees of the other body were in no position to arrive at any accommodation on this problem and they insisted that the House language be omitted.

In view of this fact that the conferees were faced with, and in view of the fact that there was a letter which was sent by the Secretary of Commerce to the Senate committee in which the Secretary advised and gave assurance that in the entering into contracts the Government's position would be protected, the House decided reluctantly then to recede with the understanding that such a statement would be included in the conference report, which you will find on page 6.

There were some other minor disagreements between the House and Senate but they were resolved without much difficulty. I might say that the language that the House had developed in connection with this program outside of this patent item was almost entirely agreed to.

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

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

Mr. SPRINGER. May I say, Mr. Speaker, this is practically the bill that passed the House. There are a few very minor amendments which we did accept from the Senate but for the most part this is the House bill. The Senate bill did not contain what generally I have called the Springer amendment which called on the Secretary to spread as nearly geographically and equally as possible over the country the contracts that would be let in the experimentation and demonstration projects which the Secretary would carry on pursuant to this act. It was my feeling for some time that in the preliminary investigation and experimentation thus far these contracts had not been spread around geographically nor equally. The amendment which I proposed was accepted in committee and was passed in the House and accepted in the conference by the Senate and it is in the bill as it finally comes to this House. I wanted to call this to the attention of the House at this time and to state that the conference report should be adopted.

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

Mr. HARRIS. I yield to the gentleman.

Mr. CUNNINGHAM. I was a member of the conference and I agree with the distinguished chairman and the ranking minority Member in everything that they have said. This is a good bill. It is primarily the bill that was passed by our committee and passed by this body. We had no serious disagreements and I would certainly recommend that the conference report be adopted.

Mr. HARRIS. There is just one other provision that I would like briefly to call attention to which has to do with employee protection. I would like to emphasize that, in addition to the explanation in the report of this matter, there was some concern with the action taken herein on employee protection in that it might have some bearing on some pending litigation in this field. The conferees made it clear in the conference report that the reference to standards in this proposed legislation taken from section 5(2)(f) of the Interstate Commerce Act would have no effect at all upon any construction placed upon section 5(2)(f) or of section 5 or any other provisions of the Interstate Commerce Act.

Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TO AMEND THE FEDERAL FARM LOAN ACT AND THE FARM CREDIT ACT OF 1933

Mr. COOLEY. Mr. Speaker, the matter that I am about to call up has now

been cleared with the minority. The gentleman from Wisconsin [Mr. LAIRD] has assured me he has cleared it with the gentleman from Pennsylvania [Mr. DAGUE], the ranking minority member of our committee.

Therefore, Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4152) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933 to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, to provide for allocating certain earnings of such banks and associations to their users, and for other purposes, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 9, strike out "15" and insert "12".

The SPEAKER. The gentleman from North Carolina [Mr. COOLEY] has asked unanimous consent for the immediate consideration of the bill. The gentleman from North Carolina has stated that he has discussed it with the gentleman from Pennsylvania [Mr. DAGUE], the ranking minority member of the committee.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

INTERNATIONAL COMMITTEE OF THE RED CROSS

Mr. FASCELL. Mr. Speaker, I call up the conference report on the bill (H.R. 8715) to authorize a contribution by the United States to the International Committee of the Red Cross, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1016)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8715) to authorize a contribution by the United States to the International Committee of the Red Cross, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000"; and the Senate agree to the same.

DANTE B. FASCELL,
DONALD FRASER,
Managers on the Part of the House.

FRANK CHURCH,
JOSEPH S. CLARK,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8715) to authorize a contribution by the United States to the International Committee of the Red Cross, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill authorized an annual sum of $75,000 as a contribution on the part of the United States toward the expenses incurred by the International Committee of the Red Cross.

The Senate amendment reduced the annual sum authorized from $75,000 to $25,000.

The committee of conference agreed to limit the annual sum authorized to $50,000.

DANTE B. FASCELL,
DONALD FRASER,
Managers on the Part of the House.

Mr. FASCELL. Mr. Speaker, when the bill went through the House, the House authorized the sum of $75,000 as the annual contribution on the part of the United States toward the expenses incurred by the International Committee of the Red Cross.

After consideration, the other body authorized $25,000. The committee of conference agreed to limit the annual sum to $50,000.

Mr. GROSS. Mr. Speaker, will the gentleman yield me 2 minutes?

Mr. FASCELL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Florida for yielding. Mr. Speaker, I did not sign the conference report, for two reasons.

In the first place, I am opposed to legislation to start contributions on the part of the Federal Government to the International Red Cross. For approximately a century, the American Red Cross has made this country's contributions to the International Red Cross. I have been unable to discover any substantial reason why the Federal Government should embark upon the business of contributing to the International Red Cross at this time.

In the second place, the Senate reduced the contribution to $25,000. Any time that the other body shows a disposition toward economy, to reduce the House figure involving an expenditure of public funds, I want to accept their offer. I insist the House conferees should have accepted the Senate figure of $25,000 instead of raising the ante to $50,000.

Therefore, I cannot support the conference report.

Mr. FASCELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1965.

The SPEAKER,
The House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Because of my immediate appointment as an alternate delegate to the General Assembly of the United Nations, and my prospective further duties as U.S. Representative to the Economic and Social Council of the United Nations, it would be wise for me at this time to lighten my responsibilities here in the House of Representatives.

With great reluctance and regret, therefore, I am resigning from the Select Committee on Small Business, to which you were good enough to appoint me. My opportunity for service on this committee has been most enjoyable, not only because of my colleagues on both sides of the aisle, but because of its tremendous importance to the vitality of our country's economy—to which I feel this committee contributes so much. I would appreciate your accepting this resignation, to be effective as of September 20, 1965.

With my very sincere and great appreciation to you and to my colleagues, I am,

Respectfully and very sincerely yours,
JAMES ROOSEVELT.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

IS THE RUSSIAN BEAR SKINNING UNCLE SAM?

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WOLFF. Mr. Speaker, on June 16, 1951, this distinguished body enacted legislation prohibiting the importation of Russian ermine and other skins such as fox and mink from the Soviet Union and Red China. The same prohibition was reenacted and continued in 1962. It has come to my attention that our neighbor to the north, the Dominion of Canada, has been importing these skins from the Soviet Union and Red China, making them into finished garments, and exporting them in great quantity to the United States. The whole matter was brought to my attention by a constituent, Mr. Ernest Graf ,a fur merchant who lives in Sands Point, Long Island, N.Y. I ask leave to include a letter to Mr. Graf's firm, Ben Kahn Furs Corp., 150 West 30th Street, New York, N.Y., from a Montreal concern offering for sale at wholesale fur garments made from Russian ermine.

Mr. Speaker, if there is no restriction on the importation of finished garments from Canada made from skins from Russia or China, then we are defeating the intent of our legislation prohibiting direct importation from such nations. If it remains the intent of this body to prohibit importation of these skins in an effort to curtail the Communist-controlled fur industry abroad, then this situation requires immediate action.

I would say to my fellow Members of this august body, if we are importing from Canada finished garments made from skins which cannot be legally imported into the United States, Uncle Sam and the fur merchants and consumers of America are the ones getting skinned.

The letter follows:

BROOKS-BURNETT, INC.,
July 20, 1965.

BEN KAHN,
New York, N.Y.

DEAR SIRS: We have become aware that while U.S. manufacturers cannot import white Russian ermine skins, they can bring in ready-made garments.

As one of Canada's leading manufacturers, we are specialists in the field of Russian ermine and feel that we can offer you a selection of outstanding garments. Our coats are made by the London method which is world renowned.

Should this matter be of any interest to you, either Mr. Ellis Brooks or myself would be delighted to come to New York and discuss the matter further.

Yours sincerely,

PETER BURNETT,
Brooks-Burnett, Inc.

SURVEY OF OPINION, NINTH DISTRICT OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Speaker, again this year, it has been my privilege to conduct a survey of opinion in the Ninth Congressional District of North Carolina concerning major issues confronting the country. All of these issues were pending before the Congress at the time this poll was begun in July.

The questionnaire was distributed widely throughout the 11 counties of the Ninth District. No effort was made to restrict its distribution to a selected mailing list. It has been my purpose to solicit a broad expression of opinion from individuals regardless of their political party affiliation or their position in the conservative-liberal spectrum.

The poll represents the tabulation of 5,453 responses, all of which have been studied and analyzed during the past several weeks. This is a large and random sample of the total population of the district and I believe it is an excellent barometer of public opinion in my area at this time.

A very large proportion of those responding have taken the time to add a thoughtful discussion of one, several, or all of the issues in the questionnaire. Although there is no way to group such comments in statistical form, they have been most helpful to me as I have studied the legislation arising on these questions.

It is also gratifying that so many of those participating have explained that they have never before expressed their views to an elected official. That this questionnaire has increased the communication between the people of the district and their representative in Congress is beyond doubt.

Among the general opinions expressed, the most persistent view involved a deepening concern about the expansion of Federal power and authority in many fields. Although the poll did not include a question concerning the antipoverty program, many hundreds of comments critical of the alleged political manipulation of the program were received. Particular resentment was expressed by low-income families who feel that their tax money is financing grandiose schemes wherein principal benefits are going to the politically faithful rather than to the poor people of the country.

On the question of foreign policy, the poll disclosed support for a strong stand against Communist expansion in Vietnam and support for the President's decision to send troops to the Dominican Republic. Policies which will eliminate the possibility of another Communist beachhead in this hemisphere were urged in many penetrating comments included in the replies.

As in last year's poll, the tabulation indicates decisive thinking in the district on these particular issues. Responses in 13 out of the 18 questions showed 60 percent or more lining up on one side or the other on given issues.

A complete analysis of the result of the 1965 poll is as follows:

	Yes	No	No opinion
1. Do you favor the decision to send U.S. troops to the Dominican Republic in the recent civil war in that country?	71.2	25.7	3.1
2. Based on your understanding of the situation in Vietnam, should the United States—			
(a) Withdraw all U.S. troops and military assistance?	16.1		
(b) Seek immediate negotiations with the Communists, without prior conditions, for a settlement of the conflict?	23.4		
(c) Continue present policy of large-scale support to South Vietnam and the bombing of North Vietnam?	57.9		2.6
3. Should the United States loosen present restrictions to encourage expanded trade with Communist-bloc countries?	19.2	75.6	5.2
4. Do you favor further disarmament agreements with the Soviet Union?	31.0	60.4	8.6
5. Do you favor repeal of sec. 14(b) of the Taft-Hartley Act which grants States the right to enact laws allowing employees to refrain from labor union membership as a condition for continued employment?	25.7	70.0	4.3
6. Should our immigration laws be changed to admit aliens on the basis of skills rather than the present system of yearly quotas arranged by country of origin?	53.1	40.2	6.7
7. Do you support increasing Federal control over firearms to prohibit their shipment in interstate commerce except by importers, manufacturers, and dealers licensed by the Treasury Department?	52.5	44.7	2.8
8. Do you believe basic pay rates for our military personnel should be raised on an average of 7.2 percent for officers and 12.1 percent for enlisted personnel?	69.5	22.7	7.8
9. Do you favor the principle that salaries of Federal employees should be comparable with salaries in private industry for similar responsibilities?	78.2	17.0	4.8
10. Are you in favor of increasing the Federal minimum wage rate from the present $1.25 per hour to $1.50?	45.9	49.7	4.4
11. Do you approve of legislation empowering Federal officers to register voters, without regard to State requirements, in States and counties where literacy tests are required and where less than 50 percent of the persons of voting age were registered and/or voted in November 1964?	12.6	85.2	2.2
12. Should the Federal Government begin a program of rent subsidies for middle-income families?	12.4	81.1	6.5
13. Do you agree that the Constitution should be amended to permit the people in the individual States to apportion 1 house of their legislatures on a basis other than population?	41.2	51.0	7.8
14. Would you support a GI bill to provide educational benefits for veterans who have served in the Armed Forces since the end of the Korean war?	63.1	32.1	4.8
15. Do you favor a continuation of subsidies to assure that U.S. textile manufacturers can buy raw cotton at the same price it is sold to foreign mills?	77.3	18.7	4.0
16. Would you support an extension of the wheat certificate program including an increase in the Government support price of wheat by 50 cents a bushel for wheat farmers and an accompanying increase in the cost of wheat products?	20.5	65.6	13.9
17. Are you in favor of legislation to increase compensation for veterans with service-connected disabilities?	67.4	25.6	7.0
18. Do you favor a program of $70 million in direct Federal scholarship grants for college students?	35.3	60.4	4.3

LEGISLATIVE PROGRAM

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

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

There was no objection.

Mr. LAIRD. Mr. Speaker, I take this time in order to inquire of the distinguished majority leader what is the program for the remainder of this week and for the next week.

Mr. ALBERT. Mr. Speaker, will my friend yield?

Mr. LAIRD. I am happy to yield.

Mr. ALBERT. Mr. Speaker, in response to the distinguished gentleman's inquiry, we have finished the legislative program for this week, and it will be my purpose, after announcing the program, to ask to go over until next Monday.

The program for next week is as follows:

Monday is Consent Calendar Day.

There are nine suspensions, as follows:

H.R. 10873: Group life insurance for the uniformed services.

House Resolution 560: Sense of the House of Representatives relative to international communism in the Western Hemisphere.

S. 664: Providing for the disposition of judgment funds of the Klamath and Modoc Tribes and Yakooskin Band of Snake Indians.

H.R. 2020: Southern Nevada water project, Nevada.

H.R. 23: Authorizing the initiation of a program for the conservation, development, and enhancement of the Nation's anadromous fish.

S. 1623: Protection of fish and wildlife from pesticides.

S. 944: Marine Resources and Engineering Development Act of 1965.

H.R. 10238: Service Contract Act of 1965.

H.R. 9830: Amending Federal Property and Administrative Services Act to permit reimbursement to a State or political subdivision for sidewalk repair and replacement.

Mr. Speaker, these suspensions may not necessarily be called up in this order.

Also on Monday there will be H.R. 9247, HemisFair 1968, to be considered under an open rule with 1 hour of debate; and H.R. 30, Inter-American Cultural and Trade Center, to be considered under an open rule with 1 hour of debate.

Tuesday is Private Calendar Day.

For Tuesday and the balance of the week:

S. 2300, river and harbor, beach erosion, flood control projects, and water supply, to be considered under an open rule, waiving points of order, with 3 hours of debate. That is the omnibus rivers and harbors and flood control bill.

H.R. 7371, to amend the Bank Holding Company Act of 1956, to be considered under an open rule with 4 hours of debate.

H.R. 10232, rural water and sanitation facilities, to be considered under an open rule waiving points of order, with 2 hours of debate.

S. 2294, Extension of Wheat Agreement Act, to be considered under an open rule with 1 hour of debate.

S. 306, Clean Air and Solid Waste Disposal Acts, to be considered under an open rule with 2 hours of debate.

H.R. 3140, Heart Disease, Cancer, and Stroke Amendments of 1965, to be considered under an open rule with 3 hours of debate.

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

I must advise Members that there will be conference reports, and some very important ones, next week.

ADJOURNMENT TO MONDAY, SEPTEMBER 20, 1965

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday of next week.

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

There was no objection.

BEN F. JENSEN

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

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

There was no objection.

Mr. GROSS. Mr. Speaker, in the CONGRESSIONAL RECORD of this morning I find reference to "the late Ben F. Jensen, of Iowa."

I am sure this was an inadvertent or typographical error. I am pleased to announce to the House that our former colleague, Ben Jensen, is hale and hearty, and as active in politics as ever.

RESTORE POSTAL SERVICE TO AMERICA

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

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

There was no objection.

Mr. LANGEN. Mr. Speaker, now that the Post Office Department has shamefully confessed its political spoils system in hiring summer youths, and has agreed to reveal their names, perhaps the Washington planners can find a little time to provide a bit of mail service to the Nation. After all, service should be the prime concern of these people, and it is time they were reminded that present policies are providing little of that important commodity.

It was just 2½ months ago that the Department planners implemented their grand scheme for America, and the resulting confusion and mounting examples of deteriorating service is almost unbelievable. I said at that time that mail service would suffer, especially in rural America, and the mountain of mail that has accumulated since indicates that service, indeed, has suffered.

I have a long list of examples of the complaints I continue to get. For instance, a superintendent in one of our schools needed an application blank for the National Defense Education Act. He finally got it 9 days after it was postmarked from a city just 150 miles away. The delay could have cost his school thousands of dollars, and would have if other Government people had not recognized the problems being faced by users of the mails and given him an extension of time. The same superintendent experienced a similar delay in the mails this past August when he attempted to communicate with a prospective teacher. He lost the teacher in the process and did not obtain a replacement until a week after school opened.

I hear regularly from our local newspaper editors who are justifiably concerned over the decreased service they get these days. They now have the added expense of sacking their own mail, waiting needless extra days to receive mats and pictures through the mail, and then are rewarded with complaints from their subscribers who fail to receive their papers within a reasonable time. Examples along this line even include delivery of a paper through the mail to a man a block away from the newspaper office. The mail, sacked by the newspaper, goes to a neighboring town first and then this man's paper is trucked back to the local post office. As one editor put it:

> A newspaper that isn't delivered to a reader is about as useless as anything we can think of.

About the only things more useless are the Washington planners who keep telling us that our mail service is better than ever.

I note, Mr. Speaker, that the Post Office Department wants a supplemental appropriation with which to hire an additional 13,200 career employees to handle what they call the increased volume of mail. If they are to be hired on the same basis as the summer employees, I would say to forget it. They would be too busy politicking to be of much help to the harassed postal workers of the Nation who are forced to suffer under a system they did not create.

What we need most in the country is a change in policy that will restore the postal service to its former efficiency when neither hail, wind, dark of night of the ZIP code number could keep your mail from reaching its destination on time.

As one of my constituents put it recently:

> We spend money like mad to get to the moon or unite capsules in space, but we cannot devise a reliable plan to send a small piece of mail just 26 miles down the road.

I suggest we not only can, but must, devise such a system, and it is time for the Department to forget politics and get with it.

ARE WE UP TO IT?

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

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

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, the recent incident in which our State Department was acutely embarrassed in first denying and then admitting a charge made against us by the Singapore Prime Minister suggests once again that perhaps the United States is simply not meeting the tests of world leadership, particularly in Asia.

Furthermore, it appears likely that other nations have understood this for some time, and we as Americans have not grasped it yet. There must be a strong feeling in halls of governments around the world that the Johnson administration, like the Kennedy administration before it, lacks a basic understanding of

how to handle U.S. relations with Asian nations.

Two days ago Pakistan's Government issued a sharp challenge to us to use our influence to stop the Pakistan-India conflict. There may be several meanings attached to that challenge. But whatever else it may be, it is an indication of the low respect with which Asian nations view our ability to adequately deal with Asian affairs.

The Singapore affair is further discussed in the following editorial from the Birmingham Post Herald of September 9:

FOOT IN UNCLE'S MOUTH

Every once in a while, somebody opens his mouth and puts his foot, not in it, but in Uncle Sam's. That hurts us all.

We don't know the exact ins and outs of the charge by Singapore Prime Minister Lee Kuan Yew that back in 1960 a bribe of $3 million was offered by a CIA agent and that later a letter of apology arrived from incoming Secretary of State Dean Rusk, along with a statement that the new Kennedy administration would not countenance such goings on.

We do know that both at the State Department and in Malaysia on Tuesday, U.S. spokesmen denied flatly that the incident ever occurred. And that on Wednesday, the State Department discovered the Rusk letter after Lee revealed he had not only a copy of it but a tape recording of conversations with the CIA agent.

The point at issue is not to criticize Mr. Lee, who apparently brought up the matter for domestic political reasons. Nor is it to castigate the CIA, since details of the original affair are obscure.

What bothers us—and considerably—is that the State Department could be so positive on one day that nothing of the sort ever happened and so positive on the next day that it did.

In the famous U–2 incident which also occurred in 1960, misrepresentation by U.S. officials made this country look ridiculous in the eyes of the world. Handling of this latest affair gives us reason to wonder if our official spokesmen really have learned anything since then.

I want also to include in my remarks an editorial on the same subject which was broadcast over stations WBRC and WBRC–TV in Birmingham on September 8:

NO ESPIONAGE EXPERTS—THE UNITED STATES

Once again the United States has jumped into a situation involving foreign relations with both left feet. Why do we always have to get caught in a lie, and then turn around and admit it, branding ourselves as liars before the whole world?

What if we did want information available in Singapore in 1960 bad enough to pay $3 million for it? We are engaged in the intelligence business, and we'd better stay in it as effectively as possible.

We don't know what prompted Singapore's Prime Minister, Lee Kuan Yew to bring up the matter of a State Department apology dated April 15, 1961, at this late date, but he minced no words over the State Department's denial of his charges that the U.S. Government offered him a $3 million bribe to keep quiet about the arrest of a Central Intelligence Agency operative who allegedly tried to buy state secrets. Lee said the U.S. Government was stupidly denying the "undeniable" and threatened documentation. At this point the State Department admitted the whole incident.

If our State Department does not yet know that to the oriental mind honor and face come before even life itself, it's time they learned. Prime Minister Lee could not have done other than he did, throwing the matter full in the face of the U.S. Government.

This is getting to be too much of a habit with our country: President Eisenhower and the U–2 flights over Russia, first denied, then admitted; President Kennedy and the missiles in Cuba, first denied, then admitted.

It would be much better if we announced to all that we intend to use any means at hand to gain the information necessary for our continued survival and well-being. Doesn't everyone?

ARMED FORCES INSIGHT TO THE RESERVES DISPUTE

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

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

There was no objection.

Mr. HOSMER. Mr. Speaker, now that Secretary McNamara has announced he will continue to seek the merger of the Armed Forces Reserves and National Guard, the following series of three fine articles on the problem are again pertinent. Mr. Everett W. Hosking, author of the series has for many years been regarded as one of the Nation's outstanding experts concerning the subject about which he has written.

The three-part series follows:

THE "QUIET" WAR OVER OUR RESERVES—PART 1

(By Everett W. Hosking)

While crises grow and manpower shrinks, what some say is one of the most important battles in history is going on—almost without notice—in Washington.

The battle is over Secretary of Defense Robert McNamara's plan to realine the reserve structure of the Armed Forces of the United States.

Secretary McNamara's opponents, pointing out that the citizen soldier has historically been the backbone of the Nation's defense, say that the strong-willed Defense Secretary is out to scuttle the Nation's reserve forces.

Regardless of the motive, ultimate outcome of the proposed realinement will directly affect nearly 70,000 men and women in the greater Long Beach-Orange County area.

This figure includes men of the Army, Navy, Air Force, and Marine Corps Reserve and members of the California National Guard.

Of immediate importance to all branches of the Reserve are hearings being conducted in Washington by a subcommittee of the House Military Affairs Committee headed by Congressman F. EDWARD HÉBERT on a proposal to transfer men of the Army Reserve into the National Guard of the various States. Outcome of this hearing will unquestionably affect the other branches of the Reserve forces.

A similar proposal to transfer the Air Force Reserve into the Air National Guard scheduled to be announced in January has been held in abeyance—presumably to see how the proposed Army-National Guard merger fares.

While the Navy and Marine Corps Reservists have not been mentioned, many reservists feel that the doom of the other two Reserve services will seal the fate of the Navy and Marine Reservists.

The transfer to the National Guard of the Army Reserves would directly affect 3,519 officers and 22,508 enlisted men in Los Angeles and Orange counties who are now affiliated with the Army Reserve.

Basically, Secretary McNamara's proposal regarding the Army Reserve would reduce their strength by 150,000 men who would be transferred to the National Guard and eliminate 21 Army Reserve combat divisions. Those who did not transfer would be retained in a pool monitored by a central headquarters but would receive no training other than correspondence courses.

Secretary McNamara claims that the changes would significantly improve the early deployment capability and the combat readiness of the Reserve, that the plan brings the Reserve structure in line with the contingency war plans and the related equipment program; the plan would produce increased readiness of units in the Reserve and the National Guard and primarily that the plan would streamline the management structure of the Army Reserve Forces and would result in a cost savings of $150 million a year.

One of the chief complaints about McNamara's proposal was that it was conceived in secrecy and "broken" to newsmen on December 12, 1964 when Congress was not in session and that it bypassed the Reserve Policy Committee which is set up by law to supervise the Reserve structure.

The Reserve Officers Association has pointed out that only the Congress of the United States can make major changes in the statutory structure and policy of the military—yet this decision was made before the national election and the decision was announced after the election and while Congress was not in session.

They charge that "historically it has been proven that control and command of all military forces committed to the defense of the Nation must rest with the Armed Services. To propose the fragmentation of this authority among 52 National Guard jurisdictions will result in organization chaos, deterioration of combat readiness, and the erosion of every purpose of these men and weapons."

Chairman HÉBERT of the congressional subcommittee hearing testimony on the merger says this:

"The Government of the United States belongs to the people who must stake their property and their lives in its defense. They have a right to know—within the limits of security—about all the behind-the-scenes maneuvers which affect their national security and pose dangers to it. I am determined that this knowledge shall be theirs.

"The question at issue is not the merit nor lack of merit of this newly and secretly concocted plan, but the stealthy manner in which it was conceived and prepared and then fed to those who should have been consulted when the plan was in its embryonic stage.

"The statement by Secretary McNamara that this plan will save $150 million is like too many other statements which he makes about savings but which are, in reality, as phony as a three dollar bill. If he is correct in his allegations, he should be anxious to have the opportunity to put his cards on the table face up so that all might see. There must be a reason why he consistently fails to take the Congress and other responsible groups and individuals into his confidence.

"Two years ago the House Armed Services Committee, in its report on the Reserve reorganization, observed that Secretary McNamara was not draped with the cloak of infallibility nor did he enjoy the wisdom of the Deity. That observation becomes more valid with the passing of each day."

"MILITARY CONFLICT"—RESERVE, GUARD IN BITTER SPLIT—PART 2

(By Everett W. Hosking)

The battle in Washington over Secretary McNamara's proposal to merge the Army

Reserve into the National Guards of the various States has done one thing so far—it has created a wide split between the Guard and the Reserve.

Where the two branches—the Army Reserve and the National Guard—used to work in a spirit of friendly competition, the two are now battling furiously at hearings being held by a subcommittee of the House Armed Services Committee being held by Congressman F. EDWARD HÉBERT.

And watching anxiously as the battle proceeds are approximately 27,000 Army Reservists and over 10,000 California National Guardsmen in Los Angeles and Orange Counties.

Watching from the sidelines with intense interest are nearly 30,000 members of the Navy and Marine Corps Reserve, and about 7,000 members of the Air Force Reserve.

No estimates of Reservists carried on retired or inactive lists in this area were available, but sources indicate that it will run into many, many thousands.

Recently, Maj. Gen. Winston P. Wilson, head of the National Guard Bureau and a member of the Air National Guard, testified that the consolidation of the Reserves and the National Guard has widespread support throughout the United States.

Pentagon officers, almost to a man, have supported Secretary McNamara's proposals.

"If they don't they lose their jobs," say the reservists.

Only outspoken opposition to the plan comes, significantly, from Maj. Gen. W. J. Sutton, Chief of the Army Reserves, who told the House subcommittee investigating the proposed merger that he personally is opposed to the Pentagon plan.

He also testified that the merger proposal had been under study in the Pentagon virtually a month before he knew anything about it.

While the Pentagon has claimed that virtually all of the States are backing the plan, both the Texas and Oklahoma State Legislatures have adopted resolutions opposed to the merger of the Reserve and the National Guard.

Former President Harry S. Truman has come out openly saying, "I don't think the idea is practical."

Neil M. McElroy, the Nation's Secretary of Defense under part of the Eisenhower administration, declined to criticize directly the Pentagon plan, but said:

"The Governors like to think of the National Guard as their private army."

The Department of Defense claims that the early deployment capability and combat readiness of the Reserve will be significantly improved.

Reservists insist that the National Guard divisions manned predominantly by partly trained personnel with no prior active duty will be substituted for Army Reserve divisions that are presently manned by a hard core of officers and men with extensive active duty experience. The plan, they say, actually substitutes inexperience for experience and will radically lower combat readiness and early deployment capability.

Defense officials say that the plan brings the Reserve structure in line with the contingency war plans and the related equipment program.

Reservists say that our mobilization base should be structured to counter enemy capabilities; not what economy minded comptrollers may conceive the enemy's intentions to be. They say neither the Joint Chiefs of Staff nor the Army military planners responsible for Reserve mobilization produced or conceived this plan.

Defense Department insists that the plan would produce increased readiness of the units in the Reserve and National Guard.

Reservists counter that this statement is obviously without validity for it will destroy the units of the Army Reserve.

SPECIALISTS NEEDED—PUBLIC IS LOSER IN ARMY FEUD

(By Everett W. Hosking)

Whatever the outcome in Washington in the power struggle between Defense Secretary McNamara and the Congress of the United States over proposed merger of the Army Reserve into the National Guard, most likely loser in the battle appears to be the American public.

Officers on both sides of the fence have been trying to implant the idea that both the State militia-type organizations, the National Guard, and the Army Reserve are needed, particularly in view of the widespread manpower commitments of the United States around the globe.

They point out that the Reserve is different from the Guard in that the Reserve has been a system through which the most highly trained specialists in the country could be retained on a standby basis, subject to immediate recall.

It has been pointed out that hundreds of top experts in all fields commanding big money stay committed only because of the appeal of national service. They point out that the Regular Army cannot begin to train officers to take over these specialties and it cannot engage in wartime activity without calling them up.

They stress that no top-flight specialist feels drawn to a system which is primarily State administered and controlled, where political acceptability outweighs military competence.

However, there appears to be even wider divergence on what manpower needs of the United States are.

One side points out that the worsening situation in Vietnam and the Caribbean together with regular commitments like Berlin and North Korea have hit the services just when they are having trouble recruiting men.

On the other hand another Washington writer who covers the Department of Defense insists that the deployment of U.S. troops to Vietnam leaves virtually intact the major strategic forces in the United States.

These "major strategic forces" are listed at 137,000 men—slightly less than the 150,000 that Secretary McNamara plans to lop off the Army Reserve.

Adm. David L. McDonald, Chief of Naval Operations, said recently in Washington that "It is a well-known fact that we are losing each year around 100,000 of our 670,000 officers and enlisted men * * *. I see no lessening of the commitments which have been imposed on the Navy."

The Army is in much the same fix as the Navy. And in addition it has two divisions pinned down in Korea; it has five divisions and the equivalent of a sixth in Germany, a good portion of another in the Dominican Republic, one on alert in Hawaii—all this plus new major troop commitments in Vietnam.

The Marines have much the same global commitments as the Army and are in need of manpower. They will probably renew their request for 6,000 additional men, cut in half by Secretary McNamara for the upcoming budget.

The Air Force is plagued by retention troubles—although their manpower requests are less because it required fewer men than other services in relation to its job. The Air Force, however, loses a large number of highly skilled men each year to private industry.

Loss of manpower is a problem for the military—and some authorities insist that with the abolition of the Reserve structure they might lose a great many of their draftees.

About 65 percent of the 267,000 men in the Army Reserve are 6-month trainees—those who elected to take 6 months' active duty and obligate themselves to 6 years' service in the Ready Reserve rather than 2 years of active service usually accorded draftees. The majority of these men have no desire to continue longer than their required military service.

This will present a problem because the Government must transfer them to the National Guard or find some other way for them to complete their obligated service.

This may be tricky, legally, because the National Guard is an all-volunteer outfit. It is doubtful that the Pentagon can force these men to join the Guard—yet they can't complete their service in the Standby Reserve.

It all boils down to a big headache for all concerned.

The Reserve Officers Association, in seeking harmony, points out that "Ill feeling, suspicion, and disharmony have been spread in the struggle for power, the like of which has rarely been seen along the Potomac.

"It seems to us that now is the time to call off this entire proposal, admit it was a mistake, and seek to build again the good will which had surely become self-evident. It is time to call upon National Guardsmen, Reservists, and the Regulars in the military to seek a new dedication to national unity, and display this resolute will to resist aggression and to establish a world climate in which national survival will not be a constant worry. We may need every experienced military individual this country has, or can produce. It is time to build, not tear down."

COMMENTS OF PFC. VERNAL JACOBS ON THE WAR IN VIETNAM

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. REID] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, although there might be a few American civilians who still question whether the United States should continue to help the South Vietnamese in their struggle against Communist aggression, the brave young Americans who are being sent to fight there appear to understand full well that they are really fighting for our freedom.

Vernal Jacobs of Ottawa, Ill., is a constituent of mine, and is one of these brave Americans scheduled to go to South Vietnam with the 1st Infantry Division. He and all other fine Americans who are called upon to sacrifice so much for us and for the entire free world deserve our gratitude, our prayers, and our full support. We, too, must be willing to make sacrifices and must not let them down in any way.

When Private First Class Jacobs was home on a 5-day leave, he was asked by the Ottawa Daily Republican-Times how he felt about going to Vietnam. His answer to that question was so impressive that I want to share it with my colleagues and all Americans. Private First Class Jacobs' comments follow:

I feel it's the right thing to do. I'm really sorry to hear about the kids 18, 19, 20 years old who don't think it's worth going over there for. All the members of the division feel the same way. We know why we're fighting.

We appreciate we can go into any church in this country and worship as we want.

If we don't stop these Reds now we will have to deal with them some other place and some other time. We're going over to get this thing over. It's the right thing to do, definitely. It all boils down to the fact we're fighting for our freedom. Maybe it could have been avoided, but we're in it and I feel we should do the best we can to free these Vietnamese people. They want freedom as badly as we do.

This Communist thing is like cancer. If we're not careful it will destroy us. Life is precious but you've got to have some principles.

MAJ. GEN. WILHELM VON STEUBEN

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

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I wish to call the attention of the House to the fact that today is the 235th anniversary of the birth of Maj. Gen. Wilhelm von Steuben, an outstanding German military leader whose contributions to the achievement of American independence were invaluable. It is significant that we also commemorate on September 17 the anniversary of the signing of the Constitution since Von Steuben's achievements during the revolutionary period helped make our freedom possible.

To this outstanding man, principle was so much more important than personal gain that he came to our land to help the Americans in their struggle for independence and gave his services to the Continental Congress without charge. He evidenced such ardent loyalty to the American revolutionary forces and the ideals for which they were fighting that Gen. George Washington, learning of the practical knowledge and experience in military matters which Von Steuben possessed, chose him to be the Acting Inspector General of the American Army and put him in charge of training our troops.

The leadership and professional training he contributed to the American independence movement was indeed invaluable. In addition to distinguishing himself at the battles of Monmouth and Yorktown and in his work training the American soldiers, he wrote a basic training manual entitled "Regulations for the Order and Discipline of the Troops of the United States."

After our independence was achieved, General von Steuben continued his service to our country, becoming a citizen, and aiding George Washington in working out preparations for the defense of the United States and the mobilization of our Armed Forces. The letter of commendation for his services to the United States which he received from General Washington was our first President's last official act before relinquishing his command of the Army in 1783.

In noting General von Steuben's many accomplishments today, we join the members of the Steuben Society of America in paying tribute to this patriot whose principles, democratic spirit, and achievement serve as an inspiration to us to rededicate ourselves to the doctrines of the Constitution and the ideals on which this great country was founded.

JOHN J. PERSHING MEMORIAL

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

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

There was no objection.

Mr. HULL. Mr. Speaker, legislation to provide for a memorial to Gen. John J. Pershing in our Nation's Capitol was first introduced in 1949. I have sponsored such legislation since 1956. This proposal has the enthusiastic support of the major veterans' organizations of men who served under him and of the innumerable citizens who remember with gratitude his services to our country. However, the Pershing Memorial remains unauthorized while lesser figures are honored. A current obstacle to action on the memorial has been indecision over the future development of Pennsylvania Avenue in the area which includes the preferred site. To expedite action on the Pershing Memorial, I have introduced a bill, H.R. 10107, permitting consideration of other sites for its location. I am pleased that the Veterans of Foreign Wars of the United States endorses my position that action on the Pershing Memorial should no longer be delayed while excellent sites are available. Under leave to extend my remarks, I would like to include the resolution adopted at the 66th National Convention of the Veterans of Foreign Wars of the United States concerning the Pershing Memorial, with this letter from Mr. Francis W. Stover, director, national legislative service of the VFW:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
September 14, 1965.

Hon. W. R. HULL, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HULL: This is to advise that the Veterans of Foreign Wars has by national convention mandate endorsed legislation to erect a memorial to Gen. John J. Pershing somewhere here in Washington.

Our organization has long supported legislation to erect a Pershing Memorial on the lot bounded by 14th, 15th, and E Streets and Pennsylvania Avenue NW. It now appears this lot may be swallowed up in the vision contemplated by the planners who are going to overhaul Pennsylvania Avenue between now and the year 2000.

If Congress will not appropriate the money to erect a Pershing Memorial on this square, then an alternative is necessary. The VFW alternative is embodied in resolution No. 254, a copy of which is enclosed.

It is the hope of the Veterans of Foreign Wars that a memorial to this great American will be erected without any further delay. You have the support of the VFW of H.R. 10107, although it should be pointed out that our resolution No. 254 limits location for the memorial to the city of Washington, D.C.

With best wishes, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

RESOLUTION 254

Resolution on Pershing Memorial

Whereas Gen. John J. Pershing was in charge of the American Expeditionary Forces during World War I; and

Whereas General Pershing was honored by all the Allied Powers for his contribution in the victory of World War I; and

Whereas Gen. John J. Pershing was ranked as "General of the Armies of the United States"; and

Whereas General Pershing devoted the remainder of his life to the U.S. Army as Chief of Staff until his retirement; and

Whereas General Pershing was instrumental in the American forces serving as a unit in World War I; and

Whereas in the District of Columbia monuments have been erected to lesser military figures; and

Whereas there is no monument to General Pershing in the District of Columbia, our Nation's Capital; and

Whereas Public Law 461–84 authorized the Battle Monuments Commission to select a site and provide a design for the Pershing Memorial; and

Whereas the designated site has become involved in a long-range plan for the renovation of Pennsylvania Avenue in the District of Columbia; and

Whereas the indecision of the proposed renovation of Pennsylvania Avenue is further delaying erection of a Pershing Memorial; and

Whereas there has been legislation introduced which will immediately authorize erection of a Pershing Memorial on a proper site: Now, therefore, be it

Resolved by the 66th National Convention of the Veterans of Foreign Wars of the United States, That we support legislation which would authorize the Secretary of the Interior to provide for the erection of the memorial to Gen. John J. Pershing on a parcel of federally owned land in the District of Columbia, and that appropriate funds be made available to carry out the erection of this memorial.

RURAL LIFE IN AMERICA TODAY AND OUR METROPOLITAN PROBLEMS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RESNICK. Mr. Speaker, I think it is essential to call to the attention of the American people, and particularly our policymakers here in Washington, a letter to the editor of the New York Times from Mr. James G. Patton, the distinguished president of the National Farmers Union, the Nation's largest farm organization.

In his letter he draws a clear, straight line of cause and effect between the condition of rural life in America today and the explosive problems faced by all of our major cities. Because this relationship has often been completely ignored, we

have found the U.S. Government applying policies to one segment of the Nation that was adding to the difficulties of another segment—while at the same time spending millions to find solutions to these problems.

We will never be able to solve the problems caused by population pressures in the big cities until we establish policies and programs that will stop driving rural Americans off the farms and small towns, into the cities.

We cannot separate urban problems from rural problems. They are, to a great extent, two sides of the same coin. We are indebted to Mr. Patton for reminding us of this fact.

His letter follows:

AID TO RURAL AREAS

AUGUST 23, 1965.

To the EDITOR:

The Los Angeles riots, costing a quarter billion dollars and 31 dead, are a direct result of a tragic migration of 13 million people off the farms and into overcrowded cities.

And migration is continuing. It is scheduled to crowd 10 million more untrained, ill-prepared rural people—one-fifth of them Negro—into the Nation's cities, to breed unemployment, slum poverty and the aggravation of an already critical civil rights problem.

We can expect riots in other cities—many serious riots costing hundreds of millions of dollars and untold social loss—if we just continue to allow surplus human beings to pile up in the cities' deadends.

While the antipoverty program tries to disperse people by getting young men off of city streets and out into the countryside to relieve the social pressure, certain farm advisers urge the Department of Agriculture to hasten the elimination of small farmers and herd them into the cities. This is costly, irresponsible nonsense.

I am calling on the leaders of the Agriculture Committees of the Senate and House of Representatives to support legislation and necessary appropriations to stabilize farm people in rural areas, instead of letting this antisocial migration continue.

The cheapest place to solve problems of surplus rural people is in the rural communities, where farms can be provided for some people, training and jobs for others, housing and home food production for everyone, subsidies as needed, and a secure home environment—off the city streets—for the children and young people.

A part of the huge public costs for urban renewal and for salvage of broken lives in the cities may be better invested in rural areas, rebuilding rural America and stopping this costly migration of people.

JAMES G. PATTON,
President, National Farmers Union.

TWENTIETH CENTURY CHANGES

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, we all know that local government has undergone drastic changes in the 20th century. Many of these changes were dramatized recently in an address by Mr. Frank Bane before the local government officials' conference at the University of Virginia, Charlottesville, Va.

Frank Bane has enjoyed a long and distinguished public career at all three levels of government. He serves ably as the chairman of the Advisory Commission on Intergovernmental Relations on which the gentlewoman from New Jersey [Mrs. DWYER], the gentleman from New York [Mr. KEOGH], and I are privileged to sit as representatives of this House.

Mr. Bane's remarks follow:

LOCAL GOVERNMENT—THE NEXT HALF CENTURY

(Remarks by Frank Bane, chairman, Advisory Commission on Intergovernmental Relations, before the local government officials' conference, University of Virginia, Charlottesville, Va., August 30, 1965)

I like this subject that was suggested to me. For the past 50 years I have known something of local government in Virginia. At times, and in a number of different ways I have been a part of it. So, on the basis of some experience with, and knowledge of the subject, let us discuss where we have been, where we are, and where do we go from here for the next 50 years.

Just a little over 50 years ago, September 1914, I left Columbia University and headed for Suffolk, Va. I had been in a number of classes at Columbia with Burbage DeJarnette, then superintendent of schools in Nansemond County, and he had offered me a job as principal of a county high school. Like so many college graduates of that day and time I was off—to start work—teaching school. Mr. W. A. Lassiter met me at the Norfolk and Western station in Suffolk with a horse and a buckboard. We put my trunk in the back. I climbed in and off we started for Mr. Lassiter's home and farm five miles out of town. The Lassiters, you see, were going to board the teachers. Little did I think then that more than 50 years later, despite roaming and living all over the country, I would still be connected with Nansemond County. I cast my first vote for President there in November 1916 and I still vote in Driver Precinct, Sleepy Hole District, Nansemond County.

The next morning—Monday morning—I started to work. For the first few weeks, of course, I was busy learning the ropes, getting to know the children and the teachers, and in general, seeing that things were well started in accordance with the curriculum, the manuals, and the instructions that I received.

It is interesting to observe—and it speaks volumes—that the salary of the principal was $90 a month for 9 months. The other teachers were paid from $30 to $50 a month and my contract for board and "keep" with the Lassiters was $25 a month.

The preliminaries attended to, and having settled in the job, I took a look at my surroundings in Nansemond County where I was to live and work in one capacity or another for the next 6 years. I had majored in political science in college and at the university, and so I was interested in how the county was set up, what it did, and how it did it.

The county was divided into four districts, the operating units of the county, and how many times, from how many platforms, and in how many places all over the country I have spoken about those districts. They were Chuckatuck, Holy Neck, Sleepy Hole, and Cypress, hard down by the Dismal Swamp. The chief officers of the county were Judge McLemore, the circuit judge; George Bunting, clerk of the court; Caleb Fulgham, county treasurer; S. E. Everett, Commonwealth attorney; A. H. Baker, sheriff; E. E. Wagner, commissioner of revenue; Tom Holland, chairman of the board of supervisors; and Burbage DeJarnette was superintendent of schools—a great team.

The task of this team and of similar teams in the other counties of the State, was generally a threefold task—to safeguard liberties; to protect life and property; and to provide certain services. And all believed—how fervently we believed and practiced that great Jeffersonian principle—"that government is best that governs least."

The providing of services was rapidly becoming, if it had not already become, the most extensive and certainly the most expensive activity of the county. Local government was beginning to be, even in 1915, what it is predominately today—an agency through which we do collective housekeeping. Specifically, the public services performed fell into four categories—schools, roads, health, and the care of the poor. There were seven high schools in the county. That is, seven schools that had grades from the primary running through the high school, and there were many, many one and two-room elementary schools scattered about the county. The school system was organized and operated on a district basis with district boards appointed by the circuit judge and the local district boards employed the teachers, set their salaries, etc., albeit mostly on the recommendation of the county superintendent. Everybody—teachers and pupils alike—walked to school and we carried our lunch—there was no school lunch program.

Roads—that was a county job—organized on a district basis, each supervisor having a road gang responsible for the maintenance of roads in his district. Such maintenance consisted largely of digging out the ditches in the fall and throwing mud in the middle of the road so that the road would drain, and hitching a pair of mules to a drag to fill in the ruts in the spring time. There was one automobile in upper Chuckatuck District owned by a Mr. Hobday Saunders who lived down the road apiece and time and again I would take a detail of older boys out on the road to push and pull Mr. Saunders out of a mud hole. Suffolk itself had very few automobiles and no red and green lights.

We were, of course, interested in our health. There was a county doctor, but no one was ever quite certain what he did. When something ailed us we sent one of the boys on the farm for the neighborhood doctor and he came in a horse and buggy with a little black bag filled with white and pink pills, and many other things. Each family maintained and operated its own water and sewerage system, and that was that.

We took care of the poor. We had a county poorhouse and each district had an overseer of the poor, charged with seeing to it that only the most destitute got on the county rolls or in the poorhouse. Almost every family took care of Grandpa and Grandma.

Those were the "good old days." True, some very significant things happened a year or so before that were to influence our way of doing things. In 1913 we discovered a "pot of gold," the income tax amendment, but none of us had enough income to worry about that, and in 1914 the Congress invented a way to spend it by adopting the first large-scale continuing aid program—the Smith-Lever Act establishing the county agent system—but none of us had heard the phrase "grants-in-aid," and so that didn't concern us too much either.

Yes, we knew about the fracas that had started in Europe a couple of months before because somebody had shot a Grand Duke, but little did we dream of what that was going to do to the "even tenor of our ways,"

or how drastically it would upset our apple carts in all the years to come.

And so we were—and so local government operated in 1915—just 50 years ago, as we stood balanced precariously on the threshold of perhaps the most explosive era in all of the world's history.

Where are we today? We have been through 50 years of fantastic growth, but national growth bestows both bounties and burdens, and it seems that the bounties grow progressively more national while the burdens progressively more local. Local government is today, as always, the primary agency through which we provide public services which people demand and will have, and upon which our 1965 way of life so largely depends. These public services are the old ones; education, public works, health and welfare—all expanded far beyond anything we thought desirable or even possible in 1915 and many new activities are undertaken by local government because of drastic changes in our ways of life and living. The expansion of services, the additional activities, the changes—all have been the result of developments dimly seen, but already underway, a half century ago. Our population was rapidly increasing. It more than doubled in the past 50 years and our peoples were moving to the cities and urban areas. What these developments and changes did to local government is all too apparent to every local official—local government became big business.

About 10 years ago I helped organize and participated in a birthday party for one of our most distinguished citizens—his 80th birthday. The party was held at his birthplace in a Midwest State. Thousands of people were gathered around from the countryside and many from the far reaches of the Nation. He made a delightful speech about the days that had been and he mildly deplored the changes that had come about in his later years. Pointing to the little house in which he was born and had spent his childhood, he said, "When I lived there our social security was in our cellar." How true. But then on the highway driving back to Chicago I reflected that the trouble was that as of today the vast majority of our people didn't have any cellars. Instead, they did have a rent bill that arrived with distressing regularity the first day of every month and the wherewithal to pay it had to come from somewhere other than the cellar. This vastly expanded, urbanized system which we have today could not be serviced by the individual, by and of himself. It required the concerted effort of all men and that meant government—primarily local government.

Local government has been and is stretching every nerve and exerting every effort to meet this challenge and to handle this task. We have realized for years, however, that local government cannot do this job alone. It has had, and must have, increasing help from the State and National Government. The reason for this is simple. It cannot raise the money. Hamstrung as it is by many financial restrictions, limited as it is in its revenue sources, local government is demanding, and today more than ever, is (being listened to) that States and the National Government assume a much larger share of the task of providing necessary services for the American people. I have often said that the problem is—we are all fishing in the same pool among the same people for the same money. But the difficulty is—the National Government is fishing with a seine; the States with a hook and line, and the localities with a bent pin.

Today local government, except in structure, bears little resemblance to that of 50 years ago. Today most local governments are great complex machines; manned in the main by technically qualified, competent officials; providing educational opportunities for all of our children, providing necessary public works, safeguarding our health as never before and in addition, furnishing welfare services and sustenances to that 20 percent of our population that is ill-fed, ill-clothed, and ill-housed.

But today, perhaps, as never before, local government across the land is in a crisis. And that crisis to be diagnosed is—money. To maintain its services, to preserve its status as the very kernel of our democratic society, local governments need and must have assistance; more assistance in planning, in operation and above all, in financing.

All that I have said about the past and the present is so well known to all of you that I have felt a wee bit guilty about taking your time. But, it has been fun reviewing the past—when you and I were young—and I have tried to discuss realistically and frankly, but briefly, the present. But what of the future—the next 50 years?

Coming problems, like coming events, have a way of casting their shadows, and I think it is well to remind local governments again that burdens go along with bounties, and local governments do not have a habit of coming out on the top of the totem pole.

Within the past 2 years many great and new programs have been enacted by the Congress and are getting underway. Others are in the works and are almost certain to be passed, and still others are being contemplated. These programs are going to have a profound effect upon the administrative machinery and the financial operation of local government, and perhaps upon its very structure. They are going to bring great benefits to people generally, but since many of them have matching requirements they are going to be expensive and perhaps burdensome to local governments, especially to municipalities whose debt limits are already scraping the ceiling and whose people think—be it true or not—that their property taxes are already confiscatory.

As an example, I well remember the social security program in the 1930's, of which I was a part. That program was and, I think the overwhelming majority now agree, is of great benefit to the American people in guarding against want, in providing relief, in cushioning the impact of recessions and perhaps helping to avoid depressions. But that program revolutionized the organization and administration of practically every welfare department in the country—State and local—and it multiplied many times the cost of their administration. I would not belabor the point, but every experienced State and local official knows that in addition to matching requirements, standards and controls go along with all grants and they too can be expensive.

Let's take a look at some of these new programs:

1. THE ANTIPOVERTY PROGRAM

This Antipoverty Act is what is called in many State legislatures—an omnibus act. It covers and encompasses a multitude of ills, and is directed toward the solution or mitigation of many different, although closely related problems. Some parts of this program are set up, operated, and financed directly by the Federal Government, but many of them require participation on the part of the States or localities in administration and in financial support. In addition, some parts of the act, notably the community action program, permit the establishment of separate agencies—not governmental in character—yet entrusted with the expenditure of public funds without reference to the duly constituted authorities. Already questions and protests about its operation are coming in from all parts of the country—from mayors and Governors.

The effective administration of this act is going to require quite a bit of doing.

2. THE SO-CALLED MEDICARE PROGRAM

All of our local and State health and welfare departments are wondering what this act is going to do to their administrative procedures and practices, and to their budgets. Will it be administered by the regular governmental health and welfare authorities in the States and localities, or will a large part of it be contracted-out to private agencies? Another task—I was about to say "chore" and a difficult one it is—who is going to license and inspect and supervise the operation of nursing homes and how much is that going to cost, and who is going to pay for it?

3. THE INTERSTATE HIGHWAY PROGRAM

This Interstate System, about half completed today, has brought untold benefits to motorists and to our general economy. Many States, however, have found it increasingly difficult to find the money to pay even the 10 percent of the cost of construction for which they are liable and what is not often thought of or discussed is that the States are saddled with the entire cost of maintenance.

You can be perfectly certain that within a very few years many thousands of miles of new roads will be added to the already approved existing interstate highway system.

4. HOUSING AND URBAN RENEWAL

Housing became an important function of Government after the Second World War. It has been expanding ever since and urban renewal, designed to arrest urban blight, was added to this program about 10 years ago. Now, just a couple of weeks ago, these programs were extended upward and downward, appropriations have been doubled and a new angle known as "rent subsidies" primarily for low-income groups has come into being.

In addition, a new Cabinet Department is being established. The Department of Housing and Urban Development is destined to be one of the largest and most expensive agencies of the Federal Government, and I assure you that its repercussions will be felt for years to come in localities throughout the country. These results will flow, not so much from change in organizational structure, as from new programs voted by this and succeeding Congresses and handed to the new Department.

Municipalities are going to see many more Federal people in the next few years; representatives of bureaus, divisions and even sections who are anxious to provide—gratis—advice and guidance; who just want to be helpful.

5. WATER

Even the word today has painful connotations in so many places; supply, conservation, distribution, pollution control, reuse, all are receiving most careful attention in our municipalities, as well as in the countryside. The East, in fact the whole Nation, is beginning to learn about the problem that has afflicted the West for so long; and

6. EDUCATION

Education has for years been the major and the most costly task of local government. It is our largest and most productive public investment. Since sputnik, Federal, State, and local governments have doubled this investment and I am sure you know the end is far from yet.

The need continues to outdistance our present resources and in the next 15 years we shall probably again double our educational expenditures—and what about another new Federal department—a separate Department of Education by 1970—could be—probably will be.

In order to meet pressing problems and to undertake manifold jobs we have been quietly, slowly, but with a quickening pace, doing things to the structure of our Gov-

ernment. We have been establishing regional or areawide operating agencies of Government. To mention only a few, the South, New England, and the Far West have joint operating agencies in the field of higher education; the Delaware River Commission, designed to regulate and control water supply and its distribution, involves four States and a Federal agency. And, it is an operating agency with power to act—not just advisory and supervisory. The Appalachian Regional Commission, a somewhat similar agency, encompasses 11 States and the Federal Government, and is designed to promote industrialization, to provide employment and to mitigate poverty. This Appalachian Commission also is an action group with money to do things. There are many more and, to repeat, the end is not in sight.

Time and again many people raise two questions: Where do we stop? Why all this?

There are many reasons, of course, but the main answer is simple, so very simple. In 1910 we had 92 million people. Today we have more than 190 million people, and in the good year 2000 A.D. we will have about 350 million people.

Have I overburdened you? Have I seemed to be pessimistic?

I have not so intended. I know that the future—immediate and remote—will tax, as never before, the ability, the ingenuity, and yes, the patience of all public officials. But as a little friend and partner of mine—8 years old—so frequently says, "So what." There is no fun in the status quo.

Just over the hill in the foreseeable future, what a challenge and what an opportunity for public officials as we journey into the exciting tomorrow.

Just a few more words in the nature of questions as we take a little longer look.

Can localities within the next half century be maintained as at present organized and administered without wide disparities in services which cannot be tolerated and gross waste and inefficiency which cannot be borne?

How are we going to govern our sprawling metropolitan areas? This is perhaps the most urgent, the most significant and the most difficult of our present day governmental problems.

Can and will the States be able to maintain that sovereignty about which we talk so much and which some think has been rapidly eroding in the past generations?

In a few words, what about our federal system?

More than 10 years ago I wrote that there were four great pillars supporting our federal system:

1. State control of election machinery;
2. State control of police machinery;
3. State control of the substance and operation of our school systems; and
4. Concurrent taxing powers.

Three of these pillars are already beginning to suffer the wear and tear of time.

Will we see in the next half century major overhaul of most of our State constitutions and—perish the thought—the National Constitution as well?

Will we find out, as a distinguished statesman did 100 years ago, that "The dogmas of the quiet past are inadequate for the stormy present"—and I might add for the foreseeable future.

I ask you.

And, now the administrator having approached perilously close to the realm of the prophet, I had better stop right here, and leave the answers to history and to you.

LET'S RECOGNIZE THE MIDWEST'S SCIENTIFIC CONTRIBUTIONS

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

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

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, I want to take this brief opportunity to point out that the AEC's recent action with regard to the proposed 200 billion electron volt accelerator is a matter of utmost importance for those of us who reside in the Midwest. It has been said before this distinguished body that only two areas of the Nation are capable of developing the scientific excellence so necessary to make the project a success. It was further stated that a truly serious question of whether machines of the highest quality could be built at any location other than the Lawrence Radiation Laboratory and the Brookhaven National Laboratory. I do not wish to detract from the tremendous contribution made by these existing facilities, but I strongly disagree with any implication that other areas are incapable of producing similar excellence.

As a Representative from the State of Iowa, I would like to point out that we in the Midwest have been carrying on a massive aid program for many parts of this Nation. The form of this aid program has been in the export of our highly talented and trained human resources.

A clear indication of what has accurately been called the "brain drain" is that the Midwest, of which Iowa is a part, produces over 40 percent of the Nation's scientists and engineers. Most of these people go to man what has become a massive industry in this Nation, that is, the research and development industry. I submit that the Midwest has contributed significantly to the very success of existing facilities, such as Brookhaven and Lawrence. We pay for and produce almost half of the research and development people and we enjoy less than 15 percent of the R. & D. money. I suggest that we have, in fact, been generously subsidizing other sections of the country.

If the words that were spoken on this floor yesterday were to become the rule in the development of future scientific facilities, the Midwest and its institutions of higher learning, which are unsurpassed by those in any other region, would become a vast scientific wasteland, while continuing to pay for and supply the personnel for facilities in other regions. I must say that we in the Midwest have all of the necessary requirements for any such proposed facilities, and have been supplying many of the personnel for those presently in operation.

I respectfully conclude by saying it is high time the tables are turned. I believe the Midwest will not continue to be abandoned in the future by those of scientific knowledge who are responsible for the distribution of research and development projects, if the sites are selected on the basis of technical data. For those who doubt the intellectual capacity of our great region, I suggest that they ascertain the educational background of many of the leading scientists of this Nation—then the true contribution of the Midwest to our scientific leadership will be visible.

THANK YOU, MR. PRESIDENT

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

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

There was no objection.

Mr. BOGGS. Mr. Speaker, last Friday, September 10, President Johnson flew to New Orleans to see for himself the impact of Hurricane Betsy upon that stricken city. In so doing he expressed in the most vivid method possible his concern for the people of Louisiana and his eagerness to help them with all of the Federal facilities at his command.

Recognition of the meaning of his trip was made the following Monday, September 13, by the New Orleans Times-Picayune, one of the South's greatest newspapers, in an editorial entitled, "Thank you, Mr. President."

One paragraph in the editorial was particularly meaningful, I should like to quote it:

> Leadership is particularly needed now, and the President's prompt flight to this area after Betsy wrought great havoc is all the more appreciated because he has given added meaning to his concern in our welfare by ordering the various agencies which can render physical assistance to hurricane sufferers to expedite the delivery of that aid.

I think Members would be interested in seeing the entire editorial, which is as follows:

[From the Times-Picayune, Sept. 13, 1965]

THANK YOU, MR. PRESIDENT

Deep South communities which were hard hit Thursday night and Friday night by powerful Hurricane Betsy, we are sure, join us in expressing appreciation for his concern in our welfare to Mr. Lyndon B. Johnson, the President of the United States.

A visit to New Orleans by the President always is a significant event—an occasion for approval of close relationship between the men and women who look to the White House for superior leadership and the leader in the White House who seeks close communion with these men and women who need his guidance.

Leadership is particularly needed now, and the President's prompt flight to this area after Betsy wrought great havoc is all the more appreciated because he has given added meaning to his concern in our welfare by ordering the various agencies which can render physical assistance to hurricane sufferers to expedite the delivery of that aid.

Most important, in our opinion, was President Johnson's announcement, as he left New Orleans, that he was "cutting all red tape" and giving the predicament of Betsy sufferers the Federal Government's highest priority.

All local officials whose burdens have been increased by the hurricane and its tragic aftermaths, to the best of our knowledge, have sought diligently and energetically to discharge their painful duties. Their task has not been easy, and their hours have not been short.

Obviously, their work has not been perfect. The U.S. Weather Bureau in New Orleans, as an example, was handicapped by communications failures Thursday at 10:10 p.m., when Betsy's fury here was near its height. Some citizens were evacuated from areas where flooding did not materialize, and other citizens were left in homes where unexpected flooding caused loss of life and great damage.

The officials who called for evacuation of certain areas and did not call for evacuation of other areas, in our opinion, acted on the basis of the best information available to them. Just as Betsy did not follow an orthodox course after she left the Virgin Islands on August 29, information on which official advice was based was not infallible.

Whatever shortcomings there may have been in warning of the hurricane's approach and in preparations for meeting its wrath were not due, in our opinion, to lack of devotion and hard work by officials on various levels and by a vast number of unofficial workers who still are ministering to the needs of hurricane sufferers.

Singling out any individual or any particular organization for commendation for sticking to assigned posts or for accepting unusual responsibility in this grave emergency, we believe, would be a mistake. Too many people, too many organizations have put aside concern about their own security, have lost their sleep and their goods, have accepted other hardship and have otherwise proved their willingness to be true friends in need, friends indeed, to justify any attempt to specify where any special credit should be placed.

The worst, which has been very, very bad, is over, we hope. Recovery has begun, and we commend New Orleans and our neighbors to prosecution of that task.

PERSONAL EXPLANATION OF HON. DON FUQUA

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

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

There was no objection.

Mr. FUQUA. Mr. Speaker, due to important business in my district, it was necessary for me to be absent for the following rollcalls: Had I been present, I would have voted aye for rollcalls No. 299 and 304 and nay for rollcalls No. 269, 301, and 303.

PRESIDENT'S PROPOSAL ON INTERNATIONAL EDUCATION

Mr. VIVIAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. VIVIAN. Mr. Speaker, yesterday, President Lyndon B. Johnson, while speaking at the bicentennial celebration of the Smithsonian Institution proposed and gave his strong support to a vital new step in our world policy.

He proposed that the United States enter into a long-range effort with other prosperous nations, to extend the full benefits of education at all levels, to youth in every nation of this world—to youths, millions of whom now have only the most rudimentary facilities and texts, a painfully sparse supply of teachers, few adequately trained and, all too often, have so little family income that it is difficult for their families to aid, often even to permit, their education. Now it is easy to say, "This is not our problem."

But as the President so wisely said yesterday, unless the darkness of illiteracy which besets nearly a billion persons on this globe soon can be shred away by the light of education, everywhere, the force of that darkness may engulf us all.

Now there will be many who will argue why this step should not be taken.

Some will say we do not have the resources, or would waste resources we need here.

Others will say we would only succeed in training our enemies so that they could sooner overwhelm us. Some will say, with some reason that food should come first.

I cannot predict all the negative arguments. But let me say to those who object, that education is one type of foreign aid which reaches directly to the human individual; and it benefits the poor most surely.

Education is a typed foreign aid—very difficult for the thief to divert, very troublesome for the dictator to deny, and, very obvious to the recipient as a true gift to a man.

Furthermore, the recipient of an honest education need not fear its content, need not be ashamed to receive the gifts, can pass his benefits onto many others, and can better help in building the material world his family needs.

Mr. Speaker, President Lyndon Baines Johnson can be proud of his—and our—efforts to aid, to encourage, to support, to emphasize education in these 50 States. I shall be very proud if I can aid and participate in extending our help in education throughout this planet.

I will submit to him my own suggestions for such a program within the coming week.

I am pleased to be able to say that during my campaign last fall for election to this House, I stressed my desire to greatly increase our Nation's effort in just the manner the President advocates. It will be a further pleasure to give my full support in realizing this goal.

Mr. Speaker, I ask unanimous consent that the text of the speech given yesterday by the President, be printed at this point in the RECORD.

TEXT OF PRESIDENT'S REMARKS AT SMITHSONIAN FETE

(The following is the text of the President's remarks at the Smithsonian Institution bicentennial celebration.)

Distinguished scholars from 80 nations, amid this pomp and pageantry we have gathered to celebrate a man about whom we know very little but to whom we owe very much. James Smithson was a scientist who achieved no great distinction. He was an Englishman who never visited the United States. He never even expressed a desire to do so.

But this man became our Nation's first great benefactor. He gave his entire fortune to establish this institution which would serve "for the increase and diffusion of knowledge among men."

SMITHSON'S VISION HAILED

He had a vision which lifted him ahead of his time—or at least of some politicians of his time. One illustrious U.S. Senator argued that it was "beneath the dignity of the country to accept such gifts from foreigners." Congress debated 8 long years before deciding to receive Smithson's bequest.

Yet James Smithson's life and legacy brought meaning to three ideas more powerful than anyone at that time ever dreamed.

The first idea was that learning respects no geographic boundaries. The institution bearing his name became the very first agency in the United States to promote scientific and scholarly exchange with all the nations of the world.

The second idea was that partnership between Government and private enterprise can serve the greater good of both. The Smithsonian Institution started a new kind of venture in this country, chartered by act of Congress, maintained by both public funds and private contributions. It inspired a relationship which has grown and flowered in a thousand different ways.

Finally, the institution financed by Smithson breathed life in the idea that the growth and spread of learning must be the first work of a nation that seeks to be free.

These ideas have not always gained easy acceptance among those employed in my line of work. The Government official must cope with the daily disorder he finds in the world around him.

But today, the official, the scholar and the scientist cannot settle for limited objectives. We must pursue knowledge no matter what the consequences. We must value the tried less than the true.

To split the atom, to launch the rocket, to explore the innermost mysteries and the outermost reaches of the universe—these are your God-given chores. Even when you risk bringing fresh disorder to the politics of men and nations, these explorations must go on.

The men who founded our country were passionate believers in the revolutionary power of ideas.

They knew that once a nation commits itself to the increase and diffusion of knowledge, the real revolution begins. It can never be stopped.

In my own life, I have had cause again and again to bless the chance events which started me as a teacher. In our country and in our time we have recognized, with new passion, that learning is basic to our hopes for America. It is the taproot which gives sustaining life to all our purposes. Whatever we seek to do—to wage the war on poverty—set new goals for health and happiness—curb crime—and bring beauty to our cities and countryside—all these and more depend on education.

But the legacy we inherit from James Smithson cannot be limited to these shores. He called for the increase and diffusion of knowledge "among men"—not just Americans, not just Anglo-Saxons, not just the citizens of the Western World—but all men everywhere.

The world we face on this bicentennial anniversary makes that mandate more urgent than it ever was. For we know today that

certain truths are self-evident in every nation on this earth:

That ideas, not armaments, will shape our lasting prospects for peace.

That the conduct of our foreign policy will advance no faster than the curriculum of our classrooms.

That the knowledge of our citizens is the one treasure which grows only when it is shared.

It would profit us little to limit the world's exchange to those who can afford it. We must extend the treasure to those lands where learning is still a luxury for the few.

Today, more than 700 million adults—4 out of 10 of the world's population—dwell in darkness where they cannot read or write. Almost half the nations of this globe suffer from illiteracy among half or more of their people. Unless the world can find a way to extend the light, the force of that darkness may engulf us all.

For our part, this Government and this Nation is prepared to join in finding the way. During recent years we have made many hopeful beginnings. But we can and we must do more. That is why I have directed a special task force within my administration to recommend a broad and long-range plan of worldwide educational endeavor. I intend to call on leaders in both public and private enterprise to join with us in mapping this effort.

We must move ahead on every front and at every level of learning. We can support Secretary Ripley's dream of creating a center here at the Smithsonian where great scholars from every nation will come and collaborate. At a more junior level, we can promote the growth of the school-to-school program started under Peace Corps auspices so that our children may learn about—and care about—each other.

We mean to show that this Nation's dream of a Great Society does not stop at the water's edge. It is not just an American dream. All are welcome to share in it. All are invited to contribute to it.

PROGRAM OUTLINED

Together we must embark on a new and noble adventure:

First, to assist the education effort of the developing nations and the developing regions.

Second, to help our schools and universities increase their knowledge of the world and the people who inhabit it.

Third, to advance the exchange of students and teachers who travel and work outside their native lands.

Fourth, to increase the free flow of books and ideas and art, of works of science and imagination.

And fifth, to assemble meetings of men and women from every discipline and every culture to ponder the common problems of mankind.

In all these endeavors, I pledge that the United States will play its full role.

By January I intend to present such a program to Congress.

Despite the noise of daily events, history is made by men and the ideas of men. We, and only we, can generate growing light in our universe, or we can allow the darkness to gather.

De Tocqueville challenged us more than a century ago: "Men cannot remain strangers to each other or be ignorant of what is taking place in any corner of the globe." We must banish the strangeness and the ignorance.

In all we do toward one another, we must try—and try again—to live the words of the prophet: "I shall light a candle of understanding in thine heart which shall not be put out."

SERMON BY THE MOST REVEREND PATRICK A. O'BOYLE

The SPEAKER. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 5 minutes.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks I would like to include the following sermon by the Most Reverend Patrick A. O'Boyle, D.D., archbishop of Washington, in St. Matthew's Cathedral, Washington, D.C., on Sunday, August 29, 1965, which I believe presents a clear view on a complex issue:

BIRTH CONTROL AND PUBLIC POLICY

(Sermon by the Most Reverend Patrick A. O'Boyle, D.D., archbishop of Washington, in St. Matthew's Cathedral, Washington, D.C., Sunday, August 29, 1965)

"The time will come when men will not listen to sound teaching, but with ears itching, will pile up for themselves teachers who suit their pleasures. They will turn their ear away from the truth to fables."

These words are taken from the Second Epistle of St. Paul to Timothy, chapter IV, verses 3 and 4. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

My dear good people in Christ: We live in extraordinary times. Despite the tragic riots and bitter recriminations of the long, hot summer at home, and the tensions unavoidably connected with our increasing firmness overseas, there is a new spirit of achievement and hope in the air.

As President Johnson expressed it in his Catholic University commencement address recently: "This is a new time in our land, a time that is young in spirit, a time of renewal, a time of resurgence for those forces which fashion a finer and fairer society."

In our own church the fresh winds of aggiornamento have swept its hallowed halls. Through the new liturgy, the faithful have gained an intimate participation in the Holy Sacrifice unequaled since the early years of the Bark of Peter. In his encyclical "Ecclesiam Suam," the Holy Father opens up an exciting vista of the mission of the modern church. And in the document on the church and the modern world, a fraternal hand is extended to all men of good will to explore not only our common beliefs but how we can marshal the united moral forces in each country in an attack on the spiritual and social evils that confront society.

In the United States, progress in the field of racial and social justice has been nothing short of phenomenal. A remarkable Congress, working in close harmony with the Chief Executive, has courageously attacked such previously insoluble issues as civil rights (including voting rights), aid to education, and the paradox of poverty in the midst of plenty. It is in every way an outstanding achievement, and the President and our hard-working Representatives on Capitol Hill deserve the Nation's thanks.

In this context of social and material advancement, it is with great reluctance that I speak to you this morning on the controversial subject of birth control.

As you well know, Pope Paul VI has established a distinguished commission of theologians, doctors, demographers, lay couples, and experts in many fields to consider these issues in their broadest aspects. Until the commission has submitted its report, and the Holy Father has acted upon it, he has wisely counseled a moratorium on speculation which can only serve to confuse not only the faithful but the large body of sincere people who, while they may differ from us, nevertheless respect our right of conscience as we respect theirs.

Unfortunately, the Pope's warning has not prevented a number of Catholics classified as experts who, while asserting that they do not officially speak for the church, nevertheless have not hesitated to try the case in the newspapers, in periodicals, and on television. Though they doubtless acted in good faith, the result has been to raise false hopes in some quarters, and to spread discouragement in others. Moreover, committees of the Congress and other public bodies, hearing no official expression to the contrary, have assumed that silence gives consent and have initiated programs intruding on the private lives of citizens—programs in which, to put it bluntly, the Government has no business. So I feel I must speak out.

What started all this was the discovery of a condition popularly known as the population explosion. Like many catch phrases, it is ambiguous and misleading. An impressive array of statistics has been marshaled to prove that it exists, and that it will get worse if present ratios of birth to death rates continue. The figures are subject to qualification in some cases. For example, births in this country for the last year were the lowest since 1953. However, there is no question that overpopulation is a fact in some areas. The question is, what do we do about it?

There are two general lines of approach, one positive, one negative.

The positive approach may be illustrated by the situation in the United States. There may well be at this moment areas of relative overpopulation in certain parts of this country—in the so-called Negro ghettos of some of our northern cities, for example. In other areas, like the western part of the United States and Canada, there is underpopulation.

A positive attack on this situation would employ such techniques as better use of the country's still great reserve of wide-open spaces, decentralization of industry (which already is underway) and the movement of employees and their families to less crowded areas which inevitably follows. It would extend our transportation network, and develop still better ways of getting surplus foods into the hands of the needy, thus relieving the economic squeeze on larger families. It would organize broad systems of job training, so that men at the bottom of the income ladder might qualify for better jobs and thus could afford better housing, with less doubling up of families and consequent reduced crowding.

These and a dozen other similar lines of attack are typical of the positive approach. They are typically American, for this is how our Nation developed.

Opposed to the positive approach is the negative position of birth limitation. Advocates of this position tend to turn away from the use of our immense resources, technology, and pioneering spirit to build an even greater society. They regard such efforts as futile and say that the only real solution is birth control and that only government can effectively promote birth control on a mass scale.

Now this is a very complex question, and there is room for honest difference of opinion in those areas where no moral principles are involved. Nevertheless, I personally feel that the philosophy of this negative approach is unworthy of our American tradition.

Now I would ask you to turn from these considerations of national and international policy to the problems of the individual family. If the biggest danger flag in our overall approach to population control is negativism, the most serious threat in its impact on the American family is paternalism. Permit me to show you what I mean.

Ours is a complex society, and a dynamic one. The same economic and social forces

that created our marvelous productive machine sometimes threaten to destroy the people it was designed to serve. More and more, in their search for protection and security, men have turned toward their government.

Security, however—like everything else—has its price, and it must be paid for in the coin of personal freedom. You may think this is a fair exchange, and so it may be up to a point, though the gradual intrusion of government into the private lives of its citizens is a trend which worries many thoughtful people.

Nevertheless, there must be a line beyond which lawful regulation in the public interest becomes unwarranted invasion of the right of privacy. During the last 30 years, the Supreme Court has set up a number of guideposts for the protection of personal liberty. Among them have been these:

1. Freedom from Government inquisition.
2. The right of privacy.
3. Concern for the weaker members of society.
4. Freedom from Government coercion of mind and conscience.

The late Justice Brandeis, with his usual succinctness, expressed the issue this way: "The makers of our Constitution * * * recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be left alone—the most comprehensive of rights, and the right most valued by civilized man."

The philosophy expressed by Justice Brandeis has been given a modern application in the recent decision of the U.S. Supreme Court invalidating the Connecticut birth control law. Seven Justices agreed that the statute violated the right of marital privacy, which it called "intimate to the point of being sacred."

Now if the Government is enjoined by this decision from forbidding the practice of birth control, it logically follows that it is likewise forbidden to promote it, since violations of human privacy becomes inevitable in the relationship between Government and the indigent people who comprise the target group for Government-sponsored birth control.

In spite of these unmistakable constitutional roadblocks, a bill is now before the Senate Subcommittee on Foreign Aid Expenditures that would formally and directly involve the Federal Government in birth prevention programs, including the dissemination of information and materials at public expense.

In a number of cities, there have been attempts to link promotion of birth control with the new antipoverty program, on the theory that, as one Senator put it, "the poor are more likely than any other group to have large families."

That, I submit, is not the Government's business. The choice of how many children a couple should have is the sole, personal responsibility of the spouses. It is no less their responsibility if they happen to be poor.

For a Government agent to advise individuals—married or unmarried—respecting limitation of the number of their offspring, to inquire respecting details of their sexual life, or in any way to suggest to them practices respecting sex which may do violence to their religious beliefs, is a clear invasion of the sacred right of privacy which the Supreme Court holds to be inviolate.

Now we have been exploring up to this point some of the moral, legal, and sociological implications of Government involvement in family limitation. But what happens when a couple, of their own volition and for valid reasons, wish either to limit the number of their children or to regulate their spacing?

It is obvious that the American community is deeply divided on this question. Many people sincerely believe not only that there is nothing immoral in the use of artificial contraceptives, but that the common good of society is served by active dissemination of such materials and information on how to use them. Some would even go to the extreme of making this a public policy both at home and abroad.

There is another group—including but by no means confined to Roman Catholics—that holds with equal sincerity that the use or promotion of contraceptives, whether mechanical or chemical, is at all times and for any reason a serious moral evil. Their concern is not with the end of responsible parenthood, which no one disputes, but with the morality of the means used to achieve it.

What is the answer to this dilemma? What is the right and duty of the individual citizen of good conscience? What should be the role of Government? Let me suggest some possible approaches.

In great issues of this kind, where opinion is sharply divided, the first and most important consideration in searching for a solution is the preservation of the God-given right of conscience. Catholics, for example, have no right to impose their own moral code upon the rest of the country by civil legislation. By the same reasoning, they are obliged in conscience to oppose any regulation which would elevate to the status of public policy a philosophy or practice which violates rights of privacy or liberty of conscience. The citizen's freedom cuts both ways.

In a situation like this, involving serious moral issues in which people strive to form a right conscience, the role of Government is clear—strict neutrality. No one questions the right—even the desirability—of expanded Government-sponsored research into the problems of human reproduction. There is much to be learned in this area—including possible harmful side effects of so-called oral contraceptives which are just now coming to light.

However, the moment that Government presumes to give advice in this delicate area, it opens the door to influencing the free decision of its citizens. And from influence, it is only a short step to coercion. Especially when economic factors are involved, like welfare payments, the slightest attempt to guide an applicant may be magnified by fear into an unspoken threat to "conform—or else."

Now, what should be the attitude of the individual Catholic in all this? A Catholic, like any other American, is a citizen, with the right and duty to vote in accordance with his convictions. He is a member of a pluralistic society, which must have a working consensus, even in highly controversial areas, if it is to govern itself. Therefore he has an obligation, without compromising his moral principles, to work in harmony for the common good—which always includes the protection of constitutional liberties. Certainly it would appear that, under the proposal I have described, constitutional liberty of privacy is severely endangered.

In addition to being a citizen, a Catholic is also a member of the mystical body of Christ. In this he accepts voluntarily, by the very fact of his membership, the official teaching of the church in matters of faith and morals. And, my dear good people, the church's teaching with regard to contraception has been both clear and consistent.

In his encyclical, "Casti Connubii," Pope Pius XI declared that any interference, either in the performance of the conjugal act or in the development of its natural consequences which is designed to deprive it of its inherent power and to prevent the procreation of new life, is immoral.

Pope Pius XII, reiterating the teaching of his predecessor, added that "'this prescription holds good today as much as it did yesterday * * * for it is not a mere precept of human right but the expression of a natural and divine law."

The reigning Pontiff, Pope Paul VI, had this to say in announcing last year the appointment of a commission to explore the problem:

"So far we do not have a sufficient reason to regard the norms given by Pope Pius XII in this matter as surpassed and therefore not binding. They must therefore be considered valid, at least until we feel in conscience bound to modify them * * * No one should, therefore, for the time being, take it upon himself to pronounce himself in terms differing from the norm in force."

Let us urge you in closing not to allow preoccupation with the techniques of birth limitation, even those which are not of themselves immoral, to distract us from the higher duty of trust in God. Which one of you in this cathedral has not known at some time the terrifying worry of being out of a job, or being hit by heavy hospital bills? Where are those worries today? And if next week you were asked to sacrifice one of your children to ease the population explosion, which one would you choose?

Surely in the glorious history of this great Nation we have found better guides for our society than the four horsemen of national disaster—artificial birth control, abortion, sterilization and euthanasia. Surely we have a better answer to poverty than to deny to the eternal Father the crowning expression of His glory—the creation of an immortal soul in His image? This is the philosophy of defeatism and despair. It is unworthy of our heritage, unworthy of our destiny.

Let us plan our families, then, in the spirit of responsible parenthood, so long as the means we use do not contravene God's law. But let us learn to trust a little, too—not in ourselves, but in the wisdom and providence of a loving Father.

THE APPROPRIATION BILLS, 89TH CONGRESS, 1ST SESSION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MAHON] may extend his remarks at this point in the RECORD and include tables.

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

There was no objection.

Mr. MAHON. Mr. Speaker, with conference clearance of the two defense appropriation bills, appropriation totals for the session moved substantially closer to the final amounts.

Four bills are yet to clear: Agriculture and public works—both now in conference; foreign assistance—awaiting Senate floor action; and the customary closing supplemental—now in preparation in the Committee on Appropriations and to be reported shortly.

The House this session has considered budget requests of $101.1 billion and cut

$2.4 billion from that total, with the closing supplemental yet to come to the floor.

Not counting the foreign assistance and closing supplemental bills yet to come before it, the Senate has considered $99.8 billion of budget requests; allowed $99.2 billion; thus making a net reduction of $600 million.

The bills which have cleared conference during the session entailed budget requests of $89.6 billion. Against this, Congress appropriated $87.8 billion, a net reduction of $1.8 billion.

Any contemplation of session totals must embrace so-called permanent appropriations which recur automatically under previous law; interest on the national debt is the preponderant item. These appropriations roughly approximate $12.3 billion for fiscal 1966.

I include a summary tabulation of the totals to date:

Summary of totals of the appropriation bills, 89th Cong., 1st sess., to Sept. 17, 1965

[All figures are rounded amounts]

NOTE.—Treasury loan authorizations, roughly approximating $900,000,000, are not in this summary; nor are undetermined "backdoor" appropriations; nor are permanent appropriations not requiring action in the session, roughly approximating $12,300,000,000]

	Bills for fiscal 1965	Bills for fiscal 1966	Bills for the session
A. House actions:			
1. Budget requests for appropriations considered	$4,668,000,000	$96,430,000,000	$101,098,000,000
2. Amounts in bills passed by House [1]	4,418,000,000	94,271,000,000	98,689,000,000
3. Reduction below corresponding budget requests	−250,000,000	−2,159,000,000	−2,409,000,000
B. Senate actions:			
1. Budget requests for appropriations considered	4,723,000,000	95,065,000,000	99,788,000,000
2. Amounts in bills passed by Senate [2]	4,558,000,000	94,630,000,000	99,188,000,000
3. Above House amounts in these bills	+140,000,000	[3] +4,361,000,000	[3] +4,501,000,000
4. Reduction below corresponding budget requests	−165,000,000	−435,000,000	−600,000,000
C. Final actions:			
1. Budget requests for all bills cleared conference	4,723,000,000	84,895,000,000	89,618,000,000
2. Final amounts approved [4]	4,527,000,000	[5] 83,301,000,000	[5] 87,828,000,000
3. Comparisons—			
(a) With corresponding budget requests	−196,000,000	−1,594,000,000	−1,790,000,000
(b) With corresponding fiscal 1965 amount		+120,000,000	
(c) With bills of the last session			+[6]

[1] All bills except final supplemental are included—precise budget requests unknown.
[2] All bills except "Foreign assistance" (budget request, $4,189,000,000) and final supplemental (budget requests unknown) are included.
[3] Includes two unusually large budget items not considered originally in the House: $1,700,000,000 on the Defense bill and $1,035,000,000 on the Treasury bill (this latter item being classified as a supplement to fiscal 1965 rather than a fiscal 1966 appropriation).
[4] Four bills for fiscal 1966 not included (involving budget requests: Agriculture, $5,782,000,000; public works, $4,387,000,000; foreign assistance, $4,189,000,000; and final supplemental, amounts unknown).
[5] Include $201,000,000 for fiscal 1967 (grants for airports and mass transportation).
[6] Undeterminable until the last bill is enacted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STRATTON, for September 20 and 21, 1965, on account of official business.

Mr. HOSMER, for 3 weeks on account of official business.

Mr. REINECKE (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), for an indefinite period, on account of official business, as a U.S. delegate to the 20th session of the General Assembly of the United Nations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FOGARTY (at the request of Mr. PATTEN), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GROSS, for 30 minutes, on next Tuesday.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. BURKE and to include extraneous matter.

Mr. LAIRD to revise and extend his remarks made during the consideration of the conference report on H.R. 9221 and to include tables.

Mr. BENNETT in four stances and to include extraneous matter.

(The following Members (at the request of Mr. HUTCHINSON) and to include extraneous matter:)

Mr. BOB WILSON.

Mr. SHRIVER.

Mr. MARTIN of Alabama in five instances.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. MURPHY of New York.

Mr. EVINS of Tennessee.

Mr. WAGGONNER.

Mr. MAHON to include tabular material on the Defense appropriation bill and on the appropriation business of the session.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2084. An act to provide for scenic development and road beautification of the Federal aid highway systems; to the Committee on Public Works.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the House of the following titles:

S. 1483. An act to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; and

S. 2042. An act to amend section 170 of the Atomic Energy Act of 1954, as amended.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 948. An act to amend part II of the District of Columbia Code relating to divorce, legal separation, and annulment of marriage in the District of Columbia;

H.R. 5883. An act to amend the bonding provisions of the Labor-Management Reporting and Disclosure Act of 1959 and the Welfare and Pension Plans Disclosure Act;

H.R. 10014. An act to amend the act of July 2, 1954, relating to office space in the districts of Members of the House of Representatives, and the act of June 27, 1956, relating to office space in the States of Senators; and

H.R. 10874. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to eliminate certain provisions which reduce spouses' annuities, to provide coverage for tips, to increase the base on which railroad retirement benefits and taxes are computed, and to change the railroad retirement tax rates.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 3128. An act for the relief of Angelo Iannuzzi;

H.R. 3684. An act for the relief of Maj. Alexander F. Berol, U.S. Army, retired;

H.R. 5989. An act to amend section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883);

H.R. 8218. An act for the relief of Walter K. Willis;

H.R. 8351. An act for the relief of Clarence L. Aiu and others;

H.R. 8761. An act to provide an increase in the retired pay of certain members of the former Lighthouse Service;

H.R. 9854. An act for the relief of A. T. Leary; and

H.J. Res. 504. Joint resolution to facilitate the admission into the United States of certain aliens.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, September 20, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1589. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report indicating the necessity for a supplemental estimate of appropriation for the Selective Service System for fiscal year 1966, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1590. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program equipment and facilities, for the quarter ending June 30, 1965, pursuant to subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1591. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), Office of Assistant Secretary of Defense, transmitting revised cost figures of certain facility projects proposed to be undertaken for the Air National Guard, supplementing executive communication No. 527, February 8, 1965, pursuant to the provisions of 10 U.S.C. 2233a(1), and authority delegated by the Secretary of Defense; to the Committee on Armed Services.

1592. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within Camp Atterbury, Ind.; to the Committee on Armed Services.

1593. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor; to the Committee on the District of Columbia.

1594. A letter from the Assistant Secretary for Administration, Department of the Interior, transmitting a report of receipts and expenditures for fiscal year 1965, pursuant to section 15, 43 U.S.C. 1343; to the Committee on the Judiciary.

1595. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a proposed amendment to section 301(a)(7) of the Immigration and Nationality Act (66 Stat. 235; 8 U.S.C. 1401); to the Committee on the Judiciary.

1596. A letter from the Secretary of the Interior, transmitting a report on activities of the Federal aid in fish restoration program for fiscal year ending June 30, 1964, pursuant to section 11, 64 Stat. 430; 16 U.S.C. 777; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committes were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee of conference. S. 4. An act to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes (Rept. No. 1022). Ordered to be printed.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 598. A resolution providing for the consideration of House Joint Resolution 642, joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; without amendment (Rept. No. 1023). Referred to the House Calendar.

Mr. GRAY: Committee on Public Works. House Joint Resolution 642. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; with amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the State of the Union.

Mr. LENNON: Committee on Merchant Marine and Fisheries. S. 944. An act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes; with amendment (Rept. No. 1025). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H.R. 11135. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. POFF:

H.R. 11136. A bill to authorize the Secretary of the Interior to designate the Washington Country National Parkway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DAVIS of Wisconsin:

H.R. 11137. A bill to provide that Federal savings and loan associations shall be governed by the same branching restrictions as are applicable to competing State-chartered institutions; to the Committee on Banking and Currency.

By Mr. HALPERN:

H.R. 11138. A bill to amend section 18(c) of the Federal Deposit Insurance Act to provide a procedure for adjudicating the propriety of bank mergers, and for other purposes; to the Committee on Banking and Currency.

By Mr. MULTER (by request):

H.R. 11139. A bill to amend section 5155 of the Revised Statutes of the United States relating to the establishment and operation of branches of national banks; to the Committee on Banking and Currency.

By Mr. NIX:

H.R. 11140. A bill to amend the Public Works and Economic Development Act of 1965 as it relates to those areas to be designated as redevelopment areas; to the Committee on Public Works.

By Mr. TEAGUE of Texas:

H.R. 11141. A bill to amend the Universal Military Training and Service Act so as to give highest priority for induction into the Armed Forces to persons who would otherwise have avoided induction by being married on August 26, 1965, the date of the President's Executive order amending the Selective Service Regulations; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 11142. A bill to amend section 312 of title 38, United States Code, by providing a 2-year presumptive period of service connection for traumatic aneurysm and malignant tumors (cancer) which develop within 2 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 11143. A bill to provide educational assistance to certain veterans of service in Vietnam; to the Committee on Veterans' Affairs.

By Mr. McMILLAN:

H. Con. Res. 512. Concurrent resolution authorizing the printing of additional copies of the hearing on home rule for the District of Columbia; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

By Mr. ADDABBO:

H.R. 11144. A bill for the relief of Cologero Armandini; to the Committee on the Judiciary.

H.R. 11145. A bill for the relief of Nikolas Iliadis; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11146. A bill for the relief of Antonio D'Angelo; to the Committee on the Judiciary.

H.R. 11147. A bill for the relief of John Marinis; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 11148. A bill for the relief of Dr. Hassan Vakil; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11149. A bill for the relief of Vito Matranga; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 11150. A bill for the relief of Mrs. Catherine Pliakos; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 11151. A bill for the relief of Miss Yie Chin Kim; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 11152. A bill for the relief of Virgile Posfay; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

367. The SPEAKER presented a memorial of the Legislature of the State of Massachusetts, to establish a corporation with sufficient funds to provide, through insurance, reasonable protection against loss or damage to property suffered during a riotous or tumultous assembly of people, which was referred to the Committee on Banking and Currency.