if we think that we can sweep it under the rug and go on our merry spending way. We must immediately adopt disciplined monetary policies that clearly demonstrate our firm resolve to protect the purchasing power of the dollar. Our fiscal policies must again reflect a determination to live within our means. Our economy must be kept competitive and free to operate without the stifling influence of Government domination. If we will do these things, then—and only then—we will be able to achieve a Great Society that is something more than mere political hokum.

SENATE

FRIDAY, FEBRUARY 19, 1965

The Senate met at 11 o'clock a.m. and was called to order by the Vice President.

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

Our Father, God: Unfilled, we turn to Thee, driven by our drained lives, with tension of the present and anxiety about the future. With deep concern about ourselves, and with our fighting boys once again in dire danger, so far from the homeland, with anguished hearts we bemoan the open sores of this afflicted world and the grievous wounds which are the bitter harvest of man's inhumanity to man.

As we play our parts in these days of destiny, with all mankind standing in the valley of decision, from the pull of conflicting opinions and the rivalry of personal loyalties, we seek the sanctuary of prayer and the guidance of a wisdom higher than our fallible faculties discern.

In faith and hope that sends a ray far down the future's unknown way, send us forth to our tasks this day, saying of Thee, as Thy servants have said in darker days than these, "He restoreth my soul."

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 18, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 45) to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3818) to eliminate the requirement that Federal Reserve banks maintain certain reserves in gold certificates against deposit liabilities, and it was signed by the Vice President.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 45) to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, was read twice by its title and placed on the calendar.

LIMITATION OF STATEMENTS DURING THE MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements made during the morning hour be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Veterans' Affairs and the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare were authorized to meet during the session of the Senate today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Judiciary Committee be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR RUSSELL

Mr. TALMADGE. Mr. President, I have just had a brief visit with my able and distinguished colleague, the senior Senator from Georgia [Mr. RUSSELL], at Walter Reed Hospital.

I know that all of his colleagues in the Senate will be delighted to know that he is making satisfactory progress and is thinking of the time when he can return to his desk and the performance of his duty here.

Senator RUSSELL asked that I convey to his colleagues his appreciation and gratitude for the flowers and communications that many have sent to him.

EXECUTIVE COMMUNICATIONS, ETC.

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

THE WAR AGAINST POVERTY

A communication from the President of the United States, proposing certain legislation relating to the war against poverty; to the Committee on Labor and Public Welfare.

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON ON GUARANTEES OF CERTAIN TRANSACTIONS

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia insured by that Bank, for the month of January 1965; to the Committee on Appropriations.

AUTHORIZATIONS OF EXPENDITURE OF FUNDS ON THE CERTIFICATE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the expenditure of funds on the certificate of the Commissioners of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS OF BONNEVILLE POWER ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements, fiscal year 1963, Bonneville Power Administration, Department of the Interior, dated February 1965 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER THE SMALL RECLAMATION PROJECTS ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act from the Nevada irrigation district of Grass Valley, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON FINAL SETTLEMENT OF CLAIMS OF CERTAIN INDIANS

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final settlement of the claims of certain Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the members of the Tribal Indian Land Rights Association, at Huntington Beach, Calif., relating to Indian land allotments; to the Committee on Interior and Insular Affairs.

CONCURRENT RESOLUTION OF ARKANSAS LEGISLATURE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a concurrent resolution adopted by the General Assembly of the State of Arkansas commending President Lyndon B. Johnson on his efforts and program in the field of conservation. The concurrent resolution is a much deserved tribute in which I concur.

I ask unanimous consent that the concurrent resolution be appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on Interior and Insular Affairs, as follows:

HOUSE CONCURRENT RESOLUTION 40

A concurrent resolution commending President Johnson for his policy regarding conservation and development of natural resources

Whereas President Lyndon B. Johnson, in his policy paper last November dealing with major domestic problems drew attention to fundamental conservation problems; and

Whereas the President pointed out that a growing population is a challenge of our era in that "increasing pressure will take our resources and increasing leisure will tax our recreation"; and

Whereas the President lauded the 88th Congress as the "greatest conservation Congress in our entire history", with passage of more than 30 important conservation bills including the Land and Water Conservation Fund Act and the Wilderness Act, as well as the inception of a new Bureau of Outdoor Recreation; and

Whereas said statement further pointed out that "we must act boldly or our future will be barren. We will move vigorously under our recent laws to acquire and develop new areas for recreation. We will expand our programs to meet developing needs. A national program of scenic highways and riverways is on the horizon"; and

Whereas the President's position on these matters, as on other conservation matters is designed to benefit our Nation's heritage; and

Whereas the President's program regarding conservation and outdoor recreation is of special significance to Arkansas, particularly as regards the responsibility of the Ouachita and Ozark-St. Francis National Forests to administer and develop their multiple resources and such projects as the Scenic Highway near Mena, the Blanchard Springs Caverns, and Job Corps Conservation Centers: Now, therefore, be it

Resolved by the House of Representatives of the 65th General Assembly of the State of Arkansas (the Senate concurring therein):

SECTION 1. That President Lyndon B. Johnson be and is hereby commended for his perceptive and progressive policy regarding the conservation and development of our natural resources, particularly the outdoor recreation resources of the Nation.

SEC. 2. That a duly authenticated copy of this resolution be transmitted to President Lyndon B. Johnson, to Mr. John T. Koen, supervisor Ouachita National Forest, to Mr. Alvis Z. Owen, supervisor Ozark-St. Francis National Forest, and to each member of the Arkansas congressional delegation.

L. L. MORROW,
ZACKAS GORDON,
President of Senate.
ORVAL E. FAUBUS,
Governor.
J. H. COTTRELL,
Speaker of the House.

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 1211. A bill to provide for the conduct of national elections on the first Sunday in November, and for other purposes; to the Committee on Rules and Administration.

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

By Mr. McGOVERN (for himself, Mr. MANSFIELD, Mr. RIBICOFF, Mr. RANDOLPH, Mr. NELSON, Mr. MONTOYA, Mr. MOSS, Mr. BAYH, Mr. MCCARTHY, Mr. McGEE, Mr. INOUYE, Mr. LONG of Missouri, Mr. YARBOROUGH, and Mr. MUSKIE):

S. 1212. A bill to authorize the Department of State through the Agency for International Development to encourage and assist colleges and universities in the establishment, strengthening, and maintenance of programs on foreign development and for their provision of research, education, training, advisory and technical assistance, directly or in cooperation with foreign universities, in connection with programs of assistance to developing nations, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. TALMADGE:

S. 1213. A bill for the relief of Richard K. Jones; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1214. A bill to amend the Small Business Investment Act of 1958, as amended; to the Committee on Banking and Currency.

By Mr. EASTLAND:

S. 1215. A bill to direct the Secretary of the Interior to issue a patent to certain land situated in the State of Mississippi to Cyrus Hugh Covington and Mrs. Mildred Covington;

S. 1216. A bill directing the Secretary of the Interior to convey certain property in the State of Mississippi to the heirs of H. A. McNemar;

S. 1217. A bill for the relief of Willie Lee Young and Minnie May Kees;

S. 1218. A bill to provide for the conveyance of all interests of the United States in certain land in Jefferson County, Miss., to the holders of record of the fee interest in such land;

S. 1219. A bill to authorize the leasing for recreational or park development purposes certain lands in the State of Mississippi heretofore conveyed by the United States;

S. 1220. A bill to provide for the conveyance of certain mineral rights to D. C. Smith, of Fayette, Miss.;

S. 1221. A bill to direct the Secretary of the Interior to issue a supplemental patent to certain land in the State of Mississippi to Mrs. Christine H. Windham;

S. 1222. A bill directing the Secretary of the Interior to convey certain property in the State of Mississippi to J. P. Carter; and

S. 1223. A bill to authorize the Secretary of the Interior to convey certain lands situated on Horn Island in the Gulf of Mexico to the State of Mississippi; to the Committee on Interior and Insular Affairs.

S. 1224. A bill for the relief of Anna Mae Foster; to the Committee on the Judiciary.

S. 1225. A bill to amend section 13 of the act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 500), relating to payments made to the States out of moneys received from the sale of timber from national forests; to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. BAYH, Mr. DIRKSEN, Mr. DOUGLAS, and Mr. MORTON):

S. 1226. A bill to provide for the establishment and administration of the Lincoln Trail Memorial Parkway in the States of Kentucky, Indiana, and Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. ROBERTSON (by request):

S. 1227. A bill to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors; to the Committee on Banking and Currency.

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

By Mr. TYDINGS (by request):

S. 1228. A bill to fix certain fees payable to the Patent Office, and for other purposes; to the Committee on the Judiciary.

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

By Mr. JACKSON (by request):

S. 1229. A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control; to the Committee on Interior and Insular Affairs.

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

By Mr. ALLOTT:

S. 1230. A bill to provide for the free entry of certain stained glass for the Congregation Emanuel of Denver, Colo.; to the Committee on Finance.

S. 1231. A bill to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover; to the Committee on Interior and Insular Affairs.

By Mr. MUNDT (for himself, Mr. CASE, Mr. DOUGLAS, Mr. DODD, Mr. PROUTY, Mr. FONG, Mr. PROXMIRE, Mr. HICKENLOOPER, Mr. MILLER, Mr. LAUSCHE, Mr. SCOTT, and Mr. SMATHERS):

S. 1232. A bill to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge in the political, phychological, economic, technological, and organizational areas to increase the nonmilitary capabilities of the United States and other nations in the global struggle between freedom and communism, to educate and train Government personnel and private citizens to understand and implement this body of knowledge, and also to provide education and training for foreign students in these areas of knowledge under appropriate conditions; to the Committee on Foreign Relations.

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

NATIONAL ELECTIONS ON FIRST SUNDAY IN NOVEMBER

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to provide for the conduct of national elections on the first Sunday in November.

Election day is at the present time either a full holiday or a half holiday in many of our States. In those States in which it is not a holiday there exists in many instances very real problems for those voters who are obligated to get to work on time and to have the opportunity to exercise their right as free Americans to cast a ballot for the candidate of their choice.

The holding of elections on Sunday may, it is true, elicit objections from some church groups; however, many Western European countries closely identified by history and tradition with the major religious denominations have for many years, and are now conducting elections on Sunday. These countries have chosen Sunday for national elections because this is a day on which the

greatest number of people may vote conveniently and with a minimum disruption of daily activities. The countries are: Italy, France, Sweden, West Germany, Austria, Belgium, Portugal, Iceland, Switzerland—some cantons—and Luxembourg.

In the United States the selection of the first Tuesday after the first Monday in November as our national election day was governed by several considerations. Article II, section 1, of the Constitution provides that:

> The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

A law approved March 1, 1792, fixed the first Wednesday in December as the day for the electors to meet and cast their votes for President and Vice President. The law also provided that the electors should be "appointed" in each State "within 34 days preceding the first Wednesday in December in every fourth year succeeding the last election."

In the early days, the legislatures of most of the States chose the presidential electors and the exact date on which the electors of the States were chosen was not important. After the election of 1924 nearly all the States that had not already done so gave up the old method of choosing presidential electors by the legislature. With a few exceptions the presidential electors have since been chosen by popular vote in all States. Before 1845 there was no national election day and each State fixed its own date for "appointment" of presidential electors within 34 days of the meeting of the electors. All the States chose their electors in November, but the dates varied. New York held her election for electors on the first Tuesday after the first Monday; New Jersey, on the first Tuesday and the day following. In 2 States the second Monday was election day; in 14, the first Monday; in 2, the second Tuesday, and in 2, the Friday nearest the first of November.

This lack of uniformity led to abuses. The results in one State were used to influence those in other States. In contiguous States "repeating" was easy and common. By traveling from State to State one person could vote for presidential electors several times. This practice led to what were known as the "pipelaying scandals" of 1840 and 1844, when both the Democrats and Whigs were accused of sending gangs of voters across State lines. The frequency of such election frauds created a popular demand for a uniform national election day.

On January 23, 1845, President John Tyler approved an act of Congress providing that "the electors of President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed." The act of 1792 still required the electors to meet on the first Wednesday in December, and in fixing a uniform day Congress wished to make the time as close as possible to 30 days before that date. Public sentiment was opposed to holding elections on Sunday or traveling to the polls on that day. Therefore, it was desirable to have 1 day intervene between Sunday and election day because many voters lived far from the polls, and in those days it was often necessary to start out the preceding day. Since many voters would object to traveling on Sunday to go to the polls, Monday was excluded. The first Tuesday was excluded because it might fall on the first of the month and inconvenience businessmen. The second Tuesday might fall on the 14th, which would leave only 22 days between election day and the meeting of the presidential electors. It was discovered that the first Tuesday after the first Monday in November, the date already chosen by New York, would always place the election day not later than November 8 and always about 30 days before the meeting of the electors on the first Wednesday in December. Representative Alexander Duncan, an Ohio Whig and author of the election bill of 1845, said in the debate on the subject that "public sentiment has appointed this time" because harvesting is over by November and winter weather has not yet made the roads impassable. He objected to the first Tuesday in November because it "might in some cases be more than 30 days from the first Wednesday in December." The first Tuesday after the first Monday in November was accordingly accepted.

In 1848, when Zachary Taylor and Millard Fillmore were the successful candidates for President and Vice President, all the States chose their electors on this uniform date, although South Carolina chose its electors by the legislature instead of popular vote. On Tuesday, November 7, 1848, President James K. Polk wrote in his diary:

> This is the day appointed by law for the election of President and Vice President of the United States. Heretofore the people of several States have by State laws fixed the period of holding the election in each State. Since the last presidential election Congress for the first time exercised the power vested in them by the Constitution, and fixed the same day for holding the election in all the States. There will probably be not less than 3 million of votes in this election.

Actually the total popular vote in that election was 2,875,408. The act of 1792 provided:

> When any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall provide.

And that provision continued effective. The first Tuesday after the first Monday in November remains national election day, notwithstanding the fact that the original reasons for that particular date no longer exist, the time of the meeting of the electors having been changed three times since then.

Mr. President, I believe it is time now for us to bring ourselves up to date on this important matter. I have selected 1968 to be the effective date of this measure so as to allow adequate time for the States to enact implementing legislation, as it is my understanding that some State legislatures meet only once in each period of 2 years.

Mr. President, many of the factors that dictated the holding of elections on other days have disappeared. In view of the experience of a good many countries, it would appear to me that in the interest of convenience and of getting out probably the greatest percentage of voters, the Sunday I have proposed could well be designated. The people could devote themselves to the election without in any way impairing their devotions and their fealty to the church and the activities of the church.

I believe that such a change would result in a great increase in the percentage of voters. I know from long experience that early in the morning people who go to the polls, particularly those who work in industry, and even those who work in offices, will have to stand in line. After a little while, they become frustrated or disgusted, go on to their respective pursuits, and fail to return before the time for the closing of the polls.

I believe Congress should make it as convenient as possible for every qualified American citizen to have an opportunity to vote without these obstacles and difficulties standing in the way. Accordingly, I introduce a bill that would cover presidential elections as well as elections for the Members of the Senate and the House of Representatives.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1211) to provide for the conduct of national elections on the first Sunday in November, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Rules and Administration.

A NEW BASIS FOR TECHNICAL ASSISTANCE THROUGH COLLEGES AND UNIVERSITIES

Mr. McGOVERN. Mr. President, I introduce, for myself, Mr. MANSFIELD, Mr. RIBICOFF, Mr. RANDOLPH, Mr. NELSON, Mr. MONTOYA, Mr. MOSS, Mr. BAYH, Mr. MCCARTHY, Mr. MCGEE, Mr. INOUYE, Mr. LONG of Missouri, Mr. YARBOROUGH, and Mr. MUSKIE, a bill which proposes to put the Nation's use of colleges and universities in the oversea technical assistance program on a new basis.

While new in relation to international technical assistance, the proposal is actually an old, tested, and successful pattern of Federal and university partnership.

For some time, AID and the universities have been exploring means by which the colleges and universities might be strengthened to undertake an increasing role in our technical assistance programs. The bill just introduced is an adaptation of the Hatch Act of 1887, under which our agricultural experiment station system was developed and our achievements in agricultural technology have become the wonder of the world. The bill follows the pattern of grants-in-aid to assist the colleges and universities to strengthen their staffs and facilities for technical assistance work, with separate grants for actual projects. It

is the same pattern we adopted last year in Senator CLINTON P. ANDERSON's bill to accelerate water resources research. In the case of technical assistance abroad, it will be used in relation to a broader group of colleges and universities. It will be used to deal with a broader group of development problems, and developing nations around the world will be its sphere.

Title I authorizes the establishment of a university program for international assistance through training, research, and development.

Title II authorizes appropriations, starting at $40 million in 1966, for the establishment and maintenance of continuing foreign development centers, or programs, at colleges and universities which will undertake technical assistance projects. In order to qualify for grants, the universities must meet criteria set forth in this title. The Secretary is also directed to take into consideration geographic distribution of funds and foreign development centers in making the grants.

Title III authorizes the appropriations starting at $80 million in 1966, to be used for specific cooperative development projects in foreign countries. The colleges and universities will be authorized to undertake projects extending up to 10 years, subject to 5-year renewals, and subject to modification by mutual consent or in the event of a change in the international situation on which they were predicated.

As will develop, the authorizations do not represent new appropriations. More than 100 colleges and universities now have technical assistance contracts representing aggregate outlays between $150 and $200 million.

COLLEGES IN AT THE START: POINT 4

Within hours after President Harry S. Truman proposed his point 4 program of technical assistance in 1949, President John M. Hannah, of Michigan State University, wired him as chairman of the executive committee of the National Association of State Universities and Land-Grant Colleges that the colleges and universities of America were prepared to assist.

President Truman was quick to accept the proffered assistance. Henry G. Bennett, president of Oklahoma State University, who was later to lose his life in an airplane accident in Iran, was named the first director of the technical cooperation program which Mr. Truman set up to implement his point 4. Contracts were made with American universities to work with institutions abroad to help solve the development problems of the emerging nations. This was continued by the Agency for International Development—AID. Last July, there were 119 colleges and universities with contracts in effect, involving $150 to $200 million, and AID was seeking ways to increase further both the volume and the responsibilities assumed by the colleges and universities in connection with technical assistance work.

AID CONCLUSIONS

David E. Bell, Administrator of the Agency for International Development, told a Conference on International Rural Development sponsored here last July by his agency, the Department of Agriculture, and the Association of State Universities and Land-Grant Colleges:

> We are convinced of the very great importance of improving the effectiveness of United States assistance to rural development in the less-developed countries. * * *
>
> Everyone here knows of the enormous impact upon life in the United States of the work of the land-grant universities and the Department of Agriculture over the last century. We have come here to consider what we can do to achieve similar results in the less-developed countries of the world.

Continuing, Mr. Bell said:

> Let me mention * * * conclusions we in AID have come to. It is our firm conviction that we must seek to engage the resources of the Department of Agriculture and the universities more broadly than they have been engaged thus far in international rural development work. We would like to involve the Department and the universities more than we have in the past in country planning processes—both in helping our oversea missions to decide which activities the United States can most usefully conduct in different countries with the development of their own plans and policies. We would like to involve the Department and the universities more often than has been the case in project planning and evaluation, as well as project execution.

THE GARDNER REPORT

Administrator Bell then reviewed a study that had been made for AID by Dr. John Gardner, of the Carnegie Corp. of New York, entitled "AID and the Universities."

Dr. Gardner's first conclusion after an extensive study of the utilization of the universities was that the universities and AID should be more in the relationship of partners on technical assistance projects and less in the relationship of a buyer and a seller of manpower in a short-term, contractual relationship. Mr. Bell reported to the conference:

> We had to have the universities in on the takeoffs as well as the landings. We had to recognize that they are at least as able as we are to decide what ought to be done as well as to do it.
>
> Secondly, Dr. Gardner's advice to us is that if we want to use the universities more extensively, we must ourselves contribute to the enlargement of the strength of the universities to participate in this kind of work, which means enlarging their capacity for research, enlarging their capacity for training, advancing and improving the competence and quality of their staffs, etc.

Mr. Bell told the July conference that AID was in agreement with and had accepted the Gardner conclusions.

INDIANA UNIVERSITY STATEMENT

About the same time last summer, a statement, "New Directions in Foreign Aid," was published by Indiana University and subscribed to by more than 50 experts in the development field. The statement said in part:

> The world is in an inexorable state of change.
>
> We do not know what the end result of this change will be. But we do know the United States cannot escape its consequences. It is therefore in the national interest of the United States to attempt to participate in the process of transformation of the underdeveloped countries so that the results are better for us, rather than worse.
>
> Development assistance is cooperation in the constructive process of development of persons, societies, economies, and nations.
>
> It is in the interest of the United States to make a long-term commitment to assist in the complicated nation-building system. The unacceptable alternative is to allow others to determine the future conditions of the world in which we will have to defend our national interests.

I have used these quotations from the Gardner report and the Indiana statement because, while underlining the need for a strong technical assistance program abroad, they also mention two of the very important reasons for the measure I have introduced: the strengthening of the university staffs, facilities and ability to undertake technical assistance projects, and the necessity for a continuing, long-term commitment to the program.

Our colleges and universities have heavy demands on their facilities these days, not only as a consequence of mounting enrollments, but as a consequence of many needs for research and the assistance of the highly trained people on university faculties. As one consequence, university budgets are strained. They cannot carry large faculties with light teaching loads, which might make it possible to spare a few experts for the research, training, and execution of special projects.

When schools take a short-term AID contract, the probability is that they must recruit personnel for it. Because it is a short-term contract and the universities lack "cushion" money, the new personnel cannot be offered long tenure, with retirement and benefits of tenure. The universities cannot afford to carry extra staff people between contracts, especially when there is no certainty that any new contract will be forthcoming. The schools do need the assistance in "tooling up" to handle the technical assistance projects; "tooling up" in terms of staff, adequate and special facilities required, and training of personnel. They also need the same assurance of continuity of support from the Federal Government, and continuity of the technical assistance programs as a national undertaking, that the recipient nations need if they are to rely upon us.

THE WATER RESEARCH EXAMPLE

The situation which confronts a sound expansion of university technical assistance work today is exactly the same that concerned us last year when we passed the Water Resources Research Act authored by Senator CLINTON P. ANDERSON; an act which is already getting splendid results.

Three years ago, the Department of Health, Education, and Welfare, which is charged with water pollution control, reported that it was having difficulty finding colleges and universities that would take water research contracts. They were not interested or able to handle short-term research jobs.

People capable of handling them were not interested in work that has no future—1-, 2-, or 3-year undertaking with no assurance of any further work.

Senator ANDERSON turned to the basic concept of the Hatch Act to find the solution. He proposed continuing annual grants to a college or university in each State to establish a water resources research center. Beyond that, his bill provided matching funds for specific research projects.

He thus offered the universities aid in building up their strength to do water research work, and then project funds, just as the Hatch Act provides two types of assistance, one to maintain an agricultural experiment station, and the second to provide matching funds for specific research projects undertaken at the station.

As of today, colleges and universities from 43 of the 50 States have filed applications to qualify for the water resources research grants and the other 7 States have notified the Office of Water Research that their applications will be along very soon. They are happy to cooperate in a program which adds to, rather than subtracts from, their resources.

The bottleneck on water research work, and the training of hydroscientists, has been broken. We have made it possible for our institutions of higher education to get into this urgent field of service with the assurance of continuity which a congressional enactment, as contrasted with an administrative allocation, provides, and with some assistance for "tooling up." They have responded from every State. Faculty members and graduate students, assured Federal Government's continuing commitment, can now specialize in hydrosciences with assurance that it will be a worthwhile career.

A PROVEN CONCEPT

The universities program for international assistance through education, research, and development, proposed in the bill just filed, has basically the same features as the Hatch Act of 1887 and the Water Resources Research Act of 1964. Section 200 in the new bill authorizes grant-in-aid funds to go to selected colleges and universities to strengthen their ability to do technical assistance work. Section 300 of the bill authorizes the appropriation of other funds for the actual technical assistance projects which are to be undertaken.

The proposed act will accomplish another objective: It will provide an alternative to the contract relationship between AID and the schools; the role of contract buyers and sellers of services, and substitute the sort of partnership which Dr. Gardner recommended in his report, and AID Administrator Bell would like to substitute for the contract system in the handling of basic, long-term technical assistance projects.

A good deal of work has gone into the preparation of the bill which has been introduced. It has been discussed with personnel at AID and revised in accordance with information about technical assistance problems as they see them. While there is no administration position on the bill at this time, I believe that it will be supported after it is cleared. I know that its consideration is welcomed.

Drafts have been circulated to key people at colleges and universities, and to their association representatives here. Many of the revisions they have suggested have been made because they have been constructive and improve the bill.

Further modification of the bill may prove desirable as it is considered by the Congress and new views are obtained.

ENDORSED BY UNIVERSITIES

The executive committee of the National Association of State Universities and Land-Grant Colleges on Saturday, January 30, endorsed the basic concept of the bill on behalf of the members of their association and asked their International Affairs Committee, headed by Dr. O. Meredith Wilson, of the University of Minnesota, to give further study to details.

I have received a number of individual critiques of the measure from university heads. Without exception, they have praised the basic structure. In nearly every instance they submitted the proposed measure to members of their faculty and made valuable suggestions for improvements.

One of my first responses was from Dr. Richard A. Harvill, president of the University of Arizona and a member of the International Rural Development Committee of the NASULGC. His reply reflected detailed study of the first draft of the proposal and contained a number of specific suggestions for amendments which I was happy to incorporate in the measure, for they improved it.

Dr. Harvill wrote, in part:

In general, I am in complete agreement with the objectives of the bill, which I regard as a vitally needed and important modification, in the right direction, of our country's efforts to influence the course of events throughout the world where our interests are affected. I agree that the Hatch Act pattern provides a useful model under which grants to colleges and universities can be made.

Dr. Harvill's letter is illustrative of the careful consideration he and others with whom I have communicated in university circles have given to the bill.

MANY AREAS OF KNOWLEDGE REQUIRED

Dr. Harvill underscored one aspect of the technical assistance problem to which I want to draw attention: The need for experts in many fields.

The bill which is proposed would cover but not be limited to international rural or agricultural development projects. It is not just a land-grant school program. It is intended to be used by AID in all types of technical assistance work. But even if limited to agricultural development of the underdeveloped nations, the colleges and universities which do the work would need to have men trained in a wide field of disciplines available to them.

Dr. Bell indicated something of the broad requirements, in terms of varying fields of expertness, involved in just the rural development field, when he told the July conference on rural development:

To develop a prosperous Western-style economy, the productivity of the individual farmer in rural Africa, Asia, and Latin America must grow tremendously. This growth can occur only when he uses better methods and more capital. These matters can seem so simple to the American in an American environment, but all of you know how difficult it is to find a feasible way of accomplishing these steps.

The technical assistance task of the colleges is to develop knowledge and then teach the practical application of it.

The scope of know-how is very broad and demands the best energies of scientists in many fields. Know-how is needed—

To build a chicken coop and a marketing co-op;

To apply insecticides and to develop an efficient farm supply system;

To improve the sanitation of a village and to flush away cultural taboos which have outlived their usefulness in the society;

To dignify manual labor and to make more workable the idealism of those educated people who are still cut off by class and custom from their fellow countrymen;

To plant improved seeds in the soil and in the minds of men;

To raise up water for irrigation and to raise up elementary schools; and

To build modest capital improvements on individual plots and to build a system of capital accumulation and credit which will begin to finance such improvements.

We can never be as confident of our advice on repairing a fault in a democratic government as in repairing a tractor or other farm implement. Nurturing the growth of a tender new democratic institution can be much more frustrating than nurturing a new plant variety. But all of these activities are exceedingly important. Our job is not just to solve agricultural problems, although that we must do; our job is also to solve problems of developing people and institutions which in turn become solvers of agricultural and other problems.

This need for availability of a broadly trained group of scholars or experts to meet the needs of the less developed countries, was behind Dr. Harvill's suggestion which I have been happy to adopt, that the bill should not require establishment of a foreign affairs department in each school participating, but, alternatively, provide a multidisciplinary program capable of handling technical assistance work. The concept of an "institute" or "center," as used in the bill, is of an administrative center able to enlist the services of any of the personnel of the university in any discipline.

Dr. Harvill wrote:

In my judgment, scholars should continue to work within clearly defined disciplines, but there should be administrative provision so that they can be called in from their particular departments to cooperate on the problems in the broader field of international affairs. The precise form of organization adopted to bring about this result is a matter of internal administration within the university. The McGovern bill, as now drafted, will certainly stimulate interdepartmental and interdisciplinary focus on special problems through the grant provisions of the act.

Need for availability of men with knowledge in many fields was one confronted in the water resources research problem, and solved by use of the universities which have the broadest assembly of people, trained in many disciplines, to be found anywhere in American life.

WISCONSIN UNIVERSITY EMPHASIZES CONTINUING PROGRAM

Dr. R. L. Clodius, vice president, responding to me from the University of Wisconsin, wrote:

Consultation with representative members of the faculty and administrative staff of the university strengthens my own conviction

that your concept merits the fullest kind of support. Its underlying philosophy and its method of approach embody the spirit and understanding that universities have long sought in improving their relationship with the Federal Government in undertaking oversea commitments—an improvement from which both the Government and the universities could derive great benefit.

First of all, even the best American universities are not now equipped to do the sort of jobs overseas that AID and other Government agencies want them to do. Valuable as these universities are for such uses, it is derivative; they were designed to serve other purposes and their financial supporters, both public and private, have provided their support almost entirely for these other purposes. This means that inside or outside of the present Federal facilities there must be found some device by which Federal aid may be provided for the basic strengthening universities needs to make them capable of broad and sustained participation in specific oversea programs initiated by AID and other Government agencies.

Secondly, in most cases, whatever support is provided should be on a long-range basis. If universities are to embark upon a substantial expansion of facilities and personnel into this newer dimension they must be able to expect continued assistance. It falls in much the same category as the long-sustained support for domestic agricultural development, or more recently the Federal assistance to student loan plans and language development programs; their very inauguration involves the creation of obligations and expectations of indefinite duration.

Happily, your proposal is made in harmony with this reality and deserves the most explicit stressing in every detail. Indeed, all aspects of institution building, both at home and overseas can be of real and lasting value only if they are of a long-range nature, or are capable of being fitted constructively into some already existing long-range program. Unfortunately, the latter is not too often possible.

Dr. O. Meredith Wilson, president of the University of Minnesota and chairman of the international affairs committee of the National Association of State Universities and Land-Grant Colleges has written me:

I have examined with great interest your bill to establish a college and university grant program administered by the Agency for International Development to support graduate training for oversea development work and continuing university participation in development projects. The basic conception of this legislation, which seeks to preserve the autonomy and encourage the initiative of the colleges and universities by adapting the pattern of the Hatch Act, under which the Agricultural Experiment Station system has operated, is one which I warmly applaud. It would provide a much better basis for systematic university development of training programs in oversea development and administration, and staff competency for development projects, than the present contract system does. It would also encourage universities to enter upon much basic research essential to the understanding and planning of development which the present orientation of research toward oversea projects does not encourage.

Convinced, as I am, of the value of the approach contemplated by the draft legislation, and encouraged by your leadership in formulating and presenting it, I have arranged for a discussion of the bill by a number of members of the university staff engaged in our international programs. In the light of this discussion I would like to suggest a few modifications which would, I think, contribute to a full realization of the effectiveness of this legislation.

Dr. Wilson's suggestions have been reviewed and taken into account in the draft of the measure today introduced.

One reviewer of the proposed program, outside the universities and outside AID, Dr. Walter Wilcox, of the Legislative Reference Service, who prepared a memorandum at my instruction, wrote:

The advantages over the present AID method of carrying on technical assistance in foreign countries over short-term contracts with universities and research agencies or by hiring professional personnel on a temporary basis, are primarily of two types:

First, the quality of performance should be much higher than at present, because the universities, on assuming responsibility for the technical assistance projects undertaken by them, would mobilize more competent staff than under present contract arrangements. The universities would be able to develop long-term plans for technical assistance in foreign countries and fit them in with other university activities in such a way that more competent staff members would find it to their professional and financial advantage to take foreign technical assistance assignments within their fields of interest. (At present, little or no recognition is granted a university staff member for experience gained in a foreign assignment while on leave from the university. Professional advancement often is retarded by the leave of absence.)

Second, direct involvement of the universities in technical assistance would increase their interest in this area and enrich the growth and development of the universities. It would broaden the base of support for foreign technical assistance, and would lead to an increase in the number of professional people engaged in development activities.

John W. Gardner, president of the Carnegie Corp. of New York, in his recent report to the Administrator of AID, "AID and the Universities," said: "One cannot emphasize too strongly the role that systematic study, analysis, and experimentation must play in the evaluation of improved methods of development assistance. If (development research) were increased by a factor of 10 it would be a more appropriate response to the challenge of development."

DEVELOPMENT MEANS MARKETS

There is one further affirmative aspect of technical assistance I would like to discuss.

American dollar exports to the developing nations increase faster, percentagewise, than per capita income in those countries. Overall, our dollar exports to the developing countries rise about 11 percent for each 10-percent gain in the per capita income in the 56 underdeveloped countries which have been studied.

Our dollar sales of U.S. farm products go up even faster—21 percent for each 10-percent gain in per capita income. Food is their most urgent requirement.

A study by the Economic Research Service of the Department of Agriculture developed the statistics I have just used, and concluded:

The less-developed world is a vast, virtually untapped market for U.S. farm products. The study shows this world will buy U.S. foods—often in preference to those of other exporting nations—if its people have the income to buy.

Japan, of course, is the most graphic example of what a vigorous people, on their own initiative and with some U.S. assistance, can accomplish. From 1954 to 1957 food aid accounted for about 30 percent of Japan's agricultural imports from the United States. By 1962 virtually all U.S. aid had been phased out.

In the meantime, Japan had become the top dollar market for U.S. farm exports.

Between 1938 and 1961, U.S. exports of all kinds to Japan increased 6.1 times, from $240 million to $1.7 billion. U.S. agricultural exports went up even more, in fact, 9.3 times, from $44 million to $458 million.

Today, Italy, Spain, and Venezuela are nations with growing per capita incomes in which U.S. dollar markets have expanded considerably.

Technical assistance is not an entirely charitable undertaking. It is good business.

It is one of the best economic, political and moral investments we can make and we have, in our colleges and universities, institutions with proved ability to get us a high return on our investment.

THINGS THE BILL DOES NOT DO

Mr. President, I would like to comment finally on two or three things this measure does not do.

The bill does not embark us on a big new program of expenditure in the technical assistance field. We are already in technical assistance. The bill, as I stated at the beginning of these remarks, simply provides a new basis for college and university participation which is actually an adaptation of a tested, 78-year-old, highly successful formula for university participation in an action program. It substitutes assurance of the same sort of continuity of the program, an assurance which the colleges and universities need to justify building up their staffs and facilities, which the agricultural experiment station system has had.

The bill does not terminate AID's use of other research training and administrative institutions or agencies in connection with technical assistance. I anticipate that such use of nonuniversity agencies will continue, and I would hope that we may work something out that would permit the Department of Agriculture particularly, to strengthen its staff and capabilities in connection with technical assistance work for AID. It has much the same problem of providing expert personnel for short periods as the universities.

The bill is not intended to support international educational programs not related to technical assistance work, nor undergradute studies in international affairs. It is intended to help support graduate work which is related to technical assistance undertakings.

The bill is not presented as a completely perfected document in spite of the considerable work that has been done on it.

By the time hearings can be held, the committee set up by the National Association of State Universities and Land-Grant Colleges on January 30, when they endorsed the measure in concept, will undoubtedly have constructive amendments to propose. The administration and others will also undoubtedly have changes worth making.

I am myself studying the funding authorized in sections 200 and 300. While the dollar amounts in the bill represent maximum limitations on appropriations, revised figures must necessarily be based

on how much on-going work of this type AID would transfer from its present contract basis to this program, and how much AID and the contracting universities will want to finish out under the outstanding contract arrangements. It will take a considerably more sophisticated look into the present contract program, and future plans for it, than I have been able to take, to finally set the right authorization figures.

I request unanimous consent that the text of the bill as introduced appear in the RECORD following these remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1212) to authorize the Department of State through the Agency for International Development to encourage and assist colleges and universities in the establishment, strengthening, and maintenance of programs on foreign development and for their provision of research, education, training, advisory and technical assistance directly or in cooperation with foreign universities, in connection with programs of assistance to developing nations, and for other purposes, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy and purpose of the Congress to facilitate and assure the participation of institutions of higher education in this Nation's program of assistance to developing countries throughout the world, to make it possible for such institutions of higher education to maintain permanent, basic staffs trained in international affairs and development work for the conduct of courses in the field, and other training programs and to be prepared to participate directly in student exchange programs and, through arrangements with the United States or countries seeking assistance, in the provision of research, education, training, personnel, planning and guidance, including institutional development, in connection with foreign assistance and development projects.

TITLE I—UNIVERSITIES PROGRAM FOR INTERNATIONAL ASSISTANCE THROUGH TRAINING, RESEARCH AND DEVELOPMENT

SEC. 100. For the purpose of providing university assistance to underdeveloped nations, there is hereby established in the Department of State, to be administered through the Agency for International Development, or its successor agency, a university program for international assistance through education research and development.

TITLE II—COLLEGE AND UNIVERSITY FOREIGN AFFAIRS CENTERS, INSTITUTES OR DEPARTMENTS

SEC. 200. There is authorized to be appropriated to the Secretary of State, for the purpose of making grants to colleges, universities and other institutions of higher education for the establishment and/or strengthening and maintenance of continuing foreign affairs centers, institutions or departments, or multidisciplinary programs with administrative direction and faculties capable of (1) providing a curriculum in foreign development for graduate students, (2) administering and conducting student and faculty exchange programs and internships with foreign countries, and (3) providing research, planning, and personnel to assist a country or countries in development programs, the sum of $40 million in fiscal year 1966, $50 million in fiscal year 1967, $60 million in fiscal year 1968 and such sums thereafter as are appropriate.

SEC. 201. In making grants under section 200 of this Act, the Secretary of State shall—

(a) determine that the recipient institution has or will acquire capability of contributing to the United States foreign assistance program for underdeveloped nations by the training of personnel for participation in such work, and

(b) has or will acquire competence to provide training, research and direct assistance in such foreign development work to a country or countries intended to be aided by the United States, and

(c) has or will have competence to train both domestic and foreign personnel in identifying, analyzing and dealing with the educational, economic, engineering, scientific, social, governmental, and other problems of the developing nations.

SEC. 202. Grants made under the authority of section 200 may be used to supplement funds of the recipient institutions for the employment of faculty, research, administrative, clerical and service personnel, for the support of home-campus and oversea training, study, and research in development problems, for the provision of necessary supplies and equipment, for the reimbursement of the recipient institution for facilities and services provided by it, and for the continued employment of such basic, permanent staff personnel now employed under contractual arrangements with the Agency for International Development as may be appropriate upon conversion of the contract undertaking to a specific development project under the provisions of title III of this Act.

SEC. 203. Sums available to institutions under the terms of section 200 of this Act shall be paid to the designated institution at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institution shall have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on the program of the institution in the foreign affairs field, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer or any institution under the provisions of this Act shall by an action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the institution concerned and until so replaced no subsequent appropriation shall be allotted or paid to any such institution.

SEC. 204. In authorizing grants to colleges, universities and other institutions of higher education under section 200 of this Act, the Secretary of State shall take into consideration outstanding technical assistance contracts with universities and colleges, geographic distribution of funds among States and regions of the United States, accessibility of foreign development training to citizens of the various regions and States in the United States in relation to population served, and the experience and competence of institutions in relation to problems which will be encountered where assistance programs have been undertaken or are contemplated.

TITLE III—ASSISTANCE THROUGH SPECIFIC DEVELOPMENT PROJECTS

SEC. 300. There is authorized to be appropriated to the Department of State to be administered by the Agency for International Development or successor agency the sum of $80 million in fiscal year 1966, $100 million in fiscal year 1967, $125 million in fiscal year 1968, and such sums as are appropriate each year thereafter, for the purpose of making arrangements with educational institutions or consortiums of educational institutions with competence, including but not limited to those receiving grants under Section 200 of this Act, for the provision of technical assistance in research, planning, administration and the conduct of development programs in underdeveloped nations.

SEC. 301. Specific development projects in foreign countries may be undertaken with colleges and universities upon the request of the host country through the United States Agency for International Development mission and ambassador, for such periods of years believed necessary for the college or university to complete the development project but not to exceed 10 years, subject to modifications by mutual consent or if changing international situations require, and extensions which shall be limited to 5 years beyond the date of each such extension. Such agreements shall provide that cooperating institutions may, with the consent of the Department of State, arrange with private sources or with the country assisted for supplemental services, or for continuation of development projects or programs undertaken by the college or university after termination of United States support.

LINCOLN TRAIL MEMORIAL PARKWAY

Mr. HARTKE. Mr. President, today I introduce again a bill to provide for the establishment and administration of the Lincoln Trail Memorial Parkway, a bill identical to S. 1476 of the 88th Congress. That, in turn, was a successor bill to S. 1579 of the 87th Congress, which sought funds for a study of the project.

In presenting this bill, I would like to call attention to some of the factors which I believe makes its enactment at this time even more desirable than in the past. We are stressing increasingly the need for preservation of our natural beauty areas, and of our cultural heritage. But of particular interest to me is the way in which this historic route harmonizes completely with scenic highway plans now in formulation.

I am delighted in introducing this bill today, Mr. President, to have associated with me as cosponsors the other Members of the Senate from the three States across which the trail will run—my Indiana colleague [Mr. BAYH]; Mr. DIRKSEN and Mr. DOUGLAS, of Illinois; and Mr. COOPER and Mr. MORTON, of Kentucky.

The basic idea of the Lincoln Trail Memorial Parkway is to make it possible for Americans, or tourists from abroad for that matter, to retrace the route traveled by Abraham Lincoln from the cabin in Hodgenville, Ky., up into Indiana and on to Springfield, Ill. We now have in Indiana the Lincoln Boyhood Memorial in Spencer County, a part of the national park system, on the site where Lincoln spent the years from age of 7 until leaving for Illinois at the age of 21. This monument, which was established by legislation I introduced, is nestled among the gentle, wooded hills

of southern Indiana, and as a new national memorial gives a midpoint in the trail for those traversing the Lincoln country. The tremendous and ever increasing interest in our great President, evidenced by the growth of Lincoln organizations and the increase in individual Lincoln collectors and hobbyists, makes certain that the memorial trail will draw many to a pilgrimage along the steps he trod.

In 1962 the President established the Recreation Advisory Council. In April 1964 the Council recommended development of a national program of scenic roads and parkways. At the same time, it asked the Department of Commerce to undertake a 1-year study of a national program for scenic roads and parkways. In the Department's manual for this study, dated October 26, 1964, the following statement appears:

The objective of the study is to assemble data from the States with enough reliability and foundation, with which to derive and develop a recommendation for a national program of scenic roads and parkways, involving improved recreational driving opportunities. The States will select and nominate specific routes, highways, or segments of routes or highways or travel corridors, conforming to the specifications of this manual.

The Indiana State Highway Commission complied with this request, as did the corresponding agencies of the other two Lincoln States involved. In all three cases, the proposed Lincoln Memorial National Parkway is included. In the report for Indiana, under "Recommended Scenic Roads and Parkways," the Lincoln Memorial National Parkway is one of two classed as national parkways, and it is given a high priority based on criteria for selection of the most important projects, reflecting the very great interest in this project which the Bureau of Public Roads has also found.

Certainly, Mr. President, in the plans and recommendations, I hope that the interior parkways program will likewise give this historical and scenic project a high priority. I urge upon the Senate the desirability of early hearings, so that the bill may be passed and the work undertaken.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1226) to provide for the establishment and administration of the Lincoln Trail Memorial Parkway in the States of Kentucky, Indiana, and Illinois, and for other purposes, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

CONTINUATION OF AUTHORITY FOR DOMESTIC BANKS TO PAY INTEREST ON CERTAIN TIME DEPOSITS

Mr. ROBERTSON. Mr. President, I introduce, for appropriate reference, a bill to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors.

I ask unanimous consent to print in the RECORD at this point, the letter from the Secretary of the Treasury, together with the enclosures.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter and enclosures will be printed in the RECORD.

The bill (S. 1227) to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors, introduced by Mr. ROBERTSON, by request, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The letter and enclosures presented by Mr. ROBERTSON are as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 10, 1965.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors."

The proposed legislation would make permanent the temporary authority granted for a 3-year period by Public Law 87–827, approved October 15, 1962, for member banks of the Federal Reserve System, and banks insured by the Federal Deposit Insurance Corporation, to pay rates of interest on time deposits of foreign governments and monetary authorities without limitation by regulatory ceilings applicable to time deposits generally.

During the period of time since the law became effective, U.S. commercial banks have been enabled to compete more effectively in providing an attractive investment outlet for the dollar holdings of foreign official agencies. The volume of time deposits of foreign official agencies increased by $1,777 million from September 30, 1962, just prior to enactment of the law, through December 1964, when the total amounted to $3,830 million. While no one can estimate with certainty what the volume of foreign official deposits would have been had our commercial banks not been provided authority to pay competitive rates beyond the ceilings applicable to other depositors, it is clear that a significant volume of foreign official funds have been attracted into this investment outlet by this form of bank competition. The result has been to help prevent the conversion of dollars into foreign currencies for investment in other markets and to provide an attractive investment opportunity as an alternative to the conversion of these dollar holdings into gold.

Consequently, the law has helped to protect the gold stock of this country and to enhance the attractiveness of our currency to foreign official institutions, supporting the key role of the dollar in the international financial system. At the same time, there is no evidence that this has had any adverse implications for our banking system. Competition for these deposits is generally confined to the larger and stronger commercial banks. Moreover, the amounts of funds available for such deposits, while highly significant in terms of international flow of funds, are limited relative to the overall deposit structure of our banks and the domestic money market.

Thus for some time the authority granted under Public Law 87–827 has been used effectively, accomplishing highly useful results without adverse side effects. On the basis of this experience, and recognizing that these benefits should continue to accrue, the proposed legislation will make a valuable contribution to our continuing effort to reduce and eliminate our gold losses and maintain the strength of the dollar.

It is also important that the proposed legislation be enacted as soon as possible. While existing authority to pay a higher rate of interest does not expire until October 15, 1965, banks are now effectively precluded from entering into deposit contracts that would require the payment of higher rates of interest after that date. Thus, time deposit contracts running beyond October 15, 1965, may no longer provide for the higher rates of interest for that period which extends beyond that date. Consequently, the benefits of the law have already been impaired for longer term time deposits, and is being steadily eroded for shorter maturities; for example, after April 15, 1965, banks will no longer be able to contract to pay the higher rate beyond 6 months in the future.

Longer term deposits are of particular importance. There are important instances where foreigners who borrow dollars in the United States for projects whose costs may be distributed over years in the future are interested, if interest rates are sufficiently attractive, in investing the proceeds of their borrowings in the United States until needed. It is with respect to this type of longer term deposit that the advantages of the legislation are greatest. At the present time because of the early expiration date beyond which higher rates may not be paid, these advantages are not available.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed bill.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

DOUGLAS DILLON.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of the fourteenth paragraph of section 19 of the Federal Reserve Act (12 U.S.C. 371b) is amended to read as follows:

"The provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member."

SEC. 2. The last sentence of subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"The provisions of this subsection shall not apply to the rate of interest which may be paid by insured nonmember banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member."

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY BILL

(Existing law proposed to be omitted is enclosed in brackets; new matter italic)

SECTION 18(G) OF THE FEDERAL DEPOSIT INSURANCE ACT (12 U.S.C. 1828(G))

Section 18(g). The Board of Directors shall by regulation prohibit the payment of interest on demand deposits in insured nonmember banks and for such purposes it may define the term "demand deposits"; but such exceptions from this prohibition shall be

made as are now or may hereafter be prescribed with respect to deposits payable on demand in member banks by section 19 of the Federal Reserve Act, as amended, or by regulation of the Board of Governors of the Federal Reserve System. The Board of Directors shall from time to time limit by regulation the rates of interest or dividends which may be paid by insured nonmember banks on time and savings deposits, but such regulations shall be consistent with the contractual obligations of such banks to their depositors. For the purpose of fixing such rates of interest or dividends, the Board of Directors shall by regulation prescribe different rates for such payment on time and savings deposits having different maturities, or subject to different conditions respecting withdrawal or repayment, or subject to different conditions by reason of different locations, or according to the varying discount rates of member banks in the several Federal Reserve districts. The Board of Directors shall by regulation define what constitutes time and savings deposits in an insured nonmember bank. Such regulations shall prohibit any insured nonmember bank from paying any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board of Directors, and from waiving any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement. For each violation of any provisions of this subsection or any lawful provision of such regulations relating to the payment of interest or dividends on deposits or to withdrawal of deposits, the offending bank shall be subject to a penalty of not more than $100, which the Corporation may recover for its use. [During the period commencing on the effective date of this sentence and ending upon the expiration of three years after such date, the] *The* provisions of this subsection shall not apply to the rate of interest which may be paid by insured nonmember banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

SECTION 19 OF THE FEDERAL RESERVE ACT (12 U.S.C. 371b)

SEC. 19. The Board of Governors of the Federal Reserve System shall from time to time limit by regulation the rate of interest which may be paid by member banks on time and savings deposits, and shall prescribe different rates for such payment on time and savings deposits having different maturities, or subject to different conditions respecting withdrawal or repayment, or subject to different conditions by reason of different locations, or according to the varying discount rates of member banks in the several Federal Reserve districts. No member bank shall pay any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the said Board, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement: *Provided*, That the provisions of this paragraph shall not apply to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia. [During the period commencing on the effective date of this sentence and ending upon the expiration of three years after such date, the] *The* provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

REVISION OF FEES PAYABLE TO COMMISSIONER OF PATENTS

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to revise the schedule of fees payable to the Commissioner of Patents in connection with patent and trademark matters.

This bill is endorsed both by the American Bar Association and the American Patent Law Association. Its objective is substantially to increase the revenue of the Patent Office to the point where a reasonable proportion of the costs of operation of that office will be paid by those who directly employ its services. A further purpose of the bill is to obtain the desired increased revenue immediately, without causing material changes in the patent system, pending the study of that system now being undertaken by the Patents, Trademarks, and Copyrights Subcommittee of the Judiciary Committee, under the able leadership of Senator MCCLELLAN. Further, the bill is intended to provide this added revenue with as little administrative complexity and expense as possible.

The most striking difference between this bill and the bill drafted by the Patent Office and introduced at administration request by Senator MCCLELLAN, S. 730, is that this bill would avoid the adoption of the controversial maintenance fee system by which the lives of the majority of U.S. patents would be materially shortened. Moreover, since this bill would not depend upon collection of maintenance fees a number of years hence, it would produce more revenue immediately.

I do not purport to be an expert in patent matters, and do not now take sides between the proponents of the maintenance fee system and the proponents of the fixed fee system. My investigation of this matter convinces me, however, that this bill has the support of a significant segment of our patent bar. It should, in my judgment, be considered along with the administration proposal embodied in S. 730.

I would hope that this bill would receive consideration, along with the bill introduced by the Senator from Arkansas [Mr. MCCLELLAN] at the hearings recently announced by Senator MCCLELLAN'S subcommittee for March 3.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1228) to fix certain fees payable to the Patent Office, and for other purposes, introduced by Mr. TYDINGS, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS

Mr. JACKSON. Mr. President, I introduce, by request, a bill which has been submitted and recommended to the Congress by the Bureau of the Budget to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

This is a subject which has been receiving extensive consideration by both the executive and legislative branches of our Government for quite some time. It is now apparent that all of the Federal executive agencies have agreed on a formula, and it is at the request of the President's Director of the Bureau of the Budget that I am submitting a draft of their bill.

I ask unanimous consent that the bill be printed at this point in the RECORD, together with a section-by-section analysis.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, introduced by Mr. JACKSON, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages

of multiple-purpose construction: *Provided,* That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1. 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within 50 years of first use of project recreation or fish and wildlife enhancement facilities: *Provided,* That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than 5 years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project, which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided,* That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed $28,000,000: *Provided,* That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided,* That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by

the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor and supplies) used for the establishment, maintenance and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

The section-by-section analysis presented by Mr. JACKSON is as follows:

FEDERAL WATER PROJECT RECREATION ACT

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 states congressional policy that (a) full consideration shall be given to recreation and fish and wildlife enhancement as purposes of Federal water resources projects; (b) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to assume responsibility for management of project areas and facilities, except at those projects or project areas which are appropriate for Federal administration because of other Federal programs.

Areas which may be appropriate for Federal administration include national recreation areas, and areas which are part of the national forest system, part of the public lands classified for retention in Federal ownership, or part of lands administered under an authorized Federal program for the conservation and development of fish and wildlife. The following seven types of areas are included in this last category: wildlife refuges; wildlife ranges; game ranges; waterfowl production areas; wildlife management areas; national fish hatcheries; and areas for the protection and conservation of fish and wildlife that are rare or threatened with extinction.

As used throughout this bill, the term "non-Federal public bodies" includes such public entities as States, counties, municipalities, recreation districts or other special purpose districts with sufficient authority to participate under the provisions of this bill. The term also includes a combination of two or more of the foregoing entities.

Section 2

Subsection 2(a) provides that if non-Federal public bodies express an intent before project authorization, and execute an agreement before initiation of project construction, to administer project land and water areas for recreation and fish and wildlife enhancement and to pay or repay at least one-half the costs of providing lands, facilities and project modifications and all costs of operation, maintenance and replacement of such lands, facilities, and project modifications which are not integral parts of the Federal project, then the Federal Government will bear all joint costs allocated to recreation and fish and wildlife enhancement and up to one-half of the costs of lands, facilities and project modifications for those purposes. Project modifications include, for example, the raising of the height of a dam so as to provide increased storage capacity, or the construction of a subimpoundment in an arm of a reservoir, specifically for recreation or fish and wildlife enhancement.

It is anticipated that under the provisions of the bill the Federal construction agency will work with non-Federal public interests to develop a short and long range plan of development for recreation and fish and wildlife enhancement which should be provided at the project. For example, where there is little demand for recreation facilities, such facilities should be provided only to the extent local participation permits.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife enhancement at a project. However, it is not believed desirable to delay authorization of projects on which planning has been completed by further referral of the project report to non-Federal public bodies. Therefore, the bill provides that for projects authorized prior to January 1, 1966, an expression of intent to participate by non-Federal interests will not be required. For all projects, however, an executed agreement to participate will be required prior to initiation of project construction. If, after indicating intent to participate, non-Federal interests do not execute such an agreement, the project would be treated as though there had been no original statement of intent and would be constructed under provisions similar to those contained in section 3.

Under the provisions of subsection 2(b), non-Federal public bodies may pay or repay their share of costs of development (excluding those operation, maintenance and replacement costs which they must bear directly) under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment, or provision of lands or facilities required by the project, or (2) repayment, within 50 years, with interest at a rate comparable to that for other interest-bearing functions of water resource projects. The source of repayment under (2) may be limited to a portion of the entrance and user fees collected at the project by non-Federal interests. The fee schedule and the percentage of the fees dedicated to repayment of the non-Federal share shall be established, and periodically reviewed, to achieve repayment in the period specified.

The latter provision allows non-Federal interests, if they so desire, to discharge their obligation to repay by charging fees to the recreation user and applying a portion of the fee toward repayment while applying the remaining portion toward their operation and maintenance costs.

Section 3

Subsection 3(a) recognizes that in some areas non-Federal interests may not want to participate in a project because they have sufficient recreation and fish and wildlife developments or because of other reasons. In such cases, water resources projects would not be held back because of the lack of non-Federal participation in recreation and fish and wildlife enhancement. In those instances, no facilities or project modifications would be provided expressly for recreation and fish and wildlife enhancement. The likelihood that a project, even without recreation facilities, may be utilized for recreation is recognized. However, it is believed that the recreation and fish and wildlife benefits would be minimal under these circumstances. Any costs allocated to recreation and fish and wildlife enhancement under these conditions would be nonreimbursable.

Since some recreational use of a project is anticipated even without recreation facilities, the bill provides for facilities for public health and safety. These facilities would include guard rails, turn-arounds at the ends of roads, and minimum sanitary facilities. Parking, picnicking, swimming, or camping areas or facilities, or more elaborate sanitary facilities would not be provided under this subsection.

Most water resources projects provide some potential for recreation or fish and wildlife enhancement. For this reason, subsection 3(b) provides for the acquisition or provision of lands in connection with any project to preserve this recreation or fish and wildlife enhancement potential even where there is no indication of intent of non-Federal cost sharing as specified in subsection 2(a). If, within 10 years after initial operation of the project, non-Federal interests desire to develop the recreation or fish and wildlife potential and agree to bear one-half the cost of the land, facilities, and any project modification for these purposes, and all costs of operation, maintenance, and replacement, then the development of the recreation and fish and wildlife enhancement potential could be undertaken pursuant to a plan of development. The Federal Government would bear up to one-half the costs of the land, facilities, and project modifications for those purposes. If such an agreement is not obtained, the construction agency would be authorized to dispose of the land by sale, lease, or in some other manner, to any person or non-Federal body after determining that such land is not required by another Federal agency. Disposal may be made for recreation, fish and wildlife enhancement, or for any other purpose as long as such use does not conflict with the purposes for which the project was constructed.

Section 4

To encourage non-Federal administration of the recreation and fish and wildlife enhancement features at existing Federal water resources projects (completed or under construction), the bill would authorize Federal water resource agencies to transfer recreation and fish and wildlife enhancement facilities, and appropriate project lands, at no cost to non-Federal public bodies if they agree to administer the facilities and to bear the costs of operation, maintenance, and replacement of such lands and facilities.

Section 5

Section 5 makes it clear that incremental or subsequent development of recreation and fish and wildlife enhancement at any project shall not be discouraged. Other programs, as under the Land and Water Conservation Fund Act of 1965, could be used to develop recreation at projects that are not developed in accordance with other provisions of this bill. Development under such conditions will not, however, provide a basis for allocation or reallocation of any project costs to recreation and fish and wildlife enhancement.

Section 6

Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each project report. The Secretary's report would indicate the extent to which the proposed project is in accord with the State comprehensive recreation plan developed pursuant to the Land and Water Conservation Act of 1965.

Subsection 6(b) confirms the limitations of the first proviso of subsection 2(d) of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 622(d)) with respect to measures for the enhancement of fish and wildlife properly includible in a Federal water resource project; it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects constructed under reclamation law. The effect of the repeal of the second proviso is twofold: first, it will result in the costs of mitigation of project-occasioned damage to

fish and wildlife being distributed among all project purposes the same as any other project cost; and, second, it will terminate the reimbursement policy for costs allocated to fish and wildlife enhancement now set out in the Fish and Wildlife Coordination Act so that the reimbursement policy established by this bill may take effect.

Subsection 6(c) places a limitation of $28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The $28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge. The limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 6(d) provides that the bill shall not apply to the Tennessee Valley Authority, nor to projects constructed under the authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended. It is believed that cost sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements as now exist at watershed protection projects.

The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. TVA believes that the bill contains language which is inappropriate for TVA, for example, the requirement that the views of the Secretary of the Interior be included in any report concerning a project within the bill's purview. While TVA consults and cooperates with other Federal agencies, TVA believes it must as a unified development agency take full responsibility for all phases of projects which it plans and constructs. This was recognized in TVA's exemption from the Fish and Wildlife Coordination Act. Furthermore, the general policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The TVA has been quite successful in this policy.

Subsection 6(e) provides that such projects as local nonreservoir flood control, beach erosion control, small boat harbor, and hurricane protection projects shall be excluded from the cost sharing and reimbursement provisions of the bill because existing policies cover these projects. Cost sharing shall not be required for project areas that are appropriate for Federal administration.

Subsection 6(f) states that the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

Subsection 6(g) provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share development costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

Subsection 6(h) provides that all moneys received (payments, repayments, or revenue from conveyance of land) under the terms of this bill shall be deposited in the miscellaneous receipts of the Treasury.

Section 7

The purpose of section 7 is to provide the Secretary of the Interior with authority similar to that already available to the Secretary of the Army. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (section 4 of the act of December 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620(g)). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on recreation resources created by public investment in the development of water resource projects of the Department of the Interior.

Subsection 7(a) provides that the Secretary of the Interior may plan, construct, operate and maintain, or otherwise provide for public outdoor recreation facilities, and acquire land for such purpose, at any existing or hereafter authorized or reauthorized project. In addition, at projects hereafter authorized or reauthorized, he may also allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided at existing projects only if non-Federal public bodies agree to administer the project lands and water areas for recreation and to bear costs in accordance with section 2.

Subsection 7(b) authorizes the Secretary of the Interior to transfer to other Federal agencies or State or local bodies, project lands and facilities for operation and maintenance for recreation purposes.

Subsection 7(c) provides that, with the consent of the Federal agency having jurisdiction over lands required for recreation purposes at any project, such Federal agency is authorized to transfer lands so required to the Secretary of the Interior. The latter is also authorized to transfer to the Secretary of Agriculture project lands and facilities for recreation purposes when such project lands are adjacent to or within national forests, and such transfer shall be made, unless the Secretaries jointly agree otherwise, when the project is wholly within the exterior boundaries of a national forest. Any lands so transferred shall become national forest lands, but to the extent required for operation of the project for purposes other than recreation, the lands shall be administered by the Secretary of the Interior.

Sections 8 and 9

Section 8 defines terms used in the bill.

Section 9 provides that the bill may be cited as the "Federal Water Project Recreation Act."

FREEDOM COMMISSION ACT

Mr. MUNDT. Mr. President, I reintroduce today, on behalf of myself and 10 other Senators, a bill well suited to bolster U.S. foreign policy in beleaguered areas of the world such as Africa, southeast Asia, and, increasingly, Latin America.

Cosponsors of this measure are Mr. CASE, Mr. DOUGLAS, Mr. DODD, Mr. PROUTY, Mr. FONG, Mr. PROXMIRE, Mr. HICKENLOOPER, Mr. MILLER, Mr. LAUSCHE, Mr. SCOTT, and Mr. SMATHERS. The range of political philosophy to which this measure appeals is demonstrated by listing these Senators who range between conservative and liberal.

This is a bipartisan effort to develop the advanced techniques and means required to meet and defeat by peaceful means the worldwide threat to liberty posed by communism.

Long ago we learned that communism is not going to roll over and play dead simply because Red leaders say they want peaceful coexistence. Today in Vietnam we are experiencing once again the bitter lesson of Communist aggressive designs in one of their most flagrant forms, guerrilla warfare against an independent people.

We are adequately prepared with our massive defense system to meet an overt act of aggression. However, in the area of global conflict involving subversion, infiltration, psychological warfare, and economic warfare, too often we fail to recognize these Communist tactics at an early stage when effective action could be taken with a minimum of effort and expense to halt these activities.

This bill proposes to establish a long-term and intensive research and training program to buttress free world defense against nonmilitary aggression by Communist powers.

Research would be directed toward development of operational knowledge, fully grasped by us and by our allies in the field where our people engage in actual operations. But to have this knowledge at hand where it can be useful to them, we must have intensive training. Both our own people and the people of our allies who directly participate in the confrontation posed by communism could well utilize this knowledge, and they must have training.

Certain improvements over the bill introduced in the last Congress appear in the version introduced today.

Most important, the provisions for training foreign students are positively emphasized. Every year, with the occurrence of every new Communist onslaught on an independent country, the need to train non-Communist students to recognize Communist techniques and to teach them methods to effectively resist Communist aggression becomes more critical.

The Freedom Academy bill comprehends this need. If the bill is enacted, the strength of our allies to resist Communist incursion will be appreciably heightened.

Then, not so basic but offered to conciliate criticism of an apparent though not intended defect in the previous bill, all authorization to the Freedom Commission to publish textbook material is deleted. The information center remains so that interested persons can obtain accurate information, but the center has no authorization to disseminate information so actively as previously proposed.

Mr. President, extensive hearings on this proposal have been conducted both

in the Senate and the House. The Senate passed the bill during an earlier session. This year, hopefully, we can take this action which would strengthen our capacity to preserve freedom and independence.

Mr. President, I ask that the bill lie at the desk until February 25, to enable other Senators who might wish to do so to become cosigners.

A Freedom Academy bill was passed by Congress in 1960 with a glowing report from the Senate Committee on the Judiciary. I commend it to the attention of the Senate.

I ask unanimous consent to have printed in the RECORD a nine-point statement of policy and also an excerpt from the report of the Senate Committee on the Judiciary dated January 30, 1960.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk and the statement and excerpt will be printed in the RECORD, as requested by the Senator from South Dakota.

The bill (S. 1232) to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge in the political, psychological, economic, technological, and organizational areas to increase the nonmilitary capabilities of the United States and other nations in the global struggle between freedom and communism, to educate and train Government personnel and private citizens to understand and implement this body of knowledge, and also to provide education and training for foreign students in these areas of knowledge under appropriate conditions, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Foreign Relations.

The statement and excerpt, presented by Mr. MUNDT, are as follows:

1. The United States in preparing to defend its national interests in coming years faces grave and complex problems in the nonmilitary as well as military areas.

2. First and foremost are the problems raised by the unremitting drives by the Soviet Union and Communist China seeking world domination and the destruction of all non-Communist societies. The Communist bloc and the various Communist parties have systematically prepared themselves to wage a thousand-pronged aggression in the nonmilitary conflict area. Drawing on their elaborate studies and extensive pragmatic tests, Communist leaders have developed their conspiratorial version of nonmilitary warfare into an advanced, operational art in which they employ and orchestrate an extraordinary variety of conflict instruments in the political, psychological, ideological, economic, technological, organizational, and paramilitary areas enabling them to approach their immediate and long-range objectives along many paths. This creates unique and unprecedented problems for the United States in a conflict that is being waged in student organizations, peasant villages, labor unions, mass communication systems, in city and jungle and institutions and organizations of every description, as well as in the world's chancelleries. Recognizing that nonmilitary conflict makes extraordinary demands upon its practitioners, the Communists, for several decades, have intensively trained their leadership groups and cadres in an extensive network of basic, intermediate and advanced schools. The Sino-Soviet conflict capacity has been immeasurably increased by the mobilization of research, science, industry, technology, and education to serve the power-seeking ambitions of Communist leaders rather than the needs of their people.

3. Second, the problems of the United States are complicated by the emergence of many new nations, the unstable or deteriorating political, social, and economic conditions in many parts of the world, the revolutionary forces released by the rising expectations of the world's people, and other factors, all of which increase the difficulties of achieving our national objectives of preventing Communist penetration while seeking to build viable, free, and independent nations.

4. The nature of the Sino-Soviet power drive, the revolutionary and fluid world situation, the emergence of the United States as the major leader of the free world and the need to deal with the people of nations as well as governments, has compelled the United States to employ many new instruments under the headings of traditional diplomacy, intelligence, technical assistance, aid programs, trade development, educational exchange, cultural exchange, and counterinsurgency (as well as in the area of related military programs). To interrelate and program these present instruments over long periods already requires a high degree of professional competence in many specialties, as well as great managerial skill.

5. However, the United States has fallen short in developing and utilizing its full capacity to achieve its objectives in the world struggle. Not only do we need to improve the existing instruments, but a wide range of additional methods and means in both the Government and private sectors must be worked out and integrated with the existing instruments of our policy. Otherwise, the United States will lack the means to defeat many forms of Communist aggression and to extend the area of freedom, national independence and self-government, as well as to attain other national objectives. However, this will require an intensive and comprehensive research and training effort first to think through these additional methods and means, and, second, to educate and train not only specialists, but also leaders at several levels who can visualize and organize these many instruments in an integrated strategy, enabling the United States to approach its national objectives along every path in accord with our ethic.

6. There has been a tendency to look upon strategy as a series of discrete problems with planning often restricted by jurisdictional walls and parochial attitudes and too much piecemeal planning to handle emergencies at the expense of systematic, long-range development and programing of the many instruments potentially available to us. While there has been marked improvement in such things as language training at agency schools, and university centers have made significant progress in area studies, nowhere has the United States established a training program to develop rounded strategists in the nonmilitary area or even certain vital categories of professional specialists, particularly in the area of political, ideological, phychological, and organizational operations, and in certain areas of development work. Nor has the United States organized a research program which can be expected to think through the important additional range of methods and means that could be available to us in the Government and private sectors.

7. Finally, the cause of freedom has been severely handicapped by the inhibited attitude of the United States toward the education and training of foreign nationals. Nowhere, with limited exceptions, is education and training provided for foreign nationals which will acquaint them, in depth, with the spectrum of Communist subversion and insurgency and the wide range of instruments that may be developed and utilized to defeat this while seeking to build free, independent, and viable societies. Yet, the principal burden of repelling Communist subversion and insurgency must be borne by the citizens of the nations involved.

8. In implementing this legislation the following requirements for developing our national capacity and the national capacities of other nations for global operations in the nonmilitary area should receive special attention:

(a) At the upper levels of Government, the United States must have rounded strategists with intensive interdepartmental training and experience who understand the range of instruments potentially available to us and who can organize and program these instruments over long periods in an integrated, forward strategy that systematically develops and utilize our full national capacity for the global struggle.

(b) Below them, Government personnel must be trained to understand and implement this integrated strategy in all of its dimensions. Through intensive training, as well as experience, we must seek the highest professional competence in those areas of specialized knowledge required by our global operations. Government personnel should have an underlying level of understanding as to the nature of the global conflict, the goals of the United States, and the various possible instruments in achieving these goals to facilitate team operations. We should seek to instill a high degree of élan and dedication.

(c) National security personnel at all levels must understand communism with special emphasis on Communist nonmilitary conflict technique. It is not enough to have experts available for consultation. This is basic knowledge which must be widely disseminated, if planning and implementation are to be geared to the conflict we are in. (The present 2-week seminar offered at the Foreign Service Institute is entirely too brief for even lower ranking personnel.)

(d) The private sector must understand how it can participate in the global struggle in a sustained and systematic manner. There exists in the private sector a huge reservoir of talent, ingenuity, and strength which can be developed and brought to bear in helping to solve many of our global problems. We have hardly begun to explore the range of possibilities.

(e) The public must have a deeper understanding of communism, especially Communist nonmilitary conflict technique, and the nature of the global struggle, including the goals of the United States.

(f) Foreign nationals must understand the spectrum of Communist subversion and insurgency and the wide range of methods and means potentially available to defeat this while seeking to build free, independent, and viable nations; and they must be motivated to act.

9. The hereinafter created Freedom Academy must be a prestige institution and every effort should be made to demonstrate this is a major effort by the United States in a vital area.

FROM THE REPORT BY THE SENATE COMMITTEE ON THE JUDICIARY, JUNE 30, 1960

The committee considers this bill to be one of the most important ever introduced in the Congress. This is the first measure to recognize that a concentrated development and training program must precede a significant improvement in our cold-war capabilities. The various agencies and bureaus can be shuffled and reshuffled. Advisory committees, interdepartmental committees, and coordinating agencies can be created and recreated, but until they are staffed by highly motivated personnel who have been sys-

tematically and intensively trained in the vast and complex field of total political warfare, we can expect little improvement in our situation.

This one lone Freedom Academy, costing a fraction of the Cuban sugar subsidy, can lay the foundation for a major breakthrough. Properly staffed and funded, it will stand as a symbol of our determination to win the cold war. It will give courage to our friends and dismay our enemies. It is a practical, fundamental approach to our national survival. The committee recommends the enactment of the Freedom Commission bill at the earliest possible time.

DISTRICT OF COLUMBIA CHARTER ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of February 11, 1965, the names of Mr. DOUGLAS and Mr. INOUYE were added as additional cosponsors of the bill (S. 1118) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, introduced by Mr. BIBLE, for himself and other Senators on February 11, 1965.

NOTICE OF HEARING RELATING TO SENATE CONCURRENT RESOLUTION 2

Mr. HAYDEN. Mr. President, I would like to announce for the information of the Senate and other interested persons that the Senate Subcommittee on Standing Rules has scheduled a hearing on Senate Concurrent Resolution 2, a concurrent resolution to establish a Joint Committee on the Organization of the Congress. The hearing will be held on Wednesday, February 24, in room 301, Old Senate Office Building, starting at 2 p.m. Any Senator or other person wishing to testify at the hearing should notify the staff director, Kent Watkins, room 133, Senate Office Building, extension 2235, in order to be scheduled as a witness. Additional hearings will be held if necessary.

ANNOUNCEMENT OF HEARINGS ON ELIMINATION OF AGRICULTURAL RESEARCH

Mr. HOLLAND. Mr. President, I wish to give notice that the Appropriations Subcommittee for the Department of Agriculture and Related Agencies, of which I am chairman, will hold public hearings beginning Thursday, February 25. These hearings will include an examination into the justifications submitted to the committee by the Secretary of Agriculture with regard to the proposed elimination of several agricultural research stations and lines of research, which were included in an announcement by the Secretary, carried in a press release last December 31. The subcommittee will review with the departmental officials the material submitted by the Department of Agriculture to the committee, in order to develop a full and complete record regarding these stations.

House Joint Resolution 234, making supplemental appropriations for the Department of Agriculture carried a provision which precludes the Secretary from proceeding with the closure of stations and elimination of lines of research prior to May 1, 1965. I make this announcement so that all Senators and other interested parties will be on notice and if any of them desire to submit statements for the record, the subcommittee will avail them of an opportunity to do so.

As chairman of the subcommittee, I have received a number of communications from State officials and others protesting the elimination of various research projects, and I expect that the subcommittee will receive additional communications of this nature. If any Senator has received a request from a delegation to appear before the subcommittee, I wish to advise that I am not encouraging groups to come to Washington from great distances when they can achieve the same purpose by submitting a prepared statement for the record, either directly to me or through the Senators from the respective States which are affected by these proposals to eliminate research. I can assure everyone concerned that a full and complete hearing will be held, and all statements received will be carefully considered by members of the subcommittee.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of W. Averell Harriman, of New York, to be Ambassador at Large; Thomas C. Mann, of Texas, to be Under Secretary of State for Economic Affairs; Jack Hood Vaughn, of Virginia, to be an Assistant Secretary of State; Raymond R. Guest, of Virginia, to be Ambassador to Ireland; Angier Biddle Duke, of New York, to be Ambassador to Spain; Robert C. Good, of the District of Columbia, to be Ambassador to Zambia; Geoffrey W. Lewis, of Virginia, to be Ambassador to the Islamic Republic of Mauritania; C. Robert Moore, of Washington, to be Ambassador to the Republic of Mali.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

LITHUANIAN INDEPENDENCE

Mr. SIMPSON. Mr. President, I rise today to commemorate an independence anniversary celebrated in exile from its native land. I refer to the 47th anniversary of the independence of the Republic of Lithuania. This day, which would normally be the occasion for national celebration within Lithuania, will be greeted by the outward silence of a people held captive by the Soviet Union. Yet, the free world must not confuse their silence with a loss of hope, hope in the eventual liberation of their land and its people, hope in the restoration of their national sovereignty.

If fate and the force of Soviet arms has dealt these noble people a cruel blow, the continued survival of freedom within the non-Communist world must be their assurance that there is not a permanent mortification. Yet, how long, Mr. President, are the people of Lithuania to wait for the forces of freedom and the champions of national determination to actively take up their cause? How distressing must be the image of this powerful nation as she placates and seeks conciliation with the architects of aggression. Why do we hesitate to give life to the proposed Captive Nations Committee? What interest of freedom can be served by this timid withdrawal from a glaring opportunity to strike at our Communist enemies a blow on behalf of our captive friends? Mr. President, let this great Congress hesitate no longer, let us act to create this committee and thus act to bring closer to reality that happy day when freedom will return not only to Lithuania, but to all of the lands of Eastern Europe. As a society of free men now striving to assume the title "great," how can we do less?

ANNIVERSARY OF ESTONIAN INDEPENDENCE

Mr. LAUSCHE. Mr. President, on February 24, Estonians all over the world will pause in solemn commemoration of the day in 1918 when Estonians reestablished their sovereign rule over their ancient native land by proclaiming Estonia an independent democratic republic.

The history of Estonia during the past 47 years is a familiar story to those acquainted with the plight of the captive nations colonized under the Communist domain.

During this period the democratic republic of Estonia labored unceasingly to maintain her independence and to establish good relations with other nations. However, on August 23, 1939, the Soviet Union and Nazi Germany signed a treaty of nonaggression. This treaty was supplemented by a strictly secret protocol, according to which Estonia, Latvia, part of Lithuania, Finland, and certain other areas of Eastern Europe were placed under the Soviet sphere of influence.

Shortly thereafter the Soviet Union imposed a treaty of alliance upon Estonia, and by the end of August 1940, the tragic conversion of Estonia into a Soviet colony was completed.

It is ironic that in as much as World War II brought liberation from dictatorial tyranny to Western Europe and initiated the emergence of new nations from the yoke of Western colonization, it also was instrumental in the subjugation of the countries of eastern Europe—Estonia being one of the first victims—into the Soviet neocolonial empire.

Estonia, though oppressed and exploited, will never reconcile herself to the status of a Soviet colony.

This flagrant incorporation of Estonia into the Soviet Union has never been recognized by the United States, and never should be.

Soviet colonialism is a strange oddity, especially at a time when the principles of freedom and self-determination for all peoples in the world have found universal

recognition as the guiding idea of this century's international life and is being placed in practice in all parts of the world. Estonian people are fighting for the recognition and application of these same principles in Eastern Europe.

We in the United States ardently hope and pray for the deliverance of these freedom-loving and freedom-seeking people from Communist totalitarian tyranny.

ADDRESS BY THE VICE PRESIDENT AT THE INTERNATIONAL CHRISTIAN LEADERSHIP LUNCHEON

Mr. McGOVERN. Mr. President, on February 4, Vice President HUMPHREY delivered a brief, eloquent address at the International Christian Leadership luncheon, in Washington, D.C. The remarks of the Vice President reflect the broad humanitarianism and the commitment to peace which always have characterized him.

I ask unanimous consent that the Vice President's remarks be printed in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, INTERNATIONAL CHRISTIAN LEADERSHIP LUNCHEON, WASHINGTON, D.C., FEBRUARY 4, 1965

It is an honor and a pleasure to join this distinguished group at the annual International Christian Leadership luncheon. I congratulate the sponsors for bringing together the distinguished Ambassadors of so many nations around the world.

I would like to take this occasion to speak briefly on a subject which concerns us all. I speak of peace.

Last night President Johnson spoke of some of the domestic programs being undertaken in our country to bring the benefits of social justice and modern society to all our people. But his final conclusion should command the special attention of this group here today. He said: "But the success of all we undertake—the fulfillment of all we aspire to achieve—rests finally on one condition; the condition of peace among men."

If we fail to keep the peace abroad, our achievements here at home in this nuclear era will be ashes in our hands. The same is true in all countries.

We rejoice that the claims of international social justice command growing assent around the world. The interdependence between rich nations and poor, between developed continents and underdeveloped, is increasingly recognized.

The international machinery for channelling assistance is being perfected. Agencies of the United Nations are bringing health facilities to added millions in every land. New programs to feed the hungry and train the unskilled have been launched. The U.S. food-for-peace program and the Peace Corps serve humanitarian objectives recognized by all. And these objectives will be further served to the extent that other nations participate in food-for-peace programs and in Peace Corps-type activities.

But all these endeavors can bear fruit only if peace is preserved and nuclear war avoided. In this nuclear age the deliberate initiation of full-scale war as an instrument of national policy has become folly. Originally a means to protect national interests, war today can assure the death of a nation, the destruction of a continent.

The goal of peace, as President Johnson has stated, will not be finally grasped "in a day or a year or a decade in 120 nations or more—not perhaps in a lifetime." But to achieve this goal, we must begin. "The longest journey begins with a single step," the President said.

Today in the year 1965, our vision of the folly of war and the necessity of peace is enlarged because some world leaders have had the vision and courage to take that single step on the long road to peace.

In 1963 that great and good man, Pope John XXIII, gave the world his vision of the path to peace in his encyclical "Pacem in Terris." It was later that same year that the late President John F. Kennedy responded to this call and launched the initiative which culminated in the nuclear test ban treaty.

Since that single step in 1963, others have followed. Through the United Nations, we have agreed to prohibit the stationing of weapons of mass destruction in space. The United States, Great Britain, and the Soviet Union have agreed to slow down the race for larger nuclear stockpiles by cutting back the production of fissionable materials. To avoid the miscalculation which might lead to nuclear war, we have established a "hot line" between Washington and Moscow.

We shall continue to pursue additional steps along this road to peace. President Johnson has made it clear that he will travel anywhere and meet with anyone if this will enhance the pursuit of peace, peace with justice, peace with freedom. I am hopeful that the leaders of the world will respond in like manner.

It has long been my belief that that which God has given, no man has the right to destroy. Since that day when man exploded the atom and acquired the power to obliterate himself from the face of the earth, war has worn a new face. And the vision of its destructiveness has sobered all men and demanded of them a keener perception of mutual interests, a higher order of responsibility. For 2,000 years we have been exhorted by the Bible to "pursue peace." Today our common humanity, our common interests in a nuclear age require that we heed the Biblical injunction as never before. They require that we spare no effort to build a world where peace is more than a hiatus between wars. This is the common task of all nations represented here today, of all peoples throughout the world.

REPEAL FEDERAL EXCISE TAX ON TELEPHONE CALLS

Mr. McGOVERN. Mr. President, I have received a resolution from the West River Cooperative Telephone Co. of South Dakota urging repeal of Federal excise taxes on telephone calls.

I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION OF THE BISON, S. DAK., WEST RIVER COOPERATIVE TELEPHONE CO.

Whereas many small rural telephone companies such as the West River Cooperative Telephone Co. operate on close and small margins and the Federal excise tax on telephone calls tends to defer the greater use of telephones in the rural areas; and

Whereas the repeal of said tax would immediately afford relief to small telephone companies and its patrons and would encourage and promote telephone use and thus stimulate rural area economy and develop greater and better telephone service: Now, therefore, be it

Resolved, That the Congress of the United States be encouraged to repeal the Federal excise tax on telephone calls; and be it further

Resolved, That a copy of this resolution be sent to each of the Congressmen of South Dakota.

LESTER BLOMBERG,
Secretary.

OPPOSITION TO PROPOSED NATIONALIZATION OF OUR RAILROADS

Mr. PEARSON. Mr. President, on January 16, the Railway Labor Executives Association announced that it would press for nationalization of the country's railroads. Next week, on February 22, this group will meet, to develop specific legislative proposals for this action.

To take one of the Nation's largest industries out of private hands and to put it under Government ownership would be in violation of the most basic economic principle of our free-enterprise system. Not only would it be contrary to our long history of successful economic achievement, but it also would set a precedent which would mark a turning point in our Nation's economic and political life.

In addition to the unacceptable political implications of railroad nationalization, there is no reason to believe that it would solve any of the economic difficulties which some railroads have faced. Rather, it would create inefficiency and dissatisfaction for the general public and for the industrial users of railroad service. It would cause a chaotic situation for all the other modes of transportation, as well.

A well-conducted survey by the magazine Traffic World gives indisputable evidence of the fact that those who use railroad services—shippers who control over $50 billion annually of transportation service—overwhelmingly oppose nationalization. Over 96 percent of those surveyed indicated their opposition to such a proposal.

Mr. President, I ask unanimous consent that this article and an editorial from Traffic World be printed at this point in the RECORD.

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

[From Traffic World magazine, Feb. 3, 1965]

DO YOU FAVOR RAIL NATIONALIZATION?—NATION'S PROFESSIONAL SHIPPERS ANSWER WITH AN EMPHATIC "NEVER"

(By R. Stanley Chapman)

The Nation's industrial traffic executives—the professional shippers who exercise corporate control over the payment of more than $50 billion a year to rail, motor, water, and air carriers—are overwhelmingly opposed to Government ownership and operation of the Nation's railroad network. In fact, only about 3 out of every 100 American traffic executives are in favor of rail nationalization.

Those American shippers who favor rail nationalization do so from a conviction that railroad service is inadequate and probably would be improved under Government direction. Those who oppose nationalization are convinced that the only result of such a step would be poorer rail service at higher costs. Some of those opposed to nationalization also feel that rail labor, one segment of which recently advocated nationalization, would suffer greatly under Government control.

The railroad nationalization idea, largely dormant in the United States for more than 40 years, was revived January 16 when the Railway Labor Executives' Association announced it would press for Government ownership and operation of all U.S. railroads. An organization composed of the chief executives of 22 rail labor unions or divisions, the RLEA will meet February 22 to develop a legislative program aimed at rail nationalization. George E. Leighty, chairman of the RLEA, says he has Congressmen willing to introduce such legislation.

In support of the nationalization proposal, the RLEA argues that present-day rail management cannot or will not provide the efficient rail network needed by an expanding American economy.

Naturally, this argument draws sharp criticism from the railroad industry. After the RLEA has made its announcement, the Association of American Railroads was quick to point out that, according to public-opinion surveys taken at various times in the last 15 years, only about 10 percent of the general public favors nationalized railroads.

But what of the shipping public that deals more directly with the Nation's railroads than any other American population group? How great a percentage of that difficult-to-define segment of the public favors nationalization of the railroads?

Just over 3 percent, according to a survey conducted by Traffic World.

In fact, the shipping public feels nationalization of the rail industry would:

Result in rail service so poor that the flow of freight across the Nation by any and all forms of transportation would be significantly slowed.

Drive shipping costs ever upward, thus increasing the cost of virtually every consumer product sold to the American public.

Lead inevitably to the nationalization of air and water carriers and, through preferential treatment of the nationalized carriers, so inhibit motor carriers as to reduce the now prosperous and growing truck and bus industries to the small-business level.

Constitute a dangerous precedent for the nationalization of other basic industries.

Take away from Federal and local governments large slices of tax revenue—revenue that would have to be made up elsewhere.

Attribution of such definite views to the shipping public demands verification. This can be found in Traffic World's survey, in the way in which it was conducted, in the corporate indentification of the executives covered by it, and in the response of the shipping public to it.

By the strictest definition, the term "shipping public" embraces everyone who uses the services of a carrier to move goods or passengers—everyone from the person who ships one parcel-post package a year to the vice president of traffic who ships millions of tons a year for his corporation.

By a more widely used definition, however, the term "shipping public" has come to embrace those persons who make up the Nation's industrial traffic management profession. These are the professional shippers who bear the corporate responsibility for overseeing the movement of the vast majority of the Nation's freight and some of its passengers—the professionals who, according to estimates by the Transportation Association of America, contribute more than $50 billion a year to the Nation's economy in the form of payments to carriers.

The exact number of these industrial traffic executives can only be guessed, but on Traffic World's subscription list are 4,988 executives who identify themselves as professional traffic management officials employed by noncarrier corporations. To each of these individuals, and to another 529 shipper-oriented executives who identify themselves for Traffic World subscription purposes as transportation consultants and attorneys, Interstate Commerce Commission practitioners or State and Federal regulatory officials, Traffic World recently sent a questionnaire asking:

1. Do you favor Government ownership and operation of the Nation's rail system?

2. Are you a shipper?

3. If so, about how much a year does your company pay to railroads in transportation charges?

4. Will you identify the basic type of commodity shipped by rail by your company?

To date, 2,467 persons have answered and returned the questionnaire to Traffic World. Of these individuals, 68 favor nationalization of the railroads; 2,390 oppose such a step and 16 either favor or oppose nationalization with some qualifications.

Professional opinion samplers feel that any questionnaire-type survey resulting in a "return" of 25 percent produces data from which legitimate projections, spanning the total number of individuals contacted, can be made.

Traffic World's survey resulted in a return of 44.8 percent, a figure considered "quite high" by professional polltakers. Thus, by projection, it may be said that only 3.1 percent or slightly over 3 out of every 100 of the Nation's professional shippers or shipper-oriented officials are in favor of nationalization of the railroad industry.

The 3.1 percentage figure has elicited expressions of surprise and satisfaction.

Expressing surprise at the figure as "higher than anticipated" were various officials of the ICC, professional shipper organizations, and Traffic World's senior editors, all of whom have been in close association with the shipping public for more than 20 years. Expressing satisfaction with the 3.1 figure were various railroad executives, one of whom, contrasting the 3.1 figure with the 10-percent figure developed through the AAR's general public survey, said:

"It's about what we would expect from an informed group. The men who were contacted are the Nation's real pros when it comes to shipping. Naturally, they would be in the best position to judge—and emphatically reject—a nationalized rail system."

Insofar as corporate size is concerned, the "largest" traffic executive answering Traffic World's survey and the "largest" shipper to state opposition to rail nationalization pays about $350 million a year for railroad service. The "largest" shipper favoring nationalization pays about $15 million a year for rail service.

More than 90 percent of the individuals replying to the survey took the trouble and time to comment on their views.

Among those opposed to rail nationalization, comments ranged from a single word—"ridiculous"—to a two-page typewritten letter. Several shippers also commented less directly by furnishing speeches or articles written by them in recent years in opposition to railroad nationalization.

Among those favoring nationalization, comment ranged from three words—"poor rail management"—to four typewritten paragraphs.

The basic thread of complaint running through the comments of those shippers who favor rail nationalization is the "failure" of railroad management to provide adequate service, particularly to the small shipper. This complaint is expressed in various ways, but the following comment from a shipper of manufactured products spending about $9 million a year for rail service illustrates general views expressed by those shippers favoring nationalization.

"It has become increasingly and painfully obvious that the management of the railroads is inadequate, untrained, and quite unequipped to cope with the problems confronting it today.

"During the past several years, there have been signs of desire by railroads to modernize their management, but these efforts are much too little and too late. Therefore, the situation couldn't be much worse under Government ownership and operation than it is—and has been—under private operation and 'management.'

"My specific complaint (or, I should say, major complaint) concerns the fact that the wishes and desires of railroad customers (expressions of which are constantly solicited by railroad sales representatives) are not acted upon. There is no consistent evidence of a desire to run the railroads according to the needs and wishes of the customers. What evidence there is in this area is transitory and sporadic.

"Furthermore, let us not overlook the fact—that despite much obvious effort on the part of railroads in this country to paint a grim picture—the fact remains that Government ownership and operation of railroads in many other countries (with similar density of traffic and similar problems) does work and works well. It accordingly follows, even granting the dreadful inefficiencies, graft, and indolence rampant in our Government today, that it [nationalization] is worth a try."

Such views run counter to the beliefs expressed by those shippers who oppose rail nationalization. Most (but not all) of these shippers feel rail management is doing an adequate job or, at least, beginning to do an adequate job. Most feel that rail service is adequate and improving and that Government ownership and operation of the rail system would provide the shipping public only with poorer service.

Spanning virtually all of the wide-ranging views of those shippers opposed to nationalization and offering rail labor a novel suggestion is this comment from a shipper of building products who spends about $5 million a year for rail service:

"As an industrial traffic manager, I feel that the disadvantages would far outweigh the advantages that might be secured through nationalization of the Nation's railroads. Off hand, the only advantage to the shipping public that I can possibly see would be the elimination of strikes and threats of strikes. While this problem is serious, there is no guarantee that nationalization of the railroads will completely eliminate strikes. I note that the nationalized railroads in France recently underwent a brief strike.

"The disadvantages of a state-owned railroad system are many and are serious. There is ample background for studying the effects of nationalized railroad systems in countries all over the world. In nearly every country, these railroad systems operate at a tremendous deficit. In this country our own Post Office Department is not able to break even and constantly suffers at the hands of privately owned competitors who must keep their charges at or below the Post Office level, provide as good or better service, and pay taxes. In short, there in no reason at all to expect that a nationalized railroad system would not almost immediately become a drain on the general tax income of the Government. Not only will the railroads begin to drain away national tax funds, but, by being nationalized, they will destroy sources of tax income to State and local governments. In some areas of the country, some units of local government are heavily dependent upon railroad property taxes.

"Once the railroads are operated from Washington on the basis that there is no need to attract traffic, I am fearful that the service will deteriorate badly. Railroad service in many parts of the country is extremely poor now, but I shudder to think what would happen if there were no incentives at all to provide satisfactory service.

"The nationalization of the Nation's railroads cannot help but lead to the nationalization of the inland waterway industry, the airlines, and so on. Will this eventually lead to the nationalization of kiddie rides at the local park?

"Union management obviously is frustrated by the fact that the number of railroad jobs has declined over the past 2 years and continues to decline. They also are frustrated because railroad management appears to be stiffening its stand on concessions to union employees. This is particularly true in those cases where certain employees are totally unnecessary or the work performed is not actually required.

"Union management bases its suggestion for nationalization on the premise that the current owners of the railroads are not looking out for the general interests of the public. Inasmuch as the union leaders have recognized this 'great fault' of the present owners of the railroads, perhaps they are prepared to undertake to manage railroads more effectively. I would suggest that the unions raise funds among their own members and purchase one of the railroads, particularly one in the east that is in serious financial difficulty. I suggest the eastern part of the United States because of the very heavy truck competition and so that the new management of the railroad would be faced with the problem of immediately cutting costs and improving service in order to hold on to the last remaining bit of traffic now moving by railroad.

"From my remarks, I am sure that you can see that at least this industrial traffic manager—and I am sure nearly everyone in my position in industry—is very much opposed to the nationalization of the railroads."

Among those executives contacted by Traffic World were several Canadian shippers who regularly deal with Canada's nationalized railway and its privately owned railway. These Canadian views, although not tabulated as part of Traffic World's survey, are interesting in that every Canadian shipper expressed opposition to the nationalization of U.S. railroads. Illustrating the Canadian viewpoint are these comments:

From a shipper of manufactured products spending about $10 million a year for rail service:

"Government control of railways in Great Britain resulted in a worsening financial position. Government control in Canada involves millions in subsidies yet Canadian National Railways continues to show red figures."

From a shipper of petroleum spending "some millions" each year for rail service:

"We are Canadian shippers. The Canadian National Railways, our Government-owned railway system, has become an efficient, progressive organization, but due—at least in part—to its privately owned competitor, the Canadian Pacific Railway."

To recapitulate the results of Traffic World's survey:

The Nation's professional shippers—corporate executives who deal most directly with railroads and, thus, are obviously in the best position to judge the merits of railroad nationalization—are emphatically opposed to such a step because they believe the Government could not provide them with efficient service at reasonable cost. Perhaps the objections of the Nation's professional shippers to rail nationalization is best summed up in this blunt comment from one of them:

"It is my belief that one of the worst things that could happen to the transportation system of our country is for the operation of the railroads to be taken over by the Federal Government.

"I don't believe Uncle Sam could run a peanut stand and come out even."

[From Traffic World magazine, Feb. 13, 1965]

PRIVATELY OWNED TRANSPORT WELL DEFENDED

Users of the services of for-hire carriers of freight in this country are certainly better qualified than other members of the American public to say whether it's desirable to place any mode or all modes of for-hire carriage under Federal Government ownership and operation. Good, reliable transportation service is essential, of course, to satisfactory operation of any establishment that produces, processes, manufacturers, and/or markets the goods that flow in the channels of trade.

And so, to the buyers of transportation, many of whom long have been and still continue to be outspoken critics of the for-hire carriers' performances, a strongly supported proposal that the railroads be taken over by the Federal Government is a matter that puts before the carriers' customers this extremely important question: Would we, and our country as a whole, be better off if the railroads (and, possibly, the other public carriers) were nationalized?

On the shippers' answer to that question, rather than on the contentions of a group of sulking and possibly vindictive labor union leaders, the Federal lawmakers should base their decision for or against nationalization, if and when proposed legislation is introduced in Congress to implement the recent agreement, by a "unanimous majority" of the members of the Railway Labor Executives' Association, to press for Government ownership of the U.S. railroads.

In a Federal administration that in more than one way has revealed pro-labor-union leanings, any proposal that has the backing of several labor organizations must be regarded as "strongly backed." For that reason, Traffic World proceeded, shortly after the RLEA announcement of advocacy of railroad nationalization, to mail questionnaires to industrial and commercial traffic executives on the Traffic World subscription list, asking them to state their views on the railroad nationalization issue. We were a bit reluctant to send out this questionnaire because we realize that many good citizens are generally hostile to the idea of filling out questionnaires. However, we were at the same time hopeful that the questionnaire returns would be numerous enough to reflect adequately the attitude of a substantial majority of the principal transportation-service users of this country toward substitution of public ownership for private ownership of the American railroads.

None of us in the editorial department of this magazine, not even the editorial associate who promoted and devised the questionnaire, dared to predict that the percentage of questionnaire returns would be half as large as it actually was. The questionnaires were mailed to 5,500 of our subscribers. The morning of February 11 the returns totaled 2,467—and more were received with each mail delivery. Checking of the answers revealed the significant fact that more than 96 percent of the friends of Traffic World who filled out and returned the questionnaires were firmly opposed to the placing of the railroads in the Government's hands. All but a few of these respondents (as shown in our report on the questionnaire returns, on other pages of this issue) stated explicitly their reasons for opposing nationalization of the rail carriers.

To all the Traffic World readers who responded so promptly and helpfully in this referendum by mail we say, "Thank you very much. We feel sure that if and when the nationalization issue is brought out into the open on Capitol Hill, the opinions you have expressed, anonymously but clearly and forcefully, will help the legislators to make the right decision."

In a speech in Cleveland, February 4, Dean George P. Baker, of the Harvard Graduate School of Business Administration, who is chairman of the TAA board of directors, specified five good reasons for junking the nationalization proposal which, he said, would be "a national disaster if implemented."

These would be the disastrous results of nationalization of the railroads, Dean Baker asserts:

1. Government monopoly would be substituted for the private competition upheld and advocated by President Johnson and the late President Kennedy.

2. The cost (to the taxpayers) of nationalizing the railroads would be at least $50 billion, and the taxes now paid by the railroads would be lost to the Government.

3. Bargaining issues in dispute between rail labor unions and the owner-manager of the railroads (the Government) would be converted into political footballs.

4. By nationalizing an industry that has operated long and successfully as a part of the American private enterprise system, we would be making a false confession of weakness of our capitalistic system.

5. Nationalization of one large industry would be likely to cause public indifference to, or acceptance of, proposals for nationalization of other modes of transportation and other key industries, and the United States would be converted from a capitalistic to a socialistic country.

In May 1963, Eugene Landis, the director of transportation of the International Minerals & Chemicals Corp., made a speech in Jacksonville in which he satirically envisioned some transportation news stories that might be published in 1970 if the railroads were to be nationalized. He read an imaginary "dispatch" about issuance by the Director General of the Federal Railway System of a temporary order making a 12-hour demurrage rule effective immediately, "because of the backup of train shipments at the east coast ports." Other imaginary "dispatches" that he read pertained to establishment of a new rate structure "based on the 435 newly created Federal Railway districts"; the subsequent cancellation of that "module rate system" after a flood of protests against it; a critical car shortage, and ultimate denationalization of the railroads, in order to clear up the mess resulting from Federal ownership.

Mr. Landis and many other traffic executives and defenders of private enterprise aver that Government ownership of the for-hire carriers would be inefficient and costly. They and we are in hearty agreement with the opinion written by one of the respondents in our referendum by mail:

"I don't believe Uncle Sam could run a peanut stand and come out even."

CUBA AND FIDEL CASTRO—ADDRESS BY MISS JUANITA CASTRO

Mr. DODD. Mr. President, early last year the world was startled by the news that Fidel Castro's sister, Miss Juanita Castro, had defected to Mexico, and that her first action was to go on the air to denounce the Castro regime for what it had done to the Cuban people and for what it planned to do to the peoples of the Americas.

Since her defection, Juanita Castro has been an indefatigable speaker against Castro tyranny. No one has warned more eloquently or more stubbornly than she against the danger of doing nothing about Castro.

In a speech which Miss Castro delivered before the Los Angeles World Affairs Council, on February 8, she made several statements which I wish to call to the attention of the Senate.

About Fidel, Juanita Castro said the following:

After studying Fidel closely, I am sure that we are in the presence of another Hitler. If Fidel had at his disposal the enormous

resources which were Hitler's, humanity would already be deeply entrenched in world war III. Fidel's hatred is aimed not only against the United States but also against all of his fellow men. It does not matter to him that he may bring catastrophe to the nations of the hemisphere so long as he is able to satisfy his brutal ambition of conquering and dominating the continent.

About Fidel Castro's plans for Latin America, Juanita Castro said that she had heard her brother utter these words:

If we train but 300 men to act as group leaders in each country, we will have enough to explode the Socialist revolution volcano in Latin America. If to this we add the militant and/or nonmilitant Marxist-Leninists in all Latin America who will act as a fifth column, as well as the other elements which, through contagion, economic, or social frustration, political ambition—either left or right—are conditioned to join an insurrectional movement, Soviet rockets will not be needed in the takeover of the entire continent.

Mr. President, I ask unanimous consent that the complete text of Miss Castro's statement be printed in the RECORD, at the conclusion of my remarks.

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

SPEECH PRONOUNCED BY MISS JUANITA CASTRO ON MONDAY, FEBRUARY 8, 1965, IN LOS ANGELES, CALIF., BEFORE MEMBERS OF LOS ANGELES WORLD AFFAIRS COUNCIL

Distinguished members of the Los Angeles Council for World Affairs, ladies and gentlemen, I am deeply grateful for the opportunity you have given me to come to this meeting and speak of the heartbreaking facts which my country is facing. I am also taking advantage of this occasion to present my personal testimony on the now historical treason which has been perpetrated against my homeland, a treason which continues even now trying to stamp out all democratic forces on the island of Cuba as well as those of all other nations of this American Continent. The United States, indirectly, is the very special target of this carefully conceived action.

The full realization of the goals of my brother, Fidel, came to me very slowly while I was still in Cuba. But, as I watched the monstrous plans being put into effect, first against defenseless Latin American countries and then against the United States itself, I could not stand the torment which took hold of me for I could see the tragic destiny which had befallen my country and was now threatening other peaceful and trusting peoples.

I suffered through endless days and nights of indescribable anguish. I was only able to share my fears with my poor, late mother, and her pain was indeed great as she watched her sons (and I watched my brothers) dragging our nation to the brink of destruction, betraying our people, and preparing to do the same to other nations.

As I listened to their planning and watched how things developed and I realized the inhumanity and treachery which existed, the decision that I had to make became extremely clear. My Christian upbringing certainly aided me greatly in making my choice. And what were my alternatives? God and my country or an aggressive military bloc (such as is the Sino-Soviet one). The traditional feeling of brotherhood which has always existed among all the nations of this continent is being threatened by a sinister conspiracy which flows simultaneously from Moscow, Havana and Peiping. From these strategic positions the intrinsically perverse nature of international communism, which was, is and always shall be one and the same, regardless of what form it may take or of how peculiar circumstances may tend to conceal the ultimate goal which is world domination. To most, it seems that this goal is being attained through two methods: the Soviet Union's coexistence and Red China's violence. The target of either one, however, is the Christian civilization of democratic countries.

I make these statements because I have ample and well-founded reasons. I was an eyewitness to the facts and plans that substantiate my conclusions.

This is the story I wish to tell you and all people for, from the moment that I became fully aware of the monstrosity which was being perpetrated, I swore to denounce this fact on all corners of the free world, anywhere where someone is willing to listen to me, willing to consider this lethal danger which threatens humanity. My efforts will not cease until both the governing classes and the people wake up from their lethargy which is based on an erroneous confidence in a strategy inadequate to combat the monstrous Marxist-Leninist conspiracy.

I trust in God for our salvation. I trust in the history of mankind which shows that somehow visionary leaders always appear to enable victory over the forces which would retrograde humanity to a barbarian or slave state.

I believe in the strength of democracy in which I have placed my trust along with millions of souls and this is why I appeal to its moral and material reserves.

Humanity has just lost one of those visionaries who, after offering his people "blood, tears, sweat, and sacrifices," led them on to victory. But many years before the unfortunate day of his death, he clearly identified the new totalitarian menace which he dubbed "the Iron Curtain." Behind this Iron Curtain, as is well known to me and millions of people who have had to live under its slavery, mass killings are an everyday occurrence as are the premeditated and relentless preparations for the death of even more innocent victims and the burial of universal democracy.

Let us do something to stop this crime which hides behind a mask of ideology to confuse those naive souls who search utopian formulas, those useful idiots and those who have been misguided in the placement of their trust.

Let us do more than we are doing because, and I can assure you from personal experience, any effort is too small, only thus can we overcome the monstrous plans which are being formulated to destroy our Christian civilization.

These plans include all countries, both great and small. International communism has prepared a mortal trap for every category, for every nationality, for every power.

He who doubts this, he who thinks that I exaggerate, let him observe and study a map of the world and see the subversive movements and the frontal attacks which international communism has made on the face of that world. There he will find the evidence. In less than half a century, the Sino-Soviet empire has ensnared 38 nations and 1,260 million people who are desperately awaiting liberation but who are impotent to do the job. The Kremlin and Peiping, like armed fanatics, thrust their power against nations who desire nothing but peace and coexistence but not the coexistence which the treacherous Communists describe, for they do not use the definitions that our Christian doctrine or our grammars have taught us.

They cynically classify the dictatorship of a group of opportunists who have developed from the new ruling class as a "dictatorship of the proletariat." For them, tyrannies are "popular democracies." And so on and so forth. We thus can see how the Marxist-Leninist dictionary has completely changed the accepted meanings of words and how the system does not respect human rights.

He who doubts or believes that I exaggerate should try to find an explanation for the Cuban case. How could this have happened? A little island like the island of Cuba; 6 years ago it was militarily insignificant, its population only 7 millions. And look at it today. An arsenal of nuclear weapons aimed at the very heart of the American continent. That Cuba, only 90 miles from the U.S. mainland, has been transformed into an aggressive power by Communist imperialism was clearly demonstrated in the October 1962 crisis, when the late President, John F. Kennedy, ordered a blockade of the little island.

He who doubts or believes that I exaggerate should ask himself if 6 years ago he would have believed that this little island would one day have one of the most powerful and aggressive armed forces in all of Latin America and that its Government would be cynical enough to state that it would be willing to place all resources at the disposal of forces bent on the destruction of democratic institutions in all the nations of the Americas, thus turning them into carbon copies of the Cuban drama.

I personally was a witness to the formulation of those plans. I shall relate to you some of the facts which came to my personal attention.

With all sincerity, with the clearness of vision necessary to recognize the truth, with the valor which is needed to meet the challenges of the enemy, with the crudeness which the inhumanity of these plans has forced me to use in my efforts to denounce this treason on all corners of the earth, I must say that those who doubt the danger that this aggressive, Communist imperialism holds cannot in any way be a part of the victorious legion who believed in the vision and courage of Winston Churchill. These will pass into history along with Chamberlain's umbrella.

Let us study these plans that I will now explain to you. Let us evaluate the facts and try to draw practical conclusions so as to save this continent and its citizens.

In the month of October of 1960, I located Fidel in one of the many houses which he had appropriated for his personal comfort, and which he used as hideouts in which to plot against those whom he had decided were not being blindly obedient and should be removed. This characteristic of Fidel's is well known to all of his intimate followers. It is a pathological affliction. This particular house was a most elegant one, situated in Cojimar, which is a few miles out of Havana. Fidel let it be known that he lived in this particular house; but very few people actually knew where he would spend any particular night.

Around this date, Fidel no longer even trusted his own personal guard which had been with him since his Sierra Maestra days when the revolution was still on Cuban mountains. The guard was composed of poor, young peasants to whom he despectively referred as the little donkeys because during his many hikes through the mountains they had been forced to follow him, first of all to protect him, and secondly to carry Fidel's knapsacks.

He dropped these young men as soon as he reached Havana and started to choose militant Communist Party members in their place. This, of course, was necessary because the new guard was going to hear only that which would please a Communist. This would not have fallen well on the ears of these farmers who had been promised "justice, bread, and liberty."

One day I observed with great sadness how these peasants who had guarded my brother while he was in the Sierra Maestra Mountains were cast aside. I commented on

this to Fidel and he answered: "These little donkeys have to be indoctrinated so that they may learn Marxism. This is why I have given them scholarships and sent them off to study."

That was not Fidel's first inhuman action nor would is be the last. I had seen many signs of it before and the world is now witness to the many which have followed.

I was able to find out that Fidel was silently plotting to turn over all key positions of the revolutionary government to Communist Party agents. Thus he set about, systematically, to displace all veterans of the revolution in military and government positions.

And so it was that Fidel's partners in arms, his friends who faithfully served under him during the many years of the revolution, those men who had risked their lives within the cities and on the mountains, those who made victory possible on that January 1, 1959, were periodically replaced, upon Fidel Castro's direct orders, by militant members of the Communist Party. These changes were usually made very secretly. The men who were thus advanced into top government jobs had neither sacrificed themselves nor risked their lives during that revolutionary war which took so many.

On that day and in that Cojimar mansion, Fidel was meeting with the international adventurer known as "Che" Guevara and other old Communist leaders: Blas Roca, Carlos Rafael Rodríguez and Lázaro Peña. Both the civil and military structure was being rearranged to fit the Soviet mold.

I was amazed to see how meekly Fidel accepted the proposals of the Communist Party leaders as they indicated just what steps should be taken by Fidel and the revolution. "Che" Guevara and Carlos Rafael Rodríguez were explaining facts to Fidel and urging his continental future.

It was hard for me to contain by amazement but I did manage to mantain my serenity sufficiently so as to be able to analyze the magnitude of the plans which had been traced by the old Cuban Communist guard. Fidel was becoming more and more enthusiastic as they successfully goaded his ego and I realized that day just how great his ego really was.

I still recall the exchange of conversation between Blas Roca and Fidel, words which I was not fully able to believe until some time later when I had accumulated other corroborating facts.

Blas Roca, one of the top Cuban Communists told Fidel: "Whatever you do in Cuba via a Marxist-Leninist revolution, our organization in Latin America will take care that it is presented as the only possible social solution for those countries. With the help of Russia and Red China, you will become a continental hero. We shall place all resources in your hands. First, we must start out with psychological propaganda. This will then be followed by sufficient material to make it possible for you to carry out whatever revolutions are necessary to deliver all Latin American nations into your hands."

I confess that, upon hearing these words, I thought that they were kidding Fidel or that perhaps they were staging a little comedy. Soon, however, my doubts vanished. Fidel presented the following arguments, very seriously: "That plan is exactly what I want. While I was up in the Sierra Maestra 'Che' and Carlos Rafael gave me a rough idea of how it could work. I know that you are aware of this but, of course, I needed to have assurances of Russia's backing. I now see that I have this."

The old-guard Communists, Moscow's trusted agents in Cuba, answered: "It is an absolute fact."

"Che" Guevara then gave a detailed account of how conditions in the different Latin American nations favored a revolution.

I was awed by the information that the "Che" had on each Latin American country and especially by the way he presented his material, cleverly adapting the general panorama so as to build up Fidel's ego. After quite a bit of time, my brother spoke and I noticed that he had been thoroughly convinced of his ability to obtain what they had described as a continental objective. He said: "This continental action must begin with the two countries where conditions are the most favorable; i.e., Venezuela and Brazil. It will take about 10 or 15 years to get all of the other nations into the fold. When all countries have socialist governments we will be able to place them under one single military and civil head. This is when I shall be able to assume the leadership in the name of the Latin American revolution."

Then Blas Roca smiled cynically and said: "Those nations will be called the Union of Socialist Republics of the Americas (U.S.R.A.) and they will become part of the Communist bloc."

Fidel's enthusiasm was uncontrollable. His eyes were popping out of their sockets as he paced back and forth among the group, once suddenly stopping to say:

"I am willing to do anything and I will not be satisfied with this little island. But, in order to get territorial advances I must have military help as soon as possible."

This was immediately promised, in Russia's name, by Blas Roca, Carlos Rafael Rodríguez and "Che" Guevara.

On one point Fidel insisted: "I must keep Cuba armed with the most modern equipment so that the United States and some of the Latin American nations can be restrained until the moment that we are able to launch our continental plans. In order to do this I need hundreds of thousands of light and heavy infantry weapons, planes, and IRBM's. Every nation of this continent must be within our range, from New York to Washington, from Santiago de Chile to Buenos Aires. If I do not have this I will not be able to act from a position of strength, I will not be able to unleash revolutions, for I would immediately be dealt a crushing blow. This must be understood by the Soviet Union for, it is she who possesses the arms and projectiles that I need."

I confess and repeat that, even though I had already come to believe Fidel capable of the craziest of schemes I never thought that his monstrous plans would be on such a large scale and much less ever even dreamed that these would come true. But I had further opportunities to confirm the fact that the matter had indeed been referred to the Kremlin. Toward the end of 1962 I found out that Russia had placed the IRBM's in Fidel's murdering hands. He now had the American Continent within his gunsights.

From that moment on I was to learn, through very bitter experience, that Fidel and Communist imperialism were capable of anything in their drive to dominate all humanity.

But there are other important details which clearly show that Fidel and international communism have not given up their ambitions.

Anastas Mikoyan was forced to tell Fidel that Russia had to withdraw its missiles because of the October crisis.

Why did Fidel finally approve the measure? It was not only because he was forced to do so because I know that in return for his cooperation both Russia and Red China (which is even more aggressive than Fidel) agreed to continue to aid him in his plan to conquer Latin America through subversion, terrorism, and a strategy which was aimed at the immediate crumbling of all democratic institutions in Latin America so as to permit the colonial expansion of communism into the American Continent.

During Mikoyan's visit to Cuba, at the time of the October crisis, I learned of the details of the new plan which, I assure you, in no way eliminated the possibility that Cuba would once again have her nuclear warheads if the Western Powers dared to "doze" off again, as Fidel insisted they would. Fidel was most insistent with Mikoyan on the point that the missiles should be returned to Cuba the very first minute that the democratic countries showed the slightest signs of relenting.

Later on, Fidel started demanding loudly that the antiaircraft rockets which were in charge of the Russians be put in Cuban hands. This has now been accomplished.

Fidel was quite indignant in his conversation with Mikoyan. "The United States has forced me to shelve my plan temporarily but someday we will drop bombs on the United States and this will be my revenge."

I can assure you that his madness knows no limits. All those of us who know him have no doubt in this matter. He most decidedly would not hesitate to drop bombs on the heads of millions of human beings. It would make no difference to him whether this be on a North American or South American city. The reason I can make this statement is that Fidel is very open about his plan when he is around his followers. He makes no effort to conceal these thoughts from his intimate circle.

After studying Fidel closely I am sure that we are in the presence of another Hitler. If Fidel had at his disposal the enormous resources which were Hitler's, humanity would already be deeply entrenched in world war III. Fidel's hatred is aimed not only against the United States but also against all of his fellowmen. It does not matter to him that he may bring catastrophe to the nations of the hemisphere so long as he is able to satisfy his brutal ambition of conquering and dominating the continent.

On another occasion I heard Fidel say: "The power of the United States must be immobilized. This can be done by conquering Latin America so as to have them fight the North. The strategic encirclement must come from below. It's just like taking a rebel hill by controlling all the flanks. This operation would be tantamount to crushing an inverted pyramid. The material backing needed to bring down this pyramid will be found in Russia, Red China or anywhere I can get it." (This is the way he talks to his inner circle).

Fidel has not abandoned this strategy. Although he has been set back by failures such as that he found in Venezuela and Brazil which, somehow, managed to escape from his hands when civic and military forces joined to produce a coup that deposed the Castro-Communist instruments who had been in power, Fidel's tenacity is dangerous. He is determined to reach his ambitious goals. He is backed by Asia and is maneuvering the African countries so as to blackmail Moscow. This will probably give him more military and economic aid.

Since 1960 Cuba has been the Latin American "Technical Institute" for the destruction of democracy and massacre of human beings.

Cuba graduates thousands of young Latin American youths who have become masters in the art of terror and guerrilla warfare. Upon their graduation, they return to their homelands as agents of Soviet imperialism to foment disturbances and create rebel zones.

These young men, whom the Marxist-Leninist poison has turned into fanatics, will not be pioneers in the reconstruction and social progress of their countries but will be, much to their own and their countries' sorrow, the criminal agents who will carry out the plans for continental domination which have been conceived by treacherous Fidel Castro.

Fidel's deadly robots continue to travel using Mexico as a pivot for their operations. Mexico, a nation which is loved by all of us who belong to the Latin American family of nations, and each one of us would like to see her back in the fold and a part of the defensive action which seeks to keep Cuba's aggressive regime out of Latin America and to help restore the right to self-determination to Cuba.

Referring to this training of Latin American youths, I heard Fidel utter these words: "If we train but 300 men to act as group leaders in each country, we will have enough to explode the Socialist Revolution volcano in Latin America. If to this we add the militant and/or nonmilitant Marxists-Leninists in all Latin America who will act as a fifth column as well as the other elements which through contagion, economic or social frustration, political ambition, either left or right, are conditioned to join an insurrectional movement, Soviet rockets will not be needed in the takeover of the entire continent."

These were his words. The facts now clearly demonstrate that Cuba has met and passed the goal which Fidel set 4 years ago. More and more guerrilla fighters have been trained and the results can be evidenced in any morning newspaper. Several heads of State and continental newspapers are ever decrying the active presence of the Castro-Communist guerrillas.

The U.S. Under Secretary of State for Latin American Affairs, Mr. Thomas C. Mann, recently stated: "Cuba continues to train agents in guerrilla warfare and to send them out into Latin America to carry out their activities. Guerrilla groups exist in Venezuela, Colombia, Honduras, Guatemala, and in the central region of Bolivia. And I believe," added Mr. Mann, "that this threat to hemispheric peace will continue for some time to come."

It has given us great satisfaction to see the solidarity of the labor movement in Latin America which has resulted in the taking of effective measures against the ships and the countries which feed the Communist Cuban regime. We quite deliberately state that they only feed the regime because the industrial and agricultural products which capitalistic countries send to Cuba do not reach the starving Cuban people. This only serves the regime's privileged bosses or is reshipped to Moscow, the metropolis of Soviet imperialism. In the meantime, blockade or no blockade, the Cuban people will continue to suffer from want and hunger.

Now let us be alert to the latest maneuver which has been conceived by the diabolical minds of Fidel and his followers.

I can assure you that this is a fact. When Fidel considers that he is lost and is about to be overthrown by the patriotic Cuban people, and such an attempt is apt to be tried at any moment because internal dissention exists within the ranks of the Havana regime, and besides the fearless and harassing landings from outside which will continue, he will not leave without carrying out the plan which he has prepared for such an emergency.

This plan calls for immediate action, even to the extent of provoking war with some Latin American country, in order to avoid being toppled by an internal uprising. Should this moment come, Fidel will be more dangerous than ever.

I heard Fidel say on one occasion: "If I ever find that I have lost, thousands of men will have to fall with me because any armament that I have at my disposal will be fired against the United States or against any neighboring country on the continent. I shall thus force collective action against us for one thing. I will not have the world think that we have been destroyed by the people."

Fidel has never kept one single constructive promise. This was true when he lived with us in our home and is still true now that he keeps his homeland in a state of agony. But Fidel has kept most of his warlike threats and he has never been particularly shy about confessing this, sometimes privately, sometimes in public.

I would like to alert all countries on this continent, whether these be small or large, to the fact that Fidel does have sufficient resources to produce a most disastrous catastrophe, something which must be avoided and can only be avoided if steps are taken in time. His plan is similar to that of Nero when he set Rome afire. His plan calls for a retreat to some mountainous Cuban region where he will entrench as long as it is possible for him to survive but, in the meantime, he will not cease his efforts to produce a retreat which will be catastrophic not only to Cuba but also to all neighboring countries.

If the democratic countries of this continent feel, as those of us who know Fidel do, that he is a definite menace to continental peace, let us all do something quickly so as to prevent the execution of his diabolical plan for a bloody retreat.

Let us take strategic action before he has a chance to put his plans into effect.

Let us take preventive measures so as not to have to regret, later on, for not having taken adequate action in the face of what Fidel is planning at present, plans which will have disastrous effects on Cuba and all of her neighboring countries.

Let us remember that a malignant tumor must be cut away the moment it is discovered and not after it has spread all over the organism.

Let us remember that there exists a Communist conspiracy that has sworn to bury us and is rocking the foundations of our democratic institutions.

Let us remember that that aggressive and treacherous conspiracy is but 90 miles away from this great Nation on whose shoulders rests the burden of preserving Western civilization.

Let us remember that the democracies of the continent, those which they plan to destroy, do have the resources and means to act before it is too late.

Let us remember that when we are forced to be on the defensive, the offensive action of the enemy becomes even more dangerous.

Let us remember that almost 7 million inhabitants and a sister nation, which tomorrow could be your own and today is Cuba, are nailed to the cross of martyrdom.

Let us think about what those who today idly stand by and watch this crime being perpetrated and what they would do if tomorrow—and I pray to God that He deliver them from such a fate—they themselves were the victims.

Let us not forget that a sister nation is being crucified right in the heart of the Americas.

In the name of Christian charity, help us.

Help us so as not to prolong the agony which my martyred nation suffers while it anxiously looks to the free world for its salvation.

We, the people of Cuba, are not asking that you sacrifice your brave sons who are risking and sacrificing their lives every day in the defense of Christian civilization.

We are more than willing to sacrifice our lives.

My country is now ready to fight the necessary and justified war.

My people ask only that there be solidarity among the democracies on the continent and that this be evident in the form of material resources.

The rest of the task is ours and God's and we trust in Him to guide us on the road to liberation.

THE FLIGHT STATION AT SHERIDAN, WYO.

Mr. SIMPSON. Mr. President, last year the Federal Aviation Agency served notice of its intention to "remote" 42 flight-service stations at various points throughout the country. The Agency's plan includes a number of stations in Wyoming. At the time of the announcement, I strongly protested the action, which would, in effect, automate a number of extremely important flight-service stations in mountainous, meteorologically unpredictable areas, thereby depriving pilots and others of the most valuable asset of the stations as presently constituted—human intelligence and availability. This, in my view, is one of the least sensible manifestations of automation.

Wyoming has areas of rapidly changing weather, mountainous terrain, and sparse population. The manned flight-service stations perform a very necessary and basic safety function. The location of the Wyoming flight-service stations in proximity to the high mountains combines with the unpredictable weather of Wyoming to make these stations the most strategic in the United States. Time after time, flight-service stations in Wyoming have proven their worth in saving lives. Their importance is not in question.

Services provided by manned stations in such an area enhance flying safety, by providing extra flight information during times of marginal weather. These Wyoming stations are not just aids to the local operator, but are of very great assistance to cross-country operators who are not familiar with the mountainous area.

I submit, for printing in the RECORD, a wire-service dispatch describing an incident which occurred last week in Wyoming. The dispatch was sent to me by a good friend, Dr. Peter Madsen, vice president of the Wyoming State Senate. This case graphically presents the factors I have set forth in my arguments in opposition to the proposed action of the Federal Aviation Agency.

I appreciate the move for economy in Government. However, this is one case in which human safety must be the prime consideration. Life should not be measured in terms of dollars. I strongly urge the Administrators of the FAA to take this fact into consideration when contemplating any change in the present setup of flight-service stations. I take this opportunity to express my sincere appreciation to all the personnel who took part in that rescue. I especially compliment the personnel of the Laramie flight-service station for a job well done.

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

RESCUED PILOT ASSERTS HE WANTS TO LIVE IN WYOMING

LARAMIE, WYO.—Dutch Van Dox could have died in a lonely area northwest of Laramie Tuesday night after his plane went down, but the veteran pilot said he's returning to Wyoming to stay if he ever gets the chance.

"They have men up here (in Wyoming)," said Van Dox, after a rescue crew brought him

into Laramie. The rescue party spent all Tuesday night and most of Wednesday morning pushing through deep snow in an effort to get to the plane and its 44-year-old pilot.

Van Dox, who lives in Caracas, Venezuela, said he was on vacation when he had to land the light plane he was flying in the rugged country 18 miles northwest of Laramie after missing an approach at the Laramie airport.

He said he had to take the plane down in the first clear spot he could find because his airspeed indicator had frozen. He said within minutes after he brought the plane into "a nice soft landing," the snow was 2 inches deep on the wings.

Van Dox had nothing but praise for the ground search crew, the Federal Aviation Agency control tower, and pilots of Western and Frontier Airlines, all of whom were instrumental in his rescue.

"In my 20 years of flying, I've never ran across such professionals in their businesses," he said. Van Dox said if it hadn't been for the professional way the FAA relayed fixes on his position, "I'd be dead right now."

Van Dox said soon after his landing he picked up radio contact with an airliner which helped fix his position.

"Later, a Western pilot helped fix my position," he said. "It was a DC-3 flown by a fabulous guy. I hope to meet him someday. The pilot picked me up on his way to Casper, then came back down on his way back, and stayed in the area close to 2 hours marking me for the people on the ground."

He said the two airline pilots worked together to fix his position for the search crews.

He said he had radio contact and kept warm by running the motor of his plane until the fuel ran out.

"Then it got awful cold," Van Dox said.

Temperatures in the Laramie area dropped to zero during the night.

Van Dox said, "The FAA in Laramie is the finest group of men the FAA has ever had—and that goes for the citizens of Wyoming, too."

"I met men today who stomped around all night in the deep snow looking for me, and they were hardly out of breath when they found me," he added.

"If I ever get a chance for a job in the States, I'm heading for Wyoming," he said. "I feel wonderful now. I'm awestruck at the way people in Wyoming do things. I just wish the rest of the world had the integrity of people I've met since I've been here."

Van Dox said he is currently on vacation and has contacted his wife in Venezuela. He said he plans to get the airplane and be on his way when the weather clears enough to retrieve the craft.

REORGANIZATION OF CONGRESS

Mr. LONG of Missouri. Mr. President, one of the major jobs the Senate should face this year is consideration of its procedures. We must make sure this body can function in a manner adequate to meet the great challenges that face it and the grave responsibilities it owes the American people.

The distinguished senior Senator from Oklahoma [Mr. MONRONEY] has submitted a concurrent resolution to establish a Joint Committee on the Organization of Congress. Senator MONRONEY is truly a leader in the field of congressional organization, as is witnessed by the La-Follette-Monroney Act of 1946. It is an honor to join him in sponsoring his proposal, Senate Concurrent Resolution 2.

The Kansas City Star, one of our Nation's most noted and respected newspapers, recently published a comprehensive editorial in support of the concurrent resolution. I believe that all members of Congress will find the editorial interesting and thought-provoking. Therefore, Mr. President, I ask unanimous consent that the editorial, entitled "One of Congress' Big Jobs: Congress," be printed at this point in the RECORD.

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

ONE OF CONGRESS' BIG JOBS: CONGRESS

"We've got to stop acting like a bunch of retired farmers sitting on cracker barrels around a potbellied stove"—Senator MIKE MONRONEY, Democrat, of Oklahoma.

By rough calculation, Congress, sitting around that potbellied stove, will transact a $100-billion business this year. We share with Senator MONRONEY the suspicion that the lawmakers could find a more efficient and moneysaving method to do what they have to do. For there certainly was no literary exaggeration when the Oklahoman carried his colorful language a bit further, mixed his metaphors and said:

"We who are the comptrollers of the world's biggest business are figuratively using a high slant-top desk, an old-fashioned revolving stool, a big thick ledger and a quill pen."

But alas, in the last several years we have heard the issue of congressional modernization discussed for the benefit of Congressmen who seem to have a deaf ear. We have, in fact, mentioned it ourselves on occasion and we must confess that, along with other commentators, political scientists, and some lawmakers, we have precious little to show for our efforts. We trust that Senator MONRONEY will be more successful.

We say this with some optimism, in fact. For on this matter of congressional reorganization, Senator MONRONEY is an old warhorse. As a Member of the House he was cosponsor of the LaFollette-Monroney Act of 1946, the last serious attempt on the part of Congress to do something about its own House (and its Senate, for that matter). We sense that the Senator is charging forth to battle. We're with him.

As we understand it, MONRONEY, in announcing his intention to seek congressional modernization, was speaking less of such philosophical problems as seniority and the filibuster, and more of certain procedural anachronisms that have been frozen into the Capitol Hill status quo. The obstacle to his success will be the traditional affection for the status quo on the Hill.

Nor does his proposal rule out the possibility of some changes in the seniority system and the filibuster rule. On the issue of seniority, at least, the chief impetus seems to be coming from the House, where Representative RICHARD BOLLING, Democrat, of Missouri, and the Democratic study group have been at work. The House liberals obviously are opening up a hornet's nest and without some aid and comfort directly from the man in the White House, we can't see much hope for their cause this year, justified as it may be.

But the Monroney movement needs only the cooperation of his fellow lawmakers. Some, we could imagine, are rather bitter over his indictment of the Capitol Hill club. Nevertheless, most men with experience in either House ought to understand what their colleague is talking about. Indeed, we should think that they would be the first to voice their discontent with the frustrations that inevitably must be a part of the congressional career.

In effect, Senator MONRONEY proposes that a joint, bipartisan committee should make a yearlong study of legislative procedures. We would assume that such a committee, although it should be careful of getting trapped in the old liberal-conservative fight, would nevertheless include the seniority system and the filibuster within its field of action. But primarily, MONRONEY has suggested that:

The committee structure should be studied to see whether certain committees are overloaded or, perhaps, no longer necessary in the legislative process. Presumably this would include some attention to matters of staff and the relationship in size between the minority and majority staff. At least, we hope that it would.

The casework of the lawmakers—demands made by their constituents for things big and little—should somehow be lightened, while preserving the right of the people to petition their representatives on Capitol Hill.

Congress should consider the possibility of using computers and other modern aids in processing the immensely complex Federal budget. (On this point, we might add that in 1946, when Representative MONRONEY succeeded in his earlier congressional reorganization, the budget was a mere $60 billion. This year, it may top $100 billion. And all of this, if we may be permitted a comparison of our own, sometimes seems to be computed by the lawmakers on an abacus.)

Majority vote, rather than the current unanimous consent, should be enough to let committees meet while the Senate is in session.

Committees should meet as early as December 1, to start filling the pipeline with bills for Congress to consider when it meets in January. At present, both Houses must sometimes wait for weeks for the committees to give them something to do.

Something should be done about the Tuesday-to-Thursday system that permits legislative holidays on almost every Monday and Friday.

Certain details in private bills, now handled by Congress, should be turned over to the executive branch or the courts.

The present mandatory adjournment date of July 15—rarely observed—should be moved to August 15. And mandatory should mean mandatory "except in time of declared war."

Under the Constitution, each House would have to write its own new rules and thus in effect, the committee would operate as two committees. We should think that the two committees, as an example of time-saving and efficient techniques, might join in their hearings at least in the beginning. We would hope that testimony would be heard from other lawmakers, from students of government and from members of the executive branch. Frankly, we would expect this joint committee to be in session for many days. Its assignment would be one of the most important in the 89th Congress.

This is not to say that Congress has always failed to do its job. Indeed, we move into the 89th Congress with the generally fine record of the 88th looming large in the history books. It was a legislative class that wrote laws of immense importance, on subjects ranging from civil rights to tax reduction to education.

Nevertheless, the 88th Congress left much undone that ought to have been done and probably did some things that should not have been done. The quality of legislation is not the best of criteria for judging the efficiency of the congressional mechanism. Some brilliant words can be spoken around a potbellied stove and an accountant sitting at a slant-top desk can turn in a perfect ledger book.

The large issue is whether Congress, as the vital national institution that it is, is doing its job in the most efficient manner possible. On another level of reform, there are the issues of seniority, of the filibuster, of the power of committee chairmen to halt legislation, and the like. These—excepting the filibuster, which exists only in the Senate—are the matters of prime concern to the Democratic liberals of the House. But they

will be asking their colleagues to sit in judgment on traditional procedures and to stand up and be counted for or against what is, in effect, the establishment.

MONRONEY is asking for nothing more than a little commonsense in writing the rules for Capitol Hill. It strikes us that his proposal to establish a study committee should have the support of both parties and should be acceptable on each side of Capitol Hill. He seeks only to free Congress of its own built-in inadequacies and to free its Members of the terrible demands of unnecessary legislative wheelspinning on their time.

The word, if our reading is correct, is efficiency. Perhaps even efficiency—or modernization, as you will—would not take all the bugs out of the legislative mechanism. But it certainly would help.

The new Congress will have many things to discuss and will have little time on its hands. But we suggest that high on its agenda should be the problem of Congress itself. The Members of the 89th Congress would serve their Nation admirably if they would give the Monroney proposal a try. In fact, we would say that a genuine modernization of Congress, this year or next, would find for the 89th a real place on the roster of our most illustrious legislative assemblies.

AWARD TO SENATOR SYMINGTON BY INTERNATIONAL CORRESPONDENCE SCHOOLS

Mr. LONG of Missouri. Mr. President, my distinguished colleague, the senior Senator from Missouri [Mr. SYMINGTON], was honored recently as "Home Study Man of the Year" by his alma mater, International Correspondence Schools, of Scranton, Pa.

This news may come as quite a surprise to those of us more familiar with the fact that he was a member of the class of 1923 at Yale University. However, it is also a matter of record that when my colleague went to work in a foundry, right after college, his boss—who knew of his Yale background—ordered him to "Go to a good correspondence school and learn something about making a living." It was then that he enrolled with the ICS.

Today, STUART SYMINGTON'S second alma mater boasts over 7 million alumni, including a former Secretary of the Navy, Dan Kimball; and a former Secretary of Commerce, Luther Hodges. The ICS now has a worldwide student body of nearly 200,000 adults, in more than 50 countries. They could find no better record to emulate, should their career be public service or private industry, than that of STUART SYMINGTON.

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

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

HOME STUDY MAN OF THE YEAR FOR 1964: STUART SYMINGTON

Yale University, 1923.

International Correspondence Schools, 1929.

Machine-shop apprentice at age 14, Army veteran at 17, company president at 24, member of the Truman administration, 1945, first Secretary of the Air Force, 1947, U.S. Senator from Missouri since 1952.

For his remarkable leadership during the past two decades when his entire career has been devoted to the security and well-being of his nation;

For the integrity and candor which characterize his views;

For his special concern for the human values which must always be paramount in a democratic society;

For demonstrating to millions of his countrymen desperately in need of more education and training that an individual's ambition, motivation, and ability are the true keys to learning; and

For his conviction born of personal experience that sound correspondence instruction is, to quote him, "consistent with the American aim and ambition for self-improvement—no man or woman in this Nation is denied the opportunity to study as long as there is a mailbox within reach."

To STUART SYMINGTON, his alma mater, International Correspondence Schools, presents its award as "Home Study Man of the Year, 1964."

JOHN C. VILLAUME,
President, International Correspondence Schools.

WASHINGTON, D.C., *February 16, 1965.*

ETTA GALLAGHER, OF LACONIA, N.H.

Mr. McINTYRE. Mr. President, death is never a solely personal affair. When Mrs. Etta Gallagher, of Laconia, N.H., passed away, early this week, her passing left in her community a void, and emptiness.

I have had the honor of knowing Mrs. Gallagher for many years. She was born in Indiana; but she came to Laconia, N.H., 40 years ago, and made it her home and her workshop.

Etta Gallagher was never one to sit by and accept the world as she found it. Her concern was for the welfare of her fellow men; and the unique element of her character was her ability to translate that concern into action which, more often than not, succeeded in making life measurably more livable for all the members of her community.

As president of the Citizen Publishing Co., publishers of the Laconia Evening Citizen, Mrs. Gallagher was at the same time a newspaperwoman and a newspaperman's wife. Thus, she had two difficult tasks; and her success in both tasks was a measure of her stature.

I speak from personal knowledge of Etta Gallagher's skill, for I was mayor of the city of Laconia at a time when she was a member of our school board. Her concern led to improvement of our children's education, and such results are a more enduring testimonial than any words I can utter.

Etta Gallagher received many of the awards which a grateful community can bestow. She was truly an outstanding woman. Both Mrs. McIntyre and I extend our sympathy to her family.

Mr. President, I ask unanimous consent that a newspaper notice of Mrs. Gallagher's death be printed at this point in the RECORD.

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

ETTA GALLAGHER, LACONIA CITIZEN PRESIDENT, DIES

LACONIA.—Mrs. Mary Etta (Gates) Gallagher, of 16 Messer Street, wife of former Mayor Edward J. Gallagher, died early Tuesday afternoon at Laconia Hospital. She had been a patient there for 3½ weeks.

She was a native of St. Mary's, Daviess County, Ind., and moved to Laconia 39 years ago from Concord. She was president of the Citizen Publishing Co., which publishes the Laconia Evening Citizen, established by the Gallaghers when they came here.

Mrs. Gallagher attended business college in Indianapolis, Ind., and taught school in Martin County, Ind.

Her father was president and cashier of the First National Bank in Loogootee, Ind.

She was married on January 27, 1914, and among Mr. and Mrs. Gallagher's treasured mementoes of the golden wedding anniversary was a papal blessing.

Mrs. Gallagher was a past president of the Laconia Business & Professional Women's Club; first grand regent of Court of Our Lady of the Lakes, Catholic Daughters of America; a former member of the school board, and a member of the State constitutional convention in 1938–39.

She also was a member of Mary Butler Chapter, DAR; Laconia Woman's Club, Lakeport Women's Club, and an honorary member of the Laconia Emblem Club. She was chosen Woman of the Year by the BPW Club some years ago. She was a communicant of St. Joseph Church.

Besides her husband, who is publisher of the Citizen, members of the family include a daughter, Miss M. Alma Gallagher, the assistant publisher; and several nieces and nephews.

The funeral will take place Thursday morning from the Wilkinson-Beane Funeral Home here followed by a solemn high mass of requiem at 9 o'clock at St. Joseph Church. Burial will be in Calvary Cemetery, Concord.

Friends may call at the funeral home this afternoon and evening.

PRESIDENT TRUMAN SUPPORTS PRESIDENT JOHNSON'S ACTIONS IN VIETNAM, WHICH WERE TAKEN WITH THE FULL SUPPORT OF CONGRESS

Mr. YARBOROUGH. Mr. President, in recent days the newspapers have been full of articles to the effect that the President is receiving a greater measure of support from the party across the aisle than he is from his own party. This is nonsense. In the aggregate, the President has the same broad support from both parties today that he received last fall when the Senate, by a vote of 88 to 2, and the House, by a vote of 414 to 0, passed a joint resolution approving and supporting "the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

The President and his advisers are in a better position than any of us to formulate strategy on Vietnam. The President has the ability—the wisdom, the foresight, the knowledge—to do what is best to defend the cause of freedom in southeast Asia. There are no easy solutions. There is no magic formula for success. We must maintain our strength and be ever on our guard. We must have foresight, to give us the needed patience to endure our present trials until the passage of time brings about a new reality in which our present enemies will have grown in economic and political maturity. In that future time, many of the causes of their present intransigence will not longer be with us. We must be

firm, yet responsible, to preserve freedom in today's world, while the new world of tomorrow is being born. We would not be fulfilling our trust to generations yet unborn if we retreated in panic at this moment.

This week, former President Truman spoke for the entire Nation when he declared his "every confidence" that President Johnson would work out a practical solution to the crisis in Vietnam. I ask unanimous consent that President Truman's remarks, as reported in the New York Times of February 17, be printed at this point in the RECORD.

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

[From the New York Times, Feb. 17, 1965]

TRUMAN SUPPORTS JOHNSON'S MOVES: URGES THAT EVERYONE BACK PRESIDENT ON VIETNAM

INDEPENDENCE, Mo., February 16.—Former President Harry S. Truman said today he had "every confidence" that President Johnson would work out a practical solution to the crisis in Vietnam.

The 80-year-old former President said in a prepared statement that he believed the presence of U.S. troops in South Vietnam had one purpose "and that is to help keep the peace, and to keep ambitious aggressors from helping themselves to the easy prey of certain newly formed independent nations."

"If we abandon these to the new marauders and the 'little Caesars,' we are again headed for deep trouble," Mr. Truman said.

"If we should commit the grave folly of abandoning the United Nations, or allow the defaulters to curb its effectiveness, we will be setting the stage for a third world war."

"What we have been trying to do throughout the world, is to keep the peace while we are perfecting the machinery to enforce it," Mr. Truman said. "It had been a costly and thankless job. Our patience has been sorely tried."

The former President said his statement was in response to questions and comments he had received on the Vietnam conflict. He did not appear in person.

The statement said responsibility for the conduct of foreign policy was vested in the President. "This, by no means, puts a President above questioning or beyond criticism," he added, "and President Johnson would be the first to affirm it. But the President is badly served in his task, as is the Nation, by those irresponsible critics, or sideline hecklers who neither have all the facts—nor the answers."

"We have faced many discouragements—yet we have had to put up with them," Mr. Truman said. "Some of our recent comrades in defense seem to be suffering from short memories, and worse yet, shortsightedness. Some of those that could not defend themselves against invasions have grown vain and inflated and are now turning their backs on us.

"It is not a pretty picture when those whom we have helped to rescue only yesterday, are now deliberately trying to do us harm.

"President Johnson knows what needs to be done, and he knows what should be avoided.

"His is the responsibility for working out a practical solution. I have every confidence that he will do so. In this situation he deserves, and should have, the confidence of everyone."

STRONG TESTIMONY SUPPORTS THE COLD WAR GI BILL (S. 9)

Mr. YARBOROUGH. Mr. President, this morning, for the second consecutive day, the Subcommittee on Veterans' Affairs was privileged to hear numerous witnesses testify on the merits of S. 9, the cold war GI bill.

To illustrate the fine caliber of that testimony, and to allow Senators the advantage of becoming acquainted with the persuasive assets of the bill, I ask that several excerpts from the testimony be printed in the RECORD.

In particular, I refer to testimony given by Frank Weil, for the American Veterans' Committee; by Pete Wheeler, the legislative director of the National Association of State Approval Agencies; and by a young man who now is in the military service—Richard Kelley, journalist 3d class, U.S. Navy.

I ask unanimous consent that these statements be printed at this point in the RECORD in the hope that the impact provided by this public demand, as well as the interest of the 40 cosponsors of this bill, will help show Congress and the administration the urgency of the need for the enactment of this proposed legislation.

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

TESTIMONY OF THE AMERICAN VETERANS COMMITTEE BEFORE THE VETERANS SUBCOMMITTEE OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, BY FRANK WEIL

The American Veterans Committee has, throughout its history, felt the provisions of the so-called GI bill were part of the process of readjusting the veteran to civilian life which our platform specifically endorses.

The following provision of the platform, cited above, bears directly on the legislation before the subcommittee:

"Experience with the World War GI bill of rights has given ample evidence of the value in increased productivity to the Nation and in the increased taxes to the Government of that law's education and training provision.

"AVC endorses a modified GI bill of rights for peacetime draftees and volunteers who have been on extended active duty. It is our belief that such men who enable our country to maintain peace and meet its commitments and responsibilities to our allies are entitled to basic readjustment benefits to enable them to return without distress to civilian life at the end of their service and become useful and productive members of their communities.

"Therefore, in principle, AVC endorses any peacetime bill of rights which will carry out the principles hereinabove set forth and which will allow for equitable readjustment benefits to peacetime veterans."

AVC understands that certain agencies of the administration, notably the Bureau of the Budget have headed the opposition to the enactment of this legislation. Publicly available statistics have shown that those who were educated under the World War II GI bill of rights have paid in taxes many times the sums expended on assisting them in getting that education. These additional taxes are attributable to income they would not have had without the education they acquired under their GI bill.

AVC feels therefore, that the attitude of the agencies opposing the bill is shortsighted, and that authorizing the present expenditures provided for in this legislation will result in increased revenues over time, and the expenditures should be regarded as an investment in the future of our country.

For the foregoing reasons the American Veterans Committee wholeheartedly approves and endorses the principle of the peacetime GI bill of rights.

STATEMENT BY PETE WHEELER, OF ATLANTA, GA., LEGISLATIVE DIRECTOR, NATIONAL ASSOCIATION OF STATE APPROVAL AGENCIES BEFORE SUBCOMMITTEE ON VETERANS' AFFAIRS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE

The National Association of State Approval Agencies, having observed the operation of the educational programs under all previous legislation, is convinced beyond doubt that these programs are a result of the greatest educational legislation that has ever been enacted by the U.S. Congress. These veterans educational benefits and the manner in which the veterans availed themselves of these privileges to further their education, probably resulted in the greatest advances in public education which the State and Nation have ever experienced within one generation, as well as benefits to future generations.

Many of the veterans would have been unable to secure an education without the veterans program. These people appreciate the value of what they have received and will insist on their children putting forth the effort needed to become educated. In the early part of this century discussion as to whether or not a girl should be given the advantages of an education was frequently justified with the statement, "Educate a girl and you educate a family." A big factor in the dropout problem today is uneducated parents and we know that the veterans' education program has done much to eliminate this factor in the future generations. We could well say, "Educate the parents and you educate a generation."

During this important legislative year for the Great Society and as this committee considers the advisability of legislation, providing education and training for the cold war veteran, I hope the need for a well balanced America will not be overlooked. The security of our cherished freedoms, our economic growth and productivity, our social well-being, and our moral standard depends not only upon the select few, but upon every citizen in between. Provision for higher education is important and necessary. The average Mr. and Mrs. America has made and will continue to make up the solid foundation. Therefore, it is paramount that provisions for education and training include opportunities for the acquiring of skills and abilities to fit the needs of all the people.

The need for technicians to support our scientists and engineers is growing. Technicians are not always in the realm of the select few. Many are trained on the job. Thousands upon thousands have acquired their skills by receiving training as a result of the veterans education program over the past years prior to February 1, 1955. A chain is only as strong as its weakest link. Let's be sure and provide the means to have each link strong. One thing is for sure—the strength of our Nation lies not in signed agreements between nations, but in the strength of each and every citizen of our Nation. The idea uppermost in the minds of the men who founded the United States, was that each and every human being was important. Our Republic can hope to survive only as long as the principles upon which it was founded are respected and followed. Only the productive can be strong, only the strong can remain free. Our Nation needs each person to the outmost edge of what he is and what he can become, the academically gifted, the slow learner, and the rest in between. These hearings have established beyond any doubt that the educational assistance programs provided for veterans have been successful. They have succeeded even beyond the expectations of the wise and farsighted legislators who conceived them.

STATEMENT BY RICHARD W. KELLY, U.S. NAVY JOURNALIST, THIRD CLASS

Mr. Chairman and members of this subcommittee it is very gratifying for me to be able to stand before you today and testify on the "cold war" GI bill (S. 9) for this is the culmination of 3 years of a personal endeavor to show in my small way that I, as well as many persons in my position, favor the passage of this bill. I first became interested in the "cold war" GI bill while I was deployed with a Seabee battalion in Guantanamo Bay, Cuba, during the Cuban crisis in the fall of 1962. My interest stemmed from the fact that I was not fortunate enough to be able to attend college after high school due mainly to financial difficulties and this problem still confronts me today. I have been attending night school at the University of Maryland in order to cut the overall expense of college when I do resume my education, but I discovered that a full-time course of study would be more desirable in realizing my educational goals.

After discussing the bill with many of my contemporaries, I wrote a letter to Senator SMATHERS, of Florida, requesting any pertinent information about the bill. Upon receipt of this information I discussed the technical aspects of the bill with both officer and enlisted personnel serving with me. The bill was favorable with everyone that I talked to, and in fact, many of these people also wrote their respective Congressmen asking for more information on the bill. I have continued to query people about their opinion on the bill for the past 3 years and have asked them to carefully weigh the merits of the bill in an unbiased and objective manner. I found during this long period of personal research that there was unanimous approval of the bill. To my surprise, I also discovered that those persons who knew they were exempt from their military obligation would candidly admit that it was unfair to the 40 percent of America's youth who shoulder the entire military burden of our country, and even though they are given this added responsibility, they receive no readjustment for it. It is easily seen that the 60 percent of America's youth who are exempt from military service have a decided advantage over we who are not exempt. Consequently, while our postwar veterans fulfill their service obligations, their civilian counterparts are acquiring college degrees, industrial training, and seniority in the business world.

Many people would ask me why should all of the veterans be eligible for the GI bill when all of them do not risk their lives by serving in a "hot spot." Ironically enough, I would like to point out that I would be eligible for a "hot spot" GI bill. However, I cannot sincerely and honestly admit, as I'm sure most people will agree, that this would be sufficient conciliation to justify the placing of veterans' lives in jeopardy. More important though, is the fact that the initial purpose of the bill is to make readjustments to all of our military personnel, who have sacrificed time and energy during the most productive years of their lives in order to serve our country. All of our servicemen have sacrificed this time and energy, whether they were stationed in Saigon or Washington.

I would now like to dispel a popular misconception. It is believed by most people that the proposed GI bill would place a financial burden on our Government. This is not so. The initial outlay for financial assistance would eventually be repaid through the increased taxes realized from the added income of persons who would utilize the bill. Indicative of this is the fact that the persons who utilized the Korean GI bill are now paying our Government an extra $1 billion a year in taxes.

This bill, as the previous GI bills have done, would strengthen America in a lasting and beneficial way, which is by helping to educate and train its youth. More than 1 million persons achieved their educational goals under the World War II and Korean GI bills. Right here in Congress, for instance, approximately 12 percent of our Representatives and 10 percent of our Senators have attended college under the GI bill.

Mr. Chairman, and members of this committee, I hope by stating my personal opinion, and more important, the opinion of many of my contemporaries, that I have clearly stated why it would be advantageous for our country and its citizens to have this, the 89th Congress pass the "cold war" GI bill.

CHAIRMAN JOHN HARLLEE CHARTS OFFSHORE AREA COURSE FOR FEDERAL MARITIME COMMISSION

Mr. GRUENING. Mr. President, the Camara de Comercio de Puerto Rico has made an imaginative contribution to progress in solving problems of water transportation to offshore areas, by devoting its 51st annual meeting on February 10–12 to a discussion of this important factor in the economy of Alaska, Hawaii, and Puerto Rico. The people of Alaska and Hawaii, as well as those of Puerto Rico, are indebted to the able President of the Camara de Comercio, Mr. Justo Pastor Rivera, and his assistants for providing the opportunity for a very useful exchange of views between representatives of the three affected areas.

The meeting was highlighted by an address at the closing dinner on February 12 by Rear Adm. John Harllee, Chairman of the Federal Maritime Commission, who took the occasion to express the policy of the Federal Maritime Commission respecting regulation by the Commission of the offshore trades. While Chairman Harllee's remarks were directed particularly to special factors unique to Puerto Rico, his views are also of great interest to Alaska, which has many of the same problems of water transportation that Puerto Rico has.

Chairman Harllee took note of the similarity of interest of Alaska and Puerto Rico, by calling special attention to a comprehensive study of the Alaska trade which has been undertaken by the Federal Maritime Commission. As described by Chairman Harllee:

The goal of this study is (1) to learn from all shippers the problems they face in importing and exporting their merchandise; (2) to examine closely the way in which each of our ocean lines serve these trades to determine whether we can recommend improvements; and (3) to find out how much it costs each line to provide efficient service.

Alaska looks forward to completion of the Commission study, scheduled for September 1965, in the hope that it will point the way to the lowering of our extremely high freight rates and to progress in improvements of service. This is of special importance to the southeastern and western parts of Alaska, which have not been benefited by improved services introduced in the rail belt area in the last few years.

I ask unanimous consent that Chairman Harllee's address at San Juan be printed in the RECORD at the conclusion of these remarks.

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

ADDRESS BY REAR ADM. JOHN HARLLEE, U.S. NAVY (RETIRED), CHAIRMAN, FEDERAL MARITIME COMMISSION, AT THE ANNUAL BANQUET OF THE CHAMBER OF COMMERCE OF PUERTO RICO AT THE SAN JUAN HOTEL IN SAN JUAN, PUERTO RICO ON FEBRUARY 12, 1965

It is a distinct pleasure to be here this evening and to bring to Puerto Rico the best wishes of our great President, Lyndon B. Johnson.

President Johnson has already outlined in his state of the Union message the "Great Society" that he envisions.

The Great Society is a magnificient concept. Its aim is to bring dignity, education, and freedom from poverty to every man, woman, and child in the United States. I am sure that President Johnson does not limit the goals of the free society to Americans living within the continental boundaries of the United States, but intends that it cover American citizens everywhere—that it cover citizens in our offshore areas such as Hawaii, Alaska, Guam, the Virgin Islands, Samoa, and particularly Puerto Rico. Tonight I want to talk to you about the Federal Maritime Commission. It must help fashion the Great Society in this great Commonwealth.

Indeed my purpose in visiting Puerto Rico this week is to learn firsthand from the people of Puerto Rico how this responsibility can be discharged. I came here to learn. This is not my first trip to the Caribbean. Years of my boyhood, way back in the twenties, were spent in the tropics munching sugarcane on the plantations of the Dominican Republic and Haiti. Many of my happiest Navy liberties were spent years ago in San Juan and in Cuba. But this trip has been by far the most delightful and enlightening one.

As Chairman of the Federal Maritime Commission it is my duty and responsibility, along with Vice Chairman Day and Commissioners Barrett, Hearn, and Patterson, to see that your trade continues to flow at reasonable rates and in a manner conducive to the public interests. We must see that it is conducted in a manner which is neither restrictive nor discriminatory but fair to all concerned—exporters, importers, carriers, and consumers.

The Federal Maritime Commission regulates ocean shipping lines and related industries that transport the goods America imports from and exports to every corner of the earth. I consider the job exciting and rewarding. It is, however, sometimes frustrating, particularly with respect to foreign commerce, where we have less authority over the charges and practices of steamship lines than we do in the domestic trades and where our regulation is often misunderstood.

The domestic offshore trades, however, are different. In these trades there are no foreign sides. We therefore have no serious jurisdictional problems; we have adequate regulatory tools. We hope to have, we must have, and we will have a growing understanding between the Federal Maritime Commission and Puerto Rico.

If we do not do our job well in the Puerto Rican trade, we can have no meaningful excuses.

We already have undertaken tremendous projects to help provide the best regulation possible of the steamship lines between continental United States and Alaska, Hawaii, Puerto Rico, and the other domestic offshore trades.

For example, we have underway an exhaustive study of the Alaska trade which was seriously affected by the terrible earthquake last year. The goal of this study is (1) to learn from all shippers the problems

they face in importing and exporting their merchandise; (2) to examine closely the way in which each of our ocean lines serve these trades to determine whether we can recommend improvements; and (3) to find out how much it costs each line to provide efficient service. Our target for the completion of the Alaskan trade study is September 1965.

I am happy to announce here for the first time, that in October of this year, we will begin a similar comprehensive study of the Puerto Rican trade. By this time next year many of the people in this audience will have been contacted by our staff to learn your shipping problems. They will be in the market for any solutions to these problems that you can suggest.

Regulation of the commerce between Puerto Rico and the United States is one of the most vital and challenging functions of the Federal Maritime Commission. In my view, none of our functions is more important. I knew many of the reasons for this before I arrived here last Sunday. Since then I have visited your waterfronts, your factories, and sugar centrales and have tried to see and understand how your economy works. I have this week seen a magnificent traditional culture vitalized by a modern economy. I have, I think, seen the pioneer path that Latin America ultimately will follow. The Alliance for Progress—the "Alianza"—can have no finer showcase than Puerto Rico.

Most of you know why ocean shipping between Puerto Rico and continental United States is so important. Puerto Rico has more than 2½ million people who need the products of the United States if they are to thrive. I have learned to my amazement that more than one-half of all the money that Puerto Ricans spend, at home and abroad, is used to buy goods from the continental United States. And over 90 percent of all that Puerto Rico exports is shipped to the continental United States. Add to this the fact that Puerto Rico's economy has nearly tripled since 1950 and it is no wonder that Puerto Rico has become the fifth largest trading partner of the continental United States. It will probably rank third in the near future.

Thus, Puerto Rico is vitally dependent upon trade with the continental United States and the United States in turn is dependent upon Puerto Rico as a major trading partner. The great bulk of this trade is carried by ship lines. In a very real sense the ship lines that connect Puerto Rico to continental United States form the Puerto Rican lifeline.

Responsibility for regulating this traffic is much more vital than responsibility for regulating other U.S. transportation systems because of your island economy's unique dependence upon ocean carriers. There are three reasons for this. First, if an importer in a city in the United States needs to purchase merchandise he can find suppliers in all directions. For example, the New York merchant can buy from a merchant in his own State, a nearby State, a distant State, or overseas. He can use a truck, a railroad, or a ship depending upon rates and his needs. But the Puerto Rican merchant is in a different situation—almost all of his products are purchased from or sold to the continental United States and must be transported by ship. Second, many of the people with whom the Puerto Rican merchant deals have low incomes. Despite the dramatic increase in the per capita income of the average Puerto Rican from $279 in 1950 to $736 in 1963, the prices the average Puerto Rican can pay for the staples of life are limited in terms of the standards of the rest of the United States. Lastly, the Puerto Rican manufacturer must deal with raw materials which he must import from the United States. He needs cheap transportation if he is to manufacture for resale. Therefore, enlightened regulation of the ships that constitute your lifeline is more important than almost any other kind of regulation.

I conceive the Commission's job to be to stimulate an ocean transportation system that will strengthen the economic development of Puerto Rico and will keep the price of transporting foodstuffs low. The economy must be expanded so that the people of Puerto Rico can afford what they need. The price of transporting foodstuffs must be kept low so that the staples of the Puerto Rican diet can be bought at prices the people can afford. Accordingly, the Commission must do everything within its power to keep the ocean carriers serving Puerto Rico strong, efficient, low-priced, and particularly sensitive to the needs of the Island.

The first thing that is needed for this kind of transportation system is a dynamic economy. The Puerto Rican economy is dynamic. Its imports and exports have more than tripled since 1950. All projections indicate that the trend will continue.

This tremendous growth has attracted to the Puerto Rican trade strong, imaginative, and sharply competitive ocean lines. They offer the most modern and varied kinds of ocean services to be found anywhere in the world. From our North Atlantic ports you are served by ships which offer to transport your cargo in containers that become truck bodies when they move overland, or in rail cars, as well as ships that specialize in transporting vehicles, and ships that move cargo in the conventional break-bulk manner. From South Atlantic ports you have service by barges and trailerships, and you have conventional and container ship service from gulf ports and west coast ports. These generally are strong and progressive ship lines. Puerto Rico has an economy which generates the cargo to attract ships, and it has numerous different kinds of carriers offering a variety of service. In short, it has an efficient transportation system.

The question is whether this efficiency is being passed on to shippers and consumers. We believe it is. We believe that Federal Maritime Commission regulation helps in this respect. The carriers in the Puerto Rican trade have not had a general rate increase since 1959, although there have been such increases almost everywhere else. There have been rate increases on some commodities, but there have been more decreases than increases since 1959. We think that the carriers in the Puerto Rican trade should make money but that the fruits of their efficiency should be—and we believe are being—shared with the people of Puerto Rico, who generate the traffic that keeps them in business.

It is within the power of the Commission to keep the carriers that serve Puerto Rico from realizing exorbitant profits and, if the overall rates of these carriers become unreasonable, we will invoke this power. It is also within the power of our Commission to see that rates on particular commodities are not too high, and we review every rate increase to see that this does not happen. In reviewing individual rates, we give serious consideration to complaints from individual shippers, trade associations, and the Commonwealth government. Finally, it is our responsibility to see to it that competition is not destructive, and we constantly test rate reductions to see to it that they are not for the purpose of driving carriers out of the trade or competing unfairly.

This is not to say that we do not want carriers to compete; we do, because competition is what keeps transportation cheap. But in order for competition to be effective as a rate regulator there must be competitive shipping lines. Irresponsible competitive practices must not be used as a device to limit the number of competitors.

As I have already said, I came here to learn how your shipping problems can be minimized and how the Federal Maritime Commission can do its part in developing the Great Society in Puerto Rico. I recognize that I am not the only person at the Commission who must go through this educational process if our job is to be done fully. Mr. Edward Schmeltzer, the very able Director of the Bureau immediately responsible for regulation of the Puerto Rican and other domestic offshore trades, is accompanying me on this trip and learning firsthand about your great Commonwealth. He is trying to identify the shipping problems and work out solutions.

The Commonwealth Government shares our desire for mutual understanding. It has accepted my invitation to send to Washington one of its experts in ocean traffic to observe the day to day regulation of the Puerto Rican trade. When he arrives, he will learn a great deal by working with us in Washington just as I am learning a great deal working with you in Puerto Rico this week. He will observe that a Commission tariff expert examines every rate change made by every carrier providing service between continental United States and Puerto Rico. Where there is even a hint that the rate change may be unfair either to shipper or other carriers it is thoroughly studied. Often our staff consults a representative of the Commonwealth Government and in every case carefully studies every protest against the rate. Where the staff cannot resolve the problem it may recommend that the Commission institute formal hearings to determine whether the particular rate change is unlawful. Although our Puerto Rican visitor may not always agree with every decision of the Commission, he will come home with the assurance that the Commission does everything possible to see to it that rates in the Puerto Rican trade are fair and beneficial to the economy.

The transportation system between Puerto Rico and continental United States that I have described has grown up during the past 5 or 6 years. Before that time Puerto Rico was served by one predominant carrier whose rates and traffic practices were followed almost uniformly by its smaller competitors. Now we have a variety of carriers who make rates independently of each other and in a way that is best suited to their individual operations. We believe that this has benefited Puerto Rico and that it has encouraged its remarkable economic growth.

In closing, let me say that your present highly developed system of ocean transportation is attributable to many things. The Commonwealth Government deserves great credit. It appears before the Commission regularly to set forth the position of the people of Puerto Rico on the kind of transportation system and the rates that are needed. The carriers themselves deserve tremendous credit. They have had the imagination to institute new technology and the initiative to compete with one another. And we hope our Commission deserves some credit for providing a regulatory climate in which competition prevails and efficient transportation at low rates is the goal. We have tried to encourage this very efficient and cheap transportation system rather than stifle it and we will try to do more. The benefit goes to the citizens of Puerto Rico and mainland buyers and sellers with whom they deal. You are the people who have established one of the most exciting economies in the world. You deserve and will have the kind of transportation system that will keep Puerto Rico dynamic.

UNWISE ALLEGED ECONOMIES INHIBIT RESOURCE DEVELOPMENT AND ECONOMIC IMPROVEMENT

Mr. GRUENING. Mr. President, I must report that everyone in Alaska concerned about the well-being of the mining industry is shocked and unbelieving at a proposal by the Department of the Interior to reduce drastically the Alaska activities of the U.S. Bureau of Mines.

Specifically, according to information furnished to me by the Department, the Bureau would reduce personnel at the Alaska Bureau of Mines Laboratory, which is located at Douglas, across Gastineau Channel from Juneau, the capital, from 26 to 9. At the same time, it is proposed that the Anchorage Health and Safety Office, which has two employees, be closed entirely, and that three employees stationed at Anchorage, and engaged in mineral-resource-development work, be eliminated. The last three consist of a petroleum engineer who is conducting investigations of the oil and gas industries of Alaska, and two employees who are engaged in sampling and analyzing coal from Alaska mines which is supplied to military bases near Anchorage and near Fairbanks.

The Department of the Interior claims that these actions will save $350,000 a year. This may be true, Mr. President—but at what a cost.

The Division of Mines and Minerals of the Department of Natural Resources of the State of Alaska, using an area comparison method so highly favored by both oil and mining geologists, but limiting it to the 11 Western States and current economic conditions, concludes that only the lack of exploration and development prevents Alaska from now having an annual mineral production of $250 million, a short-range goal of $500 million, and a future goal of $1 billion.

The closures and reductions now advocated by the Interior Department would dim this bright prospect, if not extinguish it. Thus, we would lose an operation designed to reduce, not Alaska's, but the Nation's economic, and even political, dependence on foreign suppliers of minerals.

The proposed action is a startling denial of the opinion of the world's largest copper producer, as expressed by M. J. O'Shaughnessy, manager of the New Mines Division of the Kennecott Copper Corp. Mr. O'Shaughnessy, in addressing the Fairbanks Chamber of Commerce, 2 months ago, said that the total of those areas in Alaska which have favorable geology, by comparison with developed countries, indicate that Alaskan mineral production should reach $5 billion a year. A similar comparison and optimistic conclusion, without mention of a definite production figure, was made about a year ago by Paul A. Bailly, president of Bear Creek Mining Co., Kennecott's exploration company.

The Department of the Interior notes that the Bureau of Mines' exploration and development program grew to considerable size during World War II and the Korean war, but that it was not cut back as much in Alaska as it was in the other States. Nevertheless, the Department statement observes that "progress has been almost imperceptible." Apparently, it is concluded that a program that has not demonstrated sufficient worth in a 24-year period should be abolished, without any attempt to evaluate the work that has been done and the information that has been compiled, or to see whether such work and information, as well as the excellent facilities and competent personnel in Alaska, can be incorporated into a program that does not suffer from arteriosclerosis.

Mr. President, we Alaskans think the national demand for mineral supplies, free from the uncertain policies of other nations, is much too great to permit the eradication of an organization that has the capability of giving powerful assistance to the meeting of that need. We are convinced that the Alaskan branch of the U.S. Bureau of Mines has that capability. The files in the Douglas, Alaska, office are filled with unpublished information that can be made useful when available to the public, and the laboratory and the equipment are first rate. Even more important, the well-qualified staff of the branch has experience and knowledge that would be wasted if staff members were to be scattered through other Bureau branches.

In response to the often repeated demand for an "inventory" of Alaska's mineral resources, we are certain that, acting on newly revised directives, the Alaska branch could make rapid strides toward the preparation of an inventory of attractive exploration targets, through the use of its own information and trained fieldmen. When the better exploration targets are identified and when the investigative efforts are published, private companies will be induced to spend far more on actual prospecting and development than was spent by the Bureau.

It is not difficult for a newly appointed administrator, such as the Bureau of Mines now has, to discover a situation that requires corrective action, nor it is difficult to amputate a seemingly unproductive function. In our opinion, the real test of administrative quality is the ability to recognize a need that is not being met, to establish a goal, to redirect all efforts toward reaching that goal, and to employ fully all that is useful in the earlier work.

There is no duplication of effort in the work of the Bureau of Mines, the Geological Survey, and the State division of mines and minerals. Instead, all three agencies complement each other to such an extent that the practical loss of one will reduce the effectiveness of the others. The Geological Survey bears the burden of mapping all of the geology of the State, and incidentally noting evidence of mineralization. In unusual cases, the Survey undertakes detailed work on a mineralized locality, as has been done on the tin-beryllium deposits near Lost River, on Seward Peninsula. In that instance, close field and office cooperation with the Bureau of Mines was at least partially responsible for the initiation of a large development project by a private company.

The division of mines and minerals does not attempt large-scale geological mapping or detailed examinations of prospects, since these jobs are well handled by the Geological Survey and the Bureau of Mines, respectively. Instead, the division relies heavily on the work accomplished and the assistance given by these agencies, in its job of making detailed geological mapping and evaluation of prospecting targets.

Mr. President, my colleague, Senator BARTLETT, in discussing this proposed action, last week—while I was away from Washington, attending the fifth Mexico-United States Interparliamentary Conference, as one of the appointed representatives of this body—confessed himself "amazed, bewildered, surprised, and shocked" at the Interior Department's plans. Our Governor, the Honorable William A. Egan, describes the Interior Department's proposal as "one of the most ill advised, shortsighted actions" he has ever known a governmental agency to contemplate. I share the views of my fellow Alaskans; and the only reason why I have not expressed myself previously is that I have been away from this floor, on official business.

Mr. President, I earnestly express the hope that the Bureau of Mines in Alaska will receive more, rather than less, support from all of the people who in the future will urgently require the minerals from prospects that must be found today and in the next few years. These people are the people of the United States.

FAIR LEGISLATIVE APPORTIONMENT—RESTORING A BASIC PRINCIPLE OF THE CONSTITUTION

Mr. DOUGLAS. Mr. President, the fight to obtain fair representation in the State legislatures is at a crucial stage this year in many States of the Union. In some of the States, a victory for representative government is at hand; in others, the malapportionment is so great that those working for fair representation are vastly overpowered. Nevertheless, even in these States, those who favor government by the people, under equal citizenship, are putting up a courageous battle, which should inspire others.

Georgia is such a State. There has come to my attention a recent address by State Senator James P. Wesberry, Jr., of Atlanta, one of the vigorous leaders of the fair apportionment fight in Georgia. His pleas for the restoration of the equal representation of people in State legislatures are worthy of the attention of Congress and of State legislators across the country. I ask unanimous consent that his address, entitled "We, the Factors Other Than People," as delivered by Senator Wesberry to the De Kalb Democratic Forum on February 16, 1965, be printed in the RECORD.

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

WE, THE FACTORS OTHER THAN PEOPLE

(Delivered by Senator James P. Wesberry, Jr., of Atlanta at the De Kalb Democratic Forum, at Emory University, on February 16, 1965)

Every 15 minutes a unique ritual occurs in the Georgia House of Representatives this year. The clerk reads a resolution which usually does little less than call for the abolition of the U.S. Constitution and the restoration of the Articles of the Confederacy. Then some red faced member makes a fiery speech, most of which is unintelligible to one whose native language is English, but which unmistakably indicates that the U.S. Supreme Court has upon its own initiative overhauled the Constitution of the United States from top to bottom. The speaker calls on his fellows to "restore the Constitution." They do—by clapping, yelling, turning redder than the speaker and voting for the resolution which barely passes by a vote of about 194 to 8 (not counting rebel yells).

This unforgettable orgy, which would bring a glow of anticipation to the eye of any psychiatrist, is not common only to Georgia. It is called a reapportionment session and it may be found going on in form similar to the foregoing in the legislative chambers of most of the States of what we hopefully continue to call the Union. Any resemblance between a "reapportionment session" and a Watusi ritual can be easily distinguished by noting that in the former the men in the pot are all dressed in long black robes. Also the man selling "Earl Warren dolls" and hat pins looks suspiciously like former Gov. Marvin Griffin's purchasing agent. Identification becomes complete when he puts 10 percent of the purchaser's change in a box labeled "Cheney."

To one unschooled in modern legislative processes the proceedings of the Georgia House might appear unorderly, unorthodox, and unrelated to the making of laws for the State of Georgia. Enlightenment is gained by the following explanation: The Georgia House members are representing factors other than people.

This should fully explain their actions. After all shouldn't an elected official reflect the views of his constituents? If his constituency consists primarily of factors other than people, why then should he give regard to old-fashioned human thinking? Indeed why shouldn't man who represents factors other than people act in a nonhuman manner. So they do.

The nonpeople factor has recently been exposed in House Resolutions 9, 47, and 135 and Senate Resolution 14 in the Georgia General Assembly, in which the authors seek to insert the nonpeople factor into the Constitution of the United States.

Perhaps we should now forgive all our previous legislatures for the poor laws they passed. They weren't really representing people. Prior to reapportionment of the senate, senators were actually representing 78.6 percent of factors other than people. The house, right up to the present day, contains 148 members out of its 205 membership who represent factors other than people. Stated as a percentage, 77.5 percent of the house members represent factors other than people.

Now that we people have had the nonpeople factor explained to us fully we can understand the political history of the State of Georgia. Now we can understand the logic of the county-unit system, the white primary, the speed trap, the fee system. Now we can understand why Georgia government was for so many years run by political hacks, cronies, and their relatives. We now can see how it is possible for the State to enter into long-term leases for nonexistent property which neither begin nor end within some of our lifetimes. We can understand the awarding of purchases without bids, the kickbacks, the graft, in short the wholesale disregard of the people.

We may still wonder just what factors other than people are but even if we never get an explanation the exposure of the nonpeople factor in State government certainly answers a lot of questions we have been asking for some time. We can even see that until 1962 the selection of our Governor was prescribed by the nonpeople factor thus explaining the actions of many of our former Governors selected by the county-unit system.

Now, who has rewritten the Constitution of the United States?

The original Constitution of the United States started out "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." There was no mention here of "factors other than people"—and no thought was given it by the Framers of the Constitution.

When the Union was formed only four States (Maryland, New Jersey, Connecticut, and Rhode Island) utilized apportionment plans based on anything other than population and their plans deviated little from truly representative reapportionment. The fact is that the original legislative apportionment of the Thirteen Original States makes our present-day apportionment look pitiful by comparison.

The same Congress which adopted, ratified, and began to function under the U.S. Constitution passed the Northwest Ordinance in 1789. It guaranteed the inhabitants of the Northwest Territory, soon to become States, proportionate representation in their future legislatures. A similar pattern prevailed in the admission of all States except Vermont and Nevada from 1789 to 1889. Thus population equity was the main criterion for apportionment in 30 of the 36 States during the first century of our Nation's existence. No one ever even mentioned "factors other than people."

In the early years Thomas Jefferson criticized what today would be a minor malapportionment in his own beloved Virginia Legislature and stated "equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation."

Our Georgia constitution says that "All government, of right, originates with the people." No "nonpeople factor" can be found in it.

Georgia's first legislature was unicameral and was apportioned based upon population. Today's Supreme Court would have upheld it. Georgia history rings with the voices of its great statesmen who advocated popular representation. In 1839 at the age of 27, Alexander H. Stephens proposed a plan which would have meant the abandonment of the old 3–2–1 formula for county unit representation in the Georgia house. The plan stood in spite of Stephens—in spite of the great Robert Toombs—until stricken down by the U.S. Supreme Court ruling of June 15, 1964. The minor malapportionment of Stephens' and Toombs' day was to become major as the people moved from the farms to the cities.

"Factors other than people" began to creep into the Constitution of the United States in the latter part of the 19th century. No one can actually say when the Constitution was revised to include "factors other than people" but in general this quietly occurred between 1890 and 1960. This perversion of our Constitution did not come about through formal amendment—nor through judicial or legislative fiat. It came about through the failure of the legislatures to recognize the large-scale and rapid urbanization of the country by reapportioning themselves, their failure to act was contrary, in many cases, to their own constitutions requiring reapportionment. It was successful because the courts bent over backward to avoid entering the "political thicket."

Thus was the Constitution of the United States changed—thus were the principles of the Founding Fathers altered—not by the courts but by the inaction of the legislatures—and thus was representation in our great country transferred from the people to "factors other than people"—the great unwritten amendment to our Constitution.

When the Supreme Court ruled on March 26, 1962, and again on June 15, 1964, that "factors other than people" should be stricken from our Constitution, they were not changing the Constitution of 1789—it was they who were restoring it. And the 70 percent of Americans living in urban areas—the 12,000 people who leave rural areas each day to live in our urban areas—should be everlastingly grateful that the U.S. Supreme Court had the courage, the wisdom and the will to stand up against the petty politicians, against the unrepresentative legislatures throughout this country and to declare in decisions that will ring throughout the pages of history that "factors other than people" have no place in the land of the free and the home of the brave—that "one man" deserves "one vote" and that in America he will get it.

THE BONNEVILLE UNIT OF THE CENTRAL UTAH PROJECT

Mr. BENNETT. Mr. President, in January, when the budget was submitted to Congress, the people of Utah were understandably shocked and dismayed to learn that no funds were included to begin construction of the $300 million Bonneville unit of the central Utah reclamation project.

The central Utah project is the heart and soul for Utah of the entire Upper Colorado River project, for through it Utah will realize the major portion of her share of the water of the Colorado River, now backing up behind the large dams. The central Utah project will bring critically needed water for irrigation, municipal and industrial use, and hydroelectric-power development to a large area, from Salt Lake City south to Garfield County. Utah's future economic growth depends upon it.

The central Utah project, including the Bonneville unit, was authorized by Congress in 1956. Since then, extensive planning and designing have been completed by the Bureau of Reclamation, which now is ready to launch its long-awaited construction program. The budget contained $3.6 million to begin construction of the Bonneville unit; but then the reclamation program was slashed, purportedly to divert funds to the so-called poverty program and similar programs. Can it be that good, solid reclamation projects that pay for themselves are to be pushed aside for welfare state doles? This is false economy which cannot be tolerated.

The water and power to be generated by the central Utah project are needed now; and the demand will increase with Utah's rapidly growing population and industrial development. Since the Bonneville unit will take several years to build, time is of the essence.

I ask unanimous consent to have printed in the RECORD a letter I have received from the general manager of the Central Utah Water Conservancy District, and also a resolution adopted by the Utah Water and Power Board. Both communications indicate the importance of the appropriation of funds to initiate construction of the Bonneville unit of the central Utah project during the fiscal year 1966.

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

CENTRAL UTAH WATER CONSERVANCY DISTRICT,
Provo, Utah, February 2, 1965.

Hon. WALLACE F. BENNETT,
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: It was with great concern that the board of directors of the Central Utah Water Conservancy District received the news that the President's budget did not include funds to initiate construction on the long-awaited Bonneville unit of the central Utah project. During the past few years by untiring and dedicated efforts on the part of the citizens of the State of Utah the Central Utah Water Conservancy District was established so that this project could move forward. After such a determined and successful effort by so many then to receive this disappointing and unexpected news, it was indeed a shock. This was especially difficult to accept after the long awaited project planned report had been made available by the U.S. Bureau of Reclamation.

The board of directors, at a recent special meeting of the board called to review this development, unanimously expressed their position that it was imperative that actual construction start during this fiscal year on the Bonneville unit of the central Utah project. The board could see no justifiable reason for its delay. They, therefore, advised the legislative committee to proceed immediately to use all possible means available to gain the support of Congress in establishing funds so that this long awaited and essential project could get underway.

Your untiring efforts have been appreciated by the citizens in the State in bringing this project to its present status, but once again the board of directors feel the need to request your urgent support toward the establishing of these construction funds. They would appreciate the guidance of your office in their efforts. Also, the district will be glad to provide you with any assistance or material needed to enhance your efforts. Please advise us of your needs.

We once again express our appreciation for your cooperation and efforts and look forward to your assistance in bringing about the full realization and benefits of the ultimate central Utah project.

Very truly yours,

LYNN S. LUDLOW,
General Manager.

RESOLUTION BY UTAH WATER AND POWER BOARD

SALT LAKE CITY, UTAH.

Resolution in support of appropriations of funds by the 89th Congress, 1st session, for initiating construction of the Bonneville unit of the central Utah project

Whereas the initial phase of the central Utah project, including the Bonneville unit, was authorized for construction as a participating project of the Colorado River storage project by the Colorado River Storage Project Act of 1956 (70 Stat. 105); and

Whereas the Bonneville unit of the central Utah project is an important segment of a plan for the diversion, storage, and transbasin conveyance of waters of the Colorado River Basin into the Bonneville Basin, the salvage and beneficial use of water being lost by evaporation, the conversion of water from irrigation uses to industrial and municipal uses, the maintenance of water at a quality suitable for sustained use, recreation, fish and wildlife enhancement, and flood control; and

Whereas the Central Utah Water Conservancy District was created on March 2, 1964, by order of the Fourth Judicial District Court of Utah to act as the legal agency to contract with the Secretary of the Interior for repayment of reimbursable costs of the project; and

Whereas the Bureau of Reclamation, the Bureau of Indian Affairs, Ute Indian Tribe, Utah State engineer, Utah Water and Power Board, and the Upper Colorado River Commission during the 9 years since project authorization have worked diligently and effectively to resolve problems and plan a resource development agreeable to all parties; and

Whereas more than sufficient progress has been made in all areas of planning and preconstruction to justify initiating construction of the Bonneville Unit in fiscal year 1966; and

Whereas the Central Utah Water Conservancy District is currently negotiating a repayment contract with the Secretary of the Interior and expects to have the contract signed at an early date: Now, therefore, be it

Resolved by the Utah Water and Power Board at a special meeting in Salt Lake City, Utah, on February 5, 1965, That reaffirming its position that the initial phase of the central Utah project is the State's No. 1 item of priority in the development of its water resources, does hereby urge the U.S. Congress to appropriate $3,500,000 for the initiation of construction of the Bonneville unit of the central Utah project in fiscal year 1966; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, Director of the Bureau of the Budget, Secretary of the Interior, Commissioner of the Bureau of Reclamation, members of the congressional delegation of the State of Utah, the Honorable Calvin L. Rampton, Governor of the State of Utah, the Upper Colorado River Commission, and to other interested parties.

Attest:

JAY R. BINGHAM,
Executive Director.

THE KANSAS CITY COMMUNITY BLOOD BANK

Mr. LONG of Missouri. Mr. President, some 7 or 8 years ago, the Federal Trade Commission began an investigation of the Community Blood Bank of Kansas City. The investigation and the legal action against the blood bank have dragged on for years and years. Recently, at the annual business meeting of the bank, Dr. Perry Morgan pointed out that so far the legal defense has cost approximately $175,000, with the possibility of costing $50,000 more if the case has to be appealed to the courts.

I ask unanimous consent to have printed at this point in the RECORD a recent article from the Kansas City Times of January 28, 1965.

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

BLOOD BANK STRESS ON FIGHT WITH FTC—DEFENSE AGAINST BOYCOTT CHARGES EXPENSIVE, DIRECTOR SAYS—YEAR'S SERVICES CITED—HEAD OF COMMUNITY OPERATION SPEAKS AT ANNUAL MEETING

The major concern of the community blood bank continues to be the drawnout battle with the Federal Trade Commission (FTC) over its allegation of boycott against two commercial blood banks here, Dr. Perry Morgan said yesterday.

Dr. Morgan, the director, spoke at the annual business meeting at the blood bank headquarters, 4040 Main Street.

YEAR IS REVIEWED

In addition, Dr. Morgan reviewed the blood bank's 1964 services to 52 area hospitals. These services in blood drawn, processed, and provided for hospital patients, including those with heart operations, reached a new high, he said.

The battle with the FTC, including a 15-week hearing here in 1963 and arguments before the whole Commission last December in Washington, has so far cost the community bank and its associated respondents $175,000, Dr. Morgan estimated.

The 1963 examining commissioner found against the respondents. Decision by the whole Commission after last December's arguments has not yet been announced.

If that decision is adverse, the case probably will be appealed to the Federal courts, Dr. Morgan said.

DEFENSE IS EXPENSIVE

"The defense of our innocence has been extremely expensive," he said. "We estimate the cost of an appeal through the courts will be $50,000 more.

"The heavy legal cost is endangering our community-type blood bank operation. Outside financial aid is needed."

Meanwhile bills which would exempt community blood banks from the antitrust laws have been introduced in Congress by Senator EDWARD V. LONG and by several representatives in the lower house.

Co-respondents with the community bank against the FTC action include the Kansas City Area Hospital Association and various hospitals and pathologists.

PRODUCT IS DIFFERENT

They challenge the Commission's authority to bring the action, assert that medical uses of blood is a professional service and that human blood should not be a commodity to be bought and sold on the open market.

Last year the community bank received 34,584 pints of blood and processed 1,691 more pints than in 1963, for distribution to hospitals.

New officers and directors elected to the bank yesterday—New members of the corporation—Dr. Hilliard Cohen, reappointed from the Jackson County Medical Society; Dr. Robert Meyers, Allen County Medical Society; Dr. Jack Cooper, Johnson County Medical Society; Dr. James W. Fowler, reappointed from the Jackson County Medical Society; Dr. John E. Johnson, reappointed from the Wyandotte County Medical Society; Dr. Robert S. Mosser, Jackson County Medical Society; Dr. Russell J. Eilers, appointed for 1-year term from the Wyandotte County Medical Society; Dr. Arch E. Spelman, Clay County Medical Society; Richard V. Riddell, Buchanan County Medical Society; and Dr. Stanley J. Sulkowski, Jackson County Osteopathic Association.

Area hospital association appointees: Charles D. Swint, assistant director of Children's Mercy Hospital; Carl Migliazzo, chairman of the board of Lakeside Osteopathic Hospital, reappointed; John Murphy, member of the advisory board of St. Mary's Hospital; A. Neal Deaver, administrator of Independence Hospital, 1-year term; James L. Smith, assistant director of the Menorah Medical Center, and Dr. Robert W. Wright, reappointed.

Public members: Ben N. Allmayer, reelected; Dr. LeRoy C. Lewis, Mrs. Samuel L. Sawyer, Peter Newquist, Ed G. Borserine, Homer C. Wadsworth, reelected, and David Schnabel, 1-year term.

Board of directors: Dr. Robert S. Mosser, Dr. Hilliard Cohen, reelected; Dr. Richard V.

Riddell, reelected; John Murphy, reelected; James L. Smith; Charles D. Swint, reelected; Meyer L. Goldman; Msgr. J. Kenneth Spurlock, reelected; Theodoric C. Bland, and Mrs. Samuel L. Sawyer.

Mr. LONG of Missouri. Mr. President, I think the length of time and the cost involved in this litigation are outrageous. They should remind us, if we need to be reminded, that the procedures under which agencies such as the FTC operate are outmoded and cumbersome.

I am glad to report that something is being done to update these procedures. The distinguished minority leader, Senator DIRKSON, and I shall introduce, very soon, a revised and highly refined new version of the Administrative Procedure Act. I am hopeful that this proposal, which has been under intensive consideration for several years, will be enacted by Congress without undue delay. If our whole administrative machinery is not overhauled, it will eventually grind to a halt.

GOLD RESERVE REQUIREMENTS

Mr. ROBERTSON. Mr. President, I was personally gratified by the fact that on yesterday only seven votes were cast against the President's bill to remove the gold cover from Federal Reserve deposits, which I had the honor of handling for the President on the floor of the Senate. I am sure that my Senate colleagues fully realize that I derive no personal satisfaction from carrying the flag on the floor of the Senate for a program to remove any part of the gold backing for our money supply. But, as the great Grover Cleveland once said, "We are facing a fact, not a theory."

The fact is that France, and perhaps other nations, have been threatening to demand payment in gold for their dollars, in a sum greater than the $1½ billion of free gold we now have. Consequently, it was a categorical imperative to demonstrate to France and to the world that we have available more than enough gold to meet the demands on our gold supply by any nations which might be foolish enough to think that the American dollar may no longer be the best currency in the world, or to think that the American dollar may no longer give access to the best market in the world to those who possess our dollars.

As the vote on final passage clearly indicated, the real issue that disturbed Senators was, not the stop-gap measure of a partial removal of our gold cover, but the basic problem of recurring deficits in our international balance of payments, under which foreign nations have been able to accumulate far more dollars, theoretically redeemable in gold, than the present total of our gold supply.

While many Senators expressed their concern over this problem, no Senator was more genuinely concerned than was my distinguished friend and eminent colleague from Massachusetts [Mr. SALTONSTALL]. He indicated his desire to see an immediate study made of the balance-of-payments problem; and I told him that the Banking and Currency Committee would undertake such a study at the earliest possible date.

I went on to say that I had already been discussing the subject of hearings on the balance-of-payments problem with the distinguished Senator from Maine [Mr. MUSKIE], the chairman of the Banking and Currency Committee's Subcommittee on International Finance, and that we had agreed that such hearings would be held in the very near future. In fact, I had approved having an initial hearing on this subject held before the Subcommittee on International Finance on next Tuesday, February 23; but, unfortunately, Senator MUSKIE had scheduled hearings on that date on his air pollution bill, and numerous vital witnesses had already planned to come on that date and during the remainder of next week. Consequently, it was not possible to begin the other hearings next week.

However, Mr. President, the distinguished Senator from Maine [Mr. MUSKIE] and I are working out arrangements to begin these hearings on the balance of payments early in March—by March 2, if essential witnesses are available by that time. We will make every effort to have a thorough and complete study made of the matter, taking advantage of all previous hearings and studies which already have been made in the field, so that we can come up with some definite affirmative recommendations for prompt and effective action to eliminate our balance-of-payments deficits.

We shall, of course, welcome the cooperation of all the great business organizations to which the President yesterday appealed for help—for example, the American Bankers Association, the U.S. Chamber of Commerce, and the National Association of Manufacturers. And, of course, we shall expect to hear the Secretary of the Treasury and other Government officials present the President's program; and also to hear witnesses, including the Secretary of State, on such subjects as foreign travel; and to hear the Secretary of Defense speak to us on military exports and other matters in his sphere. We shall also welcome the views of economists informed in the field, as well as the views of businessmen who have been concerned with one aspect or another of the matter.

SIOUX FALLS VA CENTER

Mr. MCGOVERN. Mr. President, Representative OLIN TEAGUE has opened hearings on the House side on the announced closing of Veterans' Administration hospitals and the consolidation of administrative centers.

I have taken an active interest in this announcement, because the VA center in Sioux Falls is one of the offices affected.

Mr. Ray Asmussen, claims representative and field officer of the South Dakota Veterans Department, has written me a most thoughtful letter, analyzing the effect of the proposed consolidation in South Dakota.

So that other Senators may benefit from Mr. Asmussen's comments, I ask unanimous consent that his letter to me be printed at this point in the CONGRESSIONAL RECORD.

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

SOUTH DAKOTA VETERANS DEPARTMENT,
Sioux Falls, S. Dak., February 15, 1965.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: The proposed merger of the Sioux Falls Regional Office of the Veterans' Administration activities with that of the St. Paul office represents economy based upon innuendo and not in accordance with commonsense. In early days loan guaranty, vocational and rehabilitation benefits were administered at the Sioux Falls office; however, these activities were discontinued inasmuch as there were delimiting dates for these benefits. The benefits for education and loans are gradually being phased out.

The Sioux Falls regional office administers veterans' compensation, pension, and death benefits. The number of claims for these benefits is increasing. The basic laws regarding these benefits as administered in 1947 remain. Recent veterans' legislation has extended benefits such as special pension for being housebound, aid and attendance, Public Law 86–211, war orphans education, insurance benefits and Public Law 88–664. Every year there has been the addition of new benefits or extension of old benefits under legislation.

The so-called efficiency report of the Veterans' Administration indicates that the Sioux Falls office has low productivity and that it costs $6.58 per man-hour to keep the Sioux Falls office open while it would cost $4.47 per man-hour if merged with St. Paul. Mr. Goulde stated that paper processing can be done as efficiently at the St. Paul office at less cost to the taxpayer; that the jobs being abolished are overlapping supervisory and clerical overland positions; and that the same personal service can be rendered to the veteran that has been given. These statements made to the Argus Leader by a VA official are figments of the imagination and are not proven facts.

The South Dakota Veterans Department handles approximately 48 percent of the processing of claims for all benefits including assistance in the development of evidence as well as assisting the veterans in their applications and counseling. The DAV and VFW handle a great many applications and furnish personal contact in counseling of the veterans. The claim applications and development of evidence by the VA contact service are small. The service organizations; namely, South Dakota Veterans Department, American Legion, Disabled American Veterans, Veterans of Foreign Wars, and the American Red Cross, process approximately 75 percent of all the claims and requests for benefits including the development of evidence to support the claim. Mr. Goulde should check to see the number of powers of attorney held by these organizations. A veteran submitting a claim for benefits in his own behalf is advised by the adjudication division as to the type of evidence required. The VA contact office is not involved in such assistance to the veteran. Furthermore, if an application for benefits is filed by the VA contact office and development of evidence is necessary the adjudication division still advises the veteran of the necessary evidence to submit in order that full consideration can be given his claim. Therefore, the three VA contact officers do not involve themselves with the development of the evidence. There is a lot more to a claim than just completing an application or paper processing as Mr. Goulde would have you believe. It is fantastic to think that two VA contact officers can handle all of the claim processing and assist the veteran properly in the prosecution of his claim.

Next, Mr. Goulde did not consider the cost of shipping a claims folder from the St. Paul office to Sioux Falls on a temporary basis in the event of this so-called economy merger. It costs 5 cents an ounce to ship a folder one way and this is not considering the packing, boxing, or the time spent in St. Paul to locate a file. The average file weight is 32 ounces and there are many files that are heavier. Here the cost to ship a file would be $1.60 and since this is a two-way shipping the cost would be $3.20 without considering employee costs, boxing, and the like. This movement of files would be a tremendous additional cost. Furthermore, they did not figure the vast amount spent to allow department heads to travel to South Dakota on official business, as has been the practice since the loan guaranty division was moved to St. Paul. Recently the St. Paul office had 95,000 pieces of unopened mail and this shows at least a 6 weeks' delay. Under these circumstances why all of a sudden has the St. Paul office become so efficient?

Mr. Goulde would have you believe that the consideration of a veteran's claim for benefits is merely paper processing. If such were the case there would be no need for a rating board, authorization section, or an adjudication officer. The adjudication division is more than a paper processing media. The veteran's claim and all of the evidence of record is considered and a deliberated judgment made. A narrative summary including the facts and the reason for the decision is made. Is administering, interpretation of the laws and regulation, judgment and the award of benefits a paper processing affair? The answer is obviously "No," and the VA officials know it. These actions based upon rules, regulations and public laws require continual interpretation and discussion. This cannot be reduced to a routine operation. Every veteran is entitled to the fullest consideration of his claim as a man who served his country without mental reservation.

Since the VA feels that the overlapping and clerical overhead positions should be abolished then such positions should be eliminated without transfer of the Sioux Falls office. The VA should eliminate those positions and submit a new table of organization. Under this proposed merger all of the personnel of Fargo and Sioux Falls would be integrated in the St. Paul setup. The present organization of the adjudication division in St. Paul consisting of approximately 77 employees would be increased to 102 under the new setup. Under such reorganization there would be no saving and the supervisory grades would be raised from a grade 13 to 14 and a grade 14 to 15. Under this arrangement there would be no saving. How can you combine all of the three offices, retain the same employees and still save money? The answer is obviously, "No, you cannot."

The service officers average approximately 10 to 12 contacts each day with VA personnel concerning discussion of evidence, prosecution of claims and awards of benefits. In many instances their contentions are voiced orally. The allegation that "anything dealing with people is left here" is a misnomer and unfounded. This personal service with the awarding section is lost and contact cannot make a decision. Contact is not an administering unit but more of a paper processing unit. Under the proposed merger the contact office cannot handle these personal services. The adjudication division deals with people every day including service officers, veterans, the hospital personnel and administrative service. The adjudication division is the core of the whole operation and all of the services revolve around it. To remove the adjudication division denies the veteran of benefits that he is entitled to.

The proposed merger is based upon so-called work measurement reports which lack practicability and were based upon pilot studies that did not show a fair study of the end product codes. The larger offices show "slipshod" work and thus less time spent to complete an end product. Why doesn't the VA examine rating decisions, award actions of the Sioux Falls office as compared with St. Paul office? In claims folders that I have seen the St. Paul office does not in their rating decisions present full and complete discussion of their actions. What has been the rating based upon a survey by central office of the St. Paul office as compared with the Sioux Falls office? I am sure that the Sioux Falls adjudication division has a higher rating on the quality of the work performed.

The Veterans' Administration based their decision as to low efficiency on an outmoded pilot study concerning work measurement several years ago. The time allotted for end products was based upon applications that were relatively simple such as non-service-connected pension and claims for compensation by veterans who were recently released from service. The pension claims were from veterans of World War I who were 65 years of age who needed only a 10-percent disability and evidence of unemployability. Now claims for pension by veterans of World War II are increasing. The claims for pension by veterans who are approximately 40 to 50 years of age require a greater disability warranting more time in evaluating disabilities. The end product time now allotted is not sufficient since more time is required to consider a claim for pension by a World War II veteran. You cannot use the same criteria to consider a World War II veteran's claim. Now there are more claims for disability compensation being filed by veterans who have had 20 to 30 years of service. The time allotted for such end products is not sufficient since there are more records to review and consider. In addition, claims for compensation being filed by veterans of World War II or Korean service require more development and continuity evidence but the VA allots the same amount of time for this claim as it did previously. The work measurement report allows no time for additional statements of the case to the veteran after the first is given. This is free and not measured. Therefore the time allotted to consideration of claims and awards is not fair and not correct inasmuch as it was based upon a time study that is obsolete and not based upon the present working conditions. The examples given are not all but just a few samples of unfairness of the present system of work measurement.

The VA states that "this was no random move." It is noted that an arbitrary judgment was made by the VA to close those regional offices of the States having less than 100,000 veterans. South Dakota has approximately 75,000 veterans. An arbitrary figure was arrived at by the VA simply to make a random guess to close such offices. This fact shows that the move was a random judgment not based upon adequate and fair consideration.

The present organization consisting of a manager, assistant manager, chief medical officer, administrative assistant to the chief medical officer, personnel officer, and assistant personnel officer are to remain to administer the hospital. This appears to be too much top management. Certainly such entails an overlapping of supervisory positions. This whole setup entails too many chiefs and not enough men to do the work. This supervision is unmeasured work. Certainly some adjustment should be made.

Personnel at the VA in Sioux Falls has not furnished opinions on this merger. These employees should be called before an investigating committee, placed under oath, and asked whether they were told to be quiet and not say anything until the "VA factfinder" left the station. This is unfair and contrary to our Constitution. This subduing employees by way of reprisals does not represent justice and fair play. Does a VA employee forfeit his right to freedom of speech or to express an opinion? Does the VA operate on the same system as the Army? The freedom of speech was denied because of the fear of reprisal or the loss of his job. I am sure our Congress does not operate under this delusion denying the freedom to be heard. The factfinder did not come to gather data—he came simply to arrange the transfer in spite of the Congress or the people.

Therefore, in conclusion an impartial investigation should be made by the Congress of the United States to determine the full facts and those employees of the Sioux Falls office should be palced under oath and testify as to the facts.

The merger is ill-advised and not warranted because:

1. Personal service to the veteran will be hindered and will become nonexistent. The adjudication division is the core of the VA operation and is not a paper processing unit under any stretch of the imagination.

2. The work study conducted by the VA several years ago does not accurately measure the current work. The work measurement is obsolete and unrealistic when based upon an outmoded study several years ago.

3. Survey reports by central office of the adjudication division of the Sioux Falls office will show a higher quality of work performed than that of the St. Paul office.

4. SDVD, AL, DAV, VFW, and ARC service officers perform approximately 75 percent of the work in connection with all claims for benefits. The VA contact personnel perform a small percentage of the work at present. To eliminate the work of service organizations would definitely deny aid and assistance to the veteran. The present merger would leave two contact officers who would be figureheads acting as paper pushers.

5. If there are overlapping supervisory and clerical overhead positions then the VA should eliminate such positions and submit a new table of organization for the Sioux Falls office and allow the adjudication division, chief attorney, and the administrative section to remain here.

6. The merger and move would not save money since supervisory personnel at the St. Paul office would be promoted to higher grade positions, adjudication personnel of the Fargo and Sioux Falls offices would be integrated with the St. Paul office without reduction but personnel would be increased from 77 to 102.

7. The St. Paul office lacks the facilities to consolidate the movement of office space for personnel and storage space for the additional records. The St. Paul office is behind in its work and this confusion of movement would delay the timely consideration of claims.

8. The top management personnel remaining in the Sioux Falls office after the merger would be excessive in the administration of the hospital. Here again the costs would be out of line with the generally accepted principle of sound business management.

9. The VA used an arbitrary method of selecting a regional office for abolishment based upon a State having less than 100,000 veterans in population. South Dakota has 75,000 veterans. The dependents of the veteran were ignored in this computation.

10. The quality and kind of service to the veteran and his dependents have been the best and are far superior to the St. Paul office. A review can be made of claims folders of both offices and this will be clearly evident.

11. The VA employees were not allowed freedom to express opinions or present facts to the service organizations regarding the merger. They were silenced due to their employer-employee relationship.

For all of the reasons and facts stated this merger should not take place and also a full, complete, and impartial investigation should be made.

Very truly yours,

RAY ASMUSSEN,
Claims Representative and Field Officer.

PARIS, ILL., COUPLE RECEIVE AWARD FOR DISTINGUISHED SERVICE IN INTERNATIONAL EDUCATION

Mr. DOUGLAS. Mr. President, since 1956, the Institute of International Education has been giving service awards to educational institutions, organizations, corporations, communities, and individuals, in recognition of their voluntary activities in educational and cultural exchanges.

Mr. and Mrs. T. J. Trogdon, Jr., of Paris, Ill., were one of five recipients of this distinguished award from the Institute of International Education-Reader's Digest Foundation for 1965. This is a great honor to a fine family which is personally known to me. Mr. and Mrs. Trogdon have displayed great patriotism in their untiring and effective efforts to help promote international understanding by providing a program of hospitality to foreign students and visitors in Paris, Ill. Their successful efforts have also made this program possible in other Illinois cities.

Illinois and the Nation are proud of the Trogdons and others who have participated in promoting friendship between the United States and our foreign friends.

I ask unanimous consent that the citation to Mr. and Mrs. Trogdon, from the Institute of International Education-Reader's Digest Foundation for 1965, be printed in the RECORD.

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

INSTITUTE OF INTERNATIONAL EDUCATION-READER'S DIGEST FOUNDATION CITATION TO AN INDIVIDUAL FOR DISTINGUISHED SERVICE IN INTERNATIONAL EDUCATION

To Mr. and Mrs. T. J. Trogdon, Jr., for their untiring and effective efforts to provide hospitality to foreign students and visitors and to broaden the horizons of their fellow Americans, the Institute of International Education and the Reader's Digest Foundation present their award for distinguished service.

For the foreign student or visitor, the opportunity to know and understand the America which extends beyond the campus or the special facility he is visiting is one of the most rewarding aspects of his exchange experience. Since 1956, Mr. and Mrs. Trogdon have provided this opportunity to hundreds of visitors from abroad. In that year they organized, in their hometown of Paris, Ill., the Thanksgiving fellowships which have made it possible every year since then for more than 100 foreign students attending nearby colleges and universities to spend the 4-day Thanksgiving holiday in local homes. So rewarding was this program to the students and to the host families that the Trogdons undertook to develop Thanksgiving 4-day fellowships in other communities. Today their idea flourishes in seven Illinois towns and cities.

The original venture in international understanding launched by Mr. and Mrs. Trogdon in Paris is now but a part of the year-round community program, which includes regular visits to this American community by Allied airmen at Chanute Field during the summer, and year-round visits of special guests sent by the State Department and other public and private agencies. Many of these visitors have enjoyed the hospitality of Mr. and Mrs. Trogden who have played a leading role in the expansion of their community hospitality program.

The Trogdon's advice, experience and good will are sought by local, State, and National organizations and they have assisted many educational and cultural exchange agencies, including the experiment in international living, COSERV, and the American Foundation for World Youth Understanding.

Their effort to encourage international understanding at the local community level constitutes a heartening example not only of high purpose but also of effective voluntary action. IIE and the Reader's Digest Foundation are proud to present their award for distinguished service to Mr. and Mrs. T. J. Trogdon, Jr.

THE NEW YORK TIMES AND GHANA

Mr. DODD. Mr. President, in July of 1963, after taking the testimony of the Ghanaian opposition leader, Dr. K. A. Busia, and after receiving from him many documents relating to the situation in Ghana, the Subcommittee on Internal Security issued a report to which I wrote a foreword.

In the foreword I stated:

The evidence strongly suggests that Kwame Nkrumah's Ghana has become the first Soviet satellite in Africa.

I said that Ghana had become the focal point for the subverision of Africa, just as Cuba is the focal point for the subversion of the Americas; and I described Ghana as the mortal enemy of true freedom and independence for the peoples of Africa, and the mortal enemy of African peace.

For this statement, I was severely taken to task by the New York Times, which advised its readers:

Such wild statements are, in fact, calculated to drive any African leader toward communism.

The violent anti-American riots in early January 1964 led many people to do some rethinking on the subject of Ghana.

The New York Times, which only 6 months previously had challenged my characterization of Nkrumah, included in its issue of January 8, 1964, a page 1 article under the caption "Ghana is Viewed as Going Marxist." According to the article:

Diplomats in Accra, the capital of Ghana, have concluded almost unanimously that the country is rapidly becoming an undisguised Marxist state.

Now the pendulum has swung all the way. Responding to the news that five Ghanaian opposition leaders, including two former Cabinet Ministers, had been condemned to death by Kwame Nkrumah's courts, the New York Times published an eloquent and scathing editorial with which I find myself in wholehearted accord.

Hindsight is better than no sight at all; but one of the worst faults of hindsight is, not that it is tardy, but that it finds it so difficult to forgive foresight.

Because I think these items are of some historic interest, Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times editorial on Ghana, of July 16, 1963; excerpts from the New York Times article of January 8, 1963; and the New York Times editorial captioned "Kwame Nkrumah's Betrayal," as published on February 15, 1965.

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

[From the New York Times, July 16, 1963]

EDITORIAL

The statement by Senator DODD, of Connecticut, that Ghana is probably "the first Soviet satellite in Africa" is almost as harmful to the position of the United States in Africa as it is unjust to Ghana. The irresponsibility of the statement is obvious from the fact that even Senator DODD only claims to have talked to one man, who is a respected Ghanaian opposition leader in exile, Dr. Kofi Busia.

Conclusive evidence of President Kwame Nkrumah's communism, according to Senator DODD's way of thinking, seems to be that Mr. Nkrumah made a trip behind the Iron Curtain. Even Dr. Busia, for all his hostility, did not testify that Ghana in his opinion is a "Soviet satellite." He argued that it is "Communist oriented."

The evidence is mixed, even contradictory. The aid being given by the United States and British Governments and the World Bank was arranged after careful inquiries. A new Ghanaian investment law to encourage foreign private investments has just been adopted. The American Peace Corps has had a successful program.

Ghana's foreign policies do often coincide with the Soviet position; but that is a very long way from saying that Ghana—or any other African state—is a satellite. Guinea was stereotyped in the same way by many Americans until a year or two ago, when the essential African determination to be nobody's satellite became clear there—and Guinea was much nearer to being a Soviet satellite than Ghana has ever been.

None of this means that the Nkrumah government is pro-Western or democratic. Nothing could be less democratic than the autocratic, authoritarian, one-party system of Ghana, with Kwame Nkrumah as the tribal chieftain of his nation. Moreover, no one can question the fact that Mr. Nkrumah is a fanatical anticolonialist, anti-imperialist African leader with, doubtless, imperial ambitions of his own in West Africa. Besides which, he is a variation of a Marxist since he has introduced what he himself calls a policy of African socialism.

Senator DODD seems to believe all this makes Ghana a "Soviet satellite." Such wild statements are, in fact, calculated to drive any African leader toward Moscow. It is hard for foreigners to realize that people like Senator DODD, fortunately, do not speak for the United States, or the U.S. Government or, in his case, even for the U.S. Senate.

[From the New York Times, Lagos, Nigeria, Jan. 8, 1963]

GHANA IS VIEWED AS GOING MARXIST

Diplomats in Accra, the capital of Ghana, have concluded, almost unanimously, that the country is rapidly becoming an undisguised Marxist state.

They hold that the government of President Kwame Nkrumah is seeking complete ideological control over the judiciary, education, the civil service, the army, and the police.

These views are confirmed almost daily by the Government-owned press and radio,

which have proclaimed "total war" on capitalism and are demanding a nationwide purge of all "antiprogressive" elements.

The Government press continued its stepped-up attacks against the United States and what it called other "imperialist" countries of the West. Typical was a commentary in the Ghanaian Times that demanded the expulsion of all Peace Corps volunteers. They were described as "spies and meddlers."

* * * * *

Party members were further heartened by an announcement by the President on New Year's Eve. He said that a constitutional amendment making the Convention People's Party Ghana's sole political party would be put to a referendum January 24.

SOVIET PARALLEL NOTED

The proposed amendment is taken almost word for word from article 126 of the 1936 Soviet Constitution.

The abortive attempt on Mr. Nkrumah's life last Thursday has served to intensify the drive against "reactionaries" and "counter-revolutionaries." The President was not hurt in the attack, but a bodyguard was killed.

The tone of the Government's campaign was set by Kofi Baako, the Defense Minister. Hailing the President's escape in the attack, he declared: "Kwame is to Africa today what Lenin was to the Soviet Union in 1917."

[From the New York Times, Feb. 15, 1965]

KWAME NKRUMAH'S BETRAYAL

President Nkrumah has just about read himself and his government out of the comity of civilized nations. Five persons, including two former cabinet ministers have been condemned to death by a court from which Mr. Nkrumah virtually demanded death sentences. Three of the men had had a fair trial after their arrest on suspicion of complicity in the attempted assassination of President Nkrumah in August, 1962. The Chief Justice, Sir Arku Korsah, who presided over a special court to try the men, acquitted three of them.

Thereupon, Mr. Nkrumah dismissed the chief justice, had the verdict quashed, appointed some new judges, and saw to it that the men were found guilty. The death sentences may well be commuted by Nkrumah, but nothing can remove the stigma of as flagrant an example of political justice as has been seen anywhere in years.

These developments came to a head just as the former leader of the opposition in Ghana, Dr. Danquah, died in prison of the hardships that had been inflicted on him. He was a brave, patriotic, high-minded Ghanaian who did as much as Kwame Nkrumah to lead the successful struggle for independence.

President Azikiwe of Nigeria commented on Dr. Danquah's death and on the general situation in Ghana in words that all responsible African statesmen would applaud. "If," he said, "independence means the substitution of indigenous tyranny for alien rule, then those who struggled for the independence of former colonial territories have not only desecrated the cause of freedom; they have betrayed their people."

President Nkrumah has deeply discouraged those in Europe and the United States who support African causes. He has done more harm to the new Africa than and supposed colonialism or imperialism could do.

All this happens while Ghana's economy is in extremely bad shape because of a fall in the price of cocoa on the world markets, a sharp rise in imports and a program of deficit financing that has no relation to the rules of economics. If Ghana is to avoid a runaway inflation and a balance-of-payments crisis, she will need help from abroad. This is a curious time for Kwame Nkrumah to flout or ignore world opinion.

INDIANA DUNES NATIONAL LAKESHORE

Mr. DOUGLAS. Mr. President, the endorsement by President Johnson of the Indiana Dunes National Lakeshore, in his truly great message on natural beauty, is an important boost to the long effort to save the Indiana Dunes. However, as Chicago's American recently pointed out in an editorial, on the same day when the President sent his message to Congress, the Senate Subcommittee on Parks and Recreation heard protests against the proposed park from a company whose workers and their families will be among the chief beneficiaries of the national lakeshore. The subcommittee heard the same protests last year, but wisely chose to side with the people. It reported S. 2249, which was passed by the Senate on September 30.

I am confident that the Subcommittee on Parks and Recreation will again approve the new lakeshore bill, S. 360—which is identical to S. 2249—with its boundaries intact, so that the Senate can speedily approve this much needed park in the heart of the Gary, Ind.-Chicago region.

I ask unanimous consent that the Chicago's American editorial of February 10 be printed in the RECORD.

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

[From the Chicago (Ill.) American, Feb. 10, 1965]

AN ANTIUGLINESS PROGRAM

President Johnson's special message to Congress on conservation was an urgent appeal for action, as it should have been. The President's solemn, inflated style is not the most effective, and we wish he could get along without such phrases as "indifferent alike to the judgment of history and the command of principle." Still, he was not exaggerating at all about the need for some strong antipollution and antiugliness legislation, and we hope Congress gives his program a high priority.

In his message, Johnson himself gave encouragingly high priority to the Indiana dunes, and the need for saving what's left of them by designating 11,000 acres as the Indiana Dunes National Lakeshore. The need was promptly demonstrated by representatives of Inland Steel Co., who set up a howl of protest against losing 830 acres of Inland's property to the public. William A. Blake, an Inland official, complained before a Senate subcommittee that Inland's territory adjoining the park area would be turned into a Coney Island.

Obviously, the fight to save some of this uniquely beautiful area for public enjoyment is not won yet.

Under a "compromise" arrived at last year, Illinois Senator PAUL DOUGLAS and other conservationists salvaged the lakeshore area by giving up 4,677 acres to two other steel companies, Bethlehem and National. The companies wanted the property primarily to build a port facility at Burns Ditch, in Porter County, and Indiana politicians battled on their behalf as though the State's economy were at stake.

Actually, it is very doubtful that the Burns Ditch port will ever amount to anything but a gift from the taxpayers for the exclusive benefit of the steel companies. There is no evidence that other industries or shippers will get any good from it, or even that public terminal facilities will ever be built there. Now Inland, which actually opposed the Burns Ditch harbor because it had no access to the site, is battling the conservation measure for its own reasons.

All this should show what kind of a fight will be called for if this country is going to save its natural beauties from systematic destruction. As Johnson made clear, there is no time to waste.

PRESIDENTIAL AND VICE PRESIDENTIAL SUCCESSION — PRESIDENTIAL DISABILITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid down and made the pending business, and that the morning hour be concluded.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the unfinished business.

The CHIEF CLERK. A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I move that the order for the quorum call be rescinded.

The motion was agreed to.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business to consider the nominations on the Executive Calendar, beginning with the Department of Defense.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committee.

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

The VICE PRESIDENT. If there be no reports of committees, the clerk will state the first nomination, beginning with the Department of Defense.

DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of Kenneth E. BeLieu, of Oregon, to be Under Secretary of the Navy.

Mr. STENNIS. Mr. President, I shall detain the Senate only a few minutes. I wish to express myself briefly with reference to the confirmation of this fine appointment and to commend the President for selecting a man of the background and experience that Mr. BeLieu has for a civilian position in the Department of Defense. This young man has had fine experience both on the field of battle and in the battle of operating the Government. He has been connected with some of us in our duties in the Committee on Armed Services, where he did work of the highest order.

I have never known a person who had a better attitude or a more dedicated attention to duty. Mr. BeLieu has already proved himself to be a capable administrator as Assistant Secretary of the Navy. I feel certain that his work will continue in the same fine order of outstanding accomplishment.

Mr. BeLieu served in the Army for more than 10 years and was promoted on the battlefield. I am proud to see in the civilian branch of the Government the appointment of a military man of his background and splendid dedication. I hope there will be more such appointments.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. From this side of the aisle, I wish to endorse the statement of the Senator from Mississippi. Mr. BeLieu was a member of the staff of the Committee on Armed Services. He was appointed to that particular position by the present President of the United States. He gave us excellent assistance when he was an important adviser to our committee, and since then he has acted most cooperatively and understandingly with the members of the Committee on Armed Services on questions that concerned the Navy.

He has now been promoted. I am certainly happy to endorse his nomination, as the Senator from Mississippi has just done.

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

Mr. STENNIS. I yield.

Mr. DIRKSEN. I concur fully in the observations made today. Ken BeLieu served with distinction on the Military Preparedness Subcommittee, when he was closely associated with the then distinguished majority leader of this body, who is now the President of the United States.

I can think of no one who performed his duties more diligently. I can think of no one who brought to his duties a higher patriotic fervor than Ken BeLieu. Nearly every Member of the Senate knew him quite well.

It is a high compliment to him that he should be advanced; he richly deserves it. I fully concur in the action of the President in sending his name in for appointment.

Mr. STENNIS. Mr. President, I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. AIKEN. Mr. President, I can add nothing to what has been said about Ken BeLieu personally. I commend the President for appointing him to the position of Under Secretary of the Navy. It is a good appointment.

Mr. STENNIS. I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I join my colleagues in what they have said about the appointment by the President of Mr. Kenneth E. BeLieu to the office of Under Secretary of the Navy.

Mr. BeLieu is an excellent American. He has proved his mettle as the distinguished Senator from Mississippi has said, on the field of battle and in the Senate committees as well as in the Department which he has served so effectively over the past several years.

This is one of the best appointments that could be made. I am delighted, and am certain that the nomination will be confirmed unanimously by the Senate.

Mr. STENNIS. I thank the Senator. This gentleman was originally brought to the Committee on Armed Services by the Senator from Georgia [Mr. RUSSELL], and was taken away from us to the Space Committee by the present President of the United States.

Mr. JACKSON. Mr. President, I wish to associate myself with the remarks of my colleagues regarding the nomination of Mr. Kenneth E. BeLieu to be Under Secretary of the Navy. His nomination was reported unanimously by the Committee on Armed Services. In my judgment he has brought to the Navy and to the Department of Defense the rich experience of the professional soldier and professional staff member of the two Senate committees. He served in the U.S. Army with great distinction from 1940 to 1955.

He was a professional staff member of the Committee on Armed Services.

Subsequently, he served as staff director of the Senate Preparedness Subcommittee of the Committee on Armed Services. He also served as staff director of the Aeronautical and Space Sciences Committee. The latter two committees were chaired by the then Senator Lyndon Johnson.

I have had the privilege of working with Mr. BeLieu during the time that he served with such great distinction on the staffs of the committees I have mentioned.

I have also observed his work over the past 4 years as Assistant Secretary of the Navy.

Mr. BeLieu is a man of great integrity, a man who has done outstanding work in all the assignments he has undertaken for his Government.

Mr. President, I ask unanimous consent to have a biographical sketch of Mr. BeLieu printed at this point in the RECORD.

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

KENNETH E. BELIEU, ASSISTANT SECRETARY OF THE NAVY (INSTALLATIONS AND LOGISTICS)

Mr. BeLieu was born in Portland, Oreg., on February 10, 1914. He is the son of Ila Jean BeLieu and the late Perry G. BeLieu of Oregon. He is married to the former Margaret Katherine Waldhoff of Anoka, Minn., and has two sons, Kenneth E., Jr., and Christopher Michael.

He attended Roosevelt High School (class of 1933) in Portland, Oreg., the University of Oregon, Eugene, Oreg. (class of 1937), and the Harvard Business School (advanced management program, 1955).

After 3 years in business in Portland, in 1940 Mr. BeLieu volunteered for active duty with the U.S. Army and was commissioned a second lieutenant of Infantry. His World War II service carried him from the Normandy landings through the campaigns in France, the Battle of the Bulge, and into Germany and Czechoslovakia. He was awarded the Silver Star, Legion of Merit, Bronze Star, Purple Heart, and Croix de Guerre for gallantry in action. He was discharged from the Army in 1945 with the rank of lieutenant colonel.

Shortly after returning to civil life, he was offered a commission in the Regular Army, which he accepted in July 1946. He was ordered to Washington, D.C., where he served in various assignments in Department of the Army headquarters. In July 1950, Mr. BeLieu volunteered for action in Korea and, while there lost his left leg below the knee in November of 1950 and was returned to the United States. While in Korea, Mr. BeLieu was decorated by both the United States and Korean Governments. From the spring of 1951 until his retirement in October of 1955, he served as executive officer to two Secretaries of the Army.

In November 1955, Mr. BeLieu became a professional staff member of the Senate Armed Services Committee. In January 1959, he assumed two principal responsibilities. First, he became staff director of the Senate Committee on Aeronautical and Space Sciences—the committee which has jurisdiction to survey and review all aeronautical and U.S. space activities and analyze all legislation dealing with the National Aeronautics and Space Administration. Second, Mr. BeLieu became staff director of the Preparedness Investigating Subcommittee of the Senate Committee on Armed Forces. This committee has broad authority to review, investigate, and make recommendations on all aspects of the Nation's military policies, programs, and operations. The Senate Committee on Aeronautical and Space Sciences and the Preparedness Investigating Subcommittee of the Senate Committee on Armed Forces were chaired by the then Senator Lyndon B. Johnson.

Mr. BeLieu was confirmed by the U.S. Senate on February 6, 1961, and sworn in as Assistant Secretary of the Navy for Installations and Logistics on February 7, 1961.

Mr. JACKSON. Mr. President, Mr. BeLieu understands the duties and responsibilities of the Congress and the executive branch of the Government in the field of national security.

I feel that the Navy and the Department of Defense and the country as a whole will be honored by his service as Under Secretary of the Navy.

Mr. DODD. Mr. President, the career of Kenneth E. BeLieu is one of steady progress upward, to successive positions of increased demands and responsibilities.

Senate confirmation of Ken BeLieu today, to be Under Secretary of the Navy, will be further recognition by us of the fact that he consistently does an outstanding job, regardless of where he may be called upon to serve.

And I am sure that Ken BeLieu will reach even higher positions within the Federal Government in the future.

In January 1959, my first month in the Senate, Ken BeLieu was appointed staff director of the Senate Space Committee, a committee to which I was assigned at the same time.

Ever since then, I have known Ken well and have worked closely with him. He has without exception been courteous, responsive and, whenever possible, helpful to me when I have come to him with a problem.

I know that my colleagues have received the same high quality of service from Ken, especially during the last 4 years when he has carried out with distinction the difficult duties of Assistant Secretary of the Navy for Installations and Logistics.

President Johnson has chosen well, I believe, and with his nomination of Kenneth BeLieu he has continued his excellent policy of promoting deserving people up through the ranks.

I can think of no better experience and background for this position of Navy Under Secretary than Ken BeLieu's, as a businessman, Army officer, staff man in the Congress and Assistant Secretary of the Department in which he will continue to serve.

I urge prompt and unanimous approval of his nomination by the Senate.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

The legislative clerk read the nomination of Graeme C. Bannerman, of the District of Columbia, to be an Assistant Secretary of the Navy.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the Air Force.

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

The VICE PRESIDENT. Without objection, the nominations in the Air Force will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

The VICE PRESIDENT. Without objection, the nominations in the Navy will be considered en bloc; and, without objection, they are confirmed.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY, IN THE NAVY, AND MARINE CORPS

The legislative clerk proceeded to read sundry routine nominations placed on the Secretary's desk in the Army, Navy, and Marine Corps.

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

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

OFFICE OF EMERGENCY PLANNING

The legislative clerk read the nomination of Buford Ellington, of Tennessee, to be Director of the Office of Emergency Planning.

Mr. BASS. Mr. President, I shall take only a moment to commend the President for the wise choice that he has made in selecting the former Governor of Tennessee to be Director of the Office of Emergency Planning.

Mr. Ellington has had a distinguished career in public service, both in the executive and legislative branches of the Government. He served with distinction in the State Legislature of the State of Tennessee, and then in the office of secretary of agriculture for our State for a period of 6 years.

After that time, he was chosen to be the Governor of our State, and served with distinction in that office for 4 years. He left the office of Governor probably as popular as any man in the history of our State.

Governor Ellington has been a close associate of President Johnson's for a number of years. Serving in this very important office, where, as was stated, he will also be a member of the Security Council, his experience and ability will serve the Nation well.

I also commend Governor Ellington for accepting the position. Governor Ellington was well situated in private life in Tennessee. I know that in many instances today it is a great sacrifice for some Americans to leave the security of important positions to come with the Government to serve in these needed capacities.

Mr. Ellington has made a sacrifice to accept this position. I commend him for this. I commend Mr. Ellington to the Senate. I hope that the Senate will advise and consent with the President on this most important nomination of Governor Ellington to become the Director of the Office of Emergency Planning.

Mr. STENNIS. Mr. President, with reference to the confirmation of the nomination of Hon. Buford Ellington to be Director of the Office of Emergency Planning, I know the gentleman from Tennessee to be a very able man of fine experience, having been a highly successful Governor of the great State of Tennessee. I know not only of his ability, but also of this splendid attitude as a public official and public servant.

This is a highly important office for the added reason that he will be a member of the National Security Council, in which position I feel that his advice and counsel will be of great value.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

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

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

PROHIBITION OF UNFAIR AND DECEPTIVE PACKAGING AND LABELING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, Senate Joint Resolution 1, be temporarily laid aside and that the Senate proceed to the consideration of S. 985.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 985), to regulate interstate or foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain commodities distributed in such commerce, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

DECLINE OF MORALITY IN THE UNITED STATES

Mr. TALMADGE. Mr. President, there appeared in the January 18 edition of the San Francisco Examiner one of the most forthright editorials I have had an opportunity to read on a matter which is of increasing concern to the American people—the decline of morality in the United States.

The newspaper asked editorially, "What Has Happened to Our National Morals?" and then it recites chapter and verse which leads only to the conclusion

that they have fallen to perhaps the lowest level in the history of our country. As the Examiner pointed out, and I quote:

In the two decades since the end of World War II we have seen our national standards of morality lowered again and again.

We have seen a steady erosion of past principles of decency and good taste.

And, we have harvested a whirlwind. As our standards have lowered, our crime levels and social problems have increased.

Mr. President, this editorial deserves the widest dissemination possible, for it calls attention to a problem with which we must soon come face to face and which we must take action to correct.

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

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

[From the San Francisco Examiner, Jan. 18, 1965]

THE APPALLING EROSIONS OF MORAL STANDARDS

What has happened to our national morals?

An educator speaks out in favor of free love.

A man of God condones sexual excursions by unmarried adults.

Movies sell sex as a commercial commodity.

Bookstores and cigar stands peddle pornography.

A high court labels yesterday's smut as today's literature.

Record shops features albums displaying nudes and near nudes.

Nightclubs stage shows that would have shocked a smoker audience a generation ago.

TV shows and TV commercials pour out a flood of sick, sadistic, and suggestive sex situations.

A campaign is launched to bring acceptance to homosexuality.

Radio broadcasts present discussions for and against promiscuity.

Magazines and newspapers publish pictures and articles that flagrantly violate the bounds of good taste.

Four letter words once heard only in barroom brawls now appear in publications of general distribution.

Birth control counsel is urged for high school girls.

Look around you. These things are happening in your America. In the two decades since the end of World War II we have seen our national standards of morality lowered again and again.

We have seen a steady erosion of past principles of decency and good taste.

And we have harvested a whirlwind. As our standards have lowered, our crime levels and social problems have increased.

Today, we have a higher percentage of our youth in jail * * * in reformatories * * * on probation and in trouble than ever before.

Study the statistics on illegitimate births * * * on broken marriages, on juvenile crimes, on school drop-outs, on sex deviation, on dope addiction, on high school marriages, on crimes of passion.

The figures are higher than ever. And going higher.

Parents, police authorities, educators and thoughtful citizens in all walks of life are deeply disturbed.

They should be. For they are responsible. We of the older generation are responsible.

Our youngsters are no better and no worse than we were at the same age. Generally, they are wiser. But—they have more temptations than we had. They have more cars. They have more money. They have more opportunities for getting into trouble.

We opened doors for them that were denied to us. We encouraged permissiveness. We indulged them. We granted maximum freedoms. And we asked for a minimum in respect * * * and in responsibility.

Rules and regulations that prevailed for generations as sane and sensible guides for personal conduct were reduced or removed. Or ignored.

Prayer was banned from the schoolroom and the traditional school books that taught moral precepts as well as reading were replaced with the inane banalities of "Dick and Jane."

Basically, there are just two main streams of religious thought in these United States. Those who believe in a Supreme Being. And those who do not.

The first group far outnumbers the second. But this Nation that was founded on the democratic concept of "majority rule" now denies the positive rights of many to protect the negative rights of a few.

As prayer went out of the classroom so, too, did patriotism.

No longer are our children encouraged to take pride in our Nation's great and glorious past.

Heroes are downgraded. The role played by the United States in raising the hearts and hopes of all enslaved peoples for a century and a half is minimized.

We believe this is wrong. We are convinced that a majority of our citizens would welcome an increase in patriotism and prayer and a decrease in the peddling of sex, sensationalism, materialism, and sordidness.

In a few days the Examiner will present the first in a series of profiles of our Nation's heroes. We will salute the men and women who contributed so much to our national legacy in valor, science, education, religion, and art.

In the months ahead we will also intensify our efforts to fight back against the appalling vulgarization of sex.

We do not propose prudery. Neither do we propose wildeyed, fanatical patriotism.

In both areas, we propose to address ourselves to the problems as we see them with calm reason and respect for the rights of those with views contrary to ours.

As a newspaper we have an obligation to reflect life as it is, not as it ideally might be. We will, therefore, continue to print all the news. That which is sordid and tawdry we will treat in a manner suitable for a family publication.

Over the years we have refused to accept advertising which we felt exceeded the bounds of good taste. We will pursue this course with greater dedication in the future.

Our test will be our own standards of good taste. We do not claim infallibility. Readers have felt we erred in the past. Others will undoubtedly feel we do so in the future. Such errors of excess—if they occur—will be in spite of our efforts, not because of them.

If the general public is as deeply disturbed as we are by the decline in national morals and in national pride, let it speak out.

Together we can put down the sex peddlers without lifting the bluenoses. And, with God's help, we can put prayer and patriotism back in our classrooms. And in our hearts and homes, as well.

FIFTH MEETING OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, it was recently my privilege to serve in the American delegation to the fifth meeting of the Mexico-United States Interparliamentary Group in Mexico from February 11 to 18.

The U.S. delegation committee was headed by the distinguished Senator from Alabama [Mr. SPARKMAN], and had on it the distinguished Senator from Oregon [Mr. MORSE], the distinguished Senator from Tennessee [Mr. GORE], the distinguished majority leader of the U.S. Senate [Mr. MANSFIELD], the distinguished Senator from Alaska [Mr. GRUENING], the distinguished junior Senator from New Mexico [Mr. MONTOYA], the distinguished senior Senator from Vermont [Mr. AIKEN], the distinguished Senator from Utah [Mr. BENNETT], the distinguished Senator from Wyoming [Mr. SIMPSON], and the distinguished Senator from Arizona [Mr. FANNIN].

In addition, as a part of the U.S. delegation there was a distinguished group from the House of Representatives, headed by Hon. ROBERT N. C. NIX, of Pennsylvania; and including Hon. HARRIS B. MCDOWELL, JR., of Delaware; Hon. JAMES C. WRIGHT, JR., of Texas; Hon. HAROLD T. JOHNSON, of California; Hon. RONALD BROOKS CAMERON, of California; Hon. JOHN M. SLACK, JR., of West Virginia; Hon. HENRY B. GONZALEZ, of Texas; Hon. EDWARD J. DERWINSKI, of Illinois; Hon. WILLIAM L. SPRINGER, of Illinois; Hon. F. BRADFORD MORSE, of Massachusetts; Hon. JAMES HARVEY, of Michigan; and Hon. ALPHONZO BELL, of California.

The purpose of my taking the floor is to invite the attention of Senators to the fact that during this Interparliamentary Conference the problem of population growth was considered. It was considered and discussed at length by one of the committees of the Conference. It was discussed openly and candidly. The various implications of unchecked population growth, particularly in the backward sections of the world, were explored at length.

As a result of the discussion between the Mexican and United States representatives, a resolution was adopted and included in the report, both of the American reporter for the section of the Conference and of the Mexican reporter.

I should like to read two paragraphs included in the report and call to the President's attention the fact that this may be the first time an international conference has publicly taken cognizance of this problem and requested the respective governments of the participants to take specific action. I read these two paragraphs from the U.S. report, which is entitled "Demographic Conference":

Deeply concerned with the present rate of world population growth, Committee III appointed a subcommittee composed of two members from our respective delegations, and this subcommittee drafted a committee proposal that the Mexican and United States delegations "recommend to their respective Governments that they take immediately such steps as may be necessary to initiate, either through existing international organizations or independents, if necessary, an international conference to study the problem of world demographic growth."

I believe this was an extremely important contribution made by the conference. I hope note will be taken of it.

Mr. HART. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROHIBITION OF UNFAIR AND DECEPTIVE PACKAGING AND LABELING—REFERENCE OF SENATE BILL S. 985

Mr. HART. Mr. President, it is my understanding that the pending business is the question of reference of S. 985.

The PRESIDING OFFICER. The bill (S. 985) is before the Senate for disposition at the present time.

Mr. HART. Mr. President, Senators will recall that this bill was introduced several weeks ago. At that time, the distinguished minority leader asked that it lie on the table. It was his intention to raise questions with respect to the appropriate reference of the bill.

As the introducer of the bill, my request was that it be received and appropriately referred. In view of the concern expressed by the Senator from Illinois [Mr. DIRKSEN], I now ask unanimous consent that the bill be referred to the Committee on Commerce. I do this inasmuch as that is where the bill, the preliminary events concerning which I have described, would normally be referred.

I do this for a simple reason. Established tradition and precedents clearly require and direct that proposed legislation that would establish labeling requirements on goods moving in interstate commerce should be referred to and be under the jurisdiction of the Committee on Commerce. This is precisely such a bill; and under the precedents I move that this reference now be made.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. I presume that at the end of the discussion, on the basis of parliamentary advice, the Chair will make a reference; and I am assuming, of course, in line with the request of the distinguished Senator from Michigan, that the bill will be referred to the Committee on Commerce. Is that correct?

The PRESIDING OFFICER. The Senator from Michigan has moved to refer the bill to the Committee on Commerce.

Mr. DIRKSEN. Mr. President, I make it plain now that I have no quarrel with the jurisdiction of the Commerce Committee, because I believe that its jurisdiction is involved. However, I would first request that the distinguished Senator from Michigan agree, if he is in position to agree, that after the Commerce Committee completes its work on the bill, it shall go to the Committee on the Judiciary.

Failing of that, I would probably have to take an appeal from the ruling of the Chair. Is that correct?

The PRESIDING OFFICER. The motion to refer is now pending before the Senate for its determination.

Mr. HART. Mr. President, several weeks ago, when the bill was introduced, and the question first developed, I indicated that I felt that at this juncture it would be inappropriate and indeed undesirable to direct the reference of this bill to any committee other than the Committee on Commerce. It may well be that in the form reported, if at all reported, by the Committee on Commerce, the bill could be referred to some other committee, including the Committee on the Judiciary.

I feel very strongly, however, that it would be undesirable at this juncture to condition the reference to the Committee on Commerce on a subsequent reference to the Committee on the Judiciary.

My motion was to refer the bill to the Committee on Commerce.

The PRESIDING OFFICER. That is the pending motion.

Mr. HART. The reason why I make the motion is that this question was raised by the Senator from Illinois at the time of the introduction of the bill. It would not be appropriate, as I see it, that the question be resolved by an appeal from the decision of the Chair under these circumstances.

Mr. DIRKSEN. I agree with the Senator from Michigan; but I think a substitute is in order—if it is in order—to give direction to the Chair, and that is that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The pending motion is not amendable, except to add instructions to the committee. If the motion is defeated, the question reverts to whatever motion the Senator may propose.

Mr. DIRKSEN. The motion now before the Senate is for reference of the bill to the Committee on Commerce.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, this bill on packaging and labeling was introduced in the 87th Congress. There was very little action at that time. Subsequently, an identical bill was introduced in the 88th Congress. We are now in the 89th Congress.

The introducer or author of the bill has undertaken only to modify it in one respect. Heretofore it was offered as an amendment to the Clayton Act. That certainly gave it antitrust attributes and clearly placed it within the jurisdiction of the Judiciary Committee. It is now introduced as an independent bill without reference to the Clayton Act.

As I have indicated, I do not dispute the fact that under the rule it could very well go to the Commerce Committee. However, I believe that under the circumstances the bill should not be taken from the hands of the Judiciary Committee, and I shall assign some reasons for that.

In the first place, the author of the bill himself, in his report in connection with the bill, when it passed from the subcommittee to the full committee, said:

> This bill then is in the tradition of the antitrust laws, and also this bill would bring the antitrust laws up to date, insofar as the nonprice form of competition represented by packaging and labeling is concerned.

He therefore recognized on that occasion, and I believe on other occasions, that it had antitrust characteristics. Very properly, then, it went to the Committee on the Judiciary.

A bill either identical or substantially similar was introduced in the House, and that bill went to the House Judiciary Committee.

Let us consider for a moment the work that has been done on the proposed legislation. There were 15 days of legislative investigation, 11 days of hearings, 88 witnesses were heard, and many statements were filed. We took about 2,000 pages of testimony. It cannot be said, therefore, that the Judiciary Committee did not make a thorough examination of the bill.

I thought it was rather mischievous. I thought it had a hole in it. I saw no warrant for the bill. I saw in it an unwarranted imposition upon industry and business. I could see that it would be an attack on innovation in the whole packaging field. As a consequence, it occurred to me that it should not be passed at all. I have been opposed to it, and we have fought the bill.

That is one reason why it never came out of the Judiciary Committee. I must speculate, however, on this point, and say that if it had gone to the full committee for a vote, I feel reasonably certain that the bill would not have been approved by the full committee.

We can see how much mischief might be involved if a bill were introduced and it were referred to a committee, and if, after nearly three sessions of Congress no favorable action were taken on it, it were undertaken to modify the bill, not in its text, not in its substance, not in its purposes, not in its objective, but only for the purpose of enhancing the hope that perhaps another committee would pass favorably on the bill.

Let us suppose that that kind of precedent were to stand in the Senate, and that the author of a bill had no luck with one committee and then modified it somewhat and had it referred to another committee. Consider, first of all, the duplication of work, and consider also our feelings in the matter, to the effect that hereafter, after all this period of time, we must feel that our labors were pretty much in vain.

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

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. The precedent, if there was one, is that the bill was originally sent to the Judiciary Committee. In the past, such bills have always come to the Commerce Committee. These bills belong to the Committee on Commerce. At the time it was referred to the Judiciary Committee I made a mild protest, but it went unheeded. The bill is now "home," in the Commerce Committee, where it belonged in the first place.

Mr. DIRKSEN. No; it properly went to the Judiciary Committee.

Mr. MAGNUSON. I do not think so.

Mr. DIRKSEN. Yes; because in the first instance, it involved an amendment to the Clayton Act.

Mr. MAGNUSON. Part of it was an amendment to the Clayton Act, but the main purpose involved truth in packaging. We have always handled bills referring to labeling and packaging, and other bills of that type. The bill should have gone to the Commerce Committee in the first place, despite the fact that it contained a section dealing with the Clayton Act.

Mr. DIRKSEN. But in the very first instance it was made clear that the bill would be an amendment to the Clayton Act, which is in the general antitrust field.

Mr. MAGNUSON. The bill related to truth in packaging no matter what act it would amend, and that subject is within the province, under any conceivable interpretation of authority, of the Committee on Commerce.

Mr. DIRKSEN. I should like to read to the Senator what the distinguished author of the bill said at the first hearing. His opening statement included the following statement:

> What does this bill attempt to do? It is an effort to bring up to date the antitrust laws by recognizing the emergence of a relatively new form of nonprice competition—packaging and labeling.

I did not write that language. I did not make that statement. The author of the bill made it in his opening statement to identify the bill with the antitrust laws.

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

Mr. DIRKSEN. I yield.

Mr. HART. We were talking about a previous bill. We were not talking about the bill which is now at the table awaiting reference. The Committee on Commerce would not in anywise undertake to amend any of the antitrust laws. Clearly, the bill at the table is a subject for the consideration of the Committee on Commerce. The worst that could be said for the precedent I suggest is that proposed packaging and labeling legislation, which everyone agrees should go to the Committee on Commerce, should also be referred to some other committee afterward because it may have some secondary implications.

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

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. The committee has considered 10 or 12 commodities in connection with labeling, including wool and fur. Some of the bills that were passed contained penalties and involved the amendment of some laws that might have properly, to a limited extent, concerned the Judiciary Committee. The Judiciary Committee never asked to have those bills referred to it. We had to put some teeth into them. But the whole broad subject comes under the jurisdiction of the Committee on Commerce.

I do not know whether the bill will be reported by the Committee on Commerce. I do not believe that there is any more favorable climate in that committee than in the Judiciary Committee. The only conclusion that I could come to is that the climate in the Judiciary Committee is not favorable, and that there is a possibility that it may be favorable in the Commerce Committee. I am not so sure. The committee will conduct hearings. Everyone will have an opportunity to have his say. But it is a part of our work in the general field of interstate commerce.

Mr. DIRKSEN. Mr. President, the answer to that argument is very simple. I have in my hand the bill that was introduced in the 87th and 88th Congresses. I read the first section:

> Paragraph 80. An act entitled "An act to supplement existing laws against unreasonable restraints and monopolies and for other purposes, approved October 15, 1914, commonly known as the Clayton Act," is amended by inserting therein, immediately after section 3 thereof, the following new section.

That bill would amend the Clayton Act. The bills of 1962, 1963, and 1964 in their text were absolutely identic with Senate bill 985, which is not even in print. I have in my hand a mimeographed copy of the bill. The initial language of the bill states—

> It shall be unlawful for any person—

And so forth.

The text is absolutely identic.

We did not hold hearings on the first section. We held hearings on the text of the bill and what complete standardization would do to business, industry, and commerce in this country in virtually dampening down any innovation in that field, scarcely taking into account all the difficulties that would be encountered in the packaging field.

I know something about it from my own early business experience. We used to buy a package of pretzels and shake it to see whether it was what is called in the trade a "slack" package. There would be some air space in the top of the package, and for a reason. When the pretzels were packaged, they were warm and had not settled. But when they are put into a carton and sent out to a merchant, they settle in the package, and a slack package will result. How can that kind of difficulty be overcome?

I point out also that the bill is an ultimate effort to standardize weights, I am sure, of so many items irrespective of the quality of the product.

One might go into a store and look at the bakery goods available and see a package of rolls of a common dough. As a former baker, I know something about that. The price is 49 cents. There is a stated weight. But next to that package will be a package that will seem to be the same size made of Danish dough and called "Danish pastry" with a higher price, but weighing perhaps 2 ounces less.

Would we standardize under those circumstances? There are millions of diversities in the business domain. For that reason I saw only mischief in what was attempted to be done.

After having taken 2,000 pages of testimony, and having before us some of the greatest experts in the country, we discover that after we did all that work it is now proposed to drag that bill out of the Judiciary Committee in the belief that it would be a little easier to get action in some other committee. The whole effort of the Judiciary Committee will have been wasted, unless and until that bill reaches the Senate floor; then we shall have our day in court.

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

Mr. DIRKSEN. I yield to the distinguished chairman of the committee.

Mr. HART. With respect to the bill now before the Senate and the earlier bill, I should like to make the following comment: Not alone does the current bill make no reference to the antitrust laws, but, in addition, there are differences in the bill. The canning industry's concern with respect to reasonable weights and measures has been considered, and changes have been proposed.

The candy and spice manufacturers were concerned about standardization. Those provisions have been considered and modifications have been made.

Responding to the suggestion of the glass bottle manufacturers—and, parenthetically, the effectiveness of these groups to voice their concern and to respond is very strong, as I believe we are seeing—changes in the measure indeed have been made.

But I believe the greatest uproar in the subcommittee hearings on the bill was because it was a proposed amendment to the Clayton Act. That concern has also been reflected in the new bill, so that it is no longer an amendment to the antitrust law. It is a straight effort to establish requirements with respect to packaging and labeling of goods in interstate commerce.

Mr. President, I think under the precedents of the Senate the measure should be referred to the Committee on Commerce. That is the motion. I have heard nothing in the course of the discussion that would change my opinion one iota.

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

Mr. DIRKSEN. I yield.

Mr. COTTON. I appreciate the distinguished minority leader yielding to me for a moment. The only reason I have interrupted his speech is that what I have to say will be brief, and I should like to get it into the RECORD at this point. It relates to what he is saying.

I regret that I cannot go along with the distinguished Senator from Illinois in his attitude on the reference of the bill. As the senior minority member of the Committee on Commerce, I desire to go on record as agreeing with the distinguished chairman of the Committee on Commerce that that is the committee in which the bill should have been all the time. The distinguished minority leader is quite correct when he calls attention to the fact that the author of the bill is undoubtedly largely responsible for its referral to the Judiciary Committee in the first place. Though we do not discuss each other's motives, he may be quite correct that the author of the bill wished it referred to the Judiciary Committee for reasons of his own at the time the reference was made. But, after all, the ques-

tion before the Senate today is not whether the author did something wrong before. Two wrongs do not make a right. It is true that the Judiciary Committee has given the subject careful consideration. But we on the Commerce Committee can read the record—and all the testimony is available to us.

There are many ways in which corporations in this country might enter into monopolies and conspiratorial activities. But one that I doubt they have entered into very often is engaging in some kind of conspiracy to puff and praise their competitor's goods by improper advertising. I believe there is more likely to be competition than a lack of competition. Fundamentally, the bill should have been in the Committee on Commerce. I dislike to see the jurisdiction of the Committee on Commerce surrendered, even though the bill has been in the hands of the Committee on the Judiciary. I assure my distinguished leader that the Senator from New Hampshire is not for one moment committing himself to the bill; he believes the bill contains elements that should be subjected to careful scrutiny. We are discussing merely the matter of the jurisdiction of the committee.

If the bill should be referred to the Committee on the Judiciary, it could go down the line and take transportation bills and all other kinds of bills that are within the province of the Committee on Commerce. The Committee on the Judiciary could divest the Committee on Commerce of two-thirds of the bills upon which it is exercising and always has exercised jurisdiction.

So as a member of the Committee on Commerce, I wish to make my position plain, with all respect to the distinguished minority leader. I understand completely his position in this instance. But fundamentally, right is right, and I believe the bill should be referred to the Committee on Commerce.

Mr. DIRKSEN. Mr. President, let me say to my distinguished friend from New Hampshire that, in the first place, at no time when the bill was introduced in the 87th and 88th Congresses did I ever go to the desk and speak with the Parliamentarian or the Presiding Officer and ask where the bill should be referred. It did not make any difference to me. When the bill was examined to see what the overriding interest was, it was then, doubtless on the advice of the Parliamentarian, referred to the Committee on the Judiciary. But the minority leader had nothing to do with that. The bill was officially referred to the Committee on the Judiciary, and in consequence we addressed ourselves to it over the whole long period. Are we now to be divested of jurisdiction because of the minor changes and the fact that this bill is not hooked up with the Clayton Act?

Let me add to this statement something that happened only yesterday. The distinguished Senator from Alabama [Mr. SPARKMAN] introduced a bill, and this is what he said:

> Before closing, I wish to make one further point. I have never made it a policy of suggesting to which committee a bill that I introduced was referred. I do wish, however, to call attention to the fact that the bill I introduce today, "The Fair Compensation Act of 1965," crosses many jurisdictional lines of Senate committees. The Committees on Banking and Currency, Public Works, Interior and Insular Affairs, and Commerce, among others, have jurisdiction over programs which would be affected by this bill. Possibly it is appropriate under those circumstances to recall that the Committee on Government Operations has already made a study of this matter in its consideration of my earlier bills, S. 2802 and S. 671. I, therefore, ask that this bill be referred to the Committee on Government Operations.

There was multiple jurisdiction; but the bill was referred to the committee that had already considered some aspects of the proposal.

That is exactly what should happen in this instance. The Committee on the Judiciary believes it has jurisdiction. We do not say that the Committee on Commerce does not have jurisdiction. But in views of the testimony of 88 witnesses, numerous statements, and 2,000 pages of testimony, why should the bill be taken out of our hands? If that is to be the policy, will it become necessary to monitor every bill that will be introduced from now on before it is referred, and raise a question as to where it should be referred? We shall have a pretty kettle of fish before we get through.

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

Mr. DIRKSEN. I yield.

Mr. COTTON. I thank the Senator from Illinois. I shall not interrupt him again.

The Senator from New Hampshire wishes to make it perfectly clear that he does not contend that the bill should be referred to the Committee on Commerce because of any changes that have been made in it since a similar bill was originally introduced. One cannot make an elephant a camel by calling it a camel. The mere fact that when the bill was introduced, it contained a title and a reference to the Clayton Act, in the opinion of the Senator from New Hampshire, to be perfectly frank, and without reflecting unduly on the Senator from Michigan [Mr. HART], was not sufficient to warrant its reference to the Committee on the Judiciary.

I do not criticize the distinguished minority leader for the position he has taken; but fundamentally the fact remains that when the bill was originally introduced, it should have been referred to the Committee on Commerce. The Senator from Washington [Mr. MAGNUSON], chairman of the committee, said he made a mild protest. I do not recall. The Senator from New Hampshire did not say a word. Probably I was not on the floor, and I might have been guilty of being dilatory. But in the opinion of the Senator from New Hampshire, the bill should have been referred to the Committee on Commerce. We would be consenting to an invasion of our jurisdiction were we to agree to the reference of this bill to the Committee on the Judiciary.

If the bill were to be referred to the Committee on the Judiciary immediately, in one fell swoop, the Committee on Commerce should then lose jurisdiction over the quality stabilization bill, and we should have lost jurisdiction of the railroad work rules bill, jurisdiction that we exercised at the last session. The Committee on Commerce would lose jurisdiction of many of the transportation regulation bills, including the legislation the effect of which would be to substitute antitrust law regulation for Interstate Commerce Commission regulation.

Such bills have been referred to our committee in the past, and I believe there is one pending; but, under the Senator's proposal, they should have been referred to the Committee on the Judiciary. Most of the jurisdiction of our committee would be invaded. That was the point I was raising. All of us have an understanding and appreciation of the justice of the position of the Senator from Illinois on this particular bill because of what has happened in the past.

Mr. HRUSKA. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HRUSKA. It is interesting to observe that the Senator from New Hampshire is so zealous concerning the jurisdiction of the Committee on Commerce. He contends that the packaging bill involves commerce and that a failure to refer it to the Commerce Committee will be usurpation of the jurisdiction of that committee. If we were to apply his reasoning literally the Antitrust and Monopoly Subcommittee would have no jurisdiction whatsoever. Everything it handles deals with goods in commerce. The subcommittee has held extensive hearings throughout the years on almost everything that flows in the stream of commerce.

There have been hearings on steel, automobiles, bread, drugs, hearing aids, roofing materials, insurance, and funerals, to name only a few. Name a line of commerce, and we have had hearings on it. We are the members of the subcommittee that is expert in everything. Every one of the subjects I have mentioned is inseparably connected with commerce.

To apply the reasoning advanced by the Senator from New Hampshire would leave the Antitrust Subcommittee with nothing to do. Perhaps that might be wise. Our budget is substantial, and this is the day of economy. We have a Great Society to support. We could cancel the appropriation for this subcommittee, an appropriation which amounts to half a million dollars, and turn our attention to something else, flooding the Committee on Commerce with all these subjects.

I have read carefully the packaging bill introduced this session and compared it with those introduced in the 87th and 88th Congresses. Its provisions are the same as those in prior bills. Its proscriptions are the same. Its procedures are the same. Most important, its purposes are the same. In all material respects, the bill at hand is identical to those bills which previously have been considered, without objection or question, by the Antitrust Subcommittee. In light of this, any divestiture of the jurisdiction of the Judiciary Committee and its subcommittees at this point clearly would be out of order.

I am not unmindful that the new bill, if it may be called that, has been modified to the extent that its sponsors now refrain from calling it an antitrust bill and have ceased to urge it as an amendment to the Clayon Act of the antitrust laws. By deleting the reference in their bill to the Clayton Act they apparently think they have successfully cleansed it of its antitrust implications. The issue, therefore, is whether the bill still is essentially an antitrust measure.

This cannot be determined by examining the descriptive phrase in the bill; calling a tort a contract and vice versa does not make it so. This can be determined only by examining the substantive provisions in the measure. The sponsors may call their bill anything they like, hang on it any label they please. However, this body is not interested in how a bill is described or where the codifiers may station it. This body is concerned with substance and what a bill will do if enacted.

What is S. 985? Excluding the introduction, it is the same bill that twice has been introduced in the Senate and twice referred to the Senate Judiciary Committee. It is the same bill that twice has been referred to the House Judiciary Committee. It is the same bill as the one which was described by its sponsors in 1962 and again in 1963 as "an effort to bring up to date the antitrust laws by recognizing the emergence of a relatively new form of nonprice competition, packaging and labeling."

It is a bill in which are used such phrases as "restraint of trade" and "unfair competition," both key concepts of the antitrust laws. In sum, it is a bill which sounds deeply and irrevocably in antitrust law. As such, it falls squarely within the confines of even a critically narrow interpretation of the jurisdiction of the Judiciary Committee. To deny the committee its claim or jurisdiction in such a case would be a travesty of the rules of the Senate. It would mean that the referral of legislation in this body is controlled by whim and not by reason, logic, and the clear meaning of the language of a bill.

Those of us who believe in strict compliance with procedures run the risk of being labeled "nitpickers." This is not unsettling to those who have worked in the courts and watched the forums operate. Without sound rules neither justice nor meaningful legislation would be attainable. Without rules both our courts and legislatures would soon disintegrate into houses of babble.

The referral of the packaging bill involves serious practical considerations. The Antitrust Subcommittee has labored nearly 4 years with this legislation. It literally has heard thousands of words of testimony. It has listened to carefully prepared and well reasoned arguments of experts from both business and Government. It has gained a knowledge of the contents and mechanics of the packaging bill that no one else in the Senate shares. It has considered the bill many times in executive session and painstakingly prepared a report which presents in detail the several points of view regarding the merits of this bill.

Now the proponents of S. 985 ask the Senate to proceed de novo. They ask this body to strike off in an entirely new direction and to ignore and disregard all the expertise and experience that has been acquired. In short, they ask the Senate to be a party to a waste of knowledge, experience, time, energy, dedication, and diligence.

It is contended that since the packaging bill relates to "goods in interstate commerce" the Commerce Committee logically has exclusive jurisdiction. Certainly that committee has a vital interest in many subjects involving commerce. However, I doubt that any of its members would seriously contend that the mere mention of the word commerce in a bill automatically vests their committee with plenary jurisdiction. Were this the case, the Antitrust Subcommittee would become a useless and unneeded arm of the Senate.

Virtually all legislation coming before the Antirust Subcommittee involves commerce in one way or another. In the past, this subcommittee has probed into many areas of the economy.

This is not to imply that the Commerce Committee is totally without jurisdiction in these areas. The point is that the phrase "interstate commerce" is not a magical expression. Indeed, standing alone, it is meaningless. A wise judgment regarding jurisdiction simply cannot be made without a precise understanding of the contents of a bill; how those contents will be put into action and by whom.

As I have said, the language and history of S. 985 clearly reveal it to be an antitrust measure. The proponents already have acknowledged their bill is loaded with antitrust implications. Their view is shared by others, many of whom are antitrust experts.

In a speech last December, Mr. Joseph Sheehy, Director of the Bureau of Restraint of Trade of the Federal Trade Commission made this pertinent comment regarding the relationship between product standardization as called for in the packaging bill, and the antitrust laws. He said that standardization of products by industry might "fit into a trade restraining pattern that brings it within the ambit of the law." In other words, the packaging bill would compel producers to adopt patterns of business that presently are probably outlawed by the antitrust statutes. Can anyone deny that a bill that actually requires conduct violative of the antitrust laws, is not pregnant with antitrust considerations and implications.

Certainly, this body does not want to be a party to any act, such as denying the Judiciary Committee jurisdiction over this bill, that is grounded upon such specious and twisted and ironical reasoning that is the essence of the proponents' case.

To those who have lingering doubts regarding the nature of the packaging bill and whether it should be referred to the Commerce Committee or the Judiciary Committee, I recommend an examination into the enforcement provisions in the measure.

Usually the Interstate Commerce Commission is the agency most immediately concerned with the matters comprising the bulk of the legislation considered by the Commerce Committee. Nowhere in S. 985 is reference made to the Interstate Commerce Commission. On the contrary, the references are to the antitrust statutes, and the agencies which administer them plus the Food and Drug Administration.

I am certain that were the Commissioners of the ICC to read this bill, they would immediately disclaim any interest and recommend consultation with the Antitrust Division of the Department of Justice or the Federal Trade Commission. Indeed, these agencies together with the Food and Drug Administration will administer the packaging bill if it becomes law. Can there be any clearer sign of the true character of the packaging bill? If the packaging bill is not a bill to regulate competition then why drag in the Federal Trade Commission. If it is essentially a commerce matter why not give enforcement power to the ICC. The proponents of S. 985 know why not. They know their bill is not a commerce bill within the ordinary meaning of that phrase.

The point has been raised that the relevance of the packaging bill to the antitrust laws has been questioned by the minority members of the Antitrust Subcommittee, and that the position we now urge is inconsistent with our prior stand. This simply is not the case. To my knowledge the minority has never argued that the packaging bill does not involve antitrust concepts. To the contrary, we acknowledge that the bill abounds with such concepts. What we question is the wisdom and propriety of these concepts.

Since their inception the antitrust laws have been aimed to two evils, concerted action to restrain trade and monopolies. They outlaw conspiracies and collusive arrangements and agreements among businessmen as well as the accumulation of monopoly power. Of course, collusion and conspiracy cannot exist without some form of agreement and joint behavior involving two or more people.

The packaging bill strikes off in an entirely new direction as far as existing antitrust philosophy is concerned. It is not concerned with conspiracy or concerted action. It is not concerned with collusive contracts and agreements. It is not concerned with monopolies. It is concerned with regulation. The enforcement of its provisions is not contingent upon an unlawful agreement between two parties. In the bill it is provided that its provisions may be brought to bear, "whenever the Secretary—as to any food, drug, device, or cosmetic—or the commission—as to any other consumer commodity—determines that additional regulations are necessary to establish or preserve fair competition between or among competing products by enabling consumers to make rational comparison with respect to price and other factors, or to prevent the deception of consumers

as to such products, the Secretary or the Commission, as the case may be, shall—promulgate regulations," and so forth.

No bad intent need be present for these regulations to issue. No contracts or unlawful agreements need be involved. All that is required is a determination by the Secretary of Health, Education, and Welfare or the Federal Trade Commission that regulations are needed to establish or preserve competition.

Certainly, this is an antitrust concept because it is directly pointed at the regulation of competition. But it is a concept that has no precedent in existing law. It is a concept that sweeps aside all requirements of contracts, collusion, and conspiracy, which lie at the heart of our antitrust laws, and proceeds directly to Government regulation.

We have devoted the greater part of 4 years in this subcommittee to studying this philosophy and all that it involves. Witnesses have appeared before the committee in great number. All this work will go for nothing if the Judiciary Committee is denied jurisdiction.

It is the departure from tradition and sound thinking that the minority has challenged. We consider the approach to the regulation of competition recommended in the packaging bill not only unwise but downright dangerous. We see it as a technique highly susceptible to further exploitation. We see it as a means by which Government ultimately may acquire full power over private enterprise including, but not limited to, the fixing of prices and wages.

In sum, the jurisdictional claim of the Judiciary Committee in this matter is well founded. It rests upon sound logic and reason. It is supported by ample precedent.

By any name, the bill at hand is an antitrust measure. It is the product of antitrust thinking by antitrust experts. It requires antitrust enforcement.

The position that has been taken by the proponents of the packaging bill in seeking to deny the Judiciary Committee jurisdiction puts them at war with all their previous words and actions in this matter.

As recently as January 15, Chairman HART of the Antitrust Subcommittee in his letter to Chairman EASTLAND of the Judiciary Committee justifying his appropriations request for the coming year said:

> The subcommittee plans to continue to examine, investigate, and make a complete study of the nature and extent of trade and commercial practices affecting the consumers in a manner which tends or may tend to restrain competition in interstate commerce and fraudulent, or unfair practices in the production, processing, packaging, labeling, branding, advertising, statement of prices, and other conditions of sale, marketing and furnishing goods and services to consumers.

If the chairman of the subcommittee is sincere in his plans to conduct these inquiries, he has placed himself in the curious position of claiming jurisdiction over packaging and labeling in one instance and denying it in another. Now is the time to determine which line of thinking is to prevail. Certainly, if the chairman of the subcommittee stands ready to quitclaim all right to matters involving commerce that fact should be known. If the Antitrust Subcommittee is getting out of the business of matters affecting the Nation's commerce, its budget demands certainly will be diminished.

Mr. President, I urge that the Judiciary Committee not be denied its rightful claim of jurisdiction in the matter at hand.

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

Mr. HRUSKA. I yield.

Mr. COTTON. Mr. President, in view of the fact that the distinguished Senator from Nebraska referred to what the Senator from New Hampshire just said, I believe the Senator had not come in the Chamber when the Senator from New Hampshire first spoke briefly and made some comments on this question.

By the very logical and legal presentation of the Senator from Nebraska, he makes out quite a case for having this bill considered—as being fundamentally related to antitrust legislation. But, as a matter of practical fact, the antitrust laws are generally designed to prevent collusion, to prevent agreement, the fixing of prices, and the stifling of competition, whereas in practice the bill seeks to reach really extreme competitive practices, and practices which are alleged to be improper competitive practices.

So from the commonsense standpoint, the bill is at the very opposite pole from the antitrust laws.

The Senator from New Hampshire wants to make it crystal clear that some of the remarks of the distinguished Senator from Nebraska are very much to the point in regard to the bill. The Senator from New Hampshire in discussing the jurisdiction of the committee wants it crystal clear that he is not committing himself to the bill. There are, in his opinion, many dangerous provisions in it. Some comments have been made on the merits of the bill and the conferring on the Secretary of certain regulatory rights. The Senator from New Hampshire is as concerned about this as anyone could be. But the fact remains that from a commonsense standpoint, this bill was not originally an antitrust bill. It was a labeling bill. The fact that it was originally misreferred is not a reason that it should be misreferred again. That is the position that was taken by the Senator from New Hampshire. I thank the Senator.

Mr. HRUSKA. Mr. President, the record and the text of the bill clearly show that it was designed, entitled, and always considered, as an amendment to the Clayton Act, and having to do with the antitrust laws. It is a bill to regulate competition by directly regulating business.

I believe the views of Mr. Sheehy, the Director of the Bureau of Restraint of Trade, of the Federal Trade Commission, were quite accurate when he characterized it in that way.

Mr. MAGNUSON. Mr. President, as I read the bill introduced by the distinguished Senator from Michigan [Mr. HART], if Congress were to pass the bill, the Federal Trade Commission would be responsible for its enforcement. Unless there be a conspiracy in packaging big enough to violate some antitrust law, it would not be the concern of the Attorney General.

What the Senator from Michigan refers to are not violations of the antitrust laws. These are separate and individual violations similar to violations of the Federal Trade Commission Act and other labeling acts. These are individual violations that the Federal Trade Commission has the responsibility to check on and see that they cease and desist through the use of their administrative procedures.

This is an indication as to what committee should have jurisdiction of the bill.

I am not personally interested in obtaining jurisdiction over this bill. The bill is a very complex one. I agree with the Senator from Illinois that it will entail a good deal of work. But the objective of the bill is something that is long overdue.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Michigan is recognized.

Mr. HART. Mr. President, I believe it is only right that the RECORD contain a statement that is very much in point with the comments that have occurred.

I wish to make it very clear that I had no idea of the attitude of a single Senator concerning this legislation. The Senator from New Hampshire [Mr. COTTON] wanted to make it clear that he had reservations. I think it is desirable that it be made very clear that no direct or indirect head count had been obtained.

I think it is required that I make this statement in fairness to the members of the Committee on Commerce.

Mr. DIRKSEN. Mr. President, I shall offer one further observation. Less than a month ago the chairmen of the subcommittees had to submit their budget estimates to the chairman of the Committee on the Judiciary, and that was done.

In the letter that was addressed to the chairman by the chairman of the Subcommittee on Antitrust and Monopoly, this was said:

> The subcommittee plans to continue to examine, investigate, and make a complete study of the nature and extent of trade and commercial practices affecting the consumers in a manner which tends or may tend to restrain competition in interstate and fraudulent, or unfair practices in the production, processing, packaging, labeling, branding, advertising, statement of prices, and other conditions of sale, marketing and furnishing goods and services to consumers.

That was to be the scope of the work in the first session of the 89th Congress. It clearly included packaging, labeling, and so forth.

The budget was approved by the committee. It had my approval. I went before the Committee on Rules and Administration with the chairman of the subcommittee, who is the author of the bill, and asked the committee to approve that budget. That kind of work was included, or was within our conception, for the first session of the present Congress. Now it is proposed to take it out.

I could make a pretty good argument for reduction of the budget under those circumstances. I did not do so. I supported the chairman in his budget, because this measure had been included and he felt he had to have a certain amount of money to do the job.

More attention will be devoted to the matter of referring bills from now on, if a bill can go to a given committee, and then suddenly, only because of a few technical changes, be lifted out of that committee, after hearing witnesses for weeks, after having taken thousands of pages of testimony, and when the committee had the bill before it as a result of reference from the Presiding Officer of the Senate.

Mr. President, the majority of the Subcommittee on Antitrust and Monopoly approved, by a vote of 5 to 3, Senate bill 387, the packaging and labeling bill, which now is Senate bill 985; and the subcommittee submitted a report in which, among other things, it was stated:

> This bill then is in the tradition of the antitrust laws—
>
> And—
>
> This bill would bring the antitrust law up to date insofar as the nonprice form of competition represented by packaging and labeling is concerned.

Therefore, Mr. President, would not it be reasonable to conclude that Senate bill 985 involves a sufficient issue of antitrust law?

The sponsor of the packaging bill stated, in introducing it in the Senate in 1962 and in 1963, and stated again in his opening statement in the hearings on the bill:

> What does this bill attempt to do? It is an effort to bring up to date the antitrust laws by recognizing the emergence of a relatively new form of nonprice competition, packaging and labeling.

Therefore, would not it be reasonable to conclude that Senate bill 985 does involve a sufficient issue of antitrust law, irrespective of whether I or the minority of the subcommittee disagree with that statement?

After the chairman, his counsel, and several of the proponents of the packaging bill reiterated that nonprice competition is the heart of the packaging and labeling bill, and that it has antitrust-law characteristics, would not it be reasonable to conclude that Senate bill 985 does involve sufficient antitrust-law issue to warrant jurisdiction by the Judiciary Committee, and to have its Antitrust Subcommittee deliberate on the antitrust aspects of the bill and resolve them?

Before proceeding with illustrations of the antitrust characteristics of S. 985, let me make this point: We also have the question of the establishment of a precedent. The subcommittee conducted investigative and legislative hearings that took the valuable time and energy of nine Senators on the subcommittee, in successive years from 1961 to 1964, on the theory that the subject matter had an impact on the antitrust laws. The chairman of the subcommittee claims it is no longer a matter of antitrust law, and has revised the bill slightly, which may lead its referral to the Commerce Committee. He has gone one step further, by objecting to a unanimous-consent request—action tantamount to barring his subcommittee from jurisdiction of his own bill, after the Commerce Committee completes its work on the bill.

What will this do to the future hearings contemplated by the subcommittee, Mr. President? If the packaging and labeling bill does not belong in the Antitrust Subcommittee, on the record shown herein, how can it have jurisdiction to hold hearings on insurance, on the funeral industry, on professional boxing, on doctor-owned pharmacies and repackaging firms, on the Columbia Broadcasting System's purchase of the New York Yankees, and on other such subject matters that have far, far less affect on the antitrust laws than the record shows the packaging and labeling bill has. What is so sacred about the antitrust aspects of the funeral industry, or the insurance industry, or doctor-owned pharmacies, and so forth, as to give the subcommittee jurisdiction, while at the same time the chairman denies jurisdiction to the antitrust aspects of the packaging and labeling industry. In this connection, I refer to the activities report.

Mr. President, I know of no better way to wreck the prestige of a committee than to have one of its so-called key bills rewritten in a manner that technically may lead to reference of the bill to another committee, thus barring the original committee from jurisdiction of the bill, although the substance of the bill is the same. If this is permitted, I can envision a situation in which the Antitrust Subcommittee would be relegated to a minor status; more significantly, I can envision the use of carefully phrased terminology in order to get a bill before one committee, whereas the substance and the purposes of the bill would have required its reference to another committee under our present rules.

After the chairman of the House Judiciary Subcommittee, Representative CELLER, and Representatives GILBERT and MULTER reintroduced in the House, this year, a similar packaging and labeling bill, and after that bill was referred to the House Judiciary Committee, would not it be reasonable to believe that S. 985 involves sufficient issue of antitrust law to require that the Senate also give jurisdiction to the Judiciary Committee, after the Commerce Committee completes its action on the bill?

The Clayton Act is not controlling, in connection with referral of the bill to a committee; but the substance of the proposed law is most important in determining whether the bill has antitrust aspects.

In view of the fact that the Department of Justice and the Federal Trade Commission consider standardization and nonprice competition as factors relating to antitrust law violations, would not it be reasonable to conclude that S. 985 involves sufficient issue of antitrust law to warrant reference of the bill to the Judiciary, to have it deliberate on and resolve the antitrust aspects of the bill, and to leave to the Commerce Committee jurisdiction of other aspects of the bill?

I shall cite briefly five additional reasons why the Judiciary Committee should be given jurisdiction of the bill:

First. Regulations to be promulgated by the FDA and the FTC, under S. 985, would fix sizes and quantities of packages and product contents, on an industrywide basis; and these may raise problems of antitrust violation by industry members cooperating in such standardization. I refer, Senators, to a speech on "Pricing Problems," pages 7–8—December 11, 1964—by Joseph E. Sheehy, Director of FTC Bureau of Restraint of Trade. Thus, standardization of product by industry action may "fit into a trade restraining pattern that brings it within the ambit of the law." Such antitrust conflicts are within the jurisdiction of the Judiciary Committee.

Second. Senator HART's letter of January 21, 1965, to Senator EASTLAND, concerning the budget and program of the Antitrust and Monopoly Subcommittee for the coming year, states, in part:

> The subcommittee plans to continue to examine, investigate, and make a complete study of the nature and extent of trade and commercial practices affecting consumers in a manner which tends or may tend to restrain competition in interstate and foreign commerce, with particular reference to deceptive, misleading, fraudulent, or unfair practices in the production, processing, packaging, labeling, branding, advertising, statement of prices, and other conditions of sale, marketing, and furnishing of goods and services to consumers.

In view of these wide-ranging plans by the subcommittee to study deceptive packaging, labeling, and advertising practices in the coming year, it would surely be appropriate to have the results of the subcommittee's study brought to bear also on the Commerce Committee's study and its report on S. 985, which undertakes to cover a quite similar area of business activity.

Third. The revised provisions of S. 985, in paragraph 4(b), as to hearing procedures under provisions of the Administrative Procedure Act, for some—but not all—of the authorized regulations, raises problems of administrative practice and interpretations of the Administrative Procedure Act which would normally be considered by the Judiciary Committee, which originated and reported the Administrative Procedure Act in 1945. I refer, Senators, to Senate Report No. 752, 79th Congress, 1st session, 1945, and to House Report No. 1980, 79th Congress, 2d session, 1946.

Fourth. The enforcement provisions of S. 985 which could result in the imposition of penalties on business firms violating a final order of the Federal Trade Commission—I refer to paragraph 5(c) and 15 U.S.C. 45(1)—require affirmative enforcement action by local U.S. attorneys and the Department of Justice, which are under the jurisdiction of the Judiciary Committee.

Fifth. The provisions of S. 985 for product standardization entail an interplay among various executive departments and agencies, including the Department of Justice; the Food and Drug Administration of the Department of

Health, Education, and Welfare and the Federal Trade Commission, which warrants consideration by all committees with proper jurisdiction, and, in particular, by the Judiciary Committee. In a comparable instance, questions as to the amenability of food processors and grocery chains having meatpacking operations to various FTC and antitrust provisions were resolved by a statutory amendment considered by the Judiciary Committee, as well as by the Committee on Agriculture and Forestry in 1957 and in 1958. I refer Senators to Senate Report No. 1564, 85th Congress, 2d session, April 22, 1958, a joint report of the Agriculture and Forestry and the Judiciary Committees.

Mr. President, in view of these citations and the memorandum submitted, is it not reasonable to conclude that there are sufficient issues of antitrust law and matters affecting the Judiciary Committee and its subcommittees to warrant jurisdiction by the Judiciary Committee of S. 985? Let the Senate vote for such jurisdiction.

Under the rules of the Senate, the Judiciary Committee and its Antitrust Subcommittee constitute the appropriate forum for deliberation and report on an issue which affects the antitrust laws, especially when that antitrust issue is in serious dispute within the Antitrust Subcommittee and the Judiciary Committee, and should be resolved by them. Therefore, the Judiciary Committee, not the Commerce Committee, is the appropriate committee to resolve the antitrust aspects of S. 985; and then the Commerce Committee could deliberate on and resolve other aspects of S. 985.

Mr. President, on February 4, I asked unanimous consent that S. 985 be referred to the Judiciary Committee, after the Commerce Committee completed its action on the bill. That unanimous-consent request was objected to by the distinguished Senator from Michigan [Mr. HART], who said, in part:

> It is conceivable that the Commerce Committee, in its analysis of the bill and in its determination, would report a bill which should go to one or more of the antitrust laws. In that case, clearly it should go back to the Judiciary Committee. Absent that, it would be inappropriate at this juncture to direct another committee than the Committee on Commerce.

I replied:

> Technically, I could concede the point the Senator from Michigan makes, except there is no question that the Senate Antitrust and Monopoly Subcommittee could also claim jurisdiction to hold hearings on the packaging and labeling bill, because the bill deals with standardization and so-called nonprice competition which are factors that have been considered by the Antitrust Division of the Department of Justice and the FTC as reasons for looking into certain antitrust law violation cases.
>
> And I cite that fact that the bill is exactly the bill that was before the Judiciary Committee. There may have been some minor modifications, other than the fact that it does not tie into the Clayton Act. Other than that, it is the same subject matter to which the Judiciary Committee has devoted so much time. I make my suggestion in good conscience and good grace that it should go back to the Judiciary Committee.

Mr. President, I shall take the distinguished Senator at his word; and since the record, by his own words, shows that antitrust laws are affected, I expect him to support my request for referral to the Judiciary Committee after the Commerce Committee has completed its action on S. 985.

Let us examine the record: In the report of the Antitrust Committee it is stated:

> It is with the unfair practices arising from the package's role as salesman that this bill is concerned. These practices have also become a form of unfair competition which can be seriously prejudicial to business rivals who do not engage in similar practices.
>
> It is well established that the Federal Government has a responsibility for maintaining the integrity of markets which it has fully asserted with respect to the antitrust laws.
>
> This bill then is in the tradition of the antitrust laws as it seeks to promote fair competition, to maintain the integrity of markets, to enhance the competence of consumers, and to promote efficiency in industry.
>
> This legislation is designed to accomplish these objectives by delineating specific areas in which regulations may be necessary to foster fair practices and to prohibit unfair practices. And it provides a procedure to accomplish these ends within a framework of direction from Congress.
>
> The legislation does this by amending the Clayton Act, naming, as restraints of trade, those areas in which unfair, confusing, or deceptive methods of packaging and labeling have made it extremely difficult or impossible for buyers to compare prices.
>
> It was the purpose of the original Clayton Act to provide more certain guides for business conduct by specifically prohibiting practices which had come to be recognized as capable of impairing effective competition.
>
> This bill would bring the law up to date insofar as the nonprice form of competition represented by packaging and labeling concerned by making existing law more specific and certain in regard to the practices resulting in unfair competition in this field.

Mr. President, at this point it would be well to define nonprice competition, through quotations from the testimony of Dr. Irston Barnes, a Columbia University professor, formerly of the Antitrust Division and the Federal Trade Commission, and a leading exponent of the nonprice-competition theory and the antitrust laws. As shown beginning at page 370 of the printed hearings on packaging and labeling—March 30, 1963—he said:

> S. 387 (now S. 985) is directed to the correction of the competitive practices associated with the packaging of consumer products. Nonprice competition, with which the committee has been concerned, is a natural outcome of the development of supermarkets with an emphasis upon preselling. Nonprice competition refers to all those forms of rivalry which are primarily concerned with diverting patronage from one seller to another without thereby increasing the advantages accruing to buyers. A principal form of nonprice competition is product differentiation. Packaging is an important aspect of product differentiation and of nonprice competition. Packaging is essentially an extension of the advertising and promotional campaign. The Federal Government's responsibility for maintaining the integrity of markets is most fully asserted with respect to the antitrust laws, which are directed to three purposes, all of which in some measure be furthered by the proposed truth-in-packaging bill.

According to Dr. Barnes, not one, not two, but three purposes of the antitrust laws will in some measure be furthered by the packaging and labeling bill. Regardless of whether Dr. Barnes' statement is challenged, the packaging bill does involve the antitrust issue; and that issue can be resolved only by the appropriate committee which has jurisdiction over antitrust law—namely, the Judiciary Committee.

During the hearings, the record was replete with statements, by Chairman HART, by the majority counsel, and by certain witnesses, that nonprice competition went to the very heart of S. 387. In his opening statement on S. 387, Senator HART said at page 5:

> What does this bill attempt to do? It is an effort to bring up to date the antitrust laws by recognizing the emergence of a relatively new form of nonprice competition, packaging, and labeling. We do this by amending the Clayton Act to provide a procedure by which guides can be established to prevent such restraints.

The fact that the new packaging bill, S. 985, has dropped the Clayton Act as its forum does not change by one iota the major premise of Senator HART's bill, which, we repeat:

> Is an effort to bring up to date the antitrust laws by recognizing the emergence of a relatively new form of nonprice competition, packaging and labeling.

The fact that the minority members of the subcommittee disagreed with the majority does not alter the fact that a serious issue exists as to the antitrust characteristics of S. 387; and therefore, under the Senate rules, the Judiciary Committee—not the Commerce Committee—is the appropriate one to resolve this issue.

In the minority views, I said:

> Because the packaging and labeling bill was placed in section 3A of the Clayton Act, and antitrust law, the Senate referred it to the Judiciary Committee and not the Commerce Committee. Our objection was noted on the first day of the hearings and we reserved the right to challenge the jurisdiction. Now that the hearings have been held there is no further need to parry over which committee is going to conduct the hearings.

Of course, those views were written after the hearings were completed and after the Antitrust Subcommittee had voted 5 to 3, on June 13, 1963, to report favorably S. 387 to the Judiciary Committee. It should be noted also that, due to the controversial civil rights bill before the Judiciary and before the Senate, no serious attempt was made to bring up the packaging bill. I am sure the records of the Judiciary Committee will verify this. There is also no doubt that if a vote had been taken, it would have been a close one, either way.

Mr. President, much more could be said; but I do not wish to labor the point. I could quote from the Antitrust Subcommittee activities reports, which reveal that the subcommittee would have to relinquish one-half of its investigations and hearings if it followed the precedent it is attempting to establish

by trying to bar itself from further jurisdiction of the packaging and labeling bill.

On the other hand, the Senate has always been generous in giving jurisdiction to more than one committee, when the facts warranted such a course. I cite a few examples: The Judiciary Committee and the Committee on Agriculture and Forestry conducted hearings, in 1957, on amendments to the Packers and Stock Yards Act; the Joint Economic Committee and the Antitrust Subcommittee of the Judiciary Committee conducted hearings on the Common Market issue; the Antitrust Subcommittee of the Judiciary Committee and the Commerce Committee had jurisdiction over a bill granting a moratorium in the approval of mergers among railroad companies; and the Committee on Aeronautical and Space Sciences, the Commerce Committee, and the Foreign Relations Committee were granted jurisdiction over their appropriate specialities in connection with the communications satellite bill. All that is asked here is that the Judiciary Committee have the same privilege, and thus obtain jurisdiction over the packaging bill after the Commerce Committee completes its action.

I have faith that the 11 Democrats and the 5 Republicans sitting on the Judiciary Committee will be fair and judicious in protecting the best interests of all the people in connection with S. 985 and any other bill referred to it.

Mr. HART. Mr. President, I wonder if I may have unanimous consent that the full letter with respect to the proposed activity of the Antitrust Subcommittee to which the Senator from Illinois made reference be incoroporated in the RECORD. It will show the broader activities contemplated in more specific language.

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

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON ANTITRUST AND MONOPOLY
January 21, 1965.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Antitrust and Monopoly Subcommittee of the Committee on the Judiciary today approved the following budget and proposed resolution approving Senate Resolution 40 for continuing study and investigation of unlawful restraints and monopolies and of antitrust and monopoly laws of the United States.

Antitrust laws existence reflects the American people's preference for competition as their economic way of life. Certainly, a free, competitive society possesses unmatched advantages over other economic systems. Introduction of new and better products and processes is constantly stimulated by competition. The public is assured of getting the gains of modern science and technology. Also competition automatically channels resources out of declining and into expanding areas.

In addition to economic advantages, competition has unique social attributes. A competitive way of life offers hope to those who wish to establish enterprises of their own; and where competition is effective, restricts the opportunity for undue abuse of economic power.

To transform the ideal of competition into a reality, the Congress over the years has created a series of antitrust laws. These laws are directed generally against combinations and arrangements which unreasonably restrain trade, against restrictive practices damaging competition, and against existing concentration and monopoly. It is within the framework of these laws that the program for the subcommittee is set.

The problem of economic concentration is of primary concern to the subcommittee and last year an examination of the structure of concentration of economic power was started. Testimony revealed that regardless of the method of measurement employed, the share of total manufacturing activity or resources held by the 100 largest corporations increased between 1947 and 1962 by 8 to 10 percentage points. For example, the 100 largest manufacturing corporations increased their share of the total assets of all manufacturing firms from 39.3 percent in 1947 to 48.1 percent in 1962, while their share of the net capital assets (land, building, and equipment) rose from 45.8 percent in 1947 to 56.9 percent in 1962. This increase in overall concentration is one of the more important domestic problems confronting the Nation and is certainly one of the most significant problems in the antitrust field.

The subcommittee plans to continue this inquiry seeking answers to such questions as: What is the level and trend of concentration in manufacturing as a whole; i.e., overall concentration? Which specific industries are characterized by relatively high levels of concentration? What factors are associated with changes in concentration? What have been recent developments in public policy with respect to mergers? To what extent are the rising levels of concentration the result of the requirement of large-scale operations for efficiency? What validity is there to the argument that scientific research, inventions, and innovations can be developed most effectively by large corporations? What is the effect on competition of changes in the structure of industries? What is the motivation for growth through merger rather than internal expansion?

The subcommittee, for some months, will continue to hear from eminent authorities on the general question of concentration. Thereafter the plan is to direct attention to certain patterns of concentration as illustrated by specific industries.

Another major area of subcommittee concern relates to the antitrust laws and their impact on foreign trade. Many have expressed to the subcommittee the feeling that uncertainty surrounds the application of U.S. antitrust laws to oversea activities of American firms. Certainly, there have been relatively few adjudicated cases and there is little settled and established law in this area. Some businessmen have complained that the antitrust laws have interferred with oversea expansion. Others complain that the antitrust laws are not strong enough to prevent undue restraints on their legitimate efforts to engage in foreign trade. Most agree clarification may be desirable.

The subcommittee is concerned further with the nature and extent of international cartels and more modern and subtle cartel-type situations affecting U.S. foreign trade, restrictive operations under the Webb-Pomerene Act exemption, export cartels formed abroad and their effect on U.S. imports, private impediments to U.S. exports and imports, and the charge that enforcement of U.S. antitrust laws is a block to exports and imports.

Here again, hearings during the past year reviewed the overall aspects of the problem. The subcommittee intends to hear further witnesses who wish to testify on the general aspects and then to proceed more fully into some of the specifics. Certainly, as companies become more internationalized in ownership and operations, as oversea subsidiaries and joint ventures become more prevalent, the possibility of inadequacies and inequities in our antitrust laws and their enforcement increases.

Another major area which the subcommittee intends to enter this year relates to distribution problems as they affect the smaller businessman.

Since the end of World War II, the structure of distribution has been radically changed. The independent retail store has given way to the chainstores, and the small chains to the large chains. Similar changes have taken place at other levels of distribution. It is generally conceded that this structural change has increased the efficiency and lowered the cost of moving goods from processor to consumer.

But concomitant with the vast changes in the distribution process, new problems and practices have arisen which substantially affect the livelihood of the smaller businessman. In adition, there are problems in applying antitrust laws to these new practices which may be unduly hindering the survival chances of smaller businessmen.

The subcommittee has received many expressions of concern by small businessmen, directed not alone at practices in competition but to enforcement policy which appear inconsistent with the philosophy of antitrust law. Many of these complaints suggest that practices and policies singled out have no relationship to efficiency of operation.

There are also other areas within the framework outlined in which the subcommittee expects to hold hearings this year. During the past year, the subcommittee investigated a type of practice similar to that which section 3 of the Clayton Act—prohibiting exclusive dealing and tie-in contracts—is directed. This is the increasing ownership by doctors of pharmacies and drug repacking houses. Just as tie-in contracts restrict the businessman's freedom of choice, so can the patient-consumer's freedom of choice be denied by physician ownership of drug-merchandising enterprises. It has been brought to the subcommittee's attention that similar types of restrictive arrangements may exist in certain other areas which we will examine.

The subcommittee also began hearings last year into possible anticompetitive practices in the funeral industry which might be contributing to the high cost of dying. The hearings concentrated on practices by funeral trade associations and their effect on competition. This year the hearings will center on the suppliers to the funeral industry and their effect on industry competition.

The subcommittee also has received complaints from small drug manufacturers that in order to secure approval of their new drug applications to the Food and Drug Administration, they must duplicate clinical tests already completed and approved by other companies. This, they contend, is required even though the drug is already on the market. The result, they point out, is to prevent them from competing in the sale of established drugs on which there is no patent restriction. This requirement of duplicate clinical testing and its effect on competition is another matter which may require subcommittee attention.

The subcommittee plans to continue to examine, investigate, and make a complete study of the nature and extent of trade and commercial practices affecting consumers in a manner which tends or may tend to restrain competition in interstate and foreign commerce, with particular reference to deceptive, misleading, fraudulent, or unfair practices in the production, processing, packaging, labeling, branding, advertising, statement of prices, and other conditions of sale, marketing, and furnishing of goods and services to consumers.

Under the direction of Senator DODD, the subcommittee also will continue to examine, investigate, and make a complete study of the insurance industry to determine whether

State regulation is adequately protecting the public interest in accordance with the purpose of the McCarran Act (Public Law 15, 79th Cong.).

In its examination into the effectiveness of State regulation, the subcommittee will continue to consider whether the McCarran Act should be amended as to any aspect of the insurance industry, especially when the States are powerless to regulate such aspect.

Other questions the subcommittee will consider, for example, are: Does State regulation protect the public interest by safeguarding the solvency of all insurers? Does it allow the insurance industry to provide the types of coverage the public needs at reasonable rates? Does it permit the maximum possible competition within the industry consistent within the public interest?

In addition to the investigative investigations outlined above, another vital aspect of the work of the subcommittee is the holding of legislative hearings. Hearings are anticipated on legislation assigned to the subcommittee by the Judiciary Committee. This, of course, may come about as the result of specific legislative proposals sent to the Congress by the President as well as important measures introduced by the Members of Congress.

It is anticipated that among the other proposals on which hearings will be required are the professional team sports bill and legislation to amend the Robinson-Patman Act by making section 3 a part of the antitrust laws.

Further, the subcommittee itself will continue to look for ways to improve the antitrust laws and suggest changes in these laws when necessary.

Finally, if special and unforeseen circumstances arise which warrant the subcommittee's attention toward any particular industry or problem, every effort will be made to consider that industry or problem.

The attached budget and proposed resolution are submitted with the recommendation that they be approved.

It is understood, of course, that any member of the subcommittee can raise objections to any part of the program or specific hearings at any time during the course of the year.

Sincerely,

PHILIP A. HART,
Chairman.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the immediate issue now pending?

The PRESIDING OFFICER. The only question before the Senate at this time is on agreeing to the motion of the Senator from Michigan [Mr. HART] to refer the bill to the Commerce Committee.

Mr. McCLELLAN. To refer the bill to the Commerce Committee.

Mr. President, I have listened to some of the discussion this morning. I should like to propound another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is there ample precedent for referring a bill to a second committee after one committee has acted on it if the bill contains provisions which are under the jurisdiction of the second committee?

The PRESIDING OFFICER. Answering the inquiry of the Senator from Arkansas, that may be done by unanimous consent, and has been done, or by motion, if the Senate agrees to the motion.

Mr. McCLELLAN. There is precedent for it?

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. This would not be a proper parliamentary inquiry, but, obviously, the bill contains several matters and proposes legislation that properly comes under the jurisdiction of two separate committees of the Senate. I believe the Commerce Committee should have an opportunity to consider the bill. I believe, with possibly equal emphasis, the Judiciary Committee should have an opportunity to consider certain aspects of it.

In the interest of sound legislative practice, since a controversy has arisen as to which committee should consider the bill, I wonder if the controversy could not be settled by unanimous consent that the Commerce Committee take the bill, process it, and make whatever recommendations it wishes, and that it be agreed that the bill shall then be referred to the Judiciary Committee for a reasonable length of time—not to kill the bill—but for a reasonable length of time for the committee to consider the bill, and submit its report on the measure.

It seems to me that is a procedure which could be adopted and which would preserve and protect all interests of the committee and of those interested in the legislation, both those who oppose and those who favor the bill. It would permit us to move along in a favorable and smooth legislative procedure.

I have been told that a unanimous-consent request along that line has already been submitted. I do not know whether there is any parliamentary hindrance to submitting a second request after discussion.

Mr. President, I ask unanimous consent that, if the bill be referred to the Commerce Committee for such time and such action as the Commerce Committee deems necessary to perform its function, when the Commerce Committee has submitted its report, the bill be then referred to the Judiciary Committee for a period of 60 days, to give that committee an opportunity to study it and make a report.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HART. Mr. President, as I did earlier, I object. The impression of the Senator from Arkansas is correct, that a somewhat similar request has been made, to which I objected.

Mr. McCLELLAN. Mr. President, if I still have the floor, I am somewhat at a loss to understand why, when the Judiciary Committee spent so much time on the bill at the request of the distinguished author of the bill when the bill was first introduced, we find no objection now from the author of the bill to having that committee have a look at it after the Commerce Committee has weighed it, held hearings, considered it, and reported the bill. I do not understand. I would like the distinguished Senator to tell me why. What has intervened now that gives cause for objection to the Judiciary Committee's having an opportunity to again consider the bill.

Mr. HART. Because the bill that the Judiciary Committee considered was a bill which would have amended the antitrust law. That is in the jurisdiction of the Judiciary Committee. We will resist any efforts by any other committee to take away jurisdiction of such bills.

The present bill is not a bill to amend the antitrust laws in any respect. The dominant feature of it has to do with standards for labeling and packaging of goods in interstate commerce.

For the same reason that I would seek to protect the Commerce Committee if another committee sought to reach for a bill that was within its jurisdiction, I would seek to protect the Judiciary Committee in its jurisdiction over a bill that was within its jurisdiction. It is for that reason that I object.

The PRESIDING OFFICER. Does the Chair correctly understand that the Senator from Michigan entered an objection to the unanimous-consent request?

Mr. HART. Yes, but I am willing to have the matter discussed.

Mr. McCLELLAN. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Mr. McCLELLAN. Mr. President, I was trying to understand. I thought I heard the distinguished minority leader say that the substance of the bill is the same, with the packaging and labeling provisions in the bill. In other words, the text of the bill is the same as that on which the Judiciary Committee has already held hearings. Is that correct?

Mr. HART. Making clear that certain of the criticisms and concerns that were voiced about the proposed amendments to the antitrust laws have been responded to and changes are incorporated in the bill now pending, the answer is "Yes." But one of the criticisms voiced to the earlier antitrust bill, which has been responded to, was to remove it as an antitrust proposal. This was one of the most persistent of the criticisms voiced. I have reacted to that criticism—and have been persuaded among others by the Senator from Illinois—that it has no business in the antitrust law. For that reason, as I see it, the bill should go to the Committee on Commerce.

Mr. McCLELLAN. Let me ask the Senator this question: Has the bill which the Senator is now introducing yet been printed?

Mr. HART. It has been filed. I would assume not printed, since it was held at the desk.

Mr. McCLELLAN. Let me ask the Senator a further question: As chairman of the Subcommittee on Antitrust and Monopoly of the Judiciary Committee, I ask the distinguished Senator if it is true—as the distinguished minority leader said on the floor—that he included the cost of the hearings on the bill in the budget when he requested expenditure funds for the subcommittee?

Mr. HART. The answer is "No." The request made of the Rules Committee

was to continue investigation into packaging and labeling as we requested authority to make investigation of concentration in professional sports, and so forth; but it is important that we make the distinction which I believe is valid, that the charge against the Subcommittee on Antitrust and Monopoly is twofold, to investigate wide-ranging problems relating to monopoly in restraint of trade, as we see it, and second, to undertake to see that the Senate acts legislatively on the antitrust laws.

The pending bill is not a bill that relates to the antitrust laws. The role of the subcommittee in the past, and I hope in the future, will be to develop legislative proposals that the Senate may likely refer to other committees. That clearly is the proposal that now pends. A bill that developed following investigative hearings now takes the clear form of a proposed piece of legislation which it is expected will go to the Committee on Commerce.

Mr. McCLELLAN. I may have misunderstood the distinguished minority leader with respect to the contemplated hearings on the bill being included in the budget request for operating expenses of the subcommittee. He appeared in support of that proopsal.

Mr. DIRKSEN. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. DIRKSEN. Let me read the title of the bill. It is in mimeographed form. It has not been printed. Its title is:

A bill to regulate interstate or foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes

Now let me read what was presented in the letter to the chairman of the Judiciary Committee in support of the budget for the subcommittee:

The subcommittee plans to continue to examine, investigate and make a complete study of the nature and extent of trade in commerce, and practices affecting consumers, in a manner which tend or may tend to restrain competition in interstate and foreign commerce with particular reference to deceptive, misleading, fraudulent or unfair practices in the production, processing, packaging, and labeling, branding, advertising, statement of prices and other conditions of sale, marketing and furnishing of goods and services to consumers.

If that is not an identic purpose, I do not know what is.

Mr. MAGNUSON. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. MAGNUSON. That does not mean that it belongs in the Judiciary Committee.

Mr. DIRKSEN. I did not say so.

Mr. MAGNUSON. It belongs in the Committee on Commerce.

Mr. DIRKSEN. It was used to support the purpose.

Mr. HART. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. HART. I believe that what we are saying is that investigations and hearings often are held and may well in the future be held by the committee with respect to packaging claims under a resolution directing such investigations, but the clear responsibility for legislative action, if there is to be legislative action, often lies with other committees depending upon the thrust of the bill. The thrust of the bill is clearly one that reaches the jurisdiction of the Committee on Commerce.

Mr. McCLELLAN. I was trying to ascertain—and I am not complaining about the amount of the budget—whether, at the time the Senator submitted the budget for the operating expenses of the subcommittee, he had in mind a continuation of the processing of legislation such as the committee considered last year, and that inasmuch as the contents of the Senator's letter to the chairman of the Rules Committee—if correctly read by the distinguished minority leader—clearly indicates that at that time it was contemplated that there would be a continuation of hearings on the bill, such as the committee had last year, I wonder whether something had happened to cause the Senator, since presenting his budget for committee expenditures, to change his mind, or if this bill was already drafted at that time.

(At this point, Mr. KENNEDY of New York took the chair as Presiding Officer.)

Mr. HART. Perhaps the analogy that the Senator from Arkansas would appreciate is this: I believe that the Antitrust and Monopoly Subcommittee should always be in a position, when necessary, to conduct investigations with respect to practices in packaging and labeling, and other things that bear on the public interest, and perhaps of legislative necessity when a bill is being formulated. The bill should go to the committee with appropriate jurisdiction. Over the years, the Senator from Arkansas has constructively investigated—and I assume will continue to do so—practices in trade unions. It may have been that he has introduced legislation reflecting reaction to some of those investigative discoveries.

That proposed legislation need not and does not thereby go to the committee that made the investigation. The fact that proposed legislation has been submitted does not stop, and certainly should not be interpreted as stopping, an investigative committee from continuing its concern, where necessary, in the matter of trade unions. The situation here is exactly the same.

Mr. McCLELLAN. If I understood the Senator's letter it said, "continuing the investigation" or "conducting the hearings in that field." I know of no other factor with respect to packaging and labeling. I know of no other inquiry the committee had conducted except what was premised on the consideration of that bill. Had it?

Mr. HART. No.

Mr. McCLELLAN. The Senator said "continue."

Mr. HART. But the bill having been introduced does not, as I see it, require it to be referred to the committee, nor does it stop our committee from continuing its concern with respect to the broad practices in the flow of commerce. Yet, a piece of legislation that results from such an investigative study should go to the committee where appropriate under our rules it finds its place. In this situation, I believe that it has produced a bill which should go to the Committee on Commerce.

Mr. McCLELLAN. I stated a while ago that I am not objecting to the bill going to the Committee on Commerce. I think that possibly the Committee on Commerce should consider it, even though the Committee on the Judiciary should consider it first. It is a bill which covers the jurisdiction of both committees, I think. That was not my objection to it. I was trying to ascertain whether it is possible—and apparently it is—and I was trying to ascertain the reason why it is not satisfactory for both committees to consider the bill inasmuch as both of them actually, in my judgment, have jurisdiction over the subject matter.

It indicated to me, as the minority leader read the Senator's report or request of the Committee on Rules and Administration, and the statements that were made in support of the request, that it was contemplated at that time that the subcommittee would continue its study of this subject, as it did last year when the bill was before the subcommittee. That is the only study that was made of packaging and labeling by the subcommittee, so far as I know. To continue it meant that it had to be in existence. Of course, the Senator can change his views about it.

Mr. HART. Let me summarize the subject in this way: There is nothing, save the general language read by the Senator, that bases our budget on hearings on the truth-in-packaging bill. The bill itself should go to the Commerce Committee. Since it is no longer proposed as an amendment to the antitrust laws, the jurisdiction of the Antitrust Subcommittee does not reach in this instance.

Mr. McCLELLAN. I have no objection to the bill being referred to the Commerce Committee. I am not objecting to it. I believe it should be referred to that committee.

However, I did not want to leave the record in the position where it might be interpreted that those of us who are members of the Subcommittee of the Judiciary Committee dealing with antitrust and monopoly legislation were silent and acquiescing in this procedure and waiving any right or jurisdiction the committee may have.

When the bill is returned to the Senate from the Committee on Commerce, I shall reserve the right to consider this matter further. If I find that the Judiciary Committee has substantial jurisdiction over the subject matter of the legislation, I shall either move myself or join with other Senators in moving to refer the bill to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan to refer the bill to the Committee on Commerce.

Mr. DIRKSEN. As I understand, at this time, after action is taken on the motion of the Senator from Michigan, a motion to send the bill to the Judiciary Committee, after it has been reported

from the Commerce Committee, would be in order. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. A motion to that effect, however, would be in order when the bill is reported by the Commerce Committee. Is that correct?

The PRESIDING OFFICER. And the bill is before the Senate.

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I wish to make plain one further point. I asked the chairman of the subcommittee whether he would not agree that when the bill came from the Commerce Committee it should go to the Judiciary Committee, because I said I did not dispute the fact that under the rule the Commerce Committee would have jurisdiction, similar to that of the Judiciary Committee. But he has felt, for reasons best known to himself, that he could not agree to such a request. Therefore, we are out of court, so far as the motion is concerned, and we shall have to wait until the bill comes back from the Commerce Committee, if it comes back from the Commerce Committee, and is then before the Senate, at which time we shall have to make a motion to send it to the Judiciary Committee.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The question is on agreeing to the motion of the Senator from Michigan.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to vote on the motion of the Senator from Michigan, but that prior to the vote the Chair determine the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

What was the request of the Senator from Louisiana?

Mr. LONG of Louisiana. I ask unanimous consent that the Senate proceed to vote on the motion, but that prior to the vote the Chair determine the presence of a quorum.

Mr. COTTON. Mr. President, reserving the right to object——

Mr. WILLIAMS of Delaware. Mr. President——

Mr. COTTON. A Senator is seeking recognition. Is the Senator from Louisiana trying to shut off debate?

Mr. LONG of Louisiana. I was under the impression that all Senators who cared to speak on the motion had spoken. If the Senator wishes to make another speech, I do not wish to cut him off.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. FONG. Mr. President, I do not object to referring S. 985 to the Commerce Committee. However, I firmly believe that the bill should also be referred to the Judiciary Committee.

The motion before the Senate is to refer only to the Commerce Committee, rather than to both the Judiciary Committee and the Commerce Committee.

The bill, S. 985, is virtually identical with S. 387, the measure that was before the Judiciary Committee during the 88th Congress. Other than some technical and minor modifications of S. 985, the bills are substantially the same.

The proponents of the bill and the Antitrust Subcommittee's majority report have consistently and rightly maintained that the substance and purposes of the proposal are "in the tradition of the antitrust laws as it seeks to promote fair competition, to maintain the integrity of the markets, to enhance the competence of consumers, and to promote efficiency in industry."

The Judiciary Committee and its Antitrust Subcommittee are therefore the appropriate forums to consider S. 985.

Mr. President, long hearings were held by the Judiciary Antitrust Subcommittee on S. 387, when it was before the 88th Congress and many witnesses were heard. Now it is proposed that the bill go to the Commerce Committee and not be referred to the Judiciary Committee.

The Senate should not abandon its long-established practice of assigning jurisdiction to the committee or committees most concerned with the substance and purposes of a bill.

If the Senate allows technical language and careful phraseology rather than substance to govern referral of proposals to appropriate committees, the Senate's committee system will be greatly weakened.

Normally, Senators desiring membership on a particular committee will seek assignment to that committee because of their interest and concern with the substantive matters over which the committee has jurisdiction.

If a bill is assigned to make it convenient to report out, and not for substantive reasons, then the primary purpose for seeking committee membership is defeated.

I believe the Senate should adhere to its sound precedent of conferring legislative jurisdiction on the basis of substance and purpose.

Mr. President, there is ample precedence for granting jurisdiction of a proposal to more than one committee, and the Senate has not hesitated to do so when such referral was warranted by the facts.

In view of the compelling facts I have cited, and since the motion before the Senate is merely to refer the bill to the Committee on Commerce, without also granting jurisdiction over the bill to the Committee on the Judiciary, I urge that the motion be defeated.

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

Mr. LONG of Louisiana. If no other Senators wish to speak on the motion, I ask unanimous consent that the Senate proceed to vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the motion of the Senator from Michigan [Mr. HART].

The motion was agreed to.

The bill (S. 985) to regulate interstate or foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes, was read the second time by its title, and referred to the Committee on Commerce.

PRESIDENTIAL AND VICE-PRESIDENTIAL SUCCESSION—PRESIDENTIAL DISABILITY

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 1.

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield to the Senator from Alaska [Mr. GRUENING] for 10 minutes without losing my right to the floor and that, notwithstanding the rule of germaneness, the Senator may proceed on another subject.

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

THE MESS IN VIETNAM—III

Mr. GRUENING. Mr. President, the news from Vietnam continues to be disturbing.

This morning's reports indicate that the so-called government of General Khanh has been overthrown by the military forces. There are many in this country who glibly talk of "losing face" through any U.S. talk of a cease-fire in Vietnam as a prelude to a negotiated peace there. How much "face" however do we lose and have we lost by maintaining the pretense that U.S. military forces are in South Vietnam only at the specific request of the "friendly" Government of South Vietnam.

What government? Today's, yesterday's, or tomorrow's?

These are not secret overthrows of the Government of South Vietnam. They take place publicly for all the world to see. We may continue our practice of

self-deception in claiming a continuation of the predecessor government's request for our continued advice and assistance. But the other nations of the free world can analyze the news more objectively, especially in the light of events of the last few weeks.

Apparently, having found the South Vietnamese unwilling to fight for their freedom, we have determined to "go it alone" and to escalate the war there, if need be, in our determination to contain Red China physically and militarily, whether or not there is anything substantive beneath the facade of what passes for the Government of South Vietnam.

In an advertisement appearing in this morning's New York Times the issue is clearly stated:

America must decide between a full-scale war and a negotiated truce.

That is clearly the choice for the United States. A full-scale war in Vietnam—and over Vietnam—would be unthinkable for those who cannot see the United States engaged in a ground war against the Red China hordes thousands of miles from our shores.

I ask unanimous consent that the advertisement from today's New York Times be printed in full in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRUENING. Two items appearing in the New York Times on February 10, 1965, dealing with the U.S. position in South Vietnam are also particularly worthy of note and comment.

The first item—an editorial entitled "What Price Vietnam"—raises questions which should be faced and answered not only by the leaders in the executive branch of the Government and by us here in the Congress, but by every citizen in the United States interested in the U.S. posture abroad as an effective fighter for peace throughout the world.

The editorial raises the following questions:

The Americans went into Vietnam in 1954 to fill the vacuum left by the French and to contain the advance of communism in that part of southeast Asia.

The motives are exemplary and every American can be proud of them, but the crucial questions are: Can it be done? Is the price too high? Was the military decision in the Kennedy administration to increase American forces in Vietnam mistaken? Are the dangers of escalation too great? Is this a good battleground of the cold war on which to fight? Is the United States losing more than it is gaining? All leads up to the basic question that some Senators are asking: Is this war necessary?

Mr. President, can the United States contain "the advance of communism in that part of southeast Asia" by fighting a ground war in South Vietnam with some 23,000 so-called "advisers" to a South Vietnamese Army which has no will to fight, with an unstable, "here today, gone tomorrow" government, and with a civilian population confused, warweary, and uninspired?

The answer is clearly in the negative.

The New York Times then asks: "Is the price too high?"

Mr. James Reston, associate editor of the New York Times, in his excellent column entitled "A Time for Reflection on Vietnam," on the very same editorial page, gives one answer when he recalls that the French Army, our predecessors in South Vietnam, were defeated although they had an army of over 380,000," ending 70 years of French control over Indochina, and cost the French 172,000 casualties." It is the cruelest kind of deception to lead the American people to believe that we can succeed with 23,000 so-called "advisers" where the French failed with an army of over 380,000.

Our growing list of casualties—growing at an alarming rate—attests to the price being too high. For "too high" must be judged in terms of future prospects of victory and the war in South Vietnam cannot be won on the battlefield. It is a political issue—a civil war—which can be settled only at the conference table.

The New York Times editorial then asks the question, "Was the military decision in the Kennedy administration to increase American forces in Vietnam a mistake?" I would answer this question in the affirmative, modifying it to include both the Eisenhower and Kennedy administrations. For the fact remains that the plans for the intensification of our involvement in South Vietnam were prepared under the direction of President Eisenhower and were ready for President Kennedy's OK shortly after he took office, when his own advisers had barely time to get their feet wet.

The next question asked by the New York Times in its editorial is, "Are the dangers of escalation too great?" In my opinion, the dangers of escalation are far too great for the United States to continue on its present collision course. The greatest present danger—apart from the ever-present danger of our retaliation escalating into a thermonuclear disaster—is that we will become embroiled in a Korea-type foot war.

The New York Times editorial continues in its questioning of U.S. policy: "Is this a good battleground of the cold war on which to fight?" Here, too, it is obvious that the answer is in the negative. The war in South Vietnam is being fought at the wrong time, and in the wrong place. For the United States to engage in a ground war in 1965 in South Vietnam where the indigenous population is more interested in fighting among themselves rather than in fighting communism makes no sense whatsoever.

The New York Times editorial also asks: "Is the United States losing more than it is gaining?" It is difficult to answer this question because it presupposes that we are making some gains, and on the basis of all the facts available, it is obvious that we are not making any gains in South Vietnam but rather are losing ground steadily. Our napalm bombing of villages has surely not endeared the United States to the non-Vietcong population. Economic development and planning cannot go forward in a country rent with civil war, under a government that does not command the loyalty or respect of the majority of the people.

The final question asked by the New York Times editorial is: "Is this war necessary?"

Emphatically—no. The United States should never have gotten itself involved in the first place. We should adopt the course of action which I have been advocating for some time now and which is echoed in the column by Mr. James Reston when he advises:

The Korean solution of a ceasefire and withdrawal on either side of the 17th parallel is probably the best anybody can get out of it, and the first step in this is clearly a self-imposed ceasefire on both sides of the line.

I ask unanimous consent that both the editorial on Vietnam in the New York Times and Mr. James Reston's column in the same paper for February 10, 1965, be printed at the conclusion of my remarks.

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

(See exhibits 2 and 3.)

EXHIBIT 1

[From the New York Times, Feb. 19, 1965]

VIETNAM: AMERICA MUST DECIDE BETWEEN A FULL-SCALE WAR AND A NEGOTIATED TRUCE

A spiraling exchange of blows and counter blows in Vietnam can lead to a major war involving the United States and China—a war nobody wants and no one can win. The present tragic conflict can only be resolved by political, not military means. Join with us in asking negotiations to end the war in Vietnam. Help mobilize public opinion to—

Stop the widening of the war—Bombing North Vietnam will not stop the conflict in South Vietnam. Widening the war only serves to invite the intervention of the North Vietnamese regular army, the U.S.S.R., and China.

Seek a cease-fire—No issues will be decided by prolonging the bloody and fratricidal conflict in South Vietnam. The fighting must be brought to a halt so that the devastated nation may recover.

Negotiate an international settlement—Now, before the war escalates into a major disaster, means must be found and found urgently to take the issue from the field of battle to the conference table.

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EXHIBIT 2

[From the New York Times, Feb. 10, 1965]

WHAT PRICE VIETNAM?

There is no cause to quarrel with the sentiments of President Johnson in commenting to his Boy Scout visitors on the American reprisals against North Vietnam:

"We love peace," he said, "but we love liberty the more and we shall take up any threat, we shall pay any price to make certain that freedom shall not perish from this earth."

The people of the United States do love peace; they love freedom; they will fight for it. Mr. Johnson was on completely safe ground, even to a little forgivable plagiarism from Abraham Lincoln.

But the American public is not asking for truisms about Vietnam. It must surely want sound, solid, persuasive arguments to justify the cost in lives and materiel, and the risk being run in this dangerous southeast corner of the continent of Asia.

The true reasons tend to be blurred by rhetoric. The United States is not in Vietnam, as is so often implied by the White House and State Department, in order to bring democracy, Western style, to Vietnam. It would indeed be helpful if Saigon did have a popular, stable, democratic government; but the historic, political, social, religious and tribal factors militate against such a development, without counting the personal rivalries of generals and politicians. Those who profit by the American presence want the United States to stay. Those who feel frustrated by American power—nationalists, Communists, Buddhists and probably the majority of the peasantry, who simply ask to be left alone—want the Americans to go.

The plain fact, which such fine language as President Johnson's tends to confuse, is that the United States is in Vietnam because it believes that its own security is involved. Veitnam is a battle in the cold war, which is sometimes hot. The Americans went into Vietnam in 1954 to fill the vacuum left by the French and to contain the advance of communism in that part of southeast Asia.

The motives are exemplary and every American can be proud of them, but the crucial questions are: Can it be done? Is the price too high? Was the military decision in the Kennedy administration to increase American forces in Vietnam mistaken? Are the dangers of escalation too great? Is this a good battleground of the cold war on which to fight? Is the United States losing more than it is gaining? All leads up to the basic question that some Senators are asking: Is this war necessary?

These questions cannot be answered by saying that "freedom shall not perish from this earth." The questions reflect genuine doubts and anxieties. They require precise answers. The American people should not be asked to take the sacrifices of Vietnam for granted. There has been a confusion in the public mind which Washington has thus far failed to dispel.

A straightforward explanation on a high intellectual level of practical politics and strategy is in order. Americans would then, at least, be in a position to resolve their own doubts one way or another.

EXHIBIT 3

[From the New York Times, Feb. 10, 1965]

WASHINGTON: A TIME FOR REFLECTION ON VIETNAM

(By James Reston)

WASHINGTON, February 9.—This may not be a bad time to take a hard look at the nature and mathematics of the war in Vietnam.

According to the official intelligence estimates, the Communists are now sending between 500 and 1,000 new trained revolutionaries a month into South Vietnam.

These are both the brains and the bone structure of the Communist apparatus now operating below the 17th parallel. They number, to the best of our knowledge, between 28,000 and 34,000, and lead between 60,000 and 80,000 night raiders who operate in small units all over the country.

Behind these guerrillas in North Vietnam is an uncommitted army estimated here at 225,000 men. This is the successor to the force that defeated a French Army of over 380,000, ending 70 years of French control over Indochina, and cost the French 172,000 casualties.

THE DECEPTIVE FIGURES

The force levels on our side are impressive but misleading. The South Vietnamese have 240,000 men in their army, navy, air force and marines; and another 290,000 in the national guard, military police, special forces, coast guard, and national police.

These are backed, trained, and often transported by U.S. forces, now numbering 23,000, who have overwhelming superiority in firepower, airpower, and naval power.

The mathematics of guerrilla warfare, however, is nothing like the mathematics of normal warfare. The Algerian rebels prevailed over the best of the French Army, though they were outnumbered by more than 20 to 1.

The problem is quite different from what it was when the Communist PT boats attacked our destroyers in international waters in the Gulf of Tonkin. Then it was possible to attack and knock out the PT bases. The target was clear and the counterattack effective.

Stopping the flow of Communist infiltrators into South Vietnam, however, is a quite different thing. They leave from many different parts of Communist territory in very small numbers and reach the south by many different trails, most of them hidden in the jungle.

Trying to spot-bomb this steady trickle of revolutionaries is like trying to bomb a stream of water. We can make a big splash in the headlines, but the stream will go on.

THE INFILTRATION PROBLEM

President Johnson, therefore, still faces his most difficult problem. As long as he was

faced merely with punishing an isolated Communist attack, he could strike and fall back. But stopping the infiltration, which as he says is the main problem, will probably require much greater risks than he has ventured to assume so far.

"We seek no wider war," he said in a White House statement. "Whether or not this course can be maintained lies with the North Vietnamese aggressors. The key to the situation remains the cessation of infiltration from North Vietnam and the clear indication by the Hanoi regime that it is prepared to cease aggression against its neighbors."

Nobody should underestimate the seriousness of this remark. It is a clear threat that the war will be extended unless Hanoi withdraws, and there is absolutely no indication by Hanoi or its Communist backers that withdrawal is intended.

The President does not want to go north or retreat south. But he is now in a position that satisfies very few people. He has compromised between those here who want him to go on about as before and those who want him to use his airpower on the Communist industry in the north. He has issued a challenge and given the Communists the initiative in deciding what to do about it.

A KOREAN SOLUTION?

This is an odd thing to do at a time when officials here are telling us that the war is really going well—despite the political troubles in Saigon—but anyway it has been done and an elaborate test of will and pride is now ahead.

In this situation, the main hope is that both sides will stop where they are for a while and think. The U.S. cannot win the battle on the ground without a major effort against the uncommitted North Vietnamese Army of a quarter of a million men, and the North Vietnamese cannot win against the air and naval power of the United States.

The Korean solution of a ceasefire and withdrawal on either side of the 17th parallel is probably the best anybody can get out of it, and the first step in this is clearly a self-imposed ceasefire on both sides of the line.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware [Mr. WILLIAMS] for 5 minutes, at the conclusion of which the Senator from Indiana [Mr. BAYH] will be prepared to undertake to discuss the unfinished business.

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

THE FALLACY OF THE PROPOSED $700 MILLION TAX BREAK FOR BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, yesterday I commented upon a press report in which the President was quoted as saying that as the result of a Treasury ruling business would receive an additional $700 to $900 million tax reduction.

At the time I raised the question as to how, by Executive order a new—and it was described as "new"—$700 to $900 million tax reduction for business would be possible unless, in interpreting the 1962 act, the Treasury Department had been in error and was correcting a previous ruling. I could not see how it would be possible otherwise to interpret a law which had been in effect since 1962 and give an additional tax reduction.

Since then I have had a series of conferences with officials of the Treasury Department, and it has developed that I was correct. The so-called new tax reduction is not a new tax reduction as it was described to be. One of the officials, who wished to remain identified only as a spokesman, said that he thought the press had been in error in reporting the President's statement. Whether it was the press or a slip of the tongue on the part of someone else, I do not know. But it is now admitted that the new ruling would not be a new tax reduction. It merely provides that business will get those benefits which the 1962 act intended that they have.

In 1962 the Congress revised our depreciation schedules by doubling the benefit of investment credits. At the same time, the Treasury Department issued a new bulletin which changed the previously listed existing life of much of the depreciable property. That ruling, which was contained in a new bulletin, was much more favorable to business and, coupled to the legislative action of the Congress, by doubling the investment credit it did have the effect of substantially liberalizing the depreciation schedules for business.

After that law was enacted the Treasury Department issued a ruling providing in effect that unless a business elected to convert or adopt the new depreciation schedules within a 3-year period the business would lose or forfeit the right to make the conversion. The result has been that during the 3-year period many business establishments were unable to bring their new depreciation schedules into compliance or take advantage of the new schedules. Unless the 3-year limitation were removed it would have meant that many American businesses would be deprived of the advantages of the more liberalized schedules that were provided in 1962. So yesterday under a new ruling the 3-year limitation was removed. This had been an arbitrary interpretation of the act by the Department after the enactment of the 1962 law, and they are now correcting their error.

In other words, it is a correction of a ruling that was made by the Treasury Department, a ruling in which in my opinion the Treasury was wrong at the time it made it. I believe the Department was correct when it issued its ruling yesterday. I am glad it has done so. But I believe the record should be clear that the ruling yesterday does not give to American business any additional benefits which Congress did not provide in the 1962 law. The ruling merely provides that business will be able to get the full advantage of the reductions afforded in the 1962 laws and will not be deprived of that advantage as a result of an arbitrary ruling that was adopted in 1962 limiting the conversion privilege to only 3 years.

I do not question that the Treasury ruling with respect to the 3-year limitations was issued with the best intentions. Probably it felt it could bring business into acceptance at this early date, but it has now corrected its error. I am in complete agreement with what the Treasury did yesterday, but I am not in agreement with the interpretation that it is a new tax cut of $700 to $900 million. There is nothing new about it at all. It was passed in 1962. To call it a new tax cut is nothing but political ballyhoo.

This ruling of yesterday definitely is not a new tax cut for American business, and as further evidence of this point the Department admits its new ruling will have no effect on the President's budget as submitted in January.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. HRUSKA. In what form did the Treasury Department impose the 3-year limitation within which business would have to make conversion to the new basis of depreciation?

Mr. WILLIAMS of Delaware. It was done by a 1962 ruling issued by the Treasury Department, a ruling which the Treasury had a perfect legal right to make. However, I do question the advisability of the ruling. I think they were wrong. I am glad it has now been corrected. Had it not been corrected many business establishments would not have been able to take advantage of the 1962 liberalization of depreciation rates. To that extent it can be said that had the ruling of yesterday not gone into effect business would have lost several hundred million dollars.

I have seen a figure of $200 million or $300 million, but later a figure of $700 million to $900 million. But whether the figure be $200 million, $300 million, $700 million, or $900 million, it is not a new tax cut; it is merely a ruling that business will have additional time in which to take advantage of the liberalization provided in the 1962 act. I want to make it clear that I am in complete agreement with the ruling issued yesterday. It was the intention of Congress—at least, it was my intention as one member of the Committee on Finance—that there be no such arbitrary cutoff date anyway.

The Treasury is correct when they nullify this earlier ruling—but let us call it what it is—and not ballyhoo it as a new tax reduction.

Mr. HRUSKA. The Senator from Nebraska is a little confused. Is there any provision in the law that was passed in 1962 which gave the Secretary of the Treasury the right to put a time limitation on the obligation that business would have?

Mr. WILLIAMS of Delaware. That was not the intention of the 1962 act.

Mr. HRUSKA. Is it customary for the Department of the Treasury to say with respect to a law that has been passed by Congress and signed into statute by the President that it will be in effect only X years, and that from then on it will not be in effect? Is it customary for the Department to do that?

Mr. WILLIAMS of Delaware. No; but the ruling was not made in exactly that way. In 1962, or prior to 1962, there were old depreciation schedules. For instance, a piece of property or equipment might have been depreciated in 10 years or 25 years. Under the new schedule, the period might have been reduced to 7 years or 18 years. Most businesses would automatically convert to new schedules over a shorter life period, which gave

them a more liberal depreciation schedule.

However, some businesses found they could not or that it did not suit to convert readily without complications, because perhaps the life had only 5 more years to run, and it would not have been profitable to convert.

The Treasury, I believe, with the best of intentions, believed that industry could convert in 3 years and operate completely on the new schedule; but the law did not so provide.

Mr. HRUSKA. There was no limitation. What right did the Treasury have to say that the law would be effective for 3 years?

Mr. WILLIAMS of Delaware. I think the Treasury made a mistake. I do not know whether it had a legal right to do that; anyway, it made it. The Treasury ruling does have the effect of law unless and until it is upset by the courts or is changed. In this instance the Treasury changed its ruling.

But the Senator from Nebraska is perfectly correct; there was nothing in the law as it was passed in 1962 which gave any indication that Congress even intended that there be a time limit. I think the Treasury was wrong when it established a time limit. I believe the Treasury is correct in its ruling of yesterday.

But it is just as erroneous to ballyhoo this later ruling as a great new tax reduction for business as it would have been for the administration in 1962 to have been charged under the 3-year ruling of initiating a $900 million tax increase. They should have had equally big headlines, saying that the administration would take away from American business benefits of $700 to $900 million that Congress gave them. But the Treasury never said a word about that, but now when it reversed its ruling it is ballyhooed as a great new tax reduction. This was a ruling the Treasury should never have made in the first place, but now the reversal of its ruling is being ballyhooed as a tax reduction.

I recognize political ballyhooing—and that is what I call it. American business should know that it is only getting, as a result of the ruling yesterday, what Congress intended it should get in the first place. It was never the intention of Congress that that amount of money be taken away from business through any arbitrary rulings of the Department.

I am glad the Treasury has taken this corrective action. I have no objection to the administration's trying to make political hay out of it if it wants to; but we understand what the facts are and have a right to call it political ballyhoo. I think the country should understand this. If taxes are to be cut Congress will cut them. Congress passes laws; they are not passed in the White House.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. While the Senator is on the subject—I do not care to debate the point—it might be well to recall that this action is similar to a situation that has been publicized recently about the Du Pont ruling. My impression was that counsel in the Treasury had an idea that Du Pont ought to pay more money than Du Pont felt it should pay. After a period of debating back and forth, the Du Pont lawyers said, "We will go to court, and we will defeat you."

So after the Government lawyers thought about the case for a while, they concluded they were wrong, and they proceeded to write a different opinion, which the Du Pont people were willing to agree was correct, and the parties settled on that basis.

Mr. WILLIAMS of Delaware. The recent Treasury ruling which the Department issued was in direct conformity with the order of the Court and was what the Treasury should have done, as the Senator from Louisiana will agree. That is comparable to what was done in this instance. In the first instance Congress laid down the rule for taxing of the distribution of General Motors stock by the Du Pont company under guidelines laid down by the Supreme Court. The Treasury Department later decided it should follow those guidelines of the Court. I think the Treasury was correct when it did so. Otherwise, I feel certain the Government would have lost in court.

Likewise, I believe almost any businessman could have gone into court and upset the 3-year ruling as it applied to the 1962 depreciation schedule.

It is clear from the hearings and the records of legislation that there was no intention that there be a 3-year limitation. The new depreciation schedules were adopted. It was fully the intention of Congress that all American business in the future, until the law was changed, would have the benefit of the more liberal provision with no strings attached. The ruling of yesterday merely carries out the intent of Congress and the intent of the law. I believe the later ruling is correct. But in no instance was there a tax reduction for anybody.

Mr. LONG of Louisiana. As one member of the Committee on Finance and of the Joint Committee on Internal Revenue and Taxation, I do not quarrel with the Collector of Internal Revenue for demanding more money than the taxpayer believes the taxpayer owes. I also believe that at such time as the Collector finds he is in error in demanding too much taxes, he ought to correct himself rather than to have some one take him to court and make him repay the taxpayer.

Mr. WILLIAMS of Delaware. I hope I misunderstood the Senator from Louisiana. Did I correctly understand him to say that he would not blame the Commissioner for collecting more than a man owes? If so, I disagree with him completely.

Mr. LONG of Louisiana. I believe my words failed to convey my thought. I meant that if the Collector thinks a taxpayer owes a certain amount of money, he ought to claim it.

Mr. WILLIAMS of Delaware. The Senator is absolutely correct on that point.

Mr. LONG of Louisiana. But if after consultation with the taxpayer and the taxpayer's lawyers and accountants, and with whomever in the Treasury he wishes to consult, he then becomes convinced he is wrong, he should do what he then believes is right and rule in the way he believes the law requires.

Mr. WILLIAMS of Delaware. Mr. President, I am in complete agreement. I think that the Treasury Department has the responsibility to collect that which it thinks the taxpayer owes—no more, no less. When a taxpayer comes to the Treasury Department and shows that he owes less, the Treasury Department should be gentlemen enough to admit it, just as much as the taxpayer should if he has made a mistake and owes more.

In this instance, the Treasury Department had made a mistake. They corrected the mistake. I compliment them on correcting it.

But again, the only reason that I discuss this subject at all is that I am receiving a few inquiries from businesses back home asking, "Just how will this tax deduction affect me? How will I compute taxes differently than before?"

The answer is, there is no new tax cut. They merely have additional time to take advantage of the 1962 liberalized depreciation. No change has been made. The Department admitted that its new ruling will not affect the 1964–65 budget of the President one single dime. Certainly this is not any new tax reduction; otherwise, it would seriously affect the budget. Politics is politics—taxes are taxes; let us keep them separate.

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

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is the Senate operating on limited time?

Mr. MANSFIELD. We are on the bill. But we obtained unanimous consent to take up the other measure.

Mr. LONG of Louisiana. Mr. President, we are waiving the germaneness rule.

Mr. HRUSKA. We have been waiving the rule all week.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. With respect to the ruling of the Commissioner, Congress passed a law making certain bases of depreciation available. The Commissioner undertook to negate this law, to write it off the books and not make it available to the taxpayers after 3 years. By what authority did he do so? I cannot understand it. If he does that on depreciation, why can he not do it in connection with another section of the law and say, "When 3 years passes, section 'X' in the law will no longer be effective." That is exactly what he did. That is very puzzling to me.

Mr. WILLIAMS of Delaware. Those taxpayers who had made an election prior to the 3-year expiration date would have continued to receive the benefits had this last ruling not gone into effect. But taxpayers who had not made an election would not have an opportunity to make such election after the expiration of the arbitrary 3-year period which the Treasury Department had established.

Congress did not intend that there be any limitation at all. It was intended that a taxpayer 10 years from now, if he wished could take advantage of the new schedules. It was the intention of Congress that he make this election when he was ready and at whatever date he chose. The 3-, 4-, 5-year period should never have entered into it.

The Treasury Department by its most recent ruling has removed that time limitation. I compliment them. The Treasury Department is recognizing its error. But I point out that American business is not getting any additional tax cut that it did not have under the 1962 law or that Congress did not intend that they have fully under the 1962 law. It was not the intention of Congress that anyone who had not made this election prior to a 3-year period be deprived of it.

I repeat, this is not a new tax cut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRESIDENTIAL AND VICE-PRESIDENTIAL SUCCESSION—PRESIDENTIAL DISABILITY

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Mr. BAYH. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment, not prejudicing the rights of any Senator to further amend the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 17, after "SEC. 3.", to strike out "If the President declares in writing" and insert "Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration"; in line 23, after "SEC. 4.", to strike out "If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President." and insert "Whenever the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."; on page 3, line 13, after the word "the", where it appears the second time, to strike out "Congress" and insert "President of the Senate and the Speaker of the House of Representatives"; in line 18, after the word "the", where it appears the first time, to strike out "heads" and insert "principal officers"; and at the beginning of line 23, to strike out "will immediately" and insert "shall immediately proceed to"; so as to make the joint resolution read:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

" 'SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

" 'SEC. 3. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

" 'SEC. 4. Whenever the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" 'SEC. 5. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately proceed to decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.' "

Mr. BAYH. Mr. President, I send to the desk an amendment to section 5 of the bill and ask that it be stated. I feel that this was the intention of the committee. It is a change of wording that needs to be made in order to have the bill conform to the intention of the committee. It does not change the bill in any way at all.

The PRESIDING OFFICER. The clerk will state the amendments.

The LEGISLATIVE CLERK. On page 3, in line 17, strike the following: "with the written concurrence of" and insert in lieu thereof: "and".

On page 3, line 20, strike the following: "transmits within two days to the Congress his" and insert in lieu thereof: "transmit within two days to the President of the Senate and the Speaker of the House of Representatives their".

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Indiana.

The amendments were agreed to.

Mr. BAYH. Mr. President, and Members of the Senate, on December 1, 1964, the President of the United States had a small growth removed from his hand. The Nation wondered. On January 23, 1965, Americans awoke to learn that during the night the President had entered the hospital with a cold. The Nation, and, indeed, much of the world worried. But we were fortunate on each of those occasions.

Today we have a strong, forthright, and vigorous President of the United States. I might also add that we are fortunate today because we have an able-bodied and vigorous Vice President of the United States. This was not the case in the sad months following November 22, 1963.

We have not been so fortunate in the past to have had able-bodied, vigorous Presidents and Vice Presidents.

Sixteen times in the history of our country we have been without a Vice President. All Americans can recall the eight Presidents who have died in office, but our memories fail us in remembering that seven Vice Presidents died in office; and one Vice President, John Calhoun, resigned to become a U.S. Senator.

The total span during which this Nation has not had a Vice President has been in excess of 37 years.

There have been serious presidential disabilities over various periods of the history of our country. I should like to review them briefly.

President Garfield lay disabled for 80 days after being struck by the bullet of an assassin.

Ruth Silva, in her book "Presidential Succession," described that period in these words:

> During these 80 days a great deal of urgent business demanded the President's immediate attention: there were postal frauds; officers did not perform their duties because they had not been commissioned; the country's foreign relations were deteriorating * * * Nearly every day the newspapers mentioned some important matter which was ignored because it required the President's personal attention.

And still there was no one to perform the functions that only the disabled President could perform.

President Wilson had a serious illness lasting 16 months. To all intents and purposes, history shows that his wife and his physician conducted the Government of the United States. No member of the Cabinet was permitted to see the President for a minute. No one could see or hear a word he said or wrote.

Presidential Assistant Joseph Tumulty was not allowed to see the President. However, in good conscience, he felt he was compelled to give Mrs. Wilson a list

of business which he felt needed Presidential action.

I quote from Eugene Smith's "When the Cheering Stopped," relating to that time:

> The railways taken over during the war still awaited return to their owners, the Costa Rican recognition matter was still up in the air, a commission to deal with the mining strike situation should be appointed, the Secretaries of the Treasury and the Interior and the Assistant Secretary of Agriculture needed replacements, there were vacancies in the Civil Service Commission, Federal Trade Commission, Interstate Commerce Commission, Shipping Board, Tariff Committee and other agencies, and that diplomatic appointments were needed for Bulgaria, China, Costa Rica (if recognized), Italy, the Netherlands, Salvador, Siam, and Switzerland. Also, the Democratic leadership in the Senate desperately wanted an expression of Wilson's policy in dealing with the Lodge amendments to U.S. entry into the League of Nations.

Subsequently, without Presidential advice, America's entry, and later the League of Nations itself, failed.

President Cleveland underwent a major operation, in complete secrecy, aboard a private yacht cruising off Long Island.

More recently, in the memory of all of us, President Eisenhower had three serious illnesses. The Vice President, Mr. Richard Nixon, in his book "Six Crises," describes the period surrounding the Presidential heart attack on September 24, 1955, as a period of "governmental lull."

However, if it was a period of governmental lull, I wonder what a period of governmental crisis would have been. I quote from the New York Times of September 27, 1955, relating to the times in which we lived:

> Top-level decisions were pending on disarmament policy, budgetary problems, military force levels, certain politicostrategic questions, withdrawal of troops from Korea, future military policy toward Formosa, and reduction of forces in Japan.

For some 2 months after President Eisenhower's heart attack the Government was directed, for all intents and purposes, by a six-man committee, comprised of Vice President Nixon, Presidential Assistant Sherman Adams, Mr. Dulles, Secretary of State, Attorney General Brownell, Secretary of the Treasury Humphrey, and General Persons.

Vice President Nixon wrote of this period in his "Six Crises":

> Although it was hardly mentioned, I am certain that many of us realized our team-government would be inadequate to handle an international crisis, such as a brush-fire war or an internal uprising in a friendly country or a crisis of any ally. The ever-present possibility of an attack on the United States was always hanging over us. Would the President be well enough to make the decision? If not, who had the authority to push the button?

Vice President Nixon, after President Eisenhower's second illness, which was a 30-minute operation for an attack of ileitis on June 8, 1956, says, in his book "Six Crises":

> On several occasions afterwards he (Eisenhower) pointed out to me that for the 2 hours he was under anesthesia the country was without a chief executive, the Armed Forces without a Commander in Chief. In the event of a national emergency during those 2 hours, who would have had the undisputed authority to act for a completely disabled President?

Again, Vice President Nixon, on President Eisenhower's third illness, which was a stroke on November 27, 1957, stated in his book:

> It was a time of international tensions. Only a month before the Soviet Union had put its first Sputnik in orbit * * *. The most immediate problem was a scheduled meeting of NATO only 3 weeks away * * *. On the domestic front, the first signs of the 1958 economic recession were becoming obvious * * *. We were having serious budget problems.

So wrote the former Vice President, who was forced to serve during three serious Presidential illnesses.

Former Attorney General Brownell, who was one of the committee of six during the illness mentioned, wrote of the half hour when President Eisenhower was unconscious during his ileitis operation that:

> It was realized that the announced intention of the President to undergo a serious operation might entice a hostile foreign power to make some drastic move in the expectation of finding, at the critical moment, confused and uncertain leadership in the United States.

Senate Joint Resolution 1 is an effort to guarantee continuity within the executive branch of Government. It is designed to provide that we shall always have a President or Acting President physically and mentally alert. Second, and of equal importance, it is to assure that whoever the man may be, there will be no question as to the legality of his authority to carry out the powers and duties of the office.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. LONG of Louisiana. I commend the Senator for the fine work he has done both in studying the background and problem and also in bringing the measure before the Senate at this very early date. The Senator has labored long in the vineyard on this matter. I believe he managed the measure in the previous Congress, which the Senate passed. Unfortunately, on that occasion, the House failed to act. I certainly hope that the efforts of the Senator will be crowned with success, and also the efforts of his committee; and that this measure, having passed the Senate, will be promptly acted upon by the House of Representatives in the first session of Congress.

Mr. BAYH. I am grateful to the Senator for his kind words. I know of his long interest in this subject and have discussed it with him. I know of his concern that this loophole in the Constitution of the United States should be filled.

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. BAYH. Mr. President, let me review for a moment what has gone on before, to establish and clarify the Executive authority of the U.S. Government. First, I refer to article II, section 1 of the Constitution.

I believe we should refer to article II, section 1 of the Constitution on this particular question. The contents of article II deal with the responsibility of the Executive authority in our country.

Section 1 specifies:

> The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

In addition, article II, following the Executive powers, or executive contingencies, deals with the selection of electors, it deals with the manner in which the President and Vice President shall be elected. This, let me point out, has subsequently been amended in the 12th amendment. It deals with the qualifications which are prescribed for the President and the Vice President. It deals with Presidential compensation. It deals with the oath of office which the President is required to take. It deals, most important of all, with the powers and duties which are given to the President. It deals with messages—the state of the Union message, and others—which the President may make to the Congress. It also provides for the event of removal, death, resignation, or inability of the President.

I should like to read this last provision, because it is this provision with which we are dealing specifically in Senate Joint Resolution 1.

The clause reads as follows:

> In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Senate Joint Resolution 1 is designed to clarify the ambiguity, and remove the uncertainty and doubt which have been raised over the years by this clause.

I ask unanimous consent to have printed in the RECORD the text of Senate Joint Resolution 1, as amended by the committee, and more recently amended by unanimous consent of the Senate.

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

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President in unable to discharge the powers and duties of his office

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several

States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. Whenever the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit within two days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately proceed to decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. BAYH. Mr. President, Senate Joint Resolution 1 removes all doubt about the Vice President succeeding to the office of President.

There may be some Senators who might believe it rather foolish to deal with a problem of this kind when all America takes it for granted. All America does not take it for granted. There is significant constitutional authority, and constitutional scholars are concerned about the fact that there still is a scintilla of doubt as to whether the President, upon dying, is succeeded by the Vice President who succeeds to the office as President, or merely assumes the powers and duties of the office as Acting President.

I ask Senators to recall with me the first tragedy which occurred when President William Henry Harrison was lost, and he was succeeded by the then Vice President Tyler. The first papers which were given to the new President to sign contained under his name the words "Acting President." Subsequently, a close analysis of what our constitutional forefathers discussed in the Constitutional Convention leads us to believe that there was good reason for including the words "Acting President."

Inasmuch as Vice President Tyler decided that he did not wish to be acting President, that he wished to be President, he struck the word "acting." Ever since that time, it has become so entrenched in the laws of the land that it is indeed the law of the land today.

We feel that we should remove any doubt whatsoever about this issue.

The point is not so ridiculous as it seems because on December 10, 1963, following the tragedy in Dallas, Tex., the New York Times published an article concerning a New Mexico lawyer named Leonard Jones, who had forwarded a brief to the Attorney General challenging the right of President Johnson to take the oath of office as President, rather than the oath as Acting President.

I also point out that the 22d amendment to the Constitution which is a relatively recent amendment, reads in part as follows:

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President—

I emphasize the word "acted"—

for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

Therefore, in the recent history of amending the Constitution, we have referred to the possibility of the Vice President perhaps being Acting President instead of being President. This can be remedied and should be, I feel—and will be—by specifying, as we do, in section 1 of Senate Joint Resolution 1, that upon the death of the President, the Vice President shall become the President.

It also provides that in the event there is a Vice-Presidential vacancy either because of death, resignation, or removal—of either Vice President or President, both cases of which would result in a vacancy—the President would be nominated by a majority vote in both Houses of Congress, and subsequently a new Vice President would be elected, who would, in fact, be the Vice President.

This formula provides, first, that there would be a Vice President at all times; second, that there would be a Vice President who would be acceptable to the President, a Vice President with whom the President could work.

I hope all Senators will agree with me that at a time of international crisis, such as the death of a President in the United States, the last thing we would need would be a Vice President with whom the President could not get along.

Third, it would provide for a Vice President who would have received a vote of confidence and would have been, in fact, elected by the Members of both Houses who have the responsibility for being close to the people and knowing what they desire and expressing their wishes in Congress.

I should like to emphasize briefly for the RECORD the importance of having a Vice President at all times.

I do not believe that there is any office in existence which has been subjected to more puns and ridicule at one time or another in the history of our country than the office of Vice President. This might have been well directed toward some Vice Presidents at an earlier age in the development of the country, but today we have seen a rapid development in the office of Vice President to the point where he is now a full-time officeholder.

Today, the Vice President is not a figurehead. He is the chief ambassador of our country, traveling all over the world carrying the flag and the good will of America with him. He sits in at Cabinet meetings. He is a member of the National Security Council. He is Chairman of the National Aeronautic and Space Administration. He is Chairman of the President's Committee on Equal Employment Opportunity. He presides over the Senate. He has the opportunity—and I feel that he should—to relieve the President of many of the social obligations which rest upon the Chief of State.

In addition, the Vice President is only one heartbeat away from the most powerful office in the world.

Therefore, I believe that it is abundantly clear that we need provisions in the Constitution to enable the United States to have a Vice President at all times.

Let me hastily point out that in the area of succession Congress has dealt with the problem on three occasions—in 1792, 1886, and 1894. On all three occasions it did not deal with replacing a Vice President or with the necessity of finding someone to serve as President when the President was unable to perform the powers and duties of his office, but only with the contingency that would arise when both the President and Vice President were removed.

Let us pass quickly to sections 3, 4, and 5 of the joint resolution, which deal with the inability of the President to carry out the powers and duties of his office.

Searching high and low for the intent of our Founding Fathers for a reference to which I referred earlier, first, inability and, second, disability, we find little solace in the notes on the Constitutional Convention. Only one question was raised on this point, and that was raised by John Dickinson of Delaware, wnen he rose on the floor and said:

What is meant by the term "disability," and who shall determine it?

To that question no answer was given. That is the only reference to this subject.

Mr. President, absent any direction by our Constitutional Fathers, we have been drifting on a sea of indecision for the best part of two centuries. We have not dealt with the admittedly complicated problem of Presidential inability.

Let us consider how Senate Joint Resolution 1 deals with the problem.

Section 3 specifies that the President may voluntarily declare his own disability, and, upon doing so, and upon transmitting to the Speaker of the House and the President of the Senate his written declaration, the Vice President shall assume the powers and duties of the office as Acting President for the duration of the President's illness or disability.

Let me emphasize two things. The Vice President assumes only the powers

and duties of the office, not the office itself, and does not become President but, in fact, is only Acting President.

This, I think, is a reasonable assumption to make. It is an assumption which the Attorney General made in testifying before our committee. It is the assumption that Presidential power given up voluntarily may be assumed in the same manner in which it was given when the President desires to do so.

Mr. HRUSKA. Mr. President, will the Senator yield, or would he prefer to finish his statement before yielding for a question?

Mr. BAYH. How extensively does the Senator wish to interrogate me?

Mr. HRUSKA. This deals with the Vice President assuming the powers and duties of the Presidency as Acting President. I should like to ask only a brief question on that point.

Mr. BAYH. I yield. I do not desire to avoid questions from my good friend from Nebraska, who I am sure has many penetrating questions to ask. However, I would like to complete my statement and not yield if the questioning is to be extensive.

Mr. HRUSKA. I have only a brief question.

Mr. BAYH. I yield.

Mr. HRUSKA. In regard to the question of the Vice President assuming the powers and duties of the President's office, may I ask whether there is any language in the joint resolution for creating the office of Acting President if the Vice President then in office is disabled and unable to act?

Mr. BAYH. There is not.

Mr. HRUSKA. There is not?

Mr. BAYH. No; not as long as there is a Vice President who is merely Acting President, and the President is alive.

Mr. HRUSKA. But if the President is disabled or is incompetent or for some other reason is not able to assume the duties and powers of the Presidency, under the joint resolution there will be no means by which a Vice President can be selected. Is that correct?

Mr. BAYH. The Senator is correct. I might elaborate on that point by giving the feeling of the sponsors as well as the members of the committee, by trying to incorporate very quickly some of the testimony which was brought before the committee. As the Senator knows well, and as I mentioned a moment ago, Congress has dealt with the problem of Presidential and Vice-Presidential deaths in three succession acts. Therefore, the Speaker of the House is next in line. We could become entangled in the question of separation of powers more than we have. Would the Speaker have to give up his office or resign from Congress? We have dealt with the two most important emergencies so far as the Executive is concerned, first, the need to have a Vice President at all times and, second, to have an able-bodied President. We feel that we should get this provision into the Constitution and then deal with some of the other eventualities and perhaps propose another constitutional amendment.

Mr. HRUSKA. That is one of the weaknesses in putting all these procedures into a constitutional amendment. There is no flexibility which would be called for in the event of a contingency which is not covered in a constitutional amendment. It would necessitate a long, extended and rather tortuous course under another constitutional amendment.

Mr. BAYH. It depends on whether the Senator feels that the removal of the President from office even temporarily is of such significance that we should incorporate within the Constitution certain basic provisions that must be followed and the protections that must be given to the President, such as the protections already given, as in the case of impeachment, and such provisions as that under the 12th amendment so far as only the President is concerned.

Mr. HRUSKA. In the amendment which I understand will be offered by the Senator from Illinois [Mr. DIRKSEN], provision is made for the contingency in this language:

> The Congress may by law provide for other cases of removal, death, resignation, or inability of either the President or Vice President.

That contingency with respect to the Vice President is not contained in Senate Joint Resolution 1.

Mr. BAYH. The Senator is correct. It is not.

Mr. HRUSKA. I thank the Senator.

Mr. BAYH. I trust that we shall have the opportunity to discuss in some detail the relative merits of dealing with the question by statute compared with dealing with it by constitutional amendment, because I believe this is a question which should be discussed. I have certain strong feelings on the question, which are supported by a majority of the committee—though my friend from Nebraska disagrees with them—that a statutory approach would be insufficient to deal with the problem. We have a difference of opinion, to be sure.

Mr. HRUSK. I thank the Senator for his courtesy.

Mr. ELLENDER. Mr. President, since the Senator from Indiana has yielded to my good friend the Senator from Nebraska, will he yield to me?

Mr. BAYH. I yield.

Mr. ELLENDER. Article II of the Constitution gives to the Congress some rights to determine who shall succeed the President. Am I to understand that one of the main purposes of the amendment is to provide for the selection of a Vice President in the event the President should die and the then Vice President should succeed him?

Mr. BAYH. That is correct.

Mr. ELLENDER. Does the Senator from Indiana concede that, other than providing for a method of selecting a Vice President, under the Constitution the Congress would have the right to do every other thing that is provided in the joint resolution?

Mr. BAYH. I am not certain that I understand the question. The proposed constitutional amendment would not in any way limit the powers which Congress already has to deal with the subject.

Mr. ELLENDER. I am not speaking of that. Since the joint resolution relates to ways and means of selecting a Vice President should a President die and be succeeded by the then Vice President, could Congress now do everything that is proposed in the joint resolution except that part which relates to the selection of the Vice President?

Mr. BAYH. In other words, the Senator feels that Congress already has sufficient authority to deal with the question of disability.

Mr. ELLENDER. I am merely asking the question.

Mr. BAYH. It is my opinion that that is not the case.

Mr. ELLENDER. Will the Senator point out why? Article II of the Constitution seems very specific. It provides as follows:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President—

If that should happen, we would no longer have a Vice President, for he would have taken charge.

Continuing to read from article II—

> and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The Congress has the right to do all those things now. I am wondering if Congress does not now have the authority to do everything that is proposed in the joint resolution we are now considering except providing for ways and means to select a Vice President.

Mr. BAYH. To be honest with the Senator from Louisiana, some Senators believe that Congress does have the authority. Others believe that Congress does not have the authority. The great weight of the evidence before our committee, including the message of the President of the United States and the testimony of various Attorneys General—including former Attorney General Brownell and former Attorney General Rogers—is to the effect that now there is no power to do the things contained in the resolution.

I should like to point out the reason behind that attitude. The joint resolution is supported by the American Bar Association and many other similar associations. Two very small words in article II, section 1, which the Senator has read, are pointed out particularly. I should like to reread that portion of the article:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve—

What did our Constitutional Fathers mean when they used the word "saine"? Did they mean the office or the powers and duties of the office? There is a great difference when we deal with disability.

Mr. ELLENDER. If a President should die and the Vice President should succeed him, the Vice President would certainly have the same powers as now devolve upon the President.

Mr. BAYH. Still the question of the President coming in remains. If the President is dead and cannot resume the powers and duties of the office, it does not make any difference whether he is Acting President or President. As Henry Clay said in discussing the subject when Tyler was making the decision, it is impossible to separate the powers and duties from the office. Once the Vice President has taken over from a sick President, it is impossible for the President to resume his office if that is true. During the illness of President Garfield the unanimous feeling among members of the Cabinet at that time was that Vice President Arthur should act, that he should take over. But it was the majority feeling, which was supported by the then Attorney General, that if he did—if he once assumed the powers and duties of the office—Garfield upon recovering could not take over the office again.

Mr. ELLENDER. As I interpret the language of the Constitution, should the President be disabled, Congress could fix ways and means whereby the President could take over again after the disability was removed. The article states that Congress has the power to take certain action in the event of disability. The last part of the article states: "declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

That would indicate to me that if the disability were removed, Congress could certainly fix ways and means by which the President who might be disabled could resume the office.

Mr. BAYH. I should like to ask the Senator from Louisiana to go back to the language immediately prior to the point at which he started reading the last time.

Mr. ELLENDER. I am considering the entire section.

Mr. BAYH. I think we must look at each word individually. In part, the section states, "and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President."

Mr. ELLENDER. Yes.

Mr. BAYH. There has been a considerable amount of opinion that Congress could not provide relief by law unless both the President and the Vice President died. The first succession statute which was passed was in 1792. It might be pointed out that many of our constitutional fathers who attended the Constitutional Convention were in that Congress at that time.

If that had not been their interpretation, it seems to me they would have provided for other contingencies that would not have required both the President and the Vice President to be out of the picture before Congress could act.

Mr. ELLENDER. As I recall, Congress provided, without constitutional amendment, for a succession to the office.

Mr. BAYH. But only in the event both the President and the Vice President were involved.

Mr. ELLENDER. Yes; I understand.

Mr. BAYH. We are now dealing with only one of them.

Mr. ELLENDER. I understand that. But, as I have said, it is my belief that the language of the Constitution is broad enough to permit the Congress to do the very thing which the Senator desires to be done under that joint resolution which we are now discussing except the selection and the method of selecting a Vice President.

Mr. BAYH. Although the Senator from Louisiana and I apparently differ——

Mr. ELLENDER. I am merely trying to get information.

Mr. BAYH. I must say that if the question were in the balance—if a scale were in front of me and I were asked to choose which interpretation the Constitutional Fathers meant—it would be difficult for me to decide. The distinguished Senator from Louisiana and I have spent a great deal of time discussing the question. I have tried to point out that there is a considerable doubt on the part of others. Should we not reconcile such doubt once and for all by inserting in the Constitution an amendment which would provide for these contingencies? If we should be confronted with an implementing statute that had been passed, we would be met with all the uncertainties of a court test every time we needed to use the statute. Under the proposed amendment, at any time we should need certainty of action, we would have the whole procedure of court tests before us.

Mr. ELLENDER. That may be. I point out that we may have a court test on the very language which we are now discussing. I am surprised that we have not had it up to now. As I recall Vice President Stevenson came very close, although he did not go into court.

Mr. BAYH. The constitutionality of a provision in the Constitution cannot very well be tested.

Mr. ELLENDER. I am refering to an interpretation of the provision.

Mr. BAYH. The constitutionality of a constitutional amendment has been tested?

Mr. ELLENDER. The language could be tested for a determination of its meaning.

Mr. BAYH. That is correct. But it would be necessary to test not only the intention of a statute but also its constitutionality.

We feel that there is sufficient doubt to warrant placing an amendment in the Constitution.

There is another reason for dealing with the problem by constitutional amendment. The distinguished Senator from North Carolina [Mr. ERVIN] was one of the strong proponents of this theory in the Committee on the Judiciary. He said that by dealing with the situation by constitutional amendment, certain guarantees of Presidential action could be provided. For example, a two-thirds vote is required by Congress before the President can be removed. But if it were left to Congress to specify by law what formula should be followed, that could best be done by a majority vote. I believe that that would afford insufficient protection for the President.

I believe we can deal with this problem now, after long objective study of the problem, and not be confronted with a hasty statute, which might be changed to meet the contingencies of the hour.

One of the basic reasons why we believe there must be a constitutional amendment is that it would provide the greatest degree of certainty.

If I may proceed with my statement, I shall try to answer questions later. This is a highly complicated area, as the Senator from Louisiana knows.

I have just finished stating the history of section 3, which permits the President to relinquish the powers and duties of his office during the tenure of his disability, and permits the Vice President to assume those powers and duties as Acting President.

I should like to cite one other factor that might be an answer to the question raised by the Senator from Louisiana. Although probably a statute would remove doubts from the mind of the Vice President, there has been much reluctance upon the part of previous Vice Presidents, particularly Vice Presidents Arthur and Marshall, to consider exercising the powers and duties of the office of President, because there were no statutory or constitutional provisions for them to do so. We believe that this difficulty should be cleared up once and for all, so that the Vice President can legally have the constitutional responsibility to act in the event the President is unable to do so.

Section 4 provides for the eventuality that the President is unable to make a declaration of his own inability, or for other reasons does not declare his own inability. In such an eventuality, Senate Joint Resolution 1 provides that the Vice President, acting with the concurrence of a majority of the principal officers of the executive department, or such other body as Congress may by law provide, may, by submitting a written declaration and transmitting it to the Speaker of the House and the President of the Senate, assume the powers and duties of the office of President.

It is my opinion that the Vice President has the constitutional obligation to act in the event that the welfare of the Nation demands it and the President is unable to perform the powers and duties of the office, and that the Cabinet—those who are closely associated with the President—could adequately protect the President from a coup or the usurpation of his office by a power-hungry Vice President.

Section 5 provides for the very difficult situation in which a dispute may arise between the President, on the one hand, and the Vice President and a majority of his Cabinet, on the other. For example, suppose the President says, "I have recovered," but the Vice President and a majority of the heads of the executive departments say, "Mr. President, you may be well enough to walk and talk, but we who have had an opportunity to examine you carefully and who know you well believe you have not sufficiently re-

covered, and that the best interests of the country dictate that the Vice President continue to carry on the powers and duties of the office of President." In such an eventuality, the Vice President and a majority of the Cabinet taking one position, and the President taking the other, the resolution provides the only solution which I feel is feasible; namely, that Congress shall decide this difficult question, and that a two-thirds vote of Congress shall be required to protect the President, similar to the two-thirds vote which is required in impeachment proceedings.

That is what Senate Joint Resolution 1 attempts to accomplish. It seeks to provide the Nation with a Vice President at all times; to provide it with an able-bodied President, or Vice President acting as President, who can adequately carry out the powers and duties of the office of President.

A question was raised by the Senator from Louisiana [Mr. ELLENDER] about the need for a constitutional amendment. I should like to list some of those who have testified before our committee believing it is imperative that there be a constitutional amendment:

The present Attorney General, Mr. Katzenbach.

Former Attorney General Brownell and former Attorney General Rogers.

Presidents and past presidents of State bar associations.

The American Bar Association House of Delegates has unanimously recommended that a constitutional amendment be adopted.

The Committee on Economic Development was emphatic in its recent study that a constitutional amendment is required.

Paul Freund, a noted constitutional scholar at Harvard University, was equally emphatic.

Also, former President Eisenhower, former Vice President Nixon, Vice President HUMPHREY, and, more recently, President Lyndon Johnson himself.

I should like to quote from the message that the President sent to Congress on this subject. He said:

> I am, accordingly, addressing this communication to both Houses to ask that this prevailing will be translated into action which would permit the people, through the process of constitutional amendment, to overcome these omissions so clearly evident in our system.
>
> * * * * *
>
> Believing, as I do, that Senate Joint Resolution 1 and House Joint Resolution 1—

House Joint Resolution 1 is a similar proposal and was introduced by Representative CELLER, chairman of the House Committee on the Judiciary—

> would responsibly meet the pressing need I have outlined, I urge the Congress to approve them forthwith for submission to ratification by the States.

As I said in my colloquy with the Senator from Louisiana, the basic theory has been that if there is a doubt as to whether or not a constitutional amendment is needed, we should be sure of our action. One of the main purposes for feeling that the controversial question of inability of the President should be settled by constitutional amendment is to provide some degree of certainty if the Nation is confronted with a disabled President. Dealing with the problem in statutory form alone would create all the uncertainty of a court test of the constitutionality of the statute. That, we believe, should be avoided, if at all possible.

One of the most important elements of the ready transfer of executive authority in time of crisis is to have widespread public acceptance. On the horrible day of November 22, 1963, when President Kennedy was no longer with us, the one important fact for which we could thank God was that Lyndon Johnson, a man who was readily accepted as the Vice President, was available to move into the office of President.

It is our feeling that a constitutional amendment which is not only subjected to the scrutiny of both Houses of Congress and requires a two-thirds vote, but also must be ratified by three-fourths of the State legislatures has much wider public acceptance, and the public is much more aware of its terms than they are of a statute which is passed by a majority vote of both Houses of Congress.

The problems which I have discussed briefly are so obvious that many have asked me, "Why has not Congress solved these problems? Why has no thought been given to them?"

I have quickly come to the defense of my colleagues and our predecessors in this body by saying that it is not true that Congress has not dealt with these problems, and that no thought has been given to them. In the last session alone, we had 13 measures before the Subcommittee on Constitutional Amendments, of which I am chairman.

This year more than 30 proposals are before the House of Representatives. If there is any reason why we have not solved the problem, it is not that we have not given it much thought, but that we have been unable to reach an agreement or consensus around which we could rally a two-thirds majority.

At the risk of taking a copyrighted story of my friend, the Senator from North Carolina [Mr. ERVIN], I should like to pay him the compliment of repeating one of his typical examples which he gave in the debate last year. I think this very adequately describes our problem. It tells the story, if the Senator from North Carolina recalls, of the dog that had a bone. He looked into the river and saw there the reflection of another dog who also had a bone. He thereupon reached down and dropped his bone into the river, and as a result he did not have anything. This is the quandary in which we in Congress have been driven. Everyone has insisted on his own ideas. Senate Joint Resolution 1 is not my own amendment. It is not the amendment of any of the 70-odd cosponsors of different measures. It is the result of many hours of work and effort. Many Senators are to be complimented. The American Bar Association is to be complimented.

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

Mr. BAYH. I yield.

Mr. ERVIN. In addition to the Aesop fable about the dog with the bone, a very apt adage is that "Too many cooks spoil the broth."

A multitude of amendments were offered along this line in seeking to take care of the situation. I introduced an amendment myself. I thought it was rather good. But I think the reason why we have progressed as far as we have in this matter is that the Senator from Indiana [Mr. BAYH] recognized that too many cooks can spoil the broth.

If we try to get everything to accord with our own notion, we get nothing. The Senator has recognized the need for clarification of a constitutional question. As a result of his fine example in that respect, other members of the Subcommittee on Constitutional Amendments and members of the full Committee on the Judiciary have been influenced by his example and have sacrificed their individual views in an attempt to get some proposal that would recognize the problem, the necessity for a solution to the problem, and also that there must be a good deal of give and take.

I ask the Senator if one of the great problems which was before the committee—was not the question whether, in case of a vacancy, the Vice President would be appointed by the President for the sake of continuity in administration, or whether he should be elected by Congress for the sake of having some voice exercised by the representatives of the people in the selection of a Vice President.

Mr. BAYH. The Senator is correct. Those are two of the possibilities. As the Senator well recalls, two such proposals were before the Subcommittee on Constitutional Amendments. It was the opinion of the subcommittee, plus that of the American Bar Association in their consensus group, and the full Committee on the Judiciary, that by combining both presidential and congressional action, we were doing two things. We were guaranteeing that the President would have a man with whom he could work. We were also guaranteeing to the people their right to make that decision.

Mr. ERVIN. If my recollection serves me correctly—and if it does not, the Senator from Indiana can correct me because he has given great study to this measure—one of the things that former President Eisenhower emphasized was the necessity of having continuity of administration through a Vice President who was a member of the same party as the President. He laid more stress on that than on any other one thing in his advocacy of congressional action.

Mr. BAYH. The Senator is correct. As the Senator well knows, President Eisenhower who, more than any other living American, has had to deal with the problem of presidential inability, laid particular stress on the fact that this is a particular responsibility which the Vice President cannot escape.

Mr. ERVIN. The Senator from Indiana will recall that I introduced an amendment to provide not only for the election of the Vice President by Congress, but also for the selection by Congress on the theory that Congress was

composed of representatives of the people.

Mr. BAYH. The Senator is correct. The Senator from Indiana felt it to be important that we should get a plan which would work, rather than any particular plan.

Mr. ERVIN. Mr. President, I ask the Senator from Indiana if the committee, after studying the proposals from both inside and outside of Congress, did not finally come to the conclusion that the best thing to do to reconcile these differences and give added protection to the people would be to let the Vice President be nominated by the President, so that there would be continuity of administration in the man who might be sent to the office of the Presidency.

Mr. BAYH. The Senator is correct.

Mr. ERVIN. Was it not also felt that in order to keep the President from being a dictator, it was necessary that the nomination should be confirmed by the Senate?

Mr. BAYH. The Senator is correct. As the Senator pointed out in committee, there is some precedent, although not exactly on point, in the advice-and-consent provisions that the U.S. Senate has in dealing with executive appointments, and the great power that the President has to nominate his own Vice President in our convention.

Mr. ERVIN. This is really a conciliation of divergent views to facilitate the presentation of the amendment and give us assurance that the President will nominate the man and Congress will elect him, thus insuring that he would be a good, capable man who could cooperate with the administration.

Mr. BAYH. The Senator is correct.

Mr. ERVIN. I was interested in the colloquy engaged in by the senior Senator from Louisiana and the Senator from Indiana a moment ago with reference to the power of Congress. Does not the Senator from Indiana agree with the Senator from North Carolina that it would devolve upon Congress to designate the succession to the Vice-Presidency, and then to the Presidency, that necessarily we cannot designate individuals, but would have to designate the occupants of the particular offices, as we have always done in times past?

Mr. BAYH. The Senator is correct.

Mr. ERVIN. It would be conceivable, while that situation does not exist at the present moment under the succession statute, that the office of Vice President or President, under such a succession, could fall upon a man who was not qualified for the position.

Mr. BAYH. The Senator is correct.

Mr. ERVIN. He might be a man in whom the people would not have confidence.

Mr. BAYH. The Senator is correct.

Mr. ERVIN. And so, instead of having the man arbitrarily determined, regardless of what his particular qualifications for the Vice-Presidency might be, this resolution would allow the selection to be made when the vacancy actually occurs; and then conceivably, of course, the President and Congress together could select the best qualified man.

Mr. BAYH. I am of the opinion that, with the provisions to which the Senator has referred, we would have a President who would be under close public scrutiny, when the main ingredient for consideration would be the qualifications of the man to succeed in that office.

Mr. ERVIN. Does not the Senator from Indiana agree with the Senator from North Carolina that the proposed amendment provides the most practical and workable solution of this problem, in that when the President is mentally capable of recognizing his disability, it provides a very easy and painless process by which that disability can be established?

Mr. BAYH. I believe this measure is as close as we are going to come to a workable plan.

Mr. ERVIN. In addition, in the adversary procedure, a majority of the members of the Cabinet must take action, and that action is subject to review by Congress.

Mr. BAYH. In essence, this action would have to be taken twice by the Vice President and Cabinet. I point out that the members of the Cabinet have been appointed by the President. They are friends of the President. They would be seeking to establish disability. They would make the declaration that the President was unable to perform his duties. He might make a declaration that he was able. The members of the Cabinet would have to make a second serious deliberation and declaration that he was unable to do so. Then two-thirds of the Congress would have to affirm that action. That is more protection than is given to a President in the event of impeachment, because it takes only a two-thirds vote of the Senate to convict and a majority of the House to impeach, whereas in this particular instance action is required by two-thirds of both Houses of Congress.

Mr. ERVIN. That would take care of preventing a situation such as occurs in South Vietnam, where the government changes almost from day to day.

Mr. BAYH. That is correct.

Mr. ERVIN. Is it not true that the requirement of a two-thirds vote prevented a tragic event in our history, when it was attempted to convict President Johnson? The impeachment failed by one vote because the Constitution provided for a two-thirds vote to convict. It would have been a tragic event if President Johnson had been convicted because only a majority vote instead of a two-thirds vote had been required.

Mr. BAYH. There have been many occasions when Congress has been controlled by one party and the President has been a member of the opposite party. Most Congresses would not attempt to remove a President because of political expediency, but let us be certain that we do not tempt some future Congress. Let us require a two-thirds vote for such action.

Mr. ERVIN. Is it not true that recommendations have been made for some action to be taken by a constitutional amendment to clarify this subject by both former President Eisenhower and Vice President Nixon, who was confronted with the problem of presidential disability during President Eisenhower's administration; also, was it not recommended by the late President John F. Kennedy, and is it now not recommended by President Johnson?

Mr. BAYH. In all honesty, I do not have the record of the late President Kennedy's position on this question. I know of no statement he made publicly. But everyone else to whom the Senator has referred is on record. We have written testimony in the committee hearings from both the former President and Vice President, as well as the present President and Vice President.

Mr ERVIN. I thank the Senator for yielding. I commend him for the work he has done as chairman of the Subcommittee on Constitutional Amendments and for bringing this measure to the floor of the Senate. It is due more to his effort than that of the other members of the committee that the proposed legislation is in as fine a form as it is.

Mr. BAYH. I thank the Senator from North Carolina for his kind remarks. Much as I appreciate them, I do not believe I deserve that praise. It has been my responsibility as chairman of the Subcommittee on Constitutional Amendments and author of one of these measures to try to work out a solution. It would have been impossible to get as far as we have gone if it had not been for the help of Senators who have studied this problem over a longer period of years than I have. Many of our colleagues had measures which they were willing to forgo in order to come to a consensus.

There may have been times in the history of our country when the health of a particular President at a given hour was not of international importance, or when the existence of an able-bodied Vice President was not of international importance, when the pigeon was our most rapid means of communication, when horse-drawn caissons were one of the prime ingredients of an artillery unit. Perhaps it would not have been too bad in those days, but now we can move armies halfway around the world in a matter of hours, and we can destroy our entire civilization in a matter of minutes. I believe it is imperative that we take some action. This has been a give and take and we have come up with a consensus. History has been trying to teach us a lesson. I suggest that we try to learn from that lesson. We should accept this measure and send it to the State legislatures.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. ELLENDER. The distinguished Senator from Indiana has stated that he placed a great deal of confidence in the members of the Cabinet and in their being able to act. Why the provision in the joint resolution for some other body to pass upon this matter? Why bring Congress into it, since the Senator wants to make it more or less definitive? Why not make it specific that the Cabinet, by a majority, and the Vice President shall decide the question? Why is it neces-

sary to put it in the hands of Congress by giving Congress the right to appoint a body which it might see fit to select?

Mr. BAYH. That provision was included in the original measure as a result of the consensus for which we have striven. I hope Congress will pass upon it, but I am certain that the Senator will admit that Congress is not infallible. We cannot foresee all contingencies. We do not know whether the Cabinet will reach an insurmountable obstacle. This measure provides that some other body in the future can be provided for, giving it some flexibility.

Mr. ELLENDER. Does the Senator mean that if a majority of the Cabinet could not act and choose, Congress would then provide for the selection of a group which might do so?

Mr. BAYH. If the Cabinet approach proved unworkable, Congress could provide another body. This would have to be done by law, and the Congress would have to override a veto, if there were one.

Mr. ELLENDER. Suppose the Vice President is not in accord with the Cabinet members, does the Senator believe that if Congress tried to provide a separate body, as this recommendation indicates, the Vice President might be tempted to veto such a measure?

Mr. BAYH. The Vice President?

Mr. ELLENDER. Yes. I mean, if he is Acting President.

Mr. BAYH. I am not certain I understand the Senator's question, because the decision has already been made.

Mr. ELLENDER. But the Senator, as I understand it, has not been specific. Evidently this provision has been submitted to satisfy some Senators or someone who favors the bill.

Mr. BAYH. The feeling is that we need a degree of flexibility so far as that particular part of the bill is concerned.

Mr. ELLENDER. When would such a body be selected by Congress? Under what conditions could the Congress act?

Mr. BAYH. At any time the Congress felt that the Cabinet was serving as an arbitrary obstacle to what was in the best interests of the Nation, namely, the President was obviously deranged, yet the Cabinet would not cooperate with the Vice President—I suppose it could, and it could attempt to establish another body.

Mr. ELLENDER. That would have to be done by an act of Congress.

Mr. BAYH. The Senator is correct; that would have to be done by an act of Congress.

Mr. ELLENDER. I presume that the acting President would have the right to veto the measure?

Mr. BAYH. The Senator is correct; I am sure he would have that right.

Mr. ELLENDER. Suppose the Vice President acts with the Cabinet, and he is in favor of what the Cabinet does, and Congress should pass such a measure, he could veto it?

Mr. BAYH. He could veto it; that is correct.

Mr. ELLENDER. Does not the Senator believe that the Vice President would be tempted to do it, if he is not in agreement with the decision reached by the Cabinet?

Mr. BAYH. The only time that Congress would provide another body would be when it was in disagreement with the Vice President, I would think. If the Vice President is in office, if he has assumed the powers and duties as Acting President, he must have acted in agreement with the Cabinet. Then the Congress would have to feel that the Cabinet or the Vice President acted wrongly, would it not, and that the Vice President should not be there.

Congress has that power now, one-third plus one can keep the Vice President from continuing in office now. It would take two-thirds to override a veto, but would need only one-third plus one.

Mr. ELLENDER. As I understood the Senator a while ago, he wished to make this resolution cover all and leave Congress out. As I stated a while ago, it would seem to me that Congress has the right or the power to do everything that this resolution provides, except the method of selection of a Vice President. I am surprised that the resolution should bring in the Congress to be able to create a body in the event of disagreement between Cabinet and Vice President.

Mr. BAYH. It is entirely a different set of circumstances, it seems to me, although I have no objection to Congress dealing with it. Presently, I do not feel that it has the constitutional authority. I am suggesting and the resolution is suggesting that Congress should be kept in as a check and a balance.

Mr. President, at this point I should like to yield briefly to the Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. I thank the Senator from Indiana for yielding to me.

Mr. President, I should like to submit amendment No. 33, and ask that it be stated.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is intended to be proposed by Mr. DIRKSEN as a substitute for the language of Senate Joint Resolution 1:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"In case of the removal of the President from office or of his death or resignation, the said office shall devolve on the Vice President. In case of the inability of the President to discharge the powers and duties of the said office, the said powers and duties shall devolve on the Vice President, as Acting President until the inability be removed. The Congress may by law provide for other cases of removal, death, resignation, or inability, of either the President or Vice President, declaring what officer shall then be President or Vice President, or in case of inability, act as President, and such officer shall be or act as President accordingly, until a President shall be elected or, in the case of inability, until the inability shall be earlier removed. The commencement and termination of any inability shall be determined by such method as Congress may by law provide."

Mr. DIRKSEN. Mr. President, I shall not discuss the amendment at this moment. I am grateful to the Senator from Indiana [Mr. BAYH] for permitting me to offer it at this time. It is actually a substitute for the entire proposal that comes from the committee.

Mr. SIMPSON. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. SIMPSON. Mr. President, let me first of all compliment the able and distinguished junior Senator from Indiana [Mr. BAYH] for a very fine presentation with respect to this all important subject.

Mr. President, as a cosponsor of this proposed legislation, the record has been filled with interesting materials on the history of this Nation which clearly shows the need for complete and adequate laws regulating the succession to the office of the President of the United States. A great many Members of Congress have made reference to the days of President Eisenhower's illnesses and the questions that arose during that time about the authority of the office of the President and the responsibilities of the Vice President.

In earlier history, the administrations of Presidents Garfield and Wilson were challenged by the same questions. Fortunately, the Nation was permitted to endure these times of crisis and has grown and prospered in spite of the inadequacies and doubts that we have concerning the highest office in the land.

Directly relating to the problem of Presidential inability is that of a vacancy in the office of Vice President. That office has been vacated 16 times in the Nation's history for a total period of 38 years.

In past years, the office of Vice President was subject to more ridicule than respect, but such is not the case today. Vice President Richard Nixon brought a new respect to the office because of the yeoman service that he gave to the Nation and to the world. The Vice President is the possible successor to the Nation's highest office. He has many responsibilities. I feel there is ample evidence that the United States needs a Vice President at all times. I believe that the constitutional proposal we are discussing today sets forth a reasonable and complete plan for providing for Presidential inability and vacancies in the office of Vice President.

I am pleased to have been a cosponsor of this proposed constitutional amendment, both in the 88th and the 89th Congresses. As indicated, the need for this type of action is long overdue. Unfortunately, it was not until the tragedy of November 1963, that we realized the possible consequences of not having a clear and adequate plan for succession to our executive offices.

Many of the great legal minds throughout the country have studied this proposed constitutional amendment and I believe, for the most part, are in full support of it. It is the simplicity of the proposal that gives it strength and, thus, makes it appealing.

The first section of the resolution provides that the Vice President will become

President in the case of death or resignation of the President. When there is a vacancy in the office of the Vice-Presidency, the President is to nominate a Vice President who will take office upon confirmation by a majority vote of both Houses of Congress.

Section 3 provides that if the President declares in writing that he is unable to discharge the powers and duties of his office, the Vice President shall act as President.

Under the terms of this proposed constitutional amendment, the Vice President and the majority of the Cabinet members can determine the President to be disabled. If the President disputes the decision of the Vice President and the Cabinet members, Congress will decide the issue.

Seldom does the Senate agree unanimously on a problem of such magnitude and importance as is this proposed constitutional amendment on presidential inability and vacancies in the office of Vice President, but last year when we considered the matter, there was not a dissenting vote.

It is my hope that this proposal will receive the approval of Congress and the necessary States so that the people of America can be assured that we will have a leader to deal with any crisis that may arise. I am proud to support this proposal.

Mr. BAYH. I thank my colleague, the distinguished Senator from Wyoming [Mr. SIMPSON], for his articulate presentation.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Does the Senator from Indiana have the floor?

The PRESIDING OFFICER. The Senator from Indiana [Mr. BAYH] yielded to the Senator from Wyoming [Mr. SIMPSON].

Mr. BAYH. Mr. President, I have finished my presentation. I am ready to accept any questions Senators may wish to ask.

Mr. TYDINGS. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. TYDINGS. One of the points made by the distinguished Senator from Louisiana [Mr. ELLENDER] questioned the language in section 4, which reads as follows:

> Whenever the Vice President, and a majority of the principal officers of the executive department of such other body as Congress may by law provide—

This seems to be one of the phrases which was providing some concern to the Senator from Louisiana [Mr. ELLENDER].

My recollection of the committee hearings is that the reason for inserting the language "principal officers of the executive department or such other body as Congress may by law provide" was occasioned by the history of the development of our Cabinet. Originally the Cabinet consisted of four members. Subsequently, it was enlarged. Today the Cabinet consists of 10 members.

It was felt that perhaps in another year or two Congress might create a new post in the Cabinet. Congress might feel that the Chairman of the National Security Council or some other important official ought to be included in the Cabinet.

Therefore, we wanted to provide a little flexibility in the constitutional amendment, so that Congress could adjust the circumstances as it wished.

That is my recollection of the principal reason why this language was placed in the joint resolution.

NEED FOR FOLLOW-ON MANNED BOMBER

Mr. STENNIS. Mr. President, I must again express my mounting concern and alarm over what I consider to be a dangerous and unwarranted gamble with our future national security. I refer to the continued and deliberate delay in authorizing the development of a follow-on strategic bomber.

As the Senate will recall, the Secretary of Defense last year requested only $5 million for this program. The Congress, however, took a different view and authorized and appropriated $52 million in fiscal year 1965 funds for an advanced manned strategic aircraft. This was done after Gen. Curtis E. LeMay, then Chief of Staff of the Air Force, had told us positively and flatly that it was of the utmost urgency that action be commenced immediately for the orderly and expeditious development and ultimate procurement of a new bomber. General LeMay, in his characteristic frank and candid fashion, said:

> I am afraid the B–52 is going to fall apart on us before we can get a replacement for it. There is a serious danger that this may happen.

This warning and advice of the world's greatest expert on strategic airpower went unheeded by his civilian superiors. The development of a follow-on strategic bomber as a system was not approved. Only a portion of the $52 million appropriated by the Congress was released by the Secretary of Defense and the funds which were released were primarily for the study of propulsion systems and avionics. While these matters are, of course, important in the development of a follow-on manned aircraft, they are of general application in the aviation field.

The situation is the same this year. The defense message which the President sent to the Congress on January 18, 1965, made it clear that the follow-on manned bomber is still being delayed. The President said we are "continuing development of engines and other systems for advanced aircraft to retain our option for a new manned bomber. I completely disagree, I think the need has already arisen."

This subject has been before Congress more than once in the last 2 or 3 years, and time and again it has appropriated additional funds for this purpose, but each time only a portion of the money appropriated has been released.

Let us take a look at the facts. For the first time in the history of American strategic air power, there is no follow-on manned bomber under development. Our B–47 aircraft are being phased out. The B–52 has been in the inventory for more than 10 years and it is only through costly modifications that the service life of these aircraft can be extended. More than $300 million is being requested in the fiscal year 1966 budget for this purpose. Two squadrons of the earlier and older B–52's are already being phased out.

These 52 bombers, on which we rely chiefly, have not been produced since 1962.

In the absence of a program for developing a follow-on bomber, the modification of the B–52's appears to be an essential but risky venture—essential because we have no other choice in the light of the decision not to proceed with the development of a new aircraft—risky because there can be no guarantee that these aircraft will be capable of performing their mission in the 1970's or that they will not be subject to some catastrophic failure from fatigue and old age, with an attendant and tragic loss of American lives which could be avoided by timely action.

The remaining strategic bomber—the B–58—will also be obsolete in the 1970's. Only about 80 of these aircraft are in the operational inventory. The last one came off the production line in the fall of 1962.

Thus, the two strategic aircraft which will remain in the operational inventory after the phase out of the B–47's, that is, the B–52's and the B–58's, were both designed and developed in the 1950's. Both have proved themselves to be excellent weapons systems. However, with the passage of the years, both will become increasingly ineffective and will ultimately die as a result of fatigue and operational use for which they were not designed.

Under present planning, there is little prospect of an early start on the actual development of a new bomber. As a matter of fact, there is no assurance that the effort will ever advance beyond the current low level study phase. Even if a decision to go ahead was made today, it would be perhaps 8 to 10 years before the new bomber could join the operational inventory in significant numbers. Thus, under present planning, we will enter the 1970's with the bulk of our strategic aircraft fleet being 15 years old. Never before in our history—not even in the lean years prior to World War II—have we dared to place our strategic airpower reliance upon a 15-year-old plane.

We are, therefore, faced with the prospect of a tremendous and dangerous gap in our strategic bomber capabilities. The inevitability of this gap will become more pronounced each day that the decision to proceed with the follow-on bomber is postponed.

We have a tremendous investment—built up over the past 20 years—in our strategic retaliatory forces. They now constitute a superb offensive fighting machine which has been successful in deterring a general nuclear war. By its awesome capability and overwhelming superiority, this force has maintained the uneasy peace and has discouraged

the enemy from escalating lesser conflicts into all-out nuclear exchanges.

The Strategic Air Command has had a leading role in convincing would-be aggressors that, if they launched an attack upon us, we would have the capability to defeat them decisively. If we are to maintain the peace and to insure our continued survival, this deterrence and its credibility must be continued through the years and decades to come.

I do not downgrade the importance and destructiveness of our intercontinental ballistic missiles at all. They have their role—just as the manned bomber has its own—and are a vital, essential, and important part of our deterrent and striking power.

Missiles have given us a new and tremendous nuclear strike capability, especially in the compression of time between launch and impact. We are in the process of making significant and dramatic improvements in missile system accuracies. General LeMay himself has defined the role of the intercontinental ballistic missile as the initial strike of time-urgent targets. For this mission it has no equal.

However, I am convinced, as I have been over the years, that we cannot place our entire strategic reliance upon long-range missiles.

That is the key line, if I may say so, and that is the thought I want to stress here today in my brief remarks. We cannot place our entire strategic reliance upon long-range missiles.

This is no new matter. As I say, we have gone into it for several years in the Preparedness Subcommittee. It has been gone into by the Armed Services Committees and the Appropriations Committees of the House and the Senate. It has been thoroughly explored time and again.

The congressional judgment each time has been to provide additional funds because of the conviction that it was needed. Still there has been no approval for the system development of an effective manned long-range bomber for future years. The role of the long-range bomber is far broader and more flexible than that of ballistic missiles. It is conceivable that missiles could be neutralized almost overnight if the Soviets should be successful in developing the effective antimissile missile for which they are striving.

Strategic aircraft and long-range missiles are complementary systems in nuclear war just as the long-range bomber and the short-range fighter-bomber are complementary systems in limited war. The long-range bomber can also complement our theater forces by being able to operate from secure bases far from the battlefield and delivering large payloads over great distances, thereby reducing our dependence on oversea bases and force deployment with their vulnerability and adverse balance-of-payments characteristics.

The inherent versatility of the bomber is not always recognized. Historically it has been used for roles that were created by the urgency of the situation. In World War II, the B–29 bomber was used in mine-laying missions. In Korea it was used in close support roles, a mission normally reserved for fighter aircraft. During the Cuban crisis, the B–52 flew alert sorties and performed vital reconnaissance missions.

I repeat for the information of Senators that the B–52 is what we call the "big bomber." It is the largest one we have. I pray that the situation in Vietnam will not develop so that the use of that bomber might be called for. But I point out that there is no more powerful deterrent than to have some of those bombers close by, be it Vietnam or elsewhere. Those are the bombers that are now out of production; those in service are actually wearing out and nothing is planned to replace them.

There is another side of the coin. The Soviets are fully aware of the threat of the manned bomber. Consequently, they are compelled to expend billions on air defense. Should the capabilities of our strategic aircraft dwindle to insignificant proportions, the Soviets will be free to divert their huge air defense expenditures to offensive systems and the strategic balance between the two nations might then shift heavily in their favor.

I should like to point out that they have never had a really formidable long-range bomber fleet. I believe one reason for this is that we pressed them so heavily with the threat provided by our own fleet of long-range bombers that they were compelled to place priority on air defense. If we go out of business with our manned bombers, they will be able to concentrate on offensive systems.

All Air Force leaders, including General LeMay, Gen. J. P. McConnell, the current Air Force Chief of Staff, Gen. Thomas S. Power, former commander in chief of the Strategic Air Command, and Gen. Bernard Schriever, commander in chief of the Air Force Systems Command agree that a new bomber is urgently needed to complement our missile systems in their strategic role.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. The Senator from Mississippi is making a very important and timely speech. He has presented a picture that is really frightening, for he has said that 15 years from now we shall have no new bombers available. We shall have none except those that were made 6 or 8 years ago. That situation exists despite the fact that the Chief of Staff of the Air Force and all the leading military officials whom he has mentioned, most Members of the Congress, and particularly all of those connected with the armed services, many of whom are on the Appropriations Committee, have wanted to embark upon research and develop a new plane to take the place of the B–52. In spite of all that, one man has stopped further development. It seems to me that such action puts the defense of our country in a rather weak and even frightening position.

Mr. STENNIS. I thank the Senator from North Dakota, who has stated in a very few sentences the situation with which we are faced. The Senator has referred to the military officers who have testified on this point. I do not remember ever having talked to those men on the subject except when I have talked to them in hearings. Those statements are on record. In speaking now I am not frightened by something that they or someone else has told me on the side. What I have stated is based upon hard, proved, and straight facts which have been on the record for years and are becoming more urgent with the passage of every year.

While I am speaking on that subject, I wish to point out that though I happen to be chairman of the Subcommittee on Preparedness Investigation, I am not now speaking for the subcommittee because it has not yet had an opportunity to go into the subject. Heretofore, the subcommittee has gone into it, and then I was authorized to speak for it. Members of the committee spoke for themselves, too. This year we have had other pressing issues. But the facts are the same. We expect to start the armed services posture hearings next week. I thought I should proceed at least to put my thoughts on the subject before the Senate prior to the commencement of those hearings.

It is also the opinion of the Joint Chiefs of Staff that the manned bomber is an essential element of our strategic striking force. In view of all this, the failure of the Department of Defense to proceed with the modernization of this country's long-range strategic aircraft capability is both alarming and disturbing.

Let me emphasize that the proposed follow-on manned bomber would be entirely different from either the B–52 or the B–58. It would have greatly enhanced operational capabilities. It would be able to penetrate enemy defenses at very low levels—or "on the deck"—at the speed of sound. At high levels its speed would be more than twice the speed of sound. It would have the range to penetrate to many enemy targets and to return to its home base without refueling. It would carry a wide variety of improved armament, including vastly improved, versatile, and accurate air-launched missiles.

I am aware of the proposals to use the F–111 and the YF–12A in a strategic role. These would be acceptable stopgap measures but, in my judgment, would not meet the long-range need for a follow-on strategic bomber system.

A decision made now for the orderly and expeditious development and ultimate procurement of a new bomber will buy precious time for us. It is time that we get out of the area of low-level feasibility studies which only delay getting the operational aircraft into the inventory. Unfortunately, there seems to be a growing tendency to limit work on major weapon systems which are essential to our national defense to such feasibility studies. In many cases, such systems have been literally studied to death. The B–70 is a prime example of what happens to weapon systems development when it is subjected to repeated stops and starts

and there is no strong, orderly, and continuous program to bring it to a completion. As a result, although we gained valuable technological information, we have nothing in the way of hardware to show for the billion and a half we spent on the B–70 except two test-bed aircraft.

The proposed follow-on manned bomber has already been studied and restudied for the past 2½ years. All of the experts tell us that the development and production of it is well within the present state of the art and the current capabilities of our aerospace industry. We should start at the earliest practicable date on systems development. Each day of the delay only compounds the inherent danger of the gamble which is being taken with our future national security.

I am convinced, that if we continue down the present road much longer, our bomber capability will decay to the point where the Strategic Air Command will be virtually out of business as far as the manned strategic aircraft is concerned. I am further convinced that if this should happen, there will come a day when we will be forced to undertake an expensive, inefficient, and extravagant crash program to restore our bomber fleet and the effective fighting force which now maintains and operates it. The way to avoid this is to develop an optimum orderly program on a timely basis and carry it through without disruptive stops and starts. The possibility of these highly trained bomber crews, with their specialized skills, being disbanded in the years to come is not entirely ideal. They will necessarily be disbanded if the day should come when they have no planes to fly. Once they have gone and the existing force dismantled, it will take a long time and much money to retrain new men with those skills.

The Congress has willingly provided the money for our strategic retaliatory force buildup as and when it was needed. As a result, we now have an effective and powerful mixed force which has a clear and convincing superiority over our potential enemies, either individually or collectively. Our present problem is to maintain our superiority and to insure that we maintain a modernized force which has the capability of operating in the future.

In conclusion, Mr. President, let me say that I believe, in view of the rapid and successful buildup of our Minuteman and Polaris missile forces, the most urgent need today in the strategic retaliatory field is the accelerated and rapid development of an advanced manned strategic aircraft. This action, if taken now, will prevent the dangerous gap in our forces which is otherwise inevitable by the 1970's. It will insure an effective mixed strategic retaliatory force for the next 20 years. It will also insure that we will keep the inherent flexibility and versatility in our striking forces which has assured the peace over the past two decades.

I hope that my words and the words of others will be heeded by the military planners. I have never been more certain of anything than that this question ought to be entirely reviewed from every level in the Air Force and from every level in the Military Establishment, and especially by those who make the ultimate and final decisions.

I have no doubt about what Congress is willing to do and will do toward providing such money as is necessary. I hope the question will be reconsidered and that we can get started on the program.

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

Mr. STENNIS. I yield.

Mr. LAUSCHE. My question is for the purpose of information. What has been done in the past to get the program the Senator has suggested underway? And if anything has been done, why has the program not gotten underway?

Mr. STENNIS. Year after year, Congress has provided funds in appropriation bills on the recommendation of the Committees on Armed Services and the Committees on Appropriations of the two Houses. Yet there has been no approval of systems development. There have been certain low-level studies but the Secretary of Defense has not yet come to a decision that a new bomber system should be approved. He has repeatedly vetoed moving into the field of system development. He has publicly presented his side of the argument and his contentions many times.

Mr. LAUSCHE. Concisely, what is the Senator from Mississippi now recommending?

Mr. STENNIS. My proposal is that Congress provide additional money this year for system studies and system development. There is a small amount—$3 million, I believe—in the budget for such system studies. There are additional amounts for propulsion and avionics studies and research.

There is $300 million to "beef up," as it is said, our present B–52 bombers; but that is a different matter. The primary part is to get a decision that a follow-on bomber is necessary so that we can move forward with system development in an orderly and expeditious manner.

My proposal is that Congress provide whatever additional sum is necessary for this purpose. I do not have a figure in mind now. This money should be spent to move into the field of defining and developing a manned bomber as a complete weapon system so as to make the system a reality in as short a time as is practical.

Mr. LAUSCHE. I thank the Senator from Mississippi.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Mississippi. I do not know of any more urgent matter requiring the action of Congress this year, or on which to have the Department of Defense take action, than to go forward with a follow-on manned bomber.

The plan of the Department of Defense now seems to be clear: To rely entirely on missiles beginning about the year 1969 or 1970. In my judgment, this is a great mistake.

The Senator from Mississippi stated a few moments ago that it is known that the Communists have an antiballistic missile system. That was brought out first in secret sessions of the Committee on Armed Services and was later published in the newspapers. A number of magazines and newspapers have published articles to the effect that the Russians have such systems deployed around Moscow and Leningrad. Undoubtedly, they are planning to build antiballistic missile systems around their other big cities. If they are successful in building a system that will knock down intercontinental ballistic missiles—at present, it seems that they may be able to knock down intermediate-range missiles—what protection would we in this country have?

Another point is this: The Communists are capable now of building a superbomb. By a "superbomb" I mean a bomb of 100 megatons. Such a bomb, according to some of our scientists, could possibly be able to destroy the electronic brains in the missiles. If that should happen, where would we be? If the electronic brain in a missile were destroyed and the communications in the missile destroyed, the missile could not take off; or if it did take off, it could not be guided to the target. So I think it is clear that we cannot rely entirely on missiles. The antiballistic missiles may knock them down.

Next, suppose the Communists should make the first strike. I might say that most of their forces fall within a first-strike category. It is clear from a book written recently by a prominent officer in the Russian Army, General Sokolosky, that the policy of the U.S.S.R. is based on a first strike or preemptive strike philosophy. There is other information too, that it is the policy of the Russian Government—the Communists—to make the first strike when they feel that the time is appropriate to do so.

If that is their policy, and if the strike should be by superbombs, and they could destroy the communications and electronics in our missiles, we would have no means of retaliation; we could not respond to that strike. If the Communists knew that their superbombs could destroy the electronic brains in our missiles, and knew that we could not retaliate, would not that in itself encourage a strike by the Communists whenever they felt the appropriate time had arrived?

It is my judgment that we should go forward by all means with the program to develop and build follow-on bombers. I think we are jeopardizing the American people and are jeopardizing this country's security by delaying a single day. Yet this program has been delayed for years. For a number of years, I have advocated that we go forward with the program.

I have also advocated that we go forward with the antiballistic missile system, a system to knock down an enemy's missiles. Such a system would be costly. The main argument for not producing one is apparently that it would cost bil-

lions of dollars. But suppose it cost a number of billion dollars. If it would save the lives of millions of Americans, which it is admitted it will do—it is said that it would save 30 or 40 million Americans—I say it is worth the cost.

Further, the destruction that could be wrought in one or two of the cities in this Nation alone would amount to as much as the cost of moving forward with that system. I think we are making a mistake in not moving forward and building the antiballistic missile system. I think we are making a mistake in not going forward and building these strategic bombers which we need in order to have a deterrent to the Communists. This would be a credible deterrent. Building these bombers would help to avert a war. Building these bombers and having them ready to go would be a tremendous deterrent. It might keep this country out of an all-out war.

I commend the able Senator from Mississippi for calling attention to this important matter at this time. I hope that Congress will not delay any longer on this matter.

Mr. STENNIS. Mr. President, I thank the Senator.

I was asked a question by the Senator from Ohio concerning some budgetary figures. As I said, there is $3 million provided in the 1966 budget for system studies of a new manned bomber. This is a relatively small amount for a matter as important as this. It will mean that the system studies will necessarily be on a low-level basis.

In the 1966 budget there is also $24 million for propulsion and $12 million for avionics. These matters are, of course, important in the development of an advanced strategic bomber. But they are also of more general application and their finding does not mean that there has been a decision to go ahead with a new bomber system. In fact, it is clear that the decision is not to go ahead with this. My plea is for a "green light" for the development of a follow-on bomber as a weapon system. I believe we should go ahead as soon as possible. Anything short of that will not meet the demands of our future security. If it requires $50 million or more in 1966, to give it the high priority that it really deserves we should provide it.

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

Mr. STENNIS. I yield.

Mr. CARLSON. I commend the distinguished Senator from Mississippi for calling the attention of the Senate and the country to a situation that concerns, I am sure, every Member of Congress. That situation pertains to the future strategic bombers that are to be built to protect this great Nation. Those of us who have followed the development of these planes in the past have been greatly concerned over their deterioration, their being phased out, and the fact that no effort, or at least no substantial effort, is being made to begin to get the plans on the drawing boards.

I was amazed at the figures read by the Senator from Mississippi concerning the amount that we are to spend on research and development of planes that are absolutely necessary if we are to preserve the defense of this great country.

I commend the Senator for calling attention to this matter.

Mr. STENNIS. I thank the Senator. I hope that my presentation of this information will bring it into focus for the consideration of the proper committees when they study our military program.

Mr. ERVIN. I ask the Senator from Mississippi if one vital distinction between a missile and a long-range bomber is not that when the missile is once fired, it is gone forever.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. A long-range bomber can carry a load of bombs and, if it is not shot down, it can come back and carry another load.

Mr. STENNIS. The Senator is correct. It is ready for use again. It has that human brain in it, too.

Mr. ERVIN. Mr. President, I ask the Senator if a normal missile would be equipped to carry a nuclear warhead.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. On the contrary, a long-range bomber can carry a load of conventional or nuclear bombs, depending upon which is advisable in the particular movement that is being made.

Mr. STENNIS. The Senator is correct. All it requires is changing the bomb racks.

Mr. ERVIN. They are more flexible.

Mr. STENNIS. The Senator is correct. Their great virtue is their flexibility.

Mr. ERVIN. Mr. President, I ask the Senator from Mississippi if most of the missiles are not stationary, and therefore subject to hostile action.

Mr. STENNIS. The Senator is correct. They are sitting targets. The question is, How well can we protect them? We think we have them protected as well as man can protect them. But there is a question of whether that is sufficient protection.

Mr. ERVIN. Is it not true that long-range bombers could be placed in motion in the event of a hostile attack, and therefore they are far less vulnerable to attack than a missile?

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. I know that the Senator from Mississippi, because of his service on the Armed Services Committee, believes, as I do, that we need an adequate number of both missiles and long-range bombers.

Mr. STENNIS. That is the mixed concept that we have been talking about. We do not want to detract from our missiles. But there is always some uncertainty about being able to protect them. There is some uncertainty as to the extent to which they are vulnerable. To abandon the concept of a new bomber is unthinkable to me.

Mr. ERVIN. Does not the Senator from Mississippi know, as a member of the Armed Services Committee, that virtually all the men who have devoted their lives to the military service and have spent their days and nights studying how this country should be defended, recommend that we should have a program for renewing our long-range bombers?

Mr. STENNIS. The Senator is correct. I quoted some of the chief ones a few moments ago.

Mr. ERVIN. Does not the Senator from Mississippi agree that when we get down to the fact that we cannot foretell what precise weapons we shall need in these two areas or whether we need them both, it is the height of folly for the sake of economy or anything else, not to be prepared with both missiles and long-range bombers?

Mr. STENNIS. We cannot afford to do otherwise.

Mr. ERVIN. There is no advantage in having Uncle Sam become the richest man in the graveyard by virtue of having saved some money that should have been spent for long-range bombers.

Mr. STENNIS. The Senator has expressed it very well, as usual.

I shall review quite briefly the figures I cited a moment ago—$3 million is provided in the 1966 budget for system studies, $24 million is provided for propulsion, and $12 million for avionics. But those in the Air Force who know tell me that they do not understand that this is in any way earmarked for a new bomber system or that such a system has been approved by the Secretary of Defense.

I hope that in our hearings, and in the process of considering the budget, we can get a promise to earmark an adequate amount for a new manned bomber system. Then we can put in such additional amounts as we find necessary for other weapons and other airplanes. Certainly, some of the technology applicable to an advanced manned bomber—such as propulsion and avionics—is also applicable to other aircraft. But we ought to make a start now on a bomber system.

As I have said, I think this matter ought to be brought up early this year and discussed fully. I hope Mr. McNamara will be able to assure us in the hearings that he will give a green light to a new bomber system and that adequate funds will be made available for this purpose if they are appropriated by the Congress.

PRESIDENTIAL AND VICE-PRESIDENTIAL SUCCESSION—PRESIDENTIAL DISABILITY

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Mr. BAYH. Mr. President, I wish to yield to the distinguished Senator from Hawaii [Mr. FONG].

Mr. FONG. Mr. President, as a cosponsor of Senate Joint Resolution 1 and as a member of the Judiciary Subcommittee on Constitutional Amendments, I should like to compliment and highly commend the distinguished junior Senator from Indiana for his dedication, hard work, diligence, and constant effort in drafting and guiding this critically important legislation through the subcommittee and the Judiciary Committee.

The Senator from Indiana has certainly done yeoman service in this regard and has given the subject long, deep, and scholarly thought. He has listened with great patience to the advice and counsel of the country's outstanding political scientists and other leading experts in this matter. He has forged a proposal from these considerable resources and has produced an outstanding document that is a practical and workable solution to the problems of presidential disability and vice-presidential vacancies.

The joint resolution before us is therefore a product of considerable thought and effort and represents a consensus of many proposals.

Two years ago, the tragic assassination of President Kennedy pointed up once again the urgent need to resolve these two critical gaps in the U.S. Constitution.

First. The Constitution does not say anything about what should be done when there is no Vice President. No one in America today doubts that the Vice President of the United States today carries very vital functions of our Government.

He is the President's personal representative and emissary; he is a member of the Cabinet; Chairman of the National Aeronautics and Space Council; member of the National Security Council; head of the President's Committee on Equal Employment Opportunity; and he takes part in other top-level discussions which lead to national policymaking decisions.

The modern trend toward the increasing importance of the Vice-Presidency began with President Franklin D. Roosevelt. President Eisenhower furthered this trend greatly in assigning Vice President Nixon many duties of critical importance, and President Johnson has made it very clear that he intends to make it an even more important office.

Ever since Vice President John Tyler took over the Presidency in 1841, when President William Henry Harrison died, this precedent has been confirmed on seven occasions. Vice Presidents Fillmore, Andrew Johnson, Arthur, Theodore Roosevelt, Coolidge, Truman, and Lyndon Johnson all became President in this manner.

Besides his many duties, the Vice President is the man who is only a heartbeat away from the world's most powerful office.

Yet, on 16 different occasions in our history the Nation has been without a Vice President.

The security of our Nation demands that the office of the Vice President should never be left vacant for long, such as it was between November 22, 1963, and January 20, 1965.

Second. The Constitution does not say anything about what should be done when the President becomes disabled, how and who determines his disability, when the disability starts, when it ends, who determines his fitness to resume his office, and who should take over during the period of disability.

In short, there is no orderly constitutional procedure to decide how the awesome and urgent responsibility of the Presidency should be carried on.

Third. The Constitution also is unclear as to whether the Vice President would become President, or whether he becomes only the Acting President, if the President is unable to carry out the duties of his office.

These are very closely related problems, since they involve the devolution and orderly transition of power in times of crisis.

Mr. President, as a member of the Subcommittee on Constitutional Amendments, I have studied very carefully all the various proposals submitted by other Senators during the 88th Congress and in this current session of the 89th Congress. I have considered the testimony submitted to the subcommittee in previous hearings, including those of the distinguished experts who have testified. I have read the data collected and have read the research done by the subcommittee's staff.

I believe that any measure to resolve these very complex and perplexing problems must satisfy at least four requirements:

First. It must have the highest and most authoritative legal sanction. It must be embodied in an amendment to the Constitution.

Second. It must assure prompt action when required to meet a national crisis.

Third. It must conform to the constitutional principle of separation of powers.

Fourth. It must provide safeguards against usurpation of power.

I believe Senate Joint Resolution 1 best meets each of these requirements.

Senate Joint Resolution 1 deals with each of the problems of vice-presidential vacancy and presidential inability by constitutional amendment rather than by statute.

Mr. President, on this legal controversy, well-known legal authorities have argued persuasively on both sides of this question. At issue is the interpretation of the "necessary and proper" authority of article I, section 8, clause 18—Does Congress have the power to legislate with respect to the question of vacancy and inability?

Recently there appears to have been a strong shift of opinion favoring a constitutional amendment over the statutory approach. Two past Attorneys General—Herbert Brownell and William Rogers—and the present Attorney General Nicholas Katzenbach, the American Bar Association, and many other State and local bar associations say a constitutional amendment is necessary.

The most persuasive argument for an amendment is that so many legal questions have been raised about the authority of Congress to act on these subjects, that any statute on these subjects would be open to criticism and challenge at the most critical time—when a President dies in office; when a President had become disabled; and when a President sought to recover his office.

We must not gamble with the constitutional legitimacy of our Nation's executive branch. When a President or Vice President of the United States assumes his office, the entire Nation and the world must know without doubt that he does so as a matter of right. Only a constitutional amendment can supply this necessary legitimacy.

With respect to the problem of vice-presidential vacancies, Senate Joint Resolution 1 provides for the selection of a new Vice President when the former Vice President succeeds to the Presidency within 30 days of his accession to office; the selection is to be made by the President, upon confirmation by a majority vote of both Houses of Congress.

I believe this is sound.

The vice-presidential office, under our system of government, is tied very closely with the Presidency. The extent to which the President takes the Vice President into his confidence or shares with him the deliberations leading to executive decisions is largely determined by the President.

Another important reason for allowing the President to nominate a Vice President is that the close relationship between the President and Vice President will permit the person next in line to become familiar with the problems he will face should he be called on to assume the Presidency.

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

Mr. FONG. I yield.

Mr. SALTONSTALL. Is it not also true that a Presidential nomination of a Vice President to succeed him should presumably be of one of the same party as the President?

Mr. FONG. Yes. The President must work closely with the Vice President. He is a very close confidant of the President. The Vice President would succeed the President, and he should be of the same political party.

Mr. SALTONSTALL. And, therefore, the President should nominate him?

Mr. FONG. And, therefore, the President should nominate him, and the Congress should have the right to confirm his nomination by a majority vote. Senate Joint Resolution 1 provides precisely these points.

The bill proposes what I believe to be a practical solution to a practical problem.

With respect to the problem of presidential disability, Senate Joint Resolution 1 makes clear that when the President is disabled, the Vice President becomes Acting President for the period of disability. It provides that the President may himself declare his inability and that if he does not, the declaration may be made by the Vice President with written concurrence of a majority of the Cabinet.

The determination of presidential inability by the Cabinet—along with the Vice President—is sound. It is reasonable to assume that persons the President selects as Cabinet officers are the President's most devoted and loyal supporters who would naturally wish his continuance as President.

The Vice President and the Cabinet are a close-working unit, having a daily relationship with the President. They are in the past position to assess the President's capacity to perform his duties and functions.

In addition, a majority of the Cabinet usually are members of the President's political party. They would be the last to declare his inability to carry out the duties of his office if he were able to do so.

Senate Joint Resolution 1 provides that the President may declare his own fitness to resume his powers and duties, but if his ability is questioned, the Cabinet by majority vote and the Congress by a two-thirds vote of both Houses resolve the dispute.

These provisions of Senate Joint Resolution 1 not only achieve the goals I outlined earlier, but they are also in consonance with the most valued principles established by our Founding Fathers in the Constitution.

They observe the principle of the separation of powers in our Government. They effectively maintain the delicate balance of powers among the three branches of our Government. Most important of all, they insure that our Nation's sovereignty is preserved in the hands of the people through their elected representatives in the National Legislature.

Several amendments to Senate Joint Resolution 1 have been proposed which in substance place back into the hands of the Congress many of the problems we have been discussing.

It is my considered judgment that these amendments will serve only to leave these critical questions unanswered—and we would not have accomplished what we intended to accomplish under Senate Joint Resolution 1.

I believe that these amendments should be voted down.

Mr. President, this is the first time since 1956, when a full-scale congressional study of the problems was conducted, that wide agreement has been reached on these vastly complex constitutional problems.

Last September, a measure similar to Senate Joint Resolution 1 was passed by the Senate by the overwhelming vote of 65 to 0. It was sent to the House, but Congress adjourned before any further action could be taken.

Last January, at the call of the American Bar Association, a dozen of the Nation's leading legal authorities meeting in Washington came up with a consensus, which is essentially embodied in the provisions of Senate Joint Resolution 1. This consensus was subsequently endorsed by the ABA house of delegates.

I understand that Senate Joint Resolution 1 is being cosponsored by a bypartisan group of 77 Senators.

I am most delighted and pleased to cosponsor this proposal with the very distinguished and able junior Senator from Indiana [Senator BAYH]. As one who has worked closely with him on this joint resolution, I know that he has worked hard to draft and guide it through the Subcommittee on Constitutional Amendments and the full Judiciary Committee.

Mr. President, I highly commend Senate Joint Resolution 1 to the Senate as a meritorious measure that should be enacted promptly into law.

Mr. SALTONSTALL. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from Hawaii yield to the Senator from Massachusetts?

Mr. FONG. I am glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. What the Senator has said in substance is that Congress should act now on this subject, that it should act by constitutional amendment, and that the constitutional amendment should be specific in its terms rather than general, in order to leave future actions to future Congresses to supplement it.

Mr. FONG. The Senator is correct. We have been working on these problems for a long time, but have not been able to come up with a substantively sound proposal. Now, we have such a proposal in Senate Joint Resolution 1, which is specific in its terms, in order to leave no doubt as to the devolution and orderly transition of power, and the constitutional legitimacy of our Government. I believe that the various amendments which have been proposed to give the Congress statutory power to act on these problems will only lead us back to where we started.

The resolution of these problems are much too critical to leave for future statutory action, and, like the problem of presidential succession, be the subject of political decision.

I believe that we should pass Senate Joint Resolution 1 now, because it is statesmanlike and the very best possible solution to critical problems and will specifically deal with the problem as we wish it to be dealt with.

Mr. SALTONSTALL. The Senator would deal with the problem by a constitutional amendment rather than by statute.

Mr. FONG. The Senator is correct. That is the consensus of all the experts.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Indiana.

Mr. BAYH. Mr. President, I compliment the Senator from Hawaii [Mr. FONG] on his well-defined statement, in which he covered all the principal points, and in which he stressed the need for the Senate to join behind the consensus of the experts, feeling that we have the best proposal before the Senate now, and that if we spend more time searching for that which is perfect it will become a search for the impossible. We are solving the two key problems which have confronted us—namely, vice-presidential vacancies and the disability of a President; and if we solve these two problems, we can solve the other problems at a later date.

I compliment the Senator and thank him for the cooperation he has given the subcommittee, as well as for the personal sacrifice he made to be in the Chamber this afternoon to participate in this debate.

Mr. FONG. I thank the Senator from Indiana. He has been working hard on this measure. It is through his dedication that the joint resolution is now before the Senate. This has not been an easy resolution to arrive at. The Senator from Indiana and the other members of the committee have worked very hard on it. They have given it deep thought. We have listened to the experts on the subject, and this is the best possible solution that we can suggest. I believe that it is a completely workable and practical solution to the two key problems.

Mr. SCOTT. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. SCOTT. Mr. President, I rise in support of Senate Joint Resolution 1, but first, I commend the distinguished Senator from Hawaii for the fine presentation he has made, and for the scholarship which is evident in his exposition.

Let me say, for my part, that I shall support the proposed Dirksen substitute for Senate Joint Resolution 1 because I believe it to be simpler, wiser, and more farsighted on a long-range basis to leave to Congress the discretion to prescribe, by statute, procedures for the transfer of the President's powers and duties in the case of presidential inability.

It occurs to me that one illustration as to why Senate Joint 1 should leave this discretion to Congress is that there is no provision in Senate Joint Resolution 1, as reported to the Senate, that deals with the inability of a Vice President to perform his duties. If a Vice President dies or resigns, there is a provision for filling the vacancy. Let us suppose, however, that the Vice President suffers from an inability. It would be rather awkward, it seems to me, to overburden the Constitution with procedural details, better and more flexibly prescribed by statute, in an effort to foresee and imagine every possible eventuality and to meet every conceivable contingency.

Yet, with the increased importance of the office of Vice President, the contingency of the Vice President's inability becomes a significant consideration and Congress could take care of it by law, as it would be permitted to do under the broader language of the Dirksen amendment.

I am an original cosponsor of Senate Joint Resolution 1, but subsequent study of the Judiciary Committee's hearings and report, particularly the views expressed therein by my distinguished minority leader, has persuaded me to accept the Dirksen amendment.

However, if the Dirksen amendment should not be adopted, I revert, then, to my desire to see a workable proposal adopted, one which will be at least as wisely considered and prepared as Senate Joint Resolution 1, sponsored by the distinguished Senator from Indiana [Mr. BAYH]. I would, then, as a cosponsor, support Senate Joint Resolution 1.

Mr. President, the tragedy which this Nation witnessed only 15 months ago brought most forcefully to our attention once again the striking absence in the Constitution of appropriate provision for continuity of presidential leadership. In this era of recurring crises at home and abroad, it is imperative that at no time should there be any doubt in anyone's mind as to who is exercising the powers and duties of the Presidency. That is the central issue we are

dealing with today in Senate Joint Resolution 1.

This measure, of which I am honored to be a cosponsor, provides a workable means of assuring continuity of presidential leadership. It recognizes the very distinct nature of the two exigencies—death and inability—under which the Nation may lose the leadership of its President, and it provides suitable solutions for each of these peculiarly different situations.

The uncertainty concerning the legitimacy of our traditional method of providing for presidential succession, which is prompted by the existing vague constitutional language, would be removed. The addition of language providing for the filling of vacancies in the office of the Vice President, which occur upon the death, resignation, or removal of the President, would assure the Nation that it will always have a Vice President ready and able to assume the office of President or exercise the powers and duties of that office should the occasion arise.

Provision of continuity of presidential leadership is an urgent need that must be met now. There is widespread support for Senate Joint Resolution 1, and the climate for early ratification of this measure by the States seems to be favorable. Let us therefore promptly approve it.

Before closing, Mr. President, let me heartily commend the junior Senator from Indiana for his thorough study and diligent efforts in drafting Senate Joint Resolution 1, and for bringing it to the floor of the Senate. And I thank the Senator from Hawaii for giving me this opportunity to express my views.

Mr. FONG. I thank the Senator for his compliments. In answer to his questions, let me say that the Dirksen amendment would leave us almost in the same position as that from which we started. Many questions will still remain unanswered. If something should happen to the Vice President, we would not have the answer to that problem. It does not militate against Senate Joint Resolution 1. At present, no one succeeds to the position of Vice President if a Vice President succeeds to the office of President. I believe that if we take one step at a time, we shall accomplish what we are trying to accomplish. I believe that the present resolution is workable and practical.

THE CONSTITUTIONAL RIGHTS OF ALL AMERICANS

Mr. EASTLAND. Mr. President, in 1954, soon after the decision in Brown against Topeka, I made the statement that it was impossible to fulfill the implications of Brown against Topeka without destroying the constitutional rights of all other American citizens and all other rights embodied in the Constitution and guaranteed to the people.

Acting under the contemporary and current insanity in the country relating to so-called civil rights, various bureaus are issuing edicts and decrees without any justification in law which deprive the American people of their basic rights.

The Department of Defense under Secretary McNamara, together with certain underlings, has probably been the most zealous of these department heads in issuing decrees irrespective of the rights of the American citizens. I wish to read to the Senate a letter which I have just received from Hon. Perry S. Ransom, Jr., of Ocean Springs, Miss., to show to the Senate how far these Government bureaus have gone in surrendering basic rights to the current insanity of the country:

PERRY S. RANSOM, JR.,
CONSULTING ENGINEER,
Ocean Springs, Miss., February 16, 1965.

Senator JAMES O. EASTLAND,
U.S. Senate,
Washington, D.C.

DEAR SIR: Realizing full well the large volume of mail that you receive daily from the people you represent and the futility of individual correspondence, I nevertheless feel compelled to write. Under our system of democratic government we claim the right of the individual citizen to protest when we feel the Federal Government exceeds the limitations set forth by our Constitution.

For my explicit protest the following facts are herewith submitted:

The Jackson County Baptist Association is currently conducting in numerous Baptist Churches a school of missions, whereby missionaries come to our churches and relate to us the work that is being done for the Lord on local and foreign fields. Through this mission emphasis our Christian people are made aware of just what our denomination is doing to fulfill our Lord's great commission to "go and teach unto all nations." One of our scheduled missionary speakers was to be a Sergeant Fuller (first name, serial number, and specific assignment unknown to me), who is currently stationed at Keesler AFB in Biloxi, Miss. Our association has now been informed that said Sergeant Fuller has received orders from his superiors in the Air Force that he is not to speak in our church as the audience is segregated. How can the first amendment which guarantees the complete separation of church and state be ignored by the military in prohibiting this man from exercising his religious beliefs by speaking to a local Baptist Church group because there are no Negroes in the audience? To the best of my knowledge the Baptist Negroes of Ocean Springs are completely satisfied and happy in their own church and have no desire to attend our church. Can it be that the Government will attempt to compel the Negroes to integrate our churches, or can not the Great Society leave a soul's salvation to the individual and to the Lord?

To reiterate, I, as an individual citizen strongly protest the actions of the military at Keesler AFB to prevent any American citizen from exercising his religious beliefs just because he happens to be in the Air Force.

Any actions that you may be able to make to rectify this situation are endorsed and encouraged.

Yours very truly,
PERRY S. RANSOM, Jr.,
One American Citizen.

In other words, a sergeant in the U.S. Air Force, who happens to be a religious person, was invited to address on a religious subject other Americans who belonged to his religious sect. Because the meeting of this sect was not integrated, Sergeant Fuller of the U.S. Air Force was deprived of his right of free speech. The religious association was deprived of their religious liberty. Freedom of assembly was likewise violated.

Mr. President, I bring this to the attention of the Congress in order that the Congress may know just how far the insanity of the country has progressed and the insanity of the bureaus which are administering the laws under the Constitution of the United States.

Mr. President, this brings me to ask the Secretary of Defense one question: If Sergeant Fuller can be prohibited from attending a Baptist church in Ocean Springs, Miss., to make a few remarks, then can the Secretary of Defense prohibit Sergeant Fuller from attending that Baptist church in Ocean Springs?

I do not expect that Sergeant Fuller's troubles or the troubles of the Baptist Church at Ocean Springs, Miss., will attract the wrath of either the National Council of Churches or the Civil Liberties Union, but I do think the country might be interested in the subject matter if they are apprised of it.

PRESIDENTIAL AND VICE-PRESIDENTIAL SUCCESSION—PRESIDENTIAL DISABILITY

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request.

I ask unanimous consent that 1 hour for debate be allowed on the Dirksen substitute, to be equally divided between the sponsors of the substitute and the Senator in charge of the joint resolution on the floor of the Senate, the Senator from Indiana [Mr. BAYH]; that an hour for debate be allowed on each amendment, the time to be divided between the sponsors of the amendment and the Senator from Indiana [Mr. BAYH]; and that 2 hours for debate be allowed on the joint resolution, to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the further consideration of the joint resolution (S.J. Res. 1), proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases were the President is unable to discharge the powers and duties of his office, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Indiana [Mr. BAYH]: *Provided,* That in the event the Senator from Indiana is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said joint resolution, debate shall be limited to 2 hours, to be

equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said joint resolution, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. CARLSON. Mr. President, in my opinion, one of the most important pieces of legislation to be considered by this session of Congress is the pending joint resolution regarding presidential succession and presidential disability.

I commend the distinguished Senator from Indiana [Mr. BAYH] and the members of the subcommittee of the Judiciary Committee and the Judiciary Committee for having devoted so much time to the hearings and the preparation of the joint resolution.

For the best part of two centuries, the Congress of the United States has not dealt effectively with the dual problems of vice-presidential vacancies and presidential disabilities. Sixteen times, over a period in excess of 37 years, this Nation has been without a Vice President. President Garfield lay for 80 days unable to perform the powers and duties of his office—President Wilson was disabled for 16 months—President Eisenhower had three serious disabilities. Fortunately, the country was not confronted by an international crisis during any of these periods. We must not take for granted that history will continue to treat us so kindly.

Over the years, Congress has studied these dual problems at great length. The main reasons for the lack of solution are the inability to arrive at a consensus and the unwillingness of individual Members of Congress to amend their own personal views in order to arrive at a workable plan which could receive two-thirds vote in each House of Congress. A great deal of effort has gone into the consensus embodied in Senate Joint Resolution 1—the American Bar Association, the Committee on Economic Development, legal scholars, constitutional lawyers and members of the executive and legislative branches of the Government have worked together to develop a workable solution.

The main problem confronting Congress is writing a constitutional provision which would assure no break in the exercise of the presidential power. More than that, no doubt should be permitted to arise as to who holds the office.

In addition to these two requirements, the procedure for transferring of power should be fast, efficient, and easily understood.

The Senate Judiciary Committee has spent days taking testimony of able and qualified individuals, discussing every phase of this subject.

From the beginning of our Nation, we have been without a Vice President in excess of 20 percent of the time.

The preponderance of testimony has declared that these problems must be solved by constitutional amendment. They are of sufficient importance to our country to be embedded in the bedrock law of the land—the Constitution. Some of those supporting this contention have been President Lyndon Johnson, Vice President HUBERT HUMPHREY, former President Dwight Eisenhower, Attorney General Nicholas Katzenbach, former Attorney General Herbert Brownell, former Attorney General William Rogers, the American Bar Association's House of Delegates by a unanimous vote, president of the American Bar Association, Lewis Powell, and immediate past president of the American Bar Association, Walter Craig.

Opinion is divided as to whether Congress has authority to deal with the problem of disability. Any statute dealing with this problem would be subjected to constitutional challenge in the courts at a time of grave national crisis when action and certainty, not inaction and doubt, were demanded by the national interest.

Sections 3 and 4 of this joint resolution deal with the very difficult problem of Presidential disability.

Section 3 enables the President to declare his own disability to perform the powers and duties of his office and the Vice President to assume these powers and duties as Acting President. This provides for the eventuality that the President may be undergoing a serious operation or he himself feels seriously ill and feels that the best interests of the country dictate that he voluntarily should turn over the powers and duties of the Presidency to the Vice President for the tenure of the President's disability.

Section 4 provides that, if the President is unable to declare his own disability, the Vice President and the majority of the Cabinet may do so, and the Vice President would assume the powers and duties as Acting President for the tenure of the President's disability. Thus, the country would be protected under such circumstances as a Presidential heart attack, which finds the Nation's Chief Executive under an oxygen tent when an effort is made to return missiles to Cuba.

The Vice President has the constitutional responsibility to act and the Cabinet, appointed by the President, serves as a sufficient protection against a power-hungry Vice President.

It is impossible for Congress to foresee every eventuality that could incapacitate the President or his successors. Congress can, however, and I believe should, make every effort to remove the anxiety and apprehension that arises out of the uncertainties of the present law.

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

Mr. CARLSON. I yield.

Mr. BAYH. I compliment the Senator from Kansas on his statement, particularly the emphasis he placed on the fact that there has been much give and take, and that this is as close as we are likely to come to being able to nail down a final determination. The time for us to act has come. If we continue to postpone this issue, we shall get further and further away from the horrible sequence of events which awakened public interest in this subject and it will recede further and further into the past.

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

Mr. CARLSON. Mr. President, I stated at the beginning of my remarks that I felt the proposed legislation was one of the most important measures that would be considered by this session of the Congress. I sincerely hope that action can be taken on it at this session.

Mr. DIRKSEN. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 15 minutes.

Mr. DIRKSEN. I am sensible of the urgency that is involved in connection with the proposal to amend the Constitution. Events in history such as what happened on the 22d of November 1963, the assassination of President Garfield, who signed only a single extradition paper while he lay in a virtual coma for 90 days, and the difficulty that the country encountered at the time President Woodrow Wilson was stricken, have from time to time reenergized this issue. I am quite aware of the desire to have something done and to have it done as quickly as possible.

However, I am rather sensible of an old line in the Book of Exodus:

> Thou shalt not follow a multitude to do evil.

The word "evil" might mean "error," and it can be used in its broadest sense. I believe it has been pretty much of a rule in our constitutional history that we do not legislate in the Constitution. We try to keep the language simple. We try to keep it at a high level, and we offer some latitude for statutory implementation thereafter, depending upon the events and circumstances that might arise. For that reason I have submitted a substitute, which is extremely short—in fact, a single paragraph—which I believe would encompass the problem that confronts us, would meet virtually every exigency, and would leave in the hands of the Congress whatever legislation might be necessary.

Before I go further, I commend the distinguished Senator from Indiana [Mr. BAYH]. No one has been quite so diligent in pursuing this subject. The same statement can be made concerning the staff. The Senator has worked hard. He is anxious to obtain action in this body; and he hopes to obtain action in the other body so that the constitutional proposal can then go to the country.

The substitute which I have offered has been skeletonized so that there would be no ambiguities. There would be no holes of any kind. If there were, they could always be remedied by congressional enactment. The substitute provides merely that if the President is removed from office, if he dies, or for other reason leaves the office, the office of President shall devolve on the Vice President.

That subject has been controversial ever since Chester A. Arthur came into office, and, for that matter, even at the time William Henry Harrison died in office and was succeeded by a President who at the time was not sure whether or not he should accept the office or only

undertake the duties and the responsibilities. My substitute would make it pretty clear—and I believe it is true also of Senate Joint Resolution 1—that in the case of removal, death, or resignation, the office would devolve on the Vice President. That is very simple, and the language would nail it down.

But in the case of the inability of a President to discharge the powers and duties of the office, the powers and duties would devolve upon the Vice President. For example, the President might be alive. He might be incapacitated and unable to discharge his responsibilities as President. So the office would not devolve upon the Vice President, but merely the powers and duties.

The Vice President would be designated as Acting President, and no more. He would maintain that status until the inability had been removed.

My amendment would further provide that—

> The Congress may by law provide for other cases of removal, death, resignation, or inability, of either the President or Vice President—

There might be a situation in which both the President and the Vice President would be disabled. There might be a situation in which the Vice President would be disabled, but the President would be in possession of his faculties and could carry on. In that event the Congress, under the proposed substitute, could enact a law to meet the situation which would arise under those circumstances, and would also be able to declare what officer shall be President or Vice President, in the case of inability, to act as President; and such officer would be or act as President accordingly.

That is rather broad language, but it is designed to be broad. I believe it is in keeping with the language of the Constitution itself.

The amendment contains one other further provision:

> The commencement and termination of any inability shall be determined by such method as Congress may by law provide.

The distinction between the substitute and Senate Joint Resolution 1 is that section 4 and section 5 of the joint resolution provide in a little detail, at least, what shall be done when there is an inability, if the President is disabled and is not in a position to declare his inability. Then it would be up to the Vice President and a majority of the principal officers of the executive departments or such other body as Congress may by law provide to transmit to the Congress written declarations that the President was disabled; and the Vice President would immediately assume the powers and duties of the office as acting President.

Mr. President, there might not be a Vice President. How could he then join with the principal officers of the executive departments in transmitting a message to the Congress?

The language of the joint resolution is as follows:

> Whenever the Vice President and a majority of the principal officers transmit that message—

But if there is no Vice President, obviously we cannot fulfill the equations that are carried in Senate Joint Resolution 1.

I believe that one could point out some other defects that would give me some cause for concern. For that reason I believe that a measure of the kind proposed should be broadly sketched, and that ample latitude should be left for the Congress to act.

It is said that we must "nail it down" and dispose of the matter forthwith. But if and when the proposal—and I am hopeful that a proposal of some kind will go to the country—is disposed of by Congress, the committees can begin to work at once upon legislation to implement such a constitutional proposal. It could be ready, and all the hearings and details could be disposed of, as soon as the necessary number of States had ratified the amendment. Then it would not require more than a matter of days to enact the necessary implementing legislation, so that no time would be lost. We would always preserve the necessary latitude.

For that reason, I think we ought to proceed on a broader base than we presently contemplate. That must have been in the thinking of the President in connection with his message to Congress on January 28. The President said:

> II. VACANCY IN THE OFFICE OF THE VICE PRESIDENT
>
> Indelible personal experience has impressed upon me the indisputable logic and imperative necessity of assuring that the second office of our system shall, like the first office, be at all times occupied by an incumbent who is able and who is ready to assume the powers and duties of the Chief Executive and Commander in Chief.
>
> In our history, to this point, the office of the President has never devolved below the first clearly prescribed step of constitutional succession. In moments of need, there has always been a Vice President; yet, Vice Presidents are no less mortal than Presidents. Seven men have died in the office and one has resigned, in addition to the eight who left the office vacant to succeed to the Presidency.

It is a question whether in the case of succession it would be possible under Senate Joint Resolution 1 to fill that office or not. So it would be something of a departure from what the President said about the indispensable need of having the second office as well as the first office always occupied. With that general proposal, I fully agree.

There are other matters that I might present in connection with the amendment.

I shall submit at this point a general statement on the general subject, and also some questions that have been raised. I ask unanimous consent that they may be printed at this point in the RECORD, together with an article entitled "Bayh Amendment—Second Thoughts on Disability," written by Roscoe Drummond, and published in the Washington Post of recent date.

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

STATEMENT BY SENATOR DIRKSEN

We have before us Senate Joint Resolution 1. It is a proposed amendment to the Constitution to meet the problem of presidential inability and of vacancies in the office of Vice President.

I commend the distinguished chairman of the Subcommittee on Constitutional Amendments. He has worked throughout his period of service on the committee on this problem. He has devoted a tremendous amount of time and energy to the issue and his work has helped to keep the issue before us.

It is a pressing domestic issue. It is not a new issue by any means. It has been before the Congress numerous times. It has been the subject of endless study by legislators, constitutional authorities, and others. All have sought to provide an answer, but no proposed solution has been found that met the problem. Nonetheless, a solution must be found. We must contrive language that will solve the problem.

There are those who contend that no constitutional amendment is required, that the entire matter can be disposed of by legislation. I do not hold to this view although many distinguished scholars support it. Rather I share with our distinguished subcommittee chairman, our subcommittee, and the full committee, the view that a constitutional amendment is required.

The problem however is this: How do we fashion the amendment? Do we follow the advice of the Attorney General who says:

"Apart from that, the wisdom of loading the Constitution down by writing detailed procedural and substantive provisions into it has been questioned by many scholars and statesmen. The framers of the Constitution saw the wisdom of using broad and expanding concepts and principles that could be adjusted to keep pace with current need."

And do we follow the advice of another noted constitutional scholar, Martin Taylor, chairman of the Committee on Constitutional Law, New York Bar Association, who has been most active in this field and who urged the subcommittee only last year that:

"In the first plan, you have a basic fundamental principle of constitutional law that any amendment should be simple. I am substantially quoting from John Marshall. It should not give detail. You see the error of that in a great many proposals because, as time goes by, there might be great disagreement as to the practicability of applying it under changed circumstances. So the fundamental [principle] that you give broad enabling powers in the Constitution is what you should rely on, changing, if you please, implementation with changing conditions."

That is the view I hold. Keep constitutional amendments simple. Leave the detail to implementing legislation which can be changed to reflect changing circumstances. Leave the Constitution as the basic document from which all authority flows, but do not attempt to detail the application to specific problems in the basic document itself.

And that is the difficulty with Senate Joint Resolution 1 as reported by the full committee with amendments. It was pointed out by the Attorney General when he was before the subcommittee. He said he had difficulty with the amendment. It was necessary for him to make a number of assumptions in regards to the operation of the amendment. This should not be—the amendment should be clear and understandable.

What were the problems that the Attorney General had with the amendment? This is what he said:

"First, I assume that in using the phrase 'majority vote of both Houses of Congress' in section 2, and 'two-thirds vote of both Houses' in section 5, what is meant is a majority and two-thirds vote, respectively, of those Members in each House present and voting, a quorum being present. This interpretation would be consistent with long-

standing precedent (see, e.g., *Missouri Pac. Ry. Co.* v. *Kansas*, 248 U.S. 276 (1919)).

"Second, I assume that the procedure established by section 5 for restoring the President to the powers and duties of his office is applicable only to instances where the President has been declared disabled without his consent, as provided in section 4; and that, where the President has voluntarily declared himself unable to act, in accordance with the procedure established by section 3, he could restore himself immediately to the powers and duties of his office by declaring in writing that his inability has ended. The subcommittee may wish to consider whether language to insure this interpretation should be added to section 3.

"Third, I assume that even where disability was established originally pursuant to section 4, the President could resume the powers and duties of his Office immediately with the concurrence of the Acting President, and would not be obliged to await the expiration of the 2-day period mentioned in section 5.

"Fourth, I assume that transmission to the Congress of the written declarations referred to in section 5 would, if Congress were not then in session, operate to convene the Congress in special session so that the matter could be immediately resolved. In this regard, section 5 might be construed as impliedly requiring the Acting President to convene a special session in order to raise an issue as to the President's inability pursuant to section 5.

"Further in this connection, I assume that the language used in section 5 to the effect that Congress "will immediately decide" the issue means that if a decision were not reached by the Congress immediately, the powers and duties of the Office would revert to the President. This construction is sufficiently doubtful, however, and the term "immediately" is sufficiently vague, that the subcommittee may wish to consider adding certainty by including more precise language in section 5 or by taking action looking toward the making of appropriate provision in the rules of the House and Senate.

"In my testimony during the hearings of 1963, I expressed the view that the specific procedures for determining the commencement and termination of the President's inability should not be written into the Constitution, but instead should be left to Congress so that the Constitution would not be encumbered by detail."

Did the action of the full committee in amending Senate Joint Resolution 1 correct the deficiencies pointed out by the Attorney General? Let us consider what he said before the full Judiciary Committee of the other body. He began observing that:

"As the committee well knows, the factual situations with which House Joint Resolution 1 is designed to deal are numerous and complex. Inevitably, therefore, some aspects of the proposal will raise problems of ambiguity for some observers. In order to assist in resolving any such ambiguity, I propose to set forth the interpretations I would make in several difficult areas so that the committee may consider whether clarification is needed."

He then repeated the first observation that he made before our subcommittee regarding his assumption of the meaning of "majority vote." He then repeated his second observation regarding the procedure established by section 5 of Senate Joint Resolution 1, and then added:

"However, I note in this regard that the Senate Committee on the Judiciary has recently approved an amended version of Senate Joint Resolution 1, the counterpart of House Joint Resloution 1, under which the President may resume his powers and duties in this situation only by following a procedure comparable to that established by section 5. I would much prefer a provision which would clearly enable the President to terminate immediately any period of inability he has voluntarily declared."

He then repeated the third and fourth observations he made to our committee but then made this further observation:

"The Senate Committee on the Judiciary has revised Senate Joint Resolution 1 to provide that all declarations, including the declarations by the President under sections 3 and 5 and the declaration by the Vice President under section 4, shall be transmitted to the President of the Senate and Speaker of the House of Representatives. This change, the committee states, would provide a basis on which congressional leaders could convene Congress if it were not then in session. However, the Constitution expressly authorizes only the President to convene Congress in special session (art. II, sec. 3, clause 2), and in view of that provision it might be argued that Congress cannot be convened in special session by its own officers. Accordingly, I would think it preferable to provide that the Acting President must convene a special session in order to raise an issue under section 5 as to the President's inability. Although section 5 as it now stands could be construed in that way, the committee may wish to consider whether it would not be advisable to add express language which would make that intention unmistakable.

"Fifth, I assume that the language used in section 5—to the effect that Congress 'will immediately decide' the issue—means that if a decision were not reached by the Congress immediately, the powers and duties of the office would revert to the President. This construction is sufficiently doubtful however, and the term 'immediately' is sufficiently vague, even though used also in article I, section 3, clause 2 of the Constitution, that the committee may wish to consider adding certainty by including more precise language in section 5 or by taking action looking toward the making of approximate provision in the rules of the House and Senate.

"The Senate Judiciary Committee, in approving Senate Joint Resolution 1, has changed the language 'immediately decide the issue' to 'immediately proceed to decide the issue.' This change seems to have the effect of reversing the interpretation I have indicated, the result being that under Senate Joint Resolution 1, as approved by the Senate committee, the Acting President would continue to exercise the powers and duties of the Presidency while Congress considered the matter and until one of the Houses of Congress brought the issue to a vote and failed to support the Acting President by a two-thirds vote.

"I note that the committee has before it several proposals (H.J. Res. 3, H.J. Res. 119, and H.J. Res. 248) which would provide that once the issue of inability was referred to Congress, the President would be automatically restored to the powers and duties of his Office if Congress failed to act within 10 days. These proposals would add a measure of protection for the President against interminable consideration of the issue by Congress. However, it would still be possible under these proposals for the issue to be decided by delay rather than by a vote on the merits.

"In view of the difficulty of establishing in advance exactly what period of consideration would be appropriate, the most effective course might be to initiate promptly the adoption of rules for the consideration of questions of inability that would insure a reasonably prompt vote on the merits. I do feel that, if the issue of national leadership is to be importantly affected by delay, then delay should favor the President. Particularly is this so if the President may not, under section 3, unilaterally declare an immediate end to periods of inability which he has voluntarily declared."

But there is another course open to us. In the 88th Congress a simple and complete amendment was introduced by Senator Kefauver, then the chairman of the Constitutional Amendments Subcommittee, and cosponsored by Senator Keating. It was Senate Joint Resolution 35.

In his appearance before the subcommittee on June 18, 1963, Attorney General Katzenbach, then the Deputy Attorney General suggested two minor modifications to the amendment. As modified the amendment would read:

"In the case of the removal of the President from office or of his death or resignation, the said office shall devolve on the Vice President. In case of the inability of the President to discharge the powers and duties of the said office, the said powers and duties shall devolve on the Vice President as Acting President until the inability be removed. The Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then be President, or in case of inability, act as President, and such officer shall be or act as President accordingly, until a President shall be elected or, in case of inability, until the inability shall be earlier removed. The commencement and termination of any inability shall be determined by such method as Congress may by law provide."

The Attorney General endorsed the amendment as changed, saying:

"In addition, crucial and urgent new situations may arise in the changing future—not covered by Senate Joint Resolution 28—where it may be of importance that Congress, with the President's approval, should be able to act promptly without being required to resort to still another amendment to the Constitution. Senate Joint Resolution 35 makes this possible; Senate Joint Resolution 28 does not.

"Since it is difficult to foresee all of the possible circumstances in which the Presidential inability problem could arise, we are opposed to any constitutional amendment which attempts to solve all these questions by a series of complex procedures. We think that the best solution to the basic problems that remain would be a simple constitutional amendment, such as Senate Joint Resolution 35, which treats the contingency of inability differently from situations such as death, removal, or resignation, which states that the Vice President in case of Presidential inability succeeds only to the powers and duties of the office as Acting President and not to the office itself, and which declares that the commencement and termination of any inability may be determined by such methods as Congress by law shall provide. Such an amendment would supply the flexibility which we think is indispensable and, at the same time, put to rest what legal problems may exist under the present provisions of the Constitution as supplemented by practice and understanding."

He reaffirmed his support for this amendment in 1964 by submitting his 1963 statement for the record, and, I might say his three predecessors, Attorneys General Brownell, Rogers, and KENNEDY, have also endorsed the amendment. The House of Delegates of the American Bar Association has endorsed that amendment on two separate occasions. The New York State Bar Association reaffirmed its support of such an amendment this very week and it has been supported by the Association of the Bar of the City of New York.

Let me point out that this amendment, as modified, would permit precisely what Senate Joint Resolution 1 attempts to do but it would reserve the detailed procedure in Senate Joint Resolution 1, which has proved the principal difficulty, for legislation where such details can more properly and easily be defined.

What is the practical difficulty with Senate Joint Resolution 1? It is the questions left unanswered. Must the President wait two days to regain his authority when he has voluntarily relinquished it? If the President is disabled and the Congress is not in session, who calls it into session? Under the Constitution only the President can. What happens if a Vice President, who is serving as Acting President, became disabled himself?

Then, too, if the method of filling a vacancy in the office of Vice President proves unworkable, would it not be preferable to change the procedure by legislation rather than by another constitutional amendment as Senate Joint Resolution 1 requires?

These are but a few of the questions that come to mind as I study this amendment. Consider the problems that the State legislatures will have. Who will be present to answer the questions of the members of the legislature concerning the mechanics of all of these details? Wouldn't the simpler amendment which merely clarifies the present Constitution and leaves the details to be legislated be far preferable and more easily understood?

I recite a number of questions that occur to me in connection with Senate Joint Resolution 1:

1. Where in section 5 is there any language limiting it to those instances where the Vice President and a majority of the heads of the executive department have declared the President unable to discharge the powers and duties of office?

2. If there is no such language, should there be?

3. Must the President wait 2 days to see if the Vice President files a declaration that the President is still under a disability before recovering his office even though he had voluntarily relinquished it?

4. One of the purposes of Senate Joint Resolution 1 is to permit the President to declare his own inability with the assurance that he can immediately regain it upon the termination of inability. Would the complicated procedure contained in Senate Joint Resolution 1 for regaining the office make it highly unlikely that a President would use it in most cases?

5. If a President were physically unable to write or even sign his name, how could he make a written declaration of his own inability?

6. Another purpose of Senate Joint Resolution 1 is to make certain that the offices of President and Vice President are filled at all times. Testimony before the committee indicated the urgency of this. The national security was involved, it was said. The President in his message to Congress on January 28, 1965, said:

"Indelible personal experience has impressed upon me the indisputable logic and imperative necessity of assuring that the second office of our system shall, like the first office, be at all times occupied by an incumbent who is able and who is ready to assume the powers and duties of the Chief Executive and Commander in Chief."

7. Does Senate Joint Resolution 1 make provision for having the offices filled at all times?

8. Suppose the President becomes disabled and the Vice President becomes Acting President. Where is the provision for filling the office of Vice President?

9. What happens if the Vice President is under a disability when the President becomes disabled?

10. The Constitution says that only the President can call Congress into special session. What happens if Congress is not in session when the Vice President and a majority of the heads of the executive departments declare the President unable to discharge the powers and duties of his office? How is Congress called into session to discharge its function under section 5?

11. If the method of filling a vacancy in the office of Vice President as provided in Senate Joint Resolution 1, proves unworkable or undesirable, wouldn't it be preferable to be able to change it by legislation rather than by another constitutional amendment as required by Senate Joint Resolution 1?

BAYH AMENDMENT—SECOND THOUGHTS ON DISABILITY

(By Roscoe Drummond)

Some influential Senators are having second thoughts on the wisdom of the Bayh amendment as a means of dealing with Presidential disability, not on the urgency of the action. And there is no acute dissent on what should be done, only on how it should be done.

The how is important. It could be crucially important.

The second thoughts, which are growing on the Hill, have to do with whether to write detailed procedures into the Constitution to try to cover all contingencies or to propose a simple amendment that would authorize Congress to deal with these matters.

Senator EVERETT M. DIRKSEN, of Illinois, the Democratic Senator EUGENE MCCARTHY, of Minnesota, have come out on the side of a simple enabling amendment. Other Senators, both Republican and Democratic, have indicated either their support or their openmindedness.

There is a strong case to be made in favor of an authorizing amendment without attempting to write detailed law into the Constitution.

The role of the Constitution is to distribute authority between the three branches of the Government and between the Federal Government and the States. Its function is not to prescribe in detail how that authority shall be used. Since Congress does not have the power to deal with Presidential disability and Vice Presidential vacancies, the only need is to give Congress that power.

Amendment to the Constitution should not legislate. Good precedent: The 16th amendment, which gave Congress authority to "lay and collect taxes on incomes." It did not attempt to write a tax code. Bad precedent: The 18th amendment, which wrote the prohibition law into the Constitution and made repeal of the amendment the only redress when it did not work.

Can't we profit from the experience of the 18th amendment, or must we repeat it all over again? It seems to me once is enough.

What if we write into an amendment all the precise procedures for filling Vice Presidential vacancies, and coping with Presidential disability? And then later we find contingencies nobody foresaw? Or what if some major provision proves inadequate? Then the amending process would have to start all over again.

These are practical questions. For example, one proposal to go into a possible amendment would leave it wholly with the President to affirm that he has recovered from a disability. But what if he insists upon exercising his powers when he is unable to do so It has happened twice. President Garfield lingered for 80 days between life and death, disabled but unwilling to accept his disability at any time. The same with President Wilson for 17 months.

The voluntary arrangements established by Presidents Eisenhower, Kennedy, and Johnson with their Vice Presidents suggest that this fearful hoarding of power might not be repeated. But we cannot be sure that some future President, after being disabled, would not seek to recapture his authority before he was ready. One proposed amendment would leave this matter unresolved.

Congress cannot possibly foresee every contingency. That is why it seems to me that Senator DIRKSEN and Senator MCCARTHY are wise in urging that detailed methods not be embedded into the Constitution and that instead, the necessary authority be granted to Congress to act.

Mr. DIRKSEN. Mr. President, where, for instance, in section 5 is there any language limiting that section to instances in which the Vice President and a majority of the heads of the executive departments have declared the President to be unable to discharge the powers and duties of his office? If there is no such language, should there be?

Must the President wait 2 days to see if the Vice President files a declaration that the President is still under a disability before recovering his office, even though he had voluntarily relinquished it?

One of the purposes of Senate Joint Resolution 1 is to permit the President to declare his own inability, with the assurance that he can immediately regain it upon the termination of such inability. Would the complicated procedure contained in Senate Joint Resolution 1 for regaining the office make it highly unlikely that a President would use it in most cases?

If a President were physically unable to write or even sign his name, how could he make a written declaration of his own inability?

Another purpose of Senate Joint Resolution 1 is to make certain that the Offices of President and Vice President are filled at all times. Testimony before the committee indicated the urgency of this matter, and that is the reason why I recited the extended paragraph from the President's message to Congress.

Does Senate Joint Resolution 1 make provision for having the offices filled at all times?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The 15 minutes yielded to himself by the Senator from Illinois have expired.

Mr. DIRKSEN. I yield myself 2 additional minutes.

Suppose the President becomes disabled and the Vice President becomes Acting President. Where is the provision for filling the office of Vice President?

What happens if the Vice President is under a disability when the President becomes disabled?

The Constitution provides that only the President may call Congress into special session. What happens if Congress is not in session when the Vice President and a majority of the heads of the executive departments declare the President unable to discharge the powers and duties of his office? How would Congress be called into session to discharge its function under section 5?

If the method of filling a vacancy in the office of Vice President, as provided in Senate Joint Resolution 1, proves unworkable or undesirable, would it not be preferable to be able to change it by legislation rather than by another constitutional amendment, as required by Senate Joint Resolution 1?

Mr. President, those are some of the questions that arise. My interest is that there be no ambiguities and no rigidities

written into the Constitution that could be modified only by another constitutional amendment.

My preference is for flexibility and for adequate powers in the hands of Congress to deal with the problem. I am sensible of the fact that something must be done. I am glad that the distinguished Senator from Indiana [Mr. BAYH] has carried the proposal to this point. For aught I know, my name may be on the joint resolution. Certain it is that I voted for the proposal in the previous Congress, but always with the reservation that proposals that might be made after the measure had left the committee could without prejudice be submitted on the floor of the Senate. So I exercise only the reservation that I kept unto myself both in the subcommittee and in the full committee, because I wanted to see some measure come to the floor of the Senate upon which the Senate could work its will and get it to the other body, and finally to the country.

The PRESIDING OFFICER. The additional time yielded to himself by the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, in the discussion and consideration of the joint resolution, both in the present session of Congress and earlier, there were two principles that I felt were most important. One of those points was just emphasized by the Senator from Illinois, when he spoke in favor of his substitute measure, namely, the inadvisability placing too many detailed procedural provisions in the Constitution.

This makes the Constitution very inflexible. Flexibility is a principle which has been inherent in our Constitution. It has been followed quite consistently. Exceptions to it are very few indeed.

I fear that with the great number of procedural provisions found in the Senate joint resolution, as reported by the committee, we shall very likely, if we are ever called upon to exercise it, run into something that will prove unworkable. For that reason, it would be better to couch the proposed amendment in general terms and then provide that Congress shall be empowered to implement, by the legislative process, the amendment.

There are two ways of doing it. One would be the substitute resolution of the Senator from Illinois. The other is proposed in the amendment offered by the Senator from Vermont on behalf of the Senator from Kentucky [Mr. COOPER].

The latter method would grant to Congress the power to prescribe any other plan for dealing with disability, in the choice of a Vice President and the filling of a vacancy in addition to that detailed in Senate Joint Resolution 1.

That is one of the principles. The other principle is the matter of separation of power. We have had testimony, throughout the past 6 or 8 years, that it is desirable for an amendment dealing with this subject to respect the doctrine of separation of powers. It has been my view that that doctrine is violated in the resolution as approved by the Committee on the Judiciary, since the decision as to whether or not disability has terminated is left for Congress.

When we ask another branch of the Government for the decision, the doctrine of separation of powers is violated. That was debated thoroughly. The Senator from Indiana has developed a fine body of testimony which is contrary to that viewpoint.

It is, however, a viewpoint that was at one time the judgment of our present Attorney General, three of his predecessors, as nearly as I remember.

As I have indicated in my individual views of the committee report, it is my view we should abide by these two principles. The substitute amendment of the Senator from Illinois complies with those two principles.

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

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from North Carolina, or as much time as he may care to use in the opposition to the Dirksen amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, I rise in opposition to the Dirksen amendment. The Dirksen amendment totally ignores one of the crucial questions which has brought this matter to the floor of the Senate. That is the fact that vacancies occur in the office of Vice President.

The Dirksen amendment makes no attempt to provide for the election of a Vice President in case a Vice President succeeds to the office of President, or is removed from office by impeachment. It ignores one of the things which has made this question so crucial. It ignores the necessity of having someone continue in the office of Vice President.

There is another fatal flaw in the Dirksen amendment. That is the provision that "the commencement and termination of any inability shall be determined by such method as Congress may by law provide."

I thank God that was not placed in the Constitution when the Constitution was adopted. If it had been placed in the Constitution, we would have seen, in the most tragic period of our history, the total blackout of government of the people, by the people, and for the people in this Nation. I refer to the tragic days when a congressional group was trying to take complete power in this Nation. The group was led by the then Senator Ben Wade, who was President pro tempore of the Senate and who wanted to be President. At that time there was no Vice President. Lincoln had been assassinated and had been succeeded in the office of President by Vice President Andrew Johnson.

This group in Congress had intimidated the Supreme Court of the United States after that Court had handed down one or two courageous decisions. The group scared the Supreme Court so that it did not dare to decide cases as they should have been decided.

The group then decided that they would impeach Andrew Johnson. The only thing that saved Andrew Johnson from impeachment, and saves us from behaving as a "banana republic" often behaves on the seizure of power by ambitious men, was the provision of the Constitution that required a two-thirds vote before the President could be removed from office. Power-hungry men, headed by a man who aspired above everything else to become President of the United States, and who was in line for the Presidency if Andrew Johnson had been removed from office, were prevented from taking control by a provision of our Constitution which required a two-thirds vote for impeachment, and then by only one vote short of the two-thirds majority.

If the provision referred to had been in the Constitution at that time—"The commencement and termination of any inability shall be determined by such method as Congress may by law provide"—Andrew Johnson would have been removed from office. The group would have set up a medical commission and had President Johnson declared mentally disabled. But they did not have the power under the Constitution. The only way that they could have removed him would have been by impeachment, and only by impeachment by a two-thirds majority.

With this substitute amendment incorporated in the Constitution, any time that power-hungry men in Congress were willing to go to the extremes that men were willing to go to in those days, they could take charge of the Presidency. Under the Dirksen proposal, they could provide that one of their favorite Members should succeed to the office of President if there were no Vice President at the time. That is a dangerous thing.

Mr. President, someone has very wisely said that a nation which does not remember the history of the past is doomed to repeat its mistakes.

So this amendment should be rejected for at least two reasons. It does not deal adequately with the question of vacancies in the Vice Presidency, and it would place dangerous power in the hands of Congress.

I am not disturbed about the doctrine of the separation of powers here, because the powers of government are not always separated. The Constitution provides, for example, that a President can be impeached, and be removed from office by the Senate. The Constitution provides a good many things that must be done by the President and the Congress. The Constitution provides that the President may make treaties, but they must be ratified by the Senate. It provides that the President shall appoint heads of departments of the Federal Government, judges, ambassadors, and other officers of the United States; but the nominations are subject to confirmation by the Senate, under the Constitution.

So there are many cases in which the powers of government are jointly reposed in both the executive and the legislative branch.

This amendment should be rejected for those two reasons. The joint resolution

presented by the committee contains full protection against any group of men thirsting for power taking over the office of the Presidency, as could be done by the Dirksen proposal, because it requires a two-thirds vote. It requires action of the Vice President and members of the Cabinet and action by Congress to remove the President or Vice President.

I agree with my good friend from Nebraska, in that I do not like to have too many specific things written into the Constitution, but when we try to protect somebody, we had better write specifics into the Constitution if we do not want to run the risk of converting the United States into what I would call a banana republic. We had better provide for a two-thirds vote by the Congress, such as the joint resolution reported by the committee provides, to remove the President from office, where he risks the charge of disability.

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

Mr. ERVIN. I yield.

Mr. BAYH. I am glad the Senator from North Carolina has pointed out the time when our forefathers determined that there should be a commingling of the various branches which in most cases we keep separate. I am also glad he pointed out the need for specifics under certain circumstances.

It seems to me that a close analysis of our Constitution discloses that it is a wonderful, broad, general plan for a wonderful society, but at the same time certain basic specifics to protect certain inalienable rights are necessary, such as the basic features provided in article 2, section 1, which has since been replaced by the 12th amendment. It specifically provides, in great detail, how elections shall be conducted, because we do not want Congress to take away from the people the right to decide for themselves.

As the Senator knows, the Constitution contains many specific qualifications—for example, to be President, and to be Members of this great body.

I commend the Senator for what he has said about the qualifications provided.

Mr. ERVIN. As the Senator knows, in the Bill of Rights specifics are provided for the protection of the individual against governmental tyranny. There are specifics protecting the individual against unreasonable searches and seizures of his papers, effects, and home. The Constitution contains specifics to protect many rights.

That is the reason why the amendment proposed by the committee was prepared in the form it is in. It was necessary to protect a President against a power-hungry Congress, on the one hand, and also to see to it that there was proper protection before such drastic steps should be taken.

Mr. SALTONSTALL. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I am glad to yield to the Senator from Massachusetts, who has been an ardent ally from an early date.

Mr. SALTONSTALL. This may be a small, immaterial matter, but I would like to clarify it in my mind and for the RECORD.

Turning to section 3 of the Senator's proposed constitutional amendment, it reads:

> Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

Under the Constitution, the Vice President is President of the Senate, but if he became Acting President under this amendment, he would no longer be President of the Senate, but the President pro tempore would become the President of the Senate. Is that correct?

Mr. BAYH. That is correct.

Mr. SALTONSTALL. The Vice President would become Acting President and thereby lose his title as President of the Senate. Is that correct?

Mr. BAYH. That is correct. I point out for the RECORD, with respect to the wording of the amendment, that, as originally introduced and as reported by the committee, it was suggested that the message would be transmitted to Congress. We were determined to think of all eventualities that could possibly happen. We determined that such an eventuality might happen when Congress was not in session. Therefore we changed the wording so that it would read that the transmission should be to the President of the Senate and the Speaker of the House of Representatives. By that wording, the normal, legal procedure of delivery would take place in the manner set out. Delivery to the President of the Senate and the Speaker of the House would be sufficient for the intention of the resolution.

Mr. SALTONSTALL. May I ask the Senator from Indiana, who has worked so hard in this matter, a question? Perhaps he has answered it in his speech when I was not present in the Chamber. If Congress were not in session, would the fact that the transmission is to be to the President of the Senate and the Speaker of the House automatically call Congress into session?

Mr. BAYH. It is specifically provided in section 5, when it is necessary for Congress to convene, that it shall immediately proceed to decide. We think that is sufficient to enable the President of the Senate or the Speaker of the House to call a special session.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield to me for the purpose of clarifying the question asked by the Senator from Massachusetts?

Mr. BAYH. I yield.

Mr. ERVIN. The amendment originally provided for the report to be made to Congress. The question was raised whether a report could be made to Congress when Congress was in adjournment. So we adopted the language that the report should be made to the President of the Senate and the Speaker of the House of Representatives to make certain that the Vice President could take over, immediately, in case of the President's disability, without waiting for Congress to meet. But it is implied that Congress shall meet, because section 5 contains the language, "Congress shall immediately proceed."

Mr. SALTONSTALL. Therefore, either the President of the Senate or the Speaker of the House, or both, would call Congress into session, and they would have the power to do it?

Mr. ERVIN. Yes; that would be implied from the fact that Congress would meet immediately.

Mr. SALTONSTALL. But if Congress adjourned sine die, there would not have to be any provision in the sine die adjournment to permit those officers to call it back into session.

Mr. ERVIN. No.

Mr. SALTONSTALL. We sometimes include such a provision.

Mr. ERVIN. Yes.

Mr. SALTONSTALL. It would be automatic?

Mr. ERVIN. Yes.

Mr. President, my good friend from Nebraska referred to the testimony of the present Attorney General in 1963. I invite the Senator's attention to the hearings, at pages 10 and 11. I read from the bottom of page 10:

> In my testimony during the hearings of 1963, I expressed the view that the specific procedures for determining the commencement and termination of the President's inability should not be written into the Constitution, but instead should be left to Congress so that the Constitution would not be encumbered by detail. There is, however, overwhelming support for Senate Joint Resolution 1, and widespread sentiment that these procedures should be written into the Constitution. The debate has already gone on much too long. Above all, we should be concerned with substance, not form. It is to the credit of Senate Joint Resolution 1 that it provides for immediate self-implementing procedures that are not dependent on further congressional or Presidential action. In addition, it has the advantage that the States, when called upon to ratify the proposed amendment to the Constitution, will know precisely what is intended. In view of these reasons supporting the method adopted by Senate Joint Resolution 1, I see no reason to insist upon the preference I expressed in 1963 and assert no objection on that ground.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from Indiana.

Mr. BAYH. I should like to suggest that this might be the appropriate time to ask unanimous consent to have printed in the RECORD a letter which I received yesterday from the Attorney General, Nicholas Katzenbach, in an effort to clarify and point out specifically that his opinion does away with some of the rumors to the contrary.

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

> OFFICE OF THE ATTORNEY GENERAL,
> *Washington, D.C., February 18, 1965.*
> Hon. BIRCH BAYH,
> *U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR BAYH: I understand that recent newspaper reports have raised some question as to whether I favor the solution for the problem of presidential inability embodied in Senate Joint Resolution 1, or whether I prefer a constitutional amendment which would empower Congress to enact appropriate legislation for determining when inability commences and when it terminates.
>
> Obviously, more than one acceptable solution to the problem of presidential inability

is possible. As the President said in his message of January 28, 1965, Senate Joint Resolution 1 represents a carefully considered solution that would responsibly meet the urgent need for action in this area. In addition, it represents a formidable consensus of considered opinion. I have, accordingly, testified twice in recent weeks in support of the solution embodied in Senate Joint Resolution 1 and House Joint Resolution 1.

My views on the particular question here involved were stated on January 29, 1965, before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, as follows:

"In my testimony during the hearings of 1963, I expressed the view that the specific procedures for determining the commencement and termination of the President's inability should not be written into the Constitution, but instead should be left to Congress so that the Constitution would not be encumbered by detail. There is, however, overwhelming support for Senate Joint Resolution 1, and widespread sentiment that these procedures should be written into the Constitution. The debate has already gone on much too long. Above all, we should be concerned with substance, not form. It is to the credit of Senate Joint Resolution 1 that it provides for immediate, self-implementing procedures that are not dependent on further congressional or Presidential action. In addition, it has the advantage that the States, when called upon to ratify the proposed amendment to the Constitution, will know precisely what is intended. In view of these reasons supporting the method adopted by Senate Joint Resolution 1, I see no reason to insist upon the preference I expressed in 1963 and assert no objection on that ground."

I reaffirmed these views with the same explicit language in my prepared statement delivered on February 9, 1965, before the House Judiciary Committee. In view of the above, there should be no question that I support Senate Joint Resolution 1.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. ERVIN. Mr. President, my opinion is that the present Attorney General can now claim something which all of us would like to be able to claim; namely, that we are wiser today than we were yesterday.

Mr. BAYH. I wish to thank my good friend the Senator from North Carolina [Mr. ERVIN], and the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. Both Senators have been of great help in trying to forge the final content of our arguments.

There are one or two additional points which were raised by the minority leader, on which I should like to comment.

First, I should like to point out that in the quotation which he read from the Presidential message, the President was at that particular time addressing himself to the need for a Vice President at all times, to elect a Vice President by Congress and Presidential appointment, a matter which is not even contained in the Dirksen amendment.

As I said in my statement, the President unequivocally, on all fours, endorsed both disability and Vice-Presidential replacement provisions in the joint resolution.

Second, I refer to my earlier remarks, that under the provisions of section 3 where the President voluntarily gives up his powers, it is the understanding—reinforced by the testimony of the Attorney General—that he could assume it merely by declaration, and would not have to invoke the provisions of section 5 and bring in the Vice President, the Cabinet, and Congress.

Next, I should like to point out that if we had a President unable to write his name, the matter would not be considered under section 3, as the distinguished minority leader has suggested, but rather it would be considered under section 4, which is specifically provided for in the resolution in a case in which a President of the United States might have a heart attack and be in an oxygen tent at a time when missiles might be moving to Cuba or some other area of the world. The health and welfare of the country would demand immediate action; and thus the Vice President and a majority of the Cabinet would act, when the President might be unable to do so.

The issue of calling a special session has been well covered in previous colloquy and I shall not repeat what has been stated; but it is our understanding that sufficient authority has been indicated in the report to adequately point out that the intention of the amendment is to give this power to the President of the Senate and the Speaker of the House.

I close by saying that it seems to me we are making a general policy determination which was articulated so well by my colleague, the Senator from North Carolina [Mr. ERVIN], as to whether we are going to open Pandora's box to permit a blanket check provision to be given to Congress to provide laws in these vital areas at some later date.

Let me reemphasize that if we give Congress the power by law to decide later, we shall not be able to prevent a majority of Congress from passing any laws it may wish to pass, and then we immediately negate the two-thirds protection residing in the impeachment provisions of the Constitution since its inception, and which is also provded in Senate Joint Resolution 1, as so vividly pointed out by the Senator from North Carolina [Mr. ERVIN].

There has been a trend of thinking that if we have a loosely drawn, nonspecific constitutional amendment, the legislative bodies might be more inclined to adopt it. I am satisfied that several Members of this body who have had legislative experience at the State level can speak with more authority than I. But my 8 years in the Indiana General Assembly have led me to believe that this was a false assumption. With this in mind, we sent copies of Joint Resolution 35, which was merely an enabling act giving Congress power to act, and Joint Resolution 139 of the previous year, which is almost identical with Senate Joint Resolution 1, to the president of the senate and the speaker of the house of all the States.

The preponderance of evidence—I believe we received only three letters to the contrary—was that State legislative bodies would prefer to enact the ratification resolution, that State legislatures should deal with a specific proposal and not give Congress a blank check to take away the safeguards to which the Senator from North Carolina [Mr. ERVIN] has so adequately directed our attention.

Mr. SALTONSTALL. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. SALTONSTALL. Is it not true, following up what the Senator has said, that in this instance this subject had been discussed for many years, and that if we send it back in a general form and say that Congress will do something if the amendment should be adopted, the average legislator, the average citizen will say, "Pshaw. Congress is putting the thing off further, and this is not definite."

Mr. BAYH. The Senator is absolutely correct. The effect would be very much the same, I am sure, as that contained in the 20th amendment, which provides for that eventuality. Thirty-two years ago that provision was specified, and Congress has done nothing since that time. If an enabling constitutional amendment were passed by the two Houses of Congress and sent to and subsequently ratified by the House, we still would have to enact a law, which we have not done in 170 years.

Now that we are close to solving the problem, why put it off to some day in the future when interest may have waned, and Congress may be dilatory about it, as it has been in the past?

Mr. SALTONSTALL. That is an appealing argument. That is the fundamental argument with the average member of a State legislature.

Mr. BAYH. I thank the Senator from Massachusetts for pointing this out.

Mr. President, one last point and then I shall have concluded my arguments, which have ably reenforced by many Senators. I believe that the most important ingredient in a constitutional amendment such as this is general public acceptance of a formula which we provide. As I pointed out in my earlier remarks, the horrible tragedy in Dallas, Tex., would have been much worse—if that is possible to imagine—if we had not had a definite procedure which was accepted by the people of America so that Lyndon Johnson could assume the office of President, succeeding to the office from that of Vice President.

It is my judgment that a constitutional amendment—passed by a two-thirds vote of the Senate, passed by a two-thirds vote of the House of Representatives, and subsequently ratified by three-fourths of the State legislatures, with all of the attendant publicity—would be much better accepted by the people of America, and they would be more aware of its provisions, than a law which passed both Houses of Congress by majority vote.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President——

Mr. BAYH. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, if there is any time left on the substitute amendment, I yield back the remainder of that time.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HRUSKA. I ask for the yeas and nays on the Dirksen substitute.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DIRKSEN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Florida [Mr. SMATHERS], the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Georgia [Mr. RUSSELL] is absent because of illness.

I further announce that the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the senior Senator from Minnesota [Mr. MCCARTHY], the junior Senator from Minnesota [Mr. MONDALE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Florida [Mr. SMATHERS] would each vote "nay."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Massachusetts would vote "nay," and the Senator from Colorado would vote "yea."

On this vote, the senior Senator from Minnesota [Mr. MCCARTHY] is paired with the junior Senator from Minnesota [Mr. MONDALE]. If present and voting, the senior Senator from Minnesota would vote "yea," and the junior Senator from Minnesota would vote "nay."

In this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Iowa would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from California would vote "yea," and the Senator from Missouri would vote "nay."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from North Dakota would vote "yea," and the Senator from Alaska would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN] and the Senator from Iowa [Mr. MILLER] are necessarily absent.

The Senator from California [Mr. KUCHEL] is absent on official business.

The Senator from Colorado [Mr. DOMINICK] is detained on official business.

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from Connecticut would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from California would vote "yea" and the Senator from Missouri would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Iowa would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Utah would vote "nay."

If present and noting, the Senator from New York [Mr. JAVITS] would vote "nay."

The result was announced—yeas 12, nays 60, as follows:

[No. 23 Leg.]

YEAS—12

Bennett	Dirksen	Smith
Boggs	Hickenlooper	Thurmond
Case	Prouty	Tower
Cotton	Scott	Williams, Del.

NAYS—60

Aiken	Harris	Metcalf
Allott	Hart	Monroney
Bartlett	Hartke	Montoya
Bass	Hayden	Mundt
Bayh	Hill	Murphy
Brewster	Holland	Pastore
Byrd, Va.	Hruska	Pearson
Byrd, W. Va.	Inouye	Pell
Cannon	Jackson	Proxmire
Carlson	Kennedy, N.Y.	Randolph
Church	Lausche	Robertson
Curtis	Long, Mo.	Saltonstall
Dodd	Long, La.	Simpson
Douglas	Magnuson	Sparkman
Eastland	Mansfield	Stennis
Ellender	McClellan	Talmadge
Ervin	McGee	Tydings
Fannin	McGovern	Yarborough
Fong	McIntyre	Young, N. Dak.
Fulbright	McNamara	Young, Ohio

NOT VOTING—28

Anderson	Jordan, N.C.	Muskie
Bible	Jordan, Idaho	Nelson
Burdick	Kennedy, Mass.	Neuberger
Clark	Kuchel	Ribicoff
Cooper	McCarthy	Russell
Dominick	Miller	Smathers
Gore	Mondale	Symington
Gruening	Morse	Williams, N.J.
Javits	Morton	
Johnston	Moss	

So Mr. DIRKSEN's amendment was rejected.

AMENDMENT NO. 29

Mr. THURMOND. Mr. President, I call up my amendment No. 29 and ask unanimous consent that its reading be dispensed with, but that it be printed at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 29 is as follows:

On page 2, beginning with line 10, delete all down through and including line 16, and insert in lieu thereof the following, to wit:

"SECTION 1. If the office of President becomes vacant because of the death, removal from office, or resignation of the President, the Vice President shall become President. If the office of Vice President becomes vacant because of the death, removal from office, or resignation of the Vice President or the death of a Vice-President-elect before the time fixed for the beginning of his term, or because the Vice President or a Vice-President-elect has assumed the office of President by reason of the death, removal from office, or resignation of the President or the death of a President-elect before the time fixed for the beginning of his term, the electors who were chosen to cast ballots in the most recent election of President and Vice President shall meet in their respective States on the Monday of the third week beginning after the date on which the office of Vice President became vacant, and shall then vote by ballot for a new Vice President. They shall name in their ballots the person so voted for as Vice President, and shall make a list of all persons voted for as Vice President and the number of votes for each, which list they shall sign and certify, and transmit to the President pro tempore of the Senate. The votes so cast shall then be counted, and a new Vice President shall be selected, in the manner prescribed by the twelfth article of amendment to this Constitution for the selection of a Vice President.

"SEC. 2. Electors for President and Vice President chosen in any State under this Constitution shall serve as such until the date on which electors are chosen for the next regular election of a President and a Vice President. Vacancies which may occur before that date in the membership of electors of any State because of death, removal from office, or resignation shall be filled by the selection of successors in the next regular election of that State in which members

of the House of Representatives are chosen. In the event that a vacancy in the membership of electors of any State exists and a vote for a new Vice President occurs at a time prior to the next regular election of that State in which members of the House of Representatives are chosen, the remaining electors of such State shall choose a successor to serve until such next regular election.

"SEC. 3. If the Congress is not in session at a time at which a new Vice President is to be selected under this article, the person discharging the powers and duties of President shall convene the Senate and the House of Representatives in joint session for that purpose.

"SEC. 4. A Vice President chosen under this article shall serve as such until the end of the term for which the Vice President or Vice-President-elect whom he succeeds was elected."

Renumber succeeding sections accordingly.

Mr. THURMOND. Mr. President, the amendment proposes to delete sections 1 and 2 of Senate Joint Resolution 1. The substance of section 1 of Senate Joint Resolution 1 which clearly states that the Vice President shall become President upon the death, resignation, or removal from office of the President is contained in the amendment which I propose. In addition, the present sections 3, 4, and 5 of Senate Joint Resolution 1, dealing with presidential inability, would remain unchanged if my amendment were adopted.

This amendment, Mr. President, contains the substance of Senate Joint Resolution 25, which I introduced in the Senate on January 15, 1965. There is one change, which I shall mention later. This amendment was referred to the Judiciary Committee of the Senate and subsequently to the Constitutional Amendments Subcommittee, and it was available for consideration by that subcommittee during the hearings and executive sessions held in connection with this overall problem. I wrote a letter to the chairman of the Constitutional Amendments Subcommittee, the junior Senator from Indiana [Mr. BAYH], recommending the electoral college approach for the selection of a new Vice President in the case of a vacancy in that office. This letter stated my general reasons for preferring the electoral college approach to the method contained in Senate Joint Resolution 1, which calls for the nomination of a new Vice President by the President and confirmation by a majority vote of both Houses of Congress.

At the outset, I would like to outline exactly what my amendment calls for. A vacancy in the office of Vice President may occur for any of the following reasons: death, removal from office, resignation, death of the Vice-President-elect before his term begins, or his assumption of the office of the President or President-elect for any reason. All of these contingencies are provided for in my amendment.

If for any of these reasons, a vacancy occurs in the office of the Vice President, the electors who were chosen in the most recent presidential election would meet in their respective States on the Monday of the third week beginning after the date on which the vacancy occurred. The electors would cast their ballot for a new Vice President, certify the result of their election, and transmit this certified list to the President pro tempore of the Senate. The President of the Senate then would proceed in accordance with the provisions of the 12th amendment to the Constitution to count the ballots and certify the election of a new Vice President. In the event that no candidate received a majority of all the electoral votes, then the Senate would choose a new Vice President in accord with the provisions of the 12th amendment to the Constitution.

Section 2 of this amendment provides for filling any vacancy among the electors of any State by election at the next regular election of that State in which Members of the House of Representatives are chosen. In the event that a vacancy exists among the electors of any State when it is necessary to elect a new Vice President, the vacancy would be filled by the remaining electors. This is to insure that the full vote to which any State is entitled would be cast. This latter provision is the only modification of Senate Joint Resolution 25 as I originally introduced it.

Section 3 of my amendment provides for the calling of a special joint session of Congress by the person discharging the powers and duties of the President in the event that Congress is not in session at the time a new Vice President is to be selected. Section 4 merely provides that the Vice President elected under the procedure provided for in that amendment would serve only during the term for which the Vice President or Vice-President-elect whom he succeeds was elected.

Mr. President, I believe that the method of selecting a new Vice President provided for in my amendment is preferable to that provided in Senate Joint Resolution 1, for several reasons. First, it has the advantage of retaining the general election process which we all recognize as so necessary in a republican form of government. Second, the popularly elected body of the people, the electoral college, is the proper body to fill vacancies in the office of Vice President. Third, election by the electoral college would generate a greater degree of public confidence and a broader base of support for the individual chosen.

The only objections to this proposal which have come to my attention are that the electoral college is too cumbersome and time consuming to act quickly in emergencies, and that it is not equipped to conduct hearings on the qualifications of a candidate for the position. I do not believe that either of these objections has enough merit to outweigh the obvious advantages of the electoral college plan as compared with the presidential nomination plan. The election of a new Vice President would, under the terms of my amendment, take place on the Monday of the third week beginning after the vacancy occurred in the office of the Vice President. This would mean that the electoral college would have acted within a month after the vacancy occurred. This would provide a sufficient amount of time for all serious candidates for the office to make their positions clear, and yet it would be timely enough to avoid any crippling gap due to a longlasting vacancy in the office of Vice President. As to the contention that the electoral college is not equipped to hold hearings, I do not believe that formal hearings are necessary to the election of a new Vice President. After all, the views of any serious candidate will be well known, and everyone will have the opportunity of expressing their opinion and preferences.

As a practical matter, the individual chosen by either the method contained in my amendment, or the method contained in Senate Joint Resolution 1, would probably be the same. Undoubtedly, the President will make known his wishes as to the choice of a new Vice President. The electors in the individual States, having elected the President, would presumably elect his choice for a new Vice President. Therefore, I do not feel that the objections voiced to the electoral college method are sufficient to overcome its distinct advantages.

Section 2 of Senate Joint Resolution 1 raises some very pertinent questions which are not answered in the Judiciary Committee's report; for example, the amendment states:

The President shall nominate a Vice President who is to take office upon confirmation by a majority vote of both Houses of Congress.

Under this wording, it is not clear whether the Senate and House of Representatives are to meet in joint session and confirm the nominee of the President by a majority of the 535 of both Houses taken together, or whether they are to meet independently and have a majority of each House voting separately. This is a detail which easily could, and should, be clarified. However, no clarifying language on this point is contained in the committee's report.

One reason advanced in support of the presidential nomination procedure contained in Senate Joint Resolution 1 is that, in practice, it conforms with what occurs in the nominating conventions of the two major parties at the present time. It is true that the presidential nominee of both parties is given great latitude in choosing his vice-presidential running mate in the convention. However, I feel that there is a great deal of difference between choosing the man who is to run on the same ticket with the presidential candidate, subject to the vote of the people, and naming the man who would almost automatically become the new Vice President. This distinction may seem minor to some; however, to my mind, the proposal contained in my amendment is preferable.

Mr. STENNIS. Mr. President, will the Senator yield me 2 minutes?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senate is now exercising one of its greatest responsibilities, that of considering a proposal to amend the Constitution of this great Nation. And the specific proposal now before us, Senate Joint Resolution 1, is clearly one of the most important matters before the Congress. It is my privilege to cosponsor this resolution and to speak in its support today.

As all Members of the Senate know, Senate Joint Resolution 1 has three basic purposes: First, to provide that upon the occurrence of a vacancy in the office of the Presidency, the Vice President shall become President; second, to provide for the selection of a new Vice President in event of a vacancy in that office; and, third, to provide a method of determining when the Vice President shall serve as Acting President in the event of the inability of the President, and also to provide a method of determining when the President is able to resume the duties of his office. While there may be disagreement as to the specific proposals to resolve these issues, I believe that the provisions of Senate Joint Resolution 1 represents the best possible solution.

I do not believe it necessary to discuss each of these provisions in detail, because the Senator from Indiana [Mr. BAYH] has done an outstanding job of presenting to the Senate both the need for this resolution and an explanation of its terms. He is to be highly commended for his diligent study of this problem and for his perseverance in mobilizing a national sentiment for immediate action.

Although the Senator from Indiana has performed such an excellent service in presenting this issue to the Senate, I do want to comment briefly on the major provisions of Senate Joint Resolution 1. The question has been raised, for example, that this proposal is too detailed, and that it would be best to leave the determination of specific provisions up to the Congress. It is the consensus of legal authorities, however, that Congress does not have the constitutional authority to provide by legislation that the Vice President shall actually become President upon the occurrence of a vacancy in that office. Section 1 of Senate Joint Resolution 1 resolves this issue by simply providing that the Vice President shall become President in such an event.

Surely no one can question the fact that a constitutional amendment is necessary in order to provide for the selection of a new Vice President whenever there is a vacancy in that office. Congress would clearly be assuming authority not granted by the Constitution if it were to attempt to provide for such a contingency by legislation. And yet, who can question the necessity of insuring that this Nation will never be without both a President and a Vice President?

It has also been argued that sections 4 and 5 of Senate Joint Resolution 1 treat in too great detail the method of determining the factual questions of both the inability of the President and the removal of that inability. I submit, however, that a close consideration of these sections reveals that it is imperative that the method of resolving these issues be spelled out in the Constitution in the manner prescribed by Senate Joint Resolution 1. To provide any broader standards, such as simply giving Congress the authority to determine these questions by statute, would encroach on the authority of the executive branch and would constitute a violation of the separation of powers doctrine. In my opinion, sections 4 and 5 handle these problems effectively without writing into the Constitution such great detail as to destroy the necessary flexibility.

Mr. President, in this modern age it is imperative that we not leave to chance any possible question of who shall exercise the powers and responsibilities of the most powerful office in the world. Congress, if it fails to act on this crucial national issue, will have refused to accept its responsibility. I believe that Senate Joint Resolution 1 presents the best possible answer to the problems of Presidential inability and succession. It represents a consensus of legal and constitutional authorities. It provides a solution to an issue of such urgency, not only for our Nation, but also indeed for the whole world, that it is incumbent on the Congress to take immediate action. I strongly support this resolution and hope that the Senate will pass it by an overwhelming vote.

I yield back any additional time that I have.

Mr. BAYH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President, I have said repeatedly in the Chamber that one of the main criteria, if not the main criterion, for the orderly transition of executive authority is acceptance by the people. With all due respect to the Senator from South Carolina, since we have been involved in this discussion, I have repeatedly consulted people in my State and other States that I have visited, who were the members of the electoral college from their State. To date, I have found one person who knew one member of the electoral college.

I believe that the people of the United States would accept a judgment made by this body and our colleagues in the House. I think they would wonder what in the world was being perpetrated upon them if we brought in members of the electoral college whom they did not know from Adam.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. BAYH. I yield back the remainder of my time.

Mr. THURMOND. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was rejected.

The PRESIDING OFFICER. The joint resolution is open to further amendment. The Chair recognizes the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, line 20, strike out the word "two" and insert in lieu thereof the word "seven."

Mr. HRUSKA. Mr. President, my amendment pertains to section 5, which involves a situation in which a President has been disabled and a Vice President is performing the duties and assuming the powers of President as Acting President.

When the President declares in writing and sends to Congress his declaration that he has become restored to competence and ability once again, the bill as reported by the committee, provides a period of 2 days in which the Vice President, with the concurrence of a majority of the Cabinet members, can take issue with the President on the question of his ability.

Thereupon Congress shall immediately proceed to make a decision. The language of section 5 provides that "Thereupon Congress shall immediately proceed to decide the issue."

It is my contention that the 2-day period is insufficient for the Vice President and members of the Cabinet to decide whether they want to raise the issue of the President's ability. In these days when much traveling is done by members of our Cabinet, and when on occasion the Vice President also travels frequently, if there would be such a declaration by the President in the absence of these parties the 48-hour period would obviously prove to be much too small.

Originally I had intended to make the period 10 days. However, I feel that 7 days would be an appropriate and adequate time for the members of the Cabinet to discuss the matter. They could inform themselves of the actual condition of the President, perhaps visit with him, perhaps visit with his personal physician. Then they could decide for themselves, on the basis of intelligent and full information, whether they should uphold the President's statement that he was again restored to capacity. For that reason my amendment provides that there shall be an increase in the permissible period of time from 2 to 7 days.

Mr. BAYH. Mr. President, I yield time to the Senator from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. President, I shall vote for Senate Joint Resolution 1. I commend the Senator from Indiana [Mr. BAYH], the principal sponsor and architect of this proposed constitutional amendment, for the dedicated work he has done in this vitally important field.

One of the most important procedures in our democracy is the orderly transition of our Executive power, especially in time of crisis. Our system of government is perhaps most susceptible to forces of disruption during a period of Executive transition, and therefore we cannot afford a breakdown, or even a slowdown in such a changeover phase. While we may hope for the best, we must always be prepared for the worst. This was never more true than in today's nuclear age, when this morning's crisis is often relegated to the back pages of the afternoon newspapers headlining still another crisis.

This Nation recently survived a tragedy of the worst proportions that led to the ascendancy of our President, Lyndon Johnson. But then we were fortunate in having a Vice President, particularly one who had served in the forefront of our Government at its highest levels.

At some future time we might not be so fortunate.

Now is the time to face the problem, and now is the time to act, before the next crisis, so that we will be prepared should the need again arise. And we must act with extreme care, for we are dealing with a constitutional amendment, which by its nature bespeaks of permanency.

To cope with the problems of Presidential inability and vacancies in the Office of the Vice President, we must provide means for orderly transition of Executive power in a manner that respects the separation of powers concept, and maintains the safeguards of our traditional checks and balances system. Finally, any such provision must have the confidence and support of our people if it is to accomplish the desired results.

I believe that the pending measure meets these tests.

So, Mr. President, I salute our able young colleague, Senator BIRCH BAYH, for meeting the challenge. He saw the need, and while others talked about it, he took the lead in working out a solution and then worked steadfastly for its adoption. I was privileged to join Senator BAYH as a cosponsor of this resolution and take this opportunity to commend the junior Senator from Indiana for his fine contribution in filling this gap in our Constitution that has plagued our Nation since its establishment.

Mr. BAYH. I thank the Senator from Arkansas, not only for his kind remarks, but for the significant contribution he has made, not only in his cosponsorship of the proposal, but in the enlightening debate which was had in the subcommittee.

Mr. President, I yield 5 minutes now to the Senator from Tennessee [Mr. BASS].

Mr. BASS. Mr. President, first of all, I commend the Senator from Indiana for the outstanding contribution he has made and the diligent effort he has put forth in bringing this proposed constitutional amendment to the Senate.

I had planned to offer an amendment to the proposed legislation, but I work under no misapprehension that my amendment would be accepted.

I would call to the attention of the Senate, however, some of the hazards involved in the legislation now pending. In section 2 it is provided:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

During our recent history I can recall two occasions, one when we had a situation of a President of one party having gone to that Office from the Vice-Presidency, and another when there was a vacancy in the Vice-Presidency of one party with both Houses of Congress under the control of the other party. I refer to former President Harry Truman.

It would be naive for us to argue that a Congress controlled by one party having in the Speaker's chair the No. 2 man who would succeed to the Presidency in case of the death of the President, would immediately act on the recommendation for a new Vice President by the President then in power and in the opposite party.

We all remember another recent occasion in which, during 6 years of the term of President Eisenhower, Congress was controlled by the opposite party. Should the occasion have arisen at that time when Congress would be called upon to confirm the nomination of a Vice President nominated by the President of one party with an overwhelming majority of the Congress being composed of the opposite party, I could foresee the attempt to delay and stall the confirmation, because, after all, the prize of 1600 Pennsylvania Avenue is seldom given up without some fight or some desire to maintain its possession by any party. We all understand that.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BASS. I yield.

Mr. LONG of Louisiana. To put the matter in context, if Richard Nixon had become President and had sent to Congress the nomination to make EVERETT DIRKSEN Vice President, the Democrats in Congress would have been in a position to say, "After all, EVERETT is a wonderful fellow. I suppose if we have to have a Republican Vice President, we could not find a better man. But, if we can take our time, perhaps Sam Rayburn can become President."

Mr. BASS. The Senator is correct.

Mr. LONG of Louisiana. While the Senate would be cooperative, it would be reluctant to give up such a great advocate of free speech, and Senators in the majority party might say, "We might take our time about this matter. We have been working with Sam Rayburn, and if in the course of time something should happen to the new President, we would not be unhappy to have Sam Rayburn as our President."

Mr. BASS. The Senator is correct. This situation occurred a few short years ago, when Sam Rayburn was Speaker of the House. At that time there was a majority in the Democratic Party of 70 in the House of Representatives, with a Republican President. If Vice President Nixon had succeeded to the Office of the Presidency, his nomination, from my own experience in the House, would have been delayed and stalled, because Members of the House had a deep respect for Sam Rayburn. They felt at that time that he was as qualified to succeed to the Presidency of the United States as any man in America. They would have considered it a slap in the face to take up any recommendation to displace Mr. Rayburn as the next possible President.

The PRESIDING OFFICER. The 5 minutes of the Senator from Tennessee have expired.

Mr. BAYH. Mr. President, I yield 1 additional minute to the Senator from Tennessee.

Mr. BASS. I expect to vote for the Senate joint resolution. The Senator from Indiana is to be commended for bringing it up. I hope it will be passed, but I hope it will be changed so that members of the President's party in the Congress would vote for the confirmation. If that is not possible, I think we should definitely impose a time limit so that Congress would be forced to act immediately on such a recommendation, and not have the situation that we have had in the past few years. We have had this situation on three different occasions.

So, Mr. President, I make these remarks only to point out some of the hazards we are facing in adopting the amendment. I hope that the Senator from Indiana will give consideration to adopting some of the recommendations which I have made.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAYH. I am glad to yield.

Mr. PASTORE. I do not mean to be facetious in asking this question, but does not the Senator from Tennessee [Mr. BASS] feel that we should also take into account rule XXII of the Senate Rules, that a band of Senators could actually conduct a filibuster without any limitation as to time for debate and could defeat the very purpose of this constitutional amendment?

Mr. BASS. The Senator is correct. I did not point to the specific ways it might be stalled or delayed, but that is one of the methods by which it could become one of the hazards involved in adopting such an amendment.

Mr. BAYH. Mr. President, let me point out, in studying this situation carefully, that the Senator from Tennessee and the Senator from Rhode Island hit upon only two of the many possibilities, if we are to expand our wildest dreams.

The specific point to which the Senator from Tennessee refers, I should like to point out, is very little different from the customary constitutional requirements of advise and consent which the Senate has had over Executive appointments; and that during the period to which the Senator referred, the President was of one party and the Congress was of another, there was very little discussion and refusal on the part of the legislative branch to accept the appointments of the President.

Mr. BASS. I believe that we would have much more of a problem in confirming the recommendations of the President if we knew—or if we refused to confirm one of his recommendations—that one of our own people would go to the job next. That question is involved.

Mr. BAYH. I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move.

Mr. BASS. The election of the President is just as political as anything can be, under our American system. With the next man in line sitting in the Speaker's chair, this becomes a political bomb. We are very political in choosing our President. I hope that situation will always remain. I believe that it should be that way. Under our system, it must be that way.

Mr. PASTORE. Mr. President, will the Senator from Indiana yield for a question and an observation?

Mr. BAYH. I yield.

Mr. PASTORE. I was looking at lines 22 to 24 on page 3 of the resolution, which read:

Thereupon Congress shall immediately proceed to describe the issue.

It shall transact no other business until this issue is decided. If we are talking about restoring the Presidency, it would occur to me that there should be a mandate upon Congress that once such an issue came before it involving the chief elective office of the United States, the man who has the trigger on the atomic bomb, Congress should not indulge in any other business until it has decided that issue. That should be a part of the section.

Mr. BAYH. This situation was discussed at great length in the committee, where two diametrically opposed points of view were developed, one of which was that a time limit was needed, as the Senator from Tennessee specifies, and as the Senator from Rhode Island urges immediacy; the other thought being that we did not wish to be pushed to a close limitation, that Members of this body and Members of the House of Representatives would not have sufficient time to call the doctors, or members of the Cabinet. If it is the wisdom of the Senator from Rhode Island, the Senator from Tennessee, and the majority of this body that they shall not discuss or——

Mr. PASTORE. Transact any other business.

Mr. BAYH. Transact any other business until this matter has been decided, if this ties us down, I shall be very happy to accept it, if the Senator will write it up.

Mr. BASS. I would agree with the Senator from Rhode Island. I believe that Congress should meet in joint session and conduct no other business until this particular issue is satisfied. That is only a thought on my part, but I believe that the suggestion of the Senator from Rhode Island is very good, but some limit should be put on it in some way, to make sure that stalling and delaying tactics cannot be carried out.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. ERVIN. Does not the Senator from Indiana agree with me that the word "immediately" does exactly that? The words "immediately proceed" mean that we are going to do that and nothing will occur in between.

Mr. BAYH. That is exactly my feeling, as the Senator from North Carolina knows.

Does the Senator from North Carolina object, if it clarifies the point to some Senators, to including the reference that was made by the Senator from Rhode Island? The reason this was not tied down more specifically——

Mr. ERVIN. I do not see the necessity for it, because that is what the word "immediately" means to me.

Mr. PASTORE. It does not mean that to me.

Mr. BAYH. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Indiana still has the floor.

Mr. BAYH. Let me suggest that the Senator from Rhode Island and the Senator from North Carolina might discuss this for a moment while I discuss the pending amendment, which is a different amendment, if I may return to it.

The amendment suggested by the able Senator from Nebraska [Mr. HRUSKA], raising the number of days from 2 to 7 in which the Vice President and the Cabinet would have to deliberate on this important decision, would make it a better resolution, give time in which to study and review the evidence, and perhaps discuss it with the President. I shall be glad to accept the amendment.

Mr. President, I yield back the remainder of my time on the amendment.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. HRUSKA].

The amendment was agreed to.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, I move to amend Senate Joint Resolution 1 by adding on page 3, line 24, after the word "issue," the following words: "and no other business shall be transacted until such issue is decided."

Mr. BASS. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. BASS. My point has been that the amendment in section 2 should be on the election of a new Vice President. The Senator from Rhode Island is proceeding on the issue of Presidential inability. I am talking about the election of a new Vice President.

Mr. PASTORE. I am talking about Presidential inability.

Mr. BASS. What about the election of a new Vice President?

Mr. PASTORE. The Senator can submit that amendment for himself.

Mr. BASS. Mr. President, I offer an amendment to section 2——

Mr. PASTORE. Mr. President, will the Senator wait until my amendment has been considered?

Mr. MANSFIELD. Put them both in together in line 16.

The PRESIDING OFFICER. The Senator from Rhode Island still has the floor.

Mr. PASTORE. Mr. President, I ask that my amendment be read.

Mr. BAYH. Mr. President, let me ask Senators to think about this issue for a moment. As has just been pointed out to me by the Senator from Nebraska, the difficulty of getting specific, precise language "immediately proceed to decide" means, to me, just what we are trying to accomplish, with one exception, that if it is necessary, as the Senator points out, to declare war or some other great national emergency should come upon us, there can be little question in the minds of anyone that it is mandatory and that we must discuss and decide. This, however, takes a little time. Does this proposal not preclude us from doing that?

Mr. PASTORE. The Senator from Indiana just finished saying that we must act as reasonable people. We are talking about restoring a President who is the rightful occupant of 1600 Pennsylvania Avenue. In the meantime, suppose we have a serious crisis on our hands. We may have to go to war. Do we not believe that Congress should act immediately and decide no other business until we find out who the President is going to be—that is, the man who will have his finger on the trigger of the atomic bomb? That is precisely the question that I am raising. Naturally, we are talking about the President of the United States, the one man who, above all others, is the only person who can decide whether a hydrogen or an atomic bomb will be dropped.

We are living in a sensitive and perilous world. All I am saying is that if this serious question ever comes before Congress—and God forbid that it ever will—but if for some reason we have a President who becomes incompetent and has been declared incompetent and the Vice President has taken over, and later the President comes forward and says, "I am restored to competency and health. I wish my powers back, the powers that were given to me by the people of the United States," I do not wish to witness a filibuster. We could be in a filibuster. That is what is wrong with the proposed legislation. We are not getting to the root of the issue—the root of it being the rules of the Senate. The Senate is still subject to the rules of the Senate. Here we are. We are met with a crisis.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield himself some time?

Mr. PASTORE. I do.

Mr. HARRIS. Mr. President, will the Senator yield to me?

Mr. PASTORE. May I finish, please?

All that I am saying at this time is, if the words "immediately proceed to decide" mean exactly what I say they mean, then, of course, we are really arguing in a paper bag. I do not think the language is that explicit. I believe it should be clarified. What the Senator from Indiana has brought to the floor is a masterful piece of work. However, once this issue comes before Congress, these doors ought to be closed, and we ought to stay here until we decide that question, even if we must sit around the clock, or around the calendar, because this problem involves the Presidency of the United States.

I would hope that we would not get ourselves "snafued" in a filibuster, in which two people could say, "We want the Speaker of the House to be President." We do not want them to be able to say, "We do not want the man whose name has been submitted to be President." I would hope that we would think too much of the country and the welfare of the country and the peace of the world to indulge in that kind of antic.

However, we ought to write this provision into law, because it is a fundamental question, and we should decide nothing until that question is decided.

If the present language means that, I am satisfied. I have no pride of authorship. If it does not mean that, it ought to be corrected.

The PRESIDING OFFICER. The difficulty is that the Senator's amendment is not at the desk.

Mr. PASTORE. I cannot write quite that fast. If I may have a moment, I shall be glad to write it out.

Mr. HARRIS. If the Senator will yield to me, he will have time to write it out.

Mr. PASTORE. I yield.

Mr. HARRIS. Mr. President——

Mr. BAYH. Mr. President, I should like to suggest that this is time which is being consumed on the amendment to be offered by the Senator from Rhode Island, which he is in process of inscribing in his fine hand.

Mr. PASTORE. I agree that it will be in a fine hand.

The PRESIDING OFFICER. The Chair so understands.

Mr. HARRIS. The Senator from Rhode Island has yielded to me.

Mr. PASTORE. I yield to the Senator from Oklahoma.

Mr. HARRIS. I should like to ask the distinguished Senator from Indiana a question. I have been discussing this matter with a certain Senator, and he tells me that the word "immediately" deals with inability. He also tells me that if the amendment were adopted and the Vice President should become the President of the United States, the Speaker of the House would no longer be next in line. Is that correct?

Mr. BAYH. The Senator is correct.

Mr. HARRIS. What happens, and who becomes President if no nomination has been confirmed?

Mr. BAYH. The Speaker of the House.

Mr. HARRIS. I have just asked that question of the Senator.

Mr. BAYH. No; the Senator did not ask me that question. He has asked if the nominee whose name is before Congress becomes Vice President, then who becomes President?

Mr. HARRIS. No. If Congress does not confirm, if no nomination is before Congress, is the Speaker of the House still in line for the Presidency?

Mr. BAYH. Yes.

Mr. HARRIS. Therefore, in section 2 of the joint resolution there is no time limit.

Mr. BAYH. Is the Senator addressing me? Does the Senator wish me to give an answer to that question, if it is a question?

Mr. HARRIS. Yes.

Mr. BAYH. I would be glad to tell the Senator the difference between the word "immediately" in section 5 and the word "immediately" in section 2.

Mr. HARRIS. There is no word "immediately" in section 2.

Mr. BAYH. I should like to explain it to the Senator.

Mr. HARRIS. I should like to have an explanation.

Mr. BAYH. In section 5, which is being considered by the Senator from Rhode Island [Mr. PASTORE], we deal with the question: "Who is the President of the United States?" That can be only one man.

In section 2 we are dealing with the selection of a Presidential replacement when a vacancy exists.

Mr. HARRIS. I understand.

Mr. BAYH. There is a President who is able to conduct business and to carry on the affairs of our country. I should dislike to see everything that must be decided by Congress come to a stop in the event Congress becomes logjammed on this question. It is conceivable that the example the Senator from Tennessee cites could come to pass. However, I believe there is very little likelihood that it would.

However, we would have a President, if Congress should become involved in a dispute which could not be solved; and by adding the word "immediately" we are saying that Congress cannot discharge its duties while it is deciding on the Vice President. I do not attach the same importance to the decision with respect to the Vice President as I do with respect to the President.

Mr. HARRIS. The Senator may not attach the same importance to it, but we would have the situation that was described before if we did not impose a time limit within which action must be taken. If we had a President of one party and a Congress of another party, we would still encourage stalling and delay, and we could wind up for a period of 6 or 8 months or even 2 years in which Congress would not have to act in this situation, and we would still be in the same position of having the Speaker of the House the next man in line.

That situation should be changed. I agree with the Senator that Congress should elect the Vice President. I had hoped that it would be only by members of the President's own party. However, I will accept his amendment. At the same time, I wish to warn him that if he does not put some time limit in the amendment as to when Congress shall act on it, we shall find ourselves in the same situation; and if we do nothing, the Speaker of the House will be the next man in line. If the majority party in Congress is not the same as the party of the President, no action will be taken.

Mr. BAYH. Mr. President, I yield myself sufficient time to address myself to the amendment offered by the Senator from Rhode Island.

I should like to say one word of explanation as to the intent of the word "immediately" on page 3 of the report. I quote:

> Precedence for the use of the word "immediately" and the interpretation thereof may be found in the use of this same word "immediately" in the 12th amendment to the Constitution.

In the 12th amendment, as the Senator knows, in the event no candidate for President receives a majority of the electoral votes, it is the responsibility of the House to decide who the President shall be; in the case of the Vice President, it is the responsibility of the Senate.

We should have some sense of urgency in this situation and put all other things aside.

Mr. PASTORE. Does not the Senator believe that it would take care of any ambiguity if we wrote that language into this provision? All that my amendment provides is, "No other business shall be transacted until such issue is decided."

That is very clear. It is not inimical to any other provision of the Constitution. It should be written in as a safeguard, so that there will be no question about it. If the Senator agrees with me that that is what we mean, we should put such language in the provision. We should not have the issue come up and have someone say, "Let us refer it to committee," because the committee could hold hearings, and we would accept that as immediate consideration.

I want to keep Congress in continuous session on this point. I want 100 Senators on the floor and 435 Representatives on the floor in the House until they have decided this important question, because it is vitally important. I say we must not transact any other business until we have decided this question.

Mr. BAYH. I believe the record of the debate will make it abundantly clear that the Senator from Indiana agrees with the Senator from Rhode Island as to the urgency that is involved.

I would prefer not to use additional language. I do not believe there is any more urgency in deciding this problem than there is when the House and the Senate must decide the question of who the President and Vice President shall be under the terms of the 12th amendment.

Mr. PASTORE. Will the Senator agree to take the amendment to conference? If it is necessary that it be eliminated in conference, I shall feel no offense. What harm can it do if we recodify it?

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

Mr. BAYH. I yield to the Senator from Michigan, who has the answer.

Mr. HART. The Senator from Michigan believes that the answer of the Senator from Indiana to what he has just said would be "no."

Mr. BAYH. I am sorry; I did not hear what the Senator said.

Mr. HART. The Senator from Rhode Island read language which would require us to conduct no other business until we resolved the question, which in the case of sections 4 and 5 would be: "Who is the President of the United States?"

I agree that we would all be pretty responsible in attempting to answer the question as promptly as we could.

What we are talking about is a situation in which the Senate, in the event of a cruel national crisis might find two men contending that each is the President of the United States.

Pray God that it never happens. If the Senate should adopt the amendment offered by the Senator from Rhode Island, under the pressure and heavy sense of responsibility that would be present, we would conduct no other business until we have answered the question as to who the President is. I know the ingrained traditions of the Senate with respect to unlimited debate. But why

could we not add additionally the language—and I think a constitutional amendment would override the rules of the Senate—that we shall vote not later than 3 calendar days thereafter? If in 72 hours we cannot determine who is the President of the United States, the world will have passed us by, anyway. Why do we not pin down precisely when we shall vote on the question?

Mr. BAYH. Mr. President, I invite the Senator from North Carolina [Mr. ERVIN] to speak to the specific point now being discussed, because it was debated at great length in the committee.

Mr. ERVIN. I think the answer to the question is that we are attempting to deal with the question of the disability of the President. The problem may be one of mental disability, and evidence would have to be adduced. I presume Congress could appoint a committee to take care of that question. The testimony might not be completed in 3, 4, or 5 days. I believe that is the answer.

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

Mr. BAYH. I yield to the Senator from Nebraska.

Mr. HRUSKA. If we get into the process of amending a proposed constitutional amendment on the floor of the Senate, we shall be treading on dangerous ground. I say that the proposed amendment is difficult, and probably unnecessary, although I shall not oppose the amendment for the purpose of taking it to conference so that the conferees may consider it.

However, the subject was considered in the committee, as the chairman knows.

Let us remember, that the issue is very serious. It could not be raised unless at least six members of the Cabinet, who would have been appointed by the President, should assert his inability, together with the transmittal of a message by the Vice President, to the Congress.

We considered the idea of a filibuster in the committee. But the difficulty is in respect to the period of time that would be allowed. Should we provide for a period of 10 days, 3 days, or 60 days?

Suppose the question should relate to the mental ability of the President. An examination would be necessary. Psychiatrists would not be able to go into the President's office, look him over, and say, "The man is insane," or, "the man is not insane." They would need time in which to observe and conduct tests. Congress would need time to hear the reasons why the members of the Cabinet had said, "Mr. President, you are not able to resume the duties and powers of your office." That process would take time. It was felt, in the committee, that the Congress would rise to the importance and urgency of the task at hand. How silly it would be of us to insert restricting language to the effect that while we might be waiting for the report of psychiatrists, we could transact no other business. I believe that such action would reflect upon the intelligence and the good faith of the Congress and would not be advisable in a constitutional amendment.

All of those points were taken into consideration before we agreed to leave the provision as it is.

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

Mr. BAYH. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Is the Senator from Nebraska actually saying that the word "immediately" means that other business could be transacted in the meantime?

Mr. HRUSKA. No.

Mr. PASTORE. That is what I thought the Senator was saying.

Mr. HRUSKA. It means that the Congress should address itself immediately to the question which we are discussing. Meanwhile collateral questions might arise; and while hearings were being conducted on that question, why should we tie our hands? An urgent situation of national import might arise.

Mr. PASTORE. Why should we tie our hands? As I have said many times before, we are living in a very sensitive world. The only man in the United States under our law who has the power to drop the atom bomb is the President. It is absolutely important to decide who that President shall be. God forbid that we should ever be placed in such a position. But I can conceive of nothing more important to the people of our country and the peace of the world than to determine the question as to who is the President of the United States. We ought to do nothing until we determine the answer to that question even if it should mean that we would be required to remain in the Senate Chamber around the clock.

I do not agree that the measure ought to be limited as to time because, after all, I do not know what the situation would be. All I am saying is that while such an important question—the most important question that could beset the people of our country—as determining who is the President, in a moment of crisis, is pending, we ought to determine that and nothing else.

We should include a restriction in the joint resolution that we would do nothing else but determine that question, and we would do so expeditiously. But if we should permit Senators to talk about what color the rose in the State of Rhode Island should be, or what flower we should adopt as our national flower, and have a morning hour to talk about pansies in the spring while we are trying to determine who the President of the United States should be—and there is sometimes a tendency to indulge in such things in moments of capriciousness—we might face serious consequences. I say let us avoid that. Let us act correctly. We desire to amend the Constitution. I say that when there is a question as to who should be the President of the United States, we should do nothing else until we make a decision on that question. Such a provision ought to be in the law.

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

Mr. BAYH. I yield to the Senator from Montana.

Mr. MANSFIELD. It is my understanding that both the Senator in charge of the joint resolution and the ranking minority member of the committee have stated that they will accept the amendment offered by the Senator from Rhode Island and take it to conference.

Mr. PASTORE. Oh, no. They have not said that yet. I am waiting for them to say it.

Mr. HRUSKA. I have so indicated.

Mr. PASTORE. But the Senator in charge of the bill has not said that he would accept it.

Mr. HRUSKA. I would not join in writing in such an amendment, but I have said that I would not object to the amendment being accepted and taken to conference. I do say that the sense of urgency and importance which has been described so eloquently by the Senator from Rhode Island would seem to make it the type of problem to which the Congress will react in a proper fashion. That was the considered judgment of the committee after lengthy discussion. I make that statement now because the subject will be considered in conference, and the conferees should have the reasons for the committee's action.

Mr. BAYH. Mr. President, it seems to me that we are unanimous in our intention. Our dispute is with respect to what words would adequately express our intention.

Mr. PASTORE. That is correct.

Mr. BAYH. I should like to ask the Senator from Rhode Island a question. Does the Senator feel that we would decide a different question in relation to section 5 of Senate Joint Resolution 1 than would be decided under the provisions of the 12th amendment of the Constitution, in the event this body were required to decide who the Vice President would be, and the House were required to decide who the President would be, where the use of the word "immediately" is present? We have precedent for that. It means "immediately," "get going," "dispense with everything else."

Mr. PASTORE. I agreed with everything that the Senator from Indiana said until the Senator from Nebraska asked, "Do you mean to say that while this matter is being considered we would not be able to transact any business?"

That question would imply, under the proposed language, that we could transact other business.

Mr. HRUSKA. We certainly could and we might want to.

Mr. PASTORE. The Senator from Rhode Island is trying to avoid that—and I am being very explicit about it—by saying, "Write a provision in the joint resolution to the effect that we could not transact any other business until the question discussed had been decided."

If that is what the Senator desires, what would be the harm?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Mr. President, I should like to yield to the Senator from North Carolina.

Mr. BASS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Indiana yield for that purpose?

Mr. BAYH. I yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state his parliamentary inquiry.

Mr. BASS. Does the amendment now pending, offered by the distinguished Senator from Rhode Island, include language that mentions section 2 of the bill, which relates to the election of a new Vice President?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 16, after "Congress," it is proposed to add: "and no other business shall be transacted until such issue is decided."

Mr. BASS. The Chair, then, would have to answer my inquiry in the affirmative; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator from North Carolina has the floor. Has he yielded the floor?

Mr. ERVIN. Yes.

Mr. HART. Mr. President, on the Pastore amendment, may I have a moment?

Mr. PASTORE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 20 minutes remaining.

Mr. PASTORE. I yield to the Senator from Michigan as much time as he requires.

Mr. HART. It was I who inquired why there ought not, in effect, be a time certain. I suggested that the action be taken within 3 days. I heard the Senator from Rhode Island reply that he would not go that far; that he could not see a capricious person holding the floor and talking about the color of the rose in Rhode Island, and so on. What concerns me——

Mr. PASTORE. No; I said I could see such a person.

Mr. HART. If the Senator could see one, I should think it would be desirable that some time limit be set. But even if he could not see such a person, I can see—and I ask Senators if they might not see—35 sincere men in a time of intense danger and high emotional crisis saying that a Vice President who would not put missiles somewhere was a better man than a President, who wanted to come back and would put missiles somewhere. Such a debate could continue for a long time. Would we be better off leaving the question unresolved? Basically, that is the problem.

Mr. ERVIN. If we cannot trust Members of the Senate and House to exercise intelligence and patriotism in a time of national crisis, we might as well not do anything. We might as well not try to improve the situation. I think we should pass a constitutional amendment and leave the action to be taken under that constitutional amendment to those who are in office at the time such action must be taken. I think we shall have to indulge the assumption that those persons will love their country as much as we do; that they will not jeopardize their country by holding up the consideration of matters of that kind.

This is essentially a subject, as I said before, which will require the taking of testimony. We cannot put a time limit on the search for truth, especially when it concerns the intelligence of the President.

The amendment offered by the Senator from Rhode Island would not jeopardize the situation in that way. I see no objection to his amendment. But to try to set a time limit because it is feared that the action of those who would be controlled by this condition would be delaying, requires us to assume that they would not be patriotic and intelligent and would not act reasonably.

Mr. HART. The patriotism of the 35 Senators who would not wish to put missiles down is not in question.

The PRESIDING OFFICER. Who yields time to the Senator from Michigan?

Mr. BAYH. I will yield time.

Mr. HART. I presume that the patriotism of the 35 Senators who would have at heart the interests of their children is not in question. I presume that 35 Senators who would not be under a cloud would also be patriotically motivated, and thus the debate could go on forever.

Mr. ERVIN. Has not the Senator's own language overcome the conclusion that the 35 Senators would not perform their duties but would determine the physical state or mental state of the President, instead of concerning themselves with where the missiles shall be placed?

Mr. HART. I would hope that each of us would attempt to be objective in his review of the medical testimony. But I greatly fear that if there were a deep conviction harbored by 35, there would be tragedy compounded, and the result would be the bringing back of a man whose policy would be to bring back missiles that would create havoc, and we would confuse medical testimony with our obligation.

I think the roll should be called at some precise time, and I suggest 3 days.

Mr. BAYH. The situation to which the Senator from Michigan refers is one that has not gone unnoticed by the Senator from Indiana. Before this circumstance arose, the Vice President, a majority of the President's Cabinet, and two-thirds of the House of Representatives, which does not have unlimited debate, would have to support the contention of the Vice President. As soon as one less than two-thirds of the House cast their votes, the issue would become moot, and the question would be "out of court."

Mr. HART. Would not the Senate have a voice in that decision?

Mr. BAYH. It would take two-thirds of the Senate and two-thirds of the House to sustain the position of the Vice President.

I think the record is abundantly clear that the Senator from Rhode Island and the Senator from Indiana see eye to eye. The record is written.

Mr. PASTORE. Do I correctly understand that the Senator from Indiana will accept my amendment?

Mr. BAYH. I was under the impression that the Senator from Rhode Island did not think it was necessary.

Mr. PASTORE. I did not say that at all. I never said that.

Mr. BAYH. I see no objection to taking the amendment with one proviso. I should like to drop the last word; I do not think it is necessary.

Mr. PASTORE. Very well; if the Senator does not believe it is necessary, I shall drop it.

Mr. BASS. Mr. President, what is the situation now?

Mr. BAYH. The amendment of the Senator from Rhode Island would then read as follows: "and no other business shall be transacted until such issue is decided."

Mr. PASTORE. That is correct.

Mr. BASS. Does that also apply to section 2 of the joint resolution?

Mr. BAYH. No, it does not apply to section 2. I thought I had made it abundantly clear that we were dealing with two different provisions. It is imperative that the Senate immediately proceed to decide who the President is. It will be necessary to have an able bodied President. I do not believe we need to grind everything to a halt to decide who the Vice President is. Two different issues are involved.

Mr. PASTORE. That is correct.

Mr. BAYH. I ask the Senator from Tennessee: What is the worst thing that could possibly happen if we did not include the word "immediately" in section 2?

Mr. BASS. The worst thing that could happen would be that Congress would stall, delay, and use dilatory tactics. We would end exactly where we are. If we do not accept this conclusion, we might as well strike out everything in the amendment and deal only with the disability phase. If we are to deal with succession, we shall have to include some sort of requirement.

Why does not the Senator include the word "immediately" in this section, as he did with respect to disability?

Mr. BAYH. Because I do not attach the same importance to the choosing of a Vice President as I do the choosing of a President. If the Senator from Tennessee desires to propose such an amendment, I suggest that he offer it separately.

Mr. BASS. I shall offer a separate amendment.

Mr. BAYH. I suggest that he do so.

Mr. SALTONSTALL. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. SALTONSTALL. I hope we shall not adopt this amendment or any additional amendments of this character. We are trying to amend the Constitution with respect to an important question. If an amendment is to be offered on the floor of the Senate, I believe the bill should be returned to committee for a limited time, to make possible a careful discussion of what the amendments are.

Both the Senate and the House are governed by rules. If there were to be a declaration of war, or if some other matter of grave importance should arise, we have rules, and we can limit debate. If we have any confidence in the great

majority of the Members of the Senate, we can count upon two-thirds of the Senate to impose cloture and thus close debate.

I hope that we can have confidence that future Members of Congress will exercise commonsense on a question of this character. I hope sincerely that the amendment of the Senator from Rhode Island—and I have great respect for the Senator from Rhode Island—will not be adopted. I hope that the proposed constitutional amendment will be passed as the committee has recommended it.

If there is any question of the proposed constitutional amendment not being agreed to, I shall use whatever parliamentary procedure I can to send the proposed constitutional amendment back to committee for 1 or 2 weeks to try to improve this measure.

I hope that the amendment of the Senator from Rhode Island will be rejected.

Mr. PASTORE. Mr. President, if the Senator from Massachusetts will make a motion to send the measure back to committee, I shall second the motion.

We are amending the Constitution of the United States. I hope that no frivolous arguments were made by the Senator from Rhode Island. All I say is that if it is important enough to determine who the President of the United States shall be in a time of crisis—and I repeat that he is the man who, under our law, has the sole authority to drop an atomic bomb—I think it is incumbent upon this body to transact no other business until that issue is determined. That is all the Senator from Rhode Island is doing. What is wrong with it, I ask the Senator from Massachusetts?

The argument is made that there might be involved an issue that means a declaration of war. Does not the Senator think we ought to find out first who the President of the United States is before we declare war? That is the man who can drop the bomb.

Mr. SALTONSTALL. Mr. President, will the Senator yield? He has asked a question. Will he yield so that I may give my answer?

Mr. PASTORE. I yield.

Mr. SALTONSTALL. My answer is simple. This is a very important section of our fundamental law. We cannot decide on this proposed amendment in the Senate Chamber pursuant to an amendment written in long hand. I do not think the amendment is necessary. We can depend upon the commonsense of our successors in this body if the question arises. But if the majority of this body feels that we should have something of this kind, the proposed constitutional amendment should go back to the committee and be carefully worded and worked out.

Mr. PASTORE. I do not object to that. But we have a perfect right to debate these questions. That is all we are doing. We have a perfect right to set forth our arguments. That is all we are doing.

If the Senator from Massachusetts is so sensitive that, because this is a proposed constitutional amendment, we cannot even make a logical argument, no matter how logical it is, what are we doing here? We might as well take what the committee produces, close our eyes, put on blindfolds, or wear blinkers, and say, "That is it."

We are seeking to improve the joint resolution. The Senator in charge of the joint resolution has already admitted that there is some substance to the argument that is being made. His only argument is that the joint resolution with the present language does exactly what I am proposing to do. The only trouble is that the minority leader disagrees with him. All I am trying to do is to straighten it out by inserting certain language.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, assuming that the proposed constitutional amendment were adopted, may I inquire whether the swearing in of a Senator to fill a vacancy would constitute the transaction of other business?

The PRESIDING OFFICER. The Chair informs the Senator that that is not a parliamentary inquiry. That is an inquiry of substance.

Mr. McCLELLAN. Mr. President, is the swearing in of a Senator a transaction of business by the Senate?

The PRESIDING OFFICER. It is.

Mr. McCLELLAN. Then I point out, Mr. President, that if there were a vacancy in the Senate when this issue arose, and a State had only one Senator at the time, but a second Senator had been appointed and was ready to be sworn, that State would be denied its constitutional representation in this body during that time.

So there is one situation, and there may be other situations, in which the Senate ought to transact some other business.

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

Mr. BAYH. I yield.

Mr. HRUSKA. Mr. President, would not another situation be in the event a situation arose between the time of the election of Congress and the time that Congress were to meet? It would be necessary for the House to organize, and that is the transaction of business. There would not be anyone qualified to consider this business until other business was transacted.

Mr. McCLELLAN. Mr. President, if the amendment is accepted, I hope it will be referred back to the committee for further study.

Mr. BAYH. Mr. President, I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, my remarks are addressed to the amendment proposed by the Senator from Rhode Island. I have listened with interest to the eloquence of the Senator. I point out that the Subcommittee on Constitution and Bylaws of the Committee on the Judiciary, and, in fact, the entire Committee on the Judiciary, considered the very point which the Senator from Rhode Island raises.

We felt that the language "immediately," already in article XII of the Constitution—which has to do with the selection of the President and the Vice President—is good language.

We also considered a considerable number of amendments similar to those proposed by the Senator from Michigan. They related to a time of 2, 3, 10, 15, or 60 days. But we considered the entire context of section 5. Section 5 establishes that procedure which would be followed after two circumstances take place.

In the first place, the President, or Vice President, and a majority of the members of the President's own Cabinet would have to place their career, reputation, and their sacred honor at stake, and publicly write and declare that the President was not fit or able to serve as President.

Mr. HART. Mr. President, will the Senator yield at that point?

Mr. TYDINGS. I would prefer to finish before yielding.

Secondly, the President would then assert himself and send a declaration to Congress. Then his Vice President and a majority of the members of his Cabinet would again, in a sense, have to place their sacred honor and reputations at stake that they felt that the President, the man who had selected them, was not able to hold down the office of President.

Then the question would go to the Congress of the United States. We felt that the language "immediately" used in the article XII of the Constitution would be the best language. If we put in language such as that used by the Senator from Rhode Island, which would restrict, tie up, and stop the Government, in effect, from operating, it might compound an already difficult situation.

I oppose the amendment of the Senator from Rhode Island for the reason that I think his amendment, rather than doing what he would want to do; namely, improve the situation, might actually compound a bad situation and tie up the Government worse than it already was. If such a situation were to occur, it would be difficult enough.

The word "immediately," already in the Constitution, is sufficient, and it ought to be retained.

The PRESIDING OFFICER. The Chair would like to have the amendment restated for clarification of the RECORD.

The LEGISLATIVE CLERK. On page 3, line 24, after the word "issue," add the following: "and no other business shall be transacted until such issue is decided."

On page 2, line 16, after the word "Congress," add the following: "and no other business shall be transacted until such issue is decided."

The PRESIDING OFFICER. Will the Senator from Indiana yield to the Senator from Michigan?

Mr. BAYH. If I have time. My own time is running very short. I yield to the Senator from Michigan.

Mr. HART. I wish simply to express a concern that with the remarks of the Senator from Maryland, I now entertain. I confess, as a member of the Judiciary Committee, I recall the discussion, but this point never occurred to me until tonight. The Senator speaks of the safeguard by reason of the fact that

a majority of the President's Cabinet, on their honor, must take their position. A Cabinet appointed by whom? Do we do anything to safeguard the situation when the President is disabled and the Vice President acts, and then fires the Cabinet, and then puts his own Cabinet in? How do we respond to that problem?

Mr. BAYH. Mr. President, this is another problem, if the Senator from Michigan cares to discuss it. It is a good question. We have thought about it. We are dealing with this one amendment. May we dispose of it, and then discuss another question?

Mr. HART. Reluctantly, I have indicated that there are unanswered questions. Perhaps the night is not going to be long enough.

Mr. BAYH. Mr. President, a moment ago, hoping we could accomplish what we wanted to accomplish, I said I was willing to accept the Senator's amendment. I acted hastily.

I feel wisdom requires us to proceed on the measure presented by the committee, as the committee carefully studied the measure. I cannot see a more firm determination made by the Congress than the determination which it makes under the 12th amendment, in which it is provided that in the event neither candidate for the Presidency receives a majority of the electoral votes, Congress shall immediately decide the issue. We say, in the event that it cannot be determined whether the President is able to carry on his duties, Congress shall immediately decide the issue.

Frankly, this question has been discussed in committee. It has been discussed on the public platform. I do not think we can come closer to resolving this question than by using the terminology in the joint resolution before us.

If the Senator from Rhode Island wishes to proceed, wisdom would cause me, with great reluctance, to vote against his amendment. I think it is wrong. I think the wording in the joint resolution is tight. The urgency is clear. The record is written. No Member of this body does not share the feeling that this is a matter which the U.S. Senate should not decide immediately.

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

Mr. BAYH. Mr. President, is the Senator from Tennessee going to pose a question?

Mr. BASS. Yes.

Mr. BAYH. I yield.

Mr. BASS. Let us assume that the Senator believes the word "immediately" is adequate in the section so far as disability is concerned. Would the Senator be willing to accept one single word, "immediately" in section 2, so the Congress would act forthwith on the selection of the new Vice President?

Mr. BAYH. No, I would not.

Mr. BASS. Would the Senator explain what his objection would be?

Mr. BAYH. I have explained it. I will try again. In section 5 we are questioning the disability of the President, the man who has his "finger on the button." This issue needs to be decided immediately. But in section 2 we are trying to decide who the Vice President shall be.

The Senator from Tennessee has concocted a situation that he thinks might foreseeably exist. I asked him to state a while ago the worst possible thing that could happen, and the worst possible thing is to leave it where it is now. Why tie up Congress to correct a system that has worked for 176 years? We are not looking for delays.

Mr. BASS. It has not worked for 176 years. This amendment passed only 16 years ago. The amendment providing that the Speaker of the House of Representatives shall succeed to the Presidency was adopted only 16 years ago.

Mr. BAYH. That is a provision which goes into effect only when there is a dual tragedy, when both the President and Vice President have dropped out of the picture.

Mr. BASS. But not at the same time. The Vice President can die 3 years later.

Mr. BAYH. During the same term of office.

Mr. BASS. The Senator does not admit that a matter of time is involved, in that case, but he insists that Congress shall act without delaying tactics in the other matter. I see absolutely nothing wrong in providing that Congress shall act upon the nomination without delay. If there is anything wrong in that, I do not see where it is. I do not see anything wrong in providing that the Congress shall act with dispatch on the recommendation of the President, belonging to one party, when the Congress may oppose the recommendation because it is of the opposite party. All the amendment does is add one word—"immediately."

Mr. BAYH. No, that is not all there is to it. The Senator wants section 2 to read as the Senator from Rhode Island wants section 5 to read.

The PRESIDING OFFICER. All the time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, I yield 2 minutes on the bill to the Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I wish to reply to the Senator from Tennessee. Section 2 of the resolution does not deal with a vacancy in the office of the President; it deals only with a vacancy in the office of the Vice President:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

There is a President involved in the language which the Senator from Rhode Island wishes to amend. The Senator from Tennessee wants to amend the provision relating to the nomination of the Vice President. He says he is afraid that, when the Vice President's office is vacant, Members of the House who are anxious to get their Speaker in the Presidency will "sit still" on the nomination until the President dies.

God help this Nation if we ever get a House of Representatives, or a Senate, which will wait for a President to die so someone whom they love more than their country will succeed to the Presidency. That does not apply to this section. It is based on the idea that either the House or the Senate, when there is a vacancy in the Vice-Presidency, is going to pray for the President to die so somebody they love more than they love their country will succeed to the Presidency.

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

Mr. BASS. Mr. President, I have an amendment at the desk. I offer the amendment.

Mr. BAYH. Mr. President, a point of parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his point of parliamentary inquiry.

Mr. BAYH. There is an amendment pending, which has been thoroughly debated, by the Senator from Rhode Island. I wish to inquire as to what disposition we can make of that.

The PRESIDING OFFICER. The Senator from Tennessee has offered an amendment to the amendment offered by the Senator from Rhode Island.

Mr. BAYH. Mr. President, may I yield myself 30 seconds to ask a question of the Senator from Tennessee? Because of the complexity of the issue, will the Senator from Tennessee permit us to get one question voted on, and then he can offer his amendment, or as many amendments as he wants to?

Mr. BASS. I am going to resolve the question by offering a substitute amendment.

Mr. BAYH. Very well.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The clerk will report the amendment.

The LEGISLATIVE CLERK. In lieu of the language on page 2, line 16, as offered by the Senator from Rhode Island [Mr. PASTORE], insert the word "immediately."

Mr. BASS. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. BASS. Mr. President, the only change in the joint resolution would be one word. Only one word would be added to the joint resolution. If the Senator from Indiana will check section 2, only one word, the word "immediately," which is the word he used in his own section—in section 5—would be added to section 2. This would merely mean that if we had a situation in which there was a vacancy in the office of the Vice President and the President submitted a nomination, Congress would be required to act with some dispatch. There would be no time limit, no given number of days, but we are using the same language as the language in section 2, which the committee itself wrote into section 5.

This would mean that Congress would have to act with some dispatch.

The only thing it does is add one word to the resolution, which means that Congress would act immediately on the recommendation of the President to confirm a new Vice President.

I can see nothing wrong with asking Congress to act immediately upon recommendation of the President, because if we were in a situation in which one party in power would be stalling and delaying the recommendations of the party in

power in the White House, we would be in the same situation in which we are now.

Mr. HRUSKA. Mr. President, will the Senator from Indiana yield me 2 minutes?

Mr. BAYH. Mr. President, I am glad to yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, let me make a brief observation. We did consider the word "immediately" in section 5 in that same context.

What does the word "immediately" mean?

Does it mean that there will be no hearings? Does it mean that there will be no debate? Does it mean that there will be no consideration of any kind to determine what kind of person the nominee is?

Those are questions which have already been considered; and I earnestly recommend that the amendment be defeated.

Mr. BAYH. Mr. President, I thank the Senator from Nebraska and the Senator from North Carolina who have adequately expressed my views. I have tried earlier to do so. I suggest that the Senate now vote.

Mr. BASS. Mr. President, I yield back the remainder of my time. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Tennessee [Mr. BASS].

The amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. HOLLAND. Mr. President, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 16, and on page 3, line 24, after the word "issue," insert the following: "and no other business shall be transacted until such issue is decided."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was rejected.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. HART. Mr. President——

The PRESIDING OFFICER. Who yields time to the Senator from Michigan?

Mr. BAYH. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. BAYH. I yield myself such time as I may require from the time on the bill.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I wish to explain and clarify something which has been brought to my attention by the Senator from New York, which has been discussed at some length previously with the Senator from Michigan and the Senator from Rhode Island.

Let the RECORD show that as the Senator in charge of the bill, I am fully aware of the complexity of the terms with which we are dealing, and feel that the word "inability" and the word "unable," as used in sections 4 and 5 of this article, which refer to an impairment of the President's faculties, mean that he is unable either to make or communicate his decisions as to his own competency to execute the powers and duties of his office. I should like for the RECORD to include that as my definition of the words "inability" and "unable."

Mr. PASTORE. Mr. President, will the Senator from Indiana yield at that point?

Mr. BAYH. I yield.

Mr. PASTORE. The statement was made by the Senator from Indiana, on page 20 of the hearings:

> Let me intervene momentarily. I am certain the Senator from Nebraska remembers that the record shows that the intention of this legislation is to deal with any type of inability, whether it is from traveling from one nation to another, a breakdown of communications, capture by the enemy, or anything that is imaginable. The inability to perform the powers and duties of the office, for any reason is inability under the terms that we are discussing.

In other words, what the Senator from Indiana has just stated is a clarification of that statement?

Mr. BAYH. The Senator is correct.

Mr. MANSFIELD. Also an indication of the intention of the Senate in consideration of the joint resolution.

Mr. BAYH. Either unable to make or communicate his decisions as to his own competency to execute the powers and duties of his office.

Mr. HOLLAND. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I yield.

Mr. HOLLAND. I am in thorough accord with what is intended by the proposed constitutional amendment. There is one thing about the debate which has disturbed me. The proposed amendment does not specifically replace or specifically amend any part of the present Constitution. It does by implication, it seems to me, amend certain portions of article II, section 1, clause 5.

I have been disturbed by what seems to be the assumption by some Senators that the present statute providing for the succession to the Presidency would still be in force.

Looking at these two matters hurriedly, that is the present provision of the Constitution. What is proposed would be a new section of the Constitution, and would only by implication change the present provision. It would seem to me that that part of the present Constitution which allows the Congress by statute to declare what officer shall then act as President in the case of the removal, death, resignation, or inability both of the President and the Vice President, could apply only in two cases.

One would be a situation in which the President and Vice President were both killed in a common disaster. The second would be where the death of one should come so quickly following the death of another that there would have been no time permitted for the functioning of Congress under the proposed amendment, if it should become a part of the Constitution.

I am asking the Senator in charge of the joint resolution if that is also his understanding as to the only fields in which Congress would be left with statutory authority to provide for the succession.

Mr. BAYH. The Senator is correct; that is the way I would interpret it.

Mr. HOLLAND. The proposed amendment, if it became a part of the Constitution, would reduce the present power of Congress to the two situations which I have outlined in my question.

Mr. BAYH. As the Senator from Florida well knows, there is a considerable amount of debate as to whether Congress has power to legislate by statute in this field at the present time. The original succession statute was passed in 1792; and the Congress which passed that statute contained several members of the Constitutional Convention. Their interpretation of article II, section 1, should be considered in light of the succession statute which they passed, which dealt only with succession. The law would apply only when there were two deaths, as the Senator from Florida [Mr. HOLLAND] has described.

In other words, they must surely have interpreted clause 5, to which the Senator refers, reading "Congress may by law provide for the case of the removal, death, resignation, or inability both of the President and of the Vice President," to mean that that was a limitation on the Congress and that both of those contingencies had to come to pass before it could enact legislation.

Mr. HOLLAND. But, if I may restate my question, in the event the proposed amendment should be adopted and become a part of the Constitution, would it not confine the statutory authority of Congress to the two cases which I have outlined?

Mr. BAYH. Yes. This does not alter it. The Senator is correct.

Mr. HOLLAND. I beg the Senator's pardon.

Mr. BAYH. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HART. Mr. President, may I ask a few questions, which may help all of us in understanding this subject?

Mr. BAYH. I yield.

Mr. HART. The Senator has just stated a definition of inability, dealing with the impairment of the President so as not to be able to make or communicate a decision as to his own competency. Is it clear that this means far more than disagreement with respect to a judgment he may make, a decision he may

make with respect to incapacity and inability, or must it not be based upon a judgment that is very far reaching?

Mr. BAYH. The Senator from Indiana agrees with the Senator from Michigan that we are not dealing with an unpopular decision that must be made in time of trial and which might render the President unpopular. We are talking about a President who is unable to perform the powers and duties of his office.

Mr. HART. This may have been clarified in the report, and I plead guilty to not having read it very carefully.

With reference to the heads of the executive departments, is it clear that we are talking about those whom we regard as comprising the Cabinet, as referred to in 5 U.S.C. 1 and 2?

Mr. BAYH. The Senator is correct.

I ask unanimous consent that there may be included in the RECORD at this point, to further describe the contents of 5 U.S.C. 2, a report that was given to the junior Senator from Indiana by the Library of Congress, which sets this matter out specifically.

Mr. HART. That would be helpful.

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

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., February 18, 1965.

To: Hon. BIRCH BAYH, Chairman, Senate Subcommittee on Constitutional Amendments.

From: American Law Division.

Subject: Executive departments.

Reference is made to your inquiry of February 17, 1965, requesting, among other things, some precedents regarding definition of "executive department."

As we informed you during our telephone conversation of above date, the phrase is defined in 5 U.S.C. 2 which provides: "The word 'department' when used alone in this chapter, and chapters 2–11 of this title, means one of the executive departments enumerated in section 1 of this title."

Section 1 referred to above reads as follows:

"The provisions of this title shall apply to the following executive departments:

"First, the Department of State.

"Second, the Department of Defense.

"Third, the Department of the Treasury.

"Fourth, the Department of Justice.

"Fifth, the Post Office Department.

"Sixth, the Department of the Interior.

"Seventh, the Department of Agriculture.

"Eighth, the Department of Commerce.

"Ninth, the Department of Labor.

'Tenth, the Department of Health, Education, and Welfare."

The phrase also makes an appearance in the Constitution. Article 2, section 2, clause 1 reads, in relevant part, as follows: "He [President] may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices."

No relevant annotations appear to the foregoing section.

In *Brooks* v. *United States*, 33 F. Supp. 68 (1939) an action brought by an enlisted man in the U.S. Navy to recover reenlistment allowances—the District Court for the Eastern District of New York examined petitioner's status for purposes of determining whether it was without jurisdiction under the Tucker Act, 28 U.S.C. § 41 (20) (1939). The court stated that the expression "heads of departments" comprehended the members of the President's Cabinet, and did not include a mere bureau head:

"Admittedly, the plaintiff was not appointed by the President or by a court of law and it remains only to consider whether he was appointed by a head of a department. A long line of cases establishes that the term 'Head of a Department' as used in this clause of the Constitution means one of the members of the President's Cabinet. It does not include a mere bureau head. *United States* v. *Germaine*, 99 U.S. 508, 25 L. Ed. 482; *Burnap* v. *United States*, 252 U.S. 512, 40 S. Ct. 374, 64 L. Ed. 692; *Steele* v. *United States* No. 2, 267 U.S. 505, 45 S. Ct. 417, 69 L. Ed. 761. Thus in *Morrison* v. *United States*, 40 F. 2d 286, D.C.S.D.N.Y., a petty officer not appointed by the President or a cabinet officer was held not to be an officer of the United States and therefore capable of suing in this court, whereas in *Foshay* v. *United States*, 54 F. 2d 668, D.C.S.D.N.Y., a clerk appointed by the Postmaster General, the head of an executive department, was held to be an officer of the United States and incapable of suing for pay in this court. *Oswald* v. *United States*, 9 Cir., 96 F. 2d 10, similarly held a court reporter, appointed by the court, under a disability to sue for salary in the district court under the provisions of the Tucker Act. Numerous other cases such as *Scully* v. *United States*, 193 F. 185, 187, C.C.D. Nev., have defined 'officer of the United States' in terms of the constitutional meaning of the records. See, also, *United States* v. *Van Wert*, D.C. Iowa, 195 F. 974; *United States* v. *Brent*, D.C. Iowa, 195 F. 980; *McGrath* v. *United States*, 2 Cir., 275 F. 294."

The holding was reaffirmed in *Surowitz* v. *United States*, 80 F. Supp. 716, 718–719 (1948) wherein the court declared:

"This does not mean that the courts have always applied one test of an officer under the criminal law and another under the civil law. The difference resides in the application. The test itself has been fairly uniform; only he is an officer who is an officer in the constitutional sense, that is (so far as is here involved), a person appointed under authority of law by the head of a department to a post created by law. The head of a department has been authoritatively defined to mean a member of the President's Cabinet. *United States* v. *Smith, supra; United States* v. *Germaine, supra;* see *Burnap* v. *United States*, 190, 252 U.S. 512, 515, 40 S. Ct. 374, 64 L. Ed. 692."

In *United States* v. *Germaine*, 99 U.S. 508 (1879), the Supreme Court was called upon to determine whether a surgeon appointed by the Commissioner of Pensions was an officer and therefore amenable to prosecution under a criminal statute punishing extortion by an "officer of the United States." The Court held that defendant was not an officer and the Commissioner of Pensions was not the head of a department within the meaning of the Constitution. Portions of the opinion dealing with the later consideration follow:

"As the defendant here was not appointed by the President or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department, within the meaning of the Constitution, as is argued by the counsel for plaintiffs.

"The instrument was intended to inaugurate a new system of government, and the departments to which it referred were not then in existence. The clause we have cited is to be found in the article relating to the executive, and the word as there used has reference to the subdivision of the power of the executive into departments, for the more convenient exercise of that power. One of the definitions of the word given by Worcester is, 'a part or division of the executive government, as the Department of State, or of the Treasury.' Congress recognized this in the act creating these subdivisions of the executive branch by giving to each of them the name of a department. Here we have the Secretary of State, who is by law the head of the Department of State, the Departments of War, Interior, Treasury, and so forth. And by one of the latest of these statutes reorganizing the Attorney General's office and placing it on the basis of the others, it is called the Department of Justice. The association of the words 'heads of departments' with the President and the courts of law strongly implies that something different is meant from the inferior commissioners and bureau officers, who are themselves the mere aids and subordinates of the heads of the departments. Such, also, has been the practice, for it is very well understood that the appointments of the thousands of clerks in the Departments of the Treasury, Interior, and the others, are made by the heads of those departments, and not by the heads of the bureaus in those departments.

"So in this same section of the Constitution it is said that the President may require the opinion in writing of the principal officer in each of the executive departments, relating to the duties of their respective offices.

"The word 'department,' in both these instances, clearly means the same thing, and the principal officer in the one case is the equivalent of the head of department in the other.

"While it has been the custom of the President to require these opinions from the Secretaries of State, the Treasury, of War, Navy, and so forth, and his consultation with them as members of his Cabinet has been habitual, we are not aware of any instance in which such written opinion has been officially required of the head of any of the bureaus, or of any commissioner or auditor in these departments."

In *United States* v. *Hartwell*, 73 U.S. [6 Wall.] 393 (1868), the Supreme Court held that one appointed under an act of Congress authorizing an assistant treasurer, with the approbation of the Secretary of the Treasury, to appoint a specified number of clerks, is appointed by the head of a department within the meaning of article II, § 2. Germaine, supra, the Court held that it was being consistent with the Hartwell since "it is clearly stated and relied on that Hartwell's appointment was approved by the Assistant Secretary of the Treasury as acting head of that Department, and he was therefore, an officer of the United States."

In *Price* v. *Abbott*, 17 F. 506 (1883) the Court held that appointments made by the Comptroller of the Currency, or receivers of national banks, as provided by acts of Congress, are to be presumed to be made with the concurrence or approval of the Secretary of the Treasury, and are made by the head of the department within the meaning of the Constitution.

In *Frelinghuysen* v. *Baldwin*, 12 F. 395 (1882) it was held that a receiver of a national bank appointed by the Comptroller of the Currency, who was the chief officer of a bureau of the Treasury Department charged with the execution of all laws passed by Congress relating to the regulation and the issue of a national currency secured by U.S. bonds, was appointed by the head of a department within the meaning of the Constitution, as the Comptroller performed this, as well as all other duties, under the general direction of the Secretary of the Treasury.

We are sending herewith duplicate copies of the material delivered to you last evening, material requested this morning, and loan copies of the United States Code. See in particular 5 U.S.C. 1, 2, 133z–3, 133z–5; the Executive order (No. 10495) following 5 U.S.C. 6.

RAYMOND J. CELADA,
Legislative Attorney.

Mr. HART. Mr. President, we are talking now, not about the usual situation, but one which we hope will never occur. The language is clear, but I am afraid that there is no conversation, in terms of an exchange, even with the manager of the bill, to show that we can avoid what all of us want to avoid; namely, a usurping Vice President who consolidates his position by firing the Cabinet.

Is there any way in which we can, in this exchange on the floor, help to avoid that situation, or make very clear that this is not the grant that we make?

Mr. BAYH. The Senator from Michigan knows full well the advice and consent authority of the Senate so far as any Cabinet members are concerned.

Mr. HART. Yes; I do.

Mr. BAYH. He also knows of the two-thirds provision, which would be required to sustain the position of the Vice President and his new Cabinet if he were to take this most unfortunate step.

The committee in its hearings discussed this subject at some length, because we must tread a very narrow line, on one side of which we do not want a usurping Vice President to fire the Cabinet, while on the other side we do not want a Vice President who is acting in good cause, say, for example, in a 3-year term of office, being unable to reappoint Cabinet members who may have died or resigned.

Mr. HART. What about interim appointments to the Cabinet? Is there not some place short of tying the hands of a 3-year incumbent Vice President as President and leaving wide open this possibility? Is it not our responsibility at least to establish the check that a Vice President who becomes President temporarily at least should not be able to appoint a Cabinet majority through interim appointments?

Mr. BAYH. I reiterate what I said before. Before the position of the Vice President could be sustained even in an interim position, the President would have the opportunity, under the provision of section 5, to take this to Congress. Unless the Vice President could be sustained by a two-thirds vote, he would be "out."

Mr. HART. I believe I have voiced the apprehension, which perhaps now more broadly is established than when we were discussing the subject in committee. I believe it is essentially our responsibility in this situation, where we talk about Cabinet appointees over whom we have some authority to suggest against interim appointees. Ought we not at least to go that far?

Mr. HRUSKA. I yield myself 3 minutes.

That question was considered in committee. We discussed the possibility of the Vice President dispensing with the members of the Cabinet and appointing a Cabinet of his own choosing. Does not the real protection against that kind of situation lie in the good judgment of Congress? If there were an overreaching by him which would be that transparent, the good judgment of the House and of the Senate would assert itself. Congress would say, "We will have no part with that kind of usurpation and grasping for power."

On the contrary, if by a two-thirds vote Congress agreed with him, that would be the democratic process in action. That is the fashion in which it should be done. The real, ultimate protection is in the good judgment of the Members of Congress, by a two-thirds majority.

Mr. HART. I should like to make one further comment on that.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BAYH. I yield.

Mr. HART. Is it the understanding of the Senate, in taking this action, that the Under Secretary, in the event of a vacancy in the office of Secretary, shall be empowered as would the Secretary himself, in participating in the decision with respect to ability or disability?

Mr. BAYH. It is the opinion of the junior Senator from Indiana that it is not.

Mr. HART. This would reduce it by as many Under Secretaries as may be involved in the situation with respect to those who would participate in the Cabinet decision. Is that correct?

Mr. BAYH. I ask the Senator from Michigan—and I know he is asking penetrating questions which are very valuable in making this record clear, and I also know that a scintilla of doubt will remain—but I ask the Senator to look at the history, in which the role of the Vice President has been quite to the contrary.

He has been reluctant to move, although urged to do so, particularly in the case of the Garfield situation, when all of his Cabinet urged him. He is a human being, with a conscience and a heart and a soul, and, as the Senator from North Carolina has said, his political future would be ruined if he attempted to usurp the office.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

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

Mr. BAYH. I yield.

Mr. LAUSCHE. Am I correct in my understanding that there are two situations in which there would be a change in the Executive Office of the Nation: First, whenever the President on his own transmits to the Speaker of the House and the President of the Senate his written declaration that he is unable to discharge his office. Is that correct?

Mr. BAYH. That is one.

Mr. LAUSCHE. The second is whenever the Vice President and a majority of the principal officers of the executive departments transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge his duties.

Mr. BAYH. The Senator is correct.

Mr. LAUSCHE. That must be confirmed by a two-thirds vote in the Senate?

Mr. BAYH. The President would bring the issue and Congress would decide it. The President would have to say "You are wrong."

Mr. LAUSCHE. I have a final question, and I ask it to elucidate what the Senator from Michigan has been asking.

In an instance in which the incapacity of the President would be announced by the Cabinet and the Vice President, is it or is it not a fact that the President would continue in office with full power to veto until such time as the Cabinet, the Vice President, and a two-thirds vote of the Congress had established that the President was incapable of performing his job?

Mr. BAYH. No, that is not correct. That question got us into the very touchy question as to who should act during the questionable period, the President or the Vice President. It was the judgment of the committee—and I concur in that judgment—that whenever the Vice President and a majority of the Cabinet, which would have been appointed by the President himself, should become sufficiently concerned that, in the glare of the publicity which would be attendant upon something of the nature that we are discussing, they would make the declaration that there was sufficient doubt, the Vice President would assume the powers and duties of the office while the issue was being tried.

Another reason for the proposal was that we desired to try to prevent a back-and-forth ping-pong sort of situation in which the Vice President and the Cabinet would make a declaration. The President might be out and the Vice President would be in. Then the issue would go to Congress and Congress might make a declaration that the Vice President should be out and the President in. Under the proposal there would be fewer transfers of power and more continuity, which I feel should be basic.

Mr. LAUSCHE. I should like to ask another question. Suppose that the Vice President should declare that the President is incapacitated, a minority of the members of the Cabinet should say that he is incapacitated, and a majority should say that he is not. Under the joint resolution Congress would proceed to establish its views and would either confirm or reject the findings of the Cabinet and the Vice President. Would the President whose incapacity had been charged have the right to a veto?

Mr. BAYH. Yes, the other body, as Congress may by law prescribe.

Mr. LAUSCHE. That is, if and when Congress should feel that it should step in under the language which provides that such other body as Congress by law may provide, the Vice President would not act, but the President would continue to act, although he had been charged by the Congress and charged by the Vice President with being incapacitated.

Mr. BAYH. That is correct; and the number of votes prescribed would override the veto, or the same number that would support the Vice President.

Mr. ALLOTT. Mr. President, I am fully aware of the lateness of the hour, but I do not believe the questions asked by the distinguished Senator from Ohio included one that I would like to ask.

Section 4 contains a provision that the Vice President shall assume the

powers and duties of the office as Acting President under certain conditions.

Section 5 states:

Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the principal officers of the executive department or such other body as Congress may by law provide, transmits within 2 days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office.

There would be a legal acting President.

Mr. BAYH. That is correct.

Mr. ALLOTT. The President would then send to Congress his written declaration. Who would be President during the 7 days?

Mr. BAYH. The Vice President, the Acting President. I thank the Senator from Nebraska for his suggestion. It makes a considerable difference. As I explained, we wrote in that language for two basic reasons. First, whenever the Vice President and a majority of the Cabinet of the President who is about to be deposed feel that there is sufficient cause that, in the great heat attendant publicitywise, they would make such a declaration, there would be a serious enough doubt about the mental capacity—and usually it would be the mental capacity of the President—that the decision would be made, the Vice President would assume the powers and duties as Acting President while the decision was being made by Congress.

Such a provision would cut down the number of times the power of the Presidency would change. We desire to keep it to a minimum. The President would leave the office and the Vice President would take over, and then the Vice President would leave and the President might resume his office, and that would go on down the line.

Mr. ALLOTT. To get to the question in another way, so the issue will be clear, if a Vice President had assumed the duties of acting President, and the elected President then decided that he wished to state that there is no inability any longer, it would be 7 days before he could possibly resume the office of President.

Mr. BAYH. That is correct.

Mr. ALLOTT. There is no question about that. That is the intent.

Mr. BAYH. That is the intent. I should like to clarify the record on one point. The question which the Senator from Colorado has posed about requiring a mandatory 7 days would only apply if there should be a contest under section 5. The provision would not prevent the Vice President and the President agreeing to a lesser period of time.

Mr. HRUSKA. Mr. President, agreements devised by the President and his Vice President in past administrations to cope with an inability crisis are not satisfactory solutions. Recent history has also made us very much aware of the need for filling the office of Vice President when a vacancy arises.

It is abundantly clear that, rather than continue these informal agreements, the only sound approach is the adoption of a constitutional amendment.

The hearings, which have been held on this important subject in recent years and in which this Senator has had the opportunity to participate, have led me to prefer a different approach than the present one. As in other legislative matters, the finished product requires the refinement of individual preferences. In the spirit of this simple reality, I shall support the proposed amendment. It is my earnest hope that the Congress and the State legislatures will approve and ratify it promptly.

There are two major reasons for my acceptance of the proposed amendment.

The first is the urgent need for a solution. Differences of opinion in Congress have deprived us of a solution for far too long. It is time that these constitutional shortcomings be met.

Secondly, the proposed language approaches the product which would have resulted under the proposal which I had urged, so that this amendment is acceptable as proposed and amended.

The refinements that have been made on the original language of Senate Joint Resolution 1 will clarify the detailed procedure to be followed in a case of disability.

The role of Congress is narrow. It is as an appeal open to the President from the decision of the Vice President and the members of the Cabinet. It will be brought into the matter only in those limited circumstances where the Vice President, with a majority of the principal officers of the executive departments, and the President disagree on the question of restored ability. It is important to note that Congress will not have the power to initiate a challenge of the President's ability.

The procedure by which Congress shall act is properly left to later determination within rules of each branch thereof. A point of possible conflict is resolved in the understanding that Congress shall act as separate bodies and within their respective rules.

The language that "Congress shall immediately proceed to decide the issue" leaves to Congress the determination of what, in light of the circumstances then existing, must be examined in deciding the issue. Thus, the matter will be examined on the evidence available. It is desirable that the matter be examined with a sympathetic eye toward the President who, after all, is the choice of the electorate.

It is apparent that Senate Joint Resolution 1 does have aspects which alleviate the dangers attendant to a crisis in presidential inability. Nevertheless, it is felt by this member of the committee that caution and restraint will be demanded should this inability measure be called into application.

A time does arrive, however, when we must fill the vacuum. The points which I have emphasized and previously insisted upon are important; but having a solution at this point is more than important, it is urgent. For this reason, I support Senate Joint Resolution 1 and urge its passage. I hope that it will be given expeditious approval by the other body and early ratification by the required number of States.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Georgia [Mr. RUSSELL] is absent because of illness.

I further announce that the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MONDALE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MONDALE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN] and the Senator from Iowa [Mr. MILLER] are necessarily absent.

The Senator from California [Mr. KUCHEL] is absent on official business.

The Senator from Colorado [Mr. DOMINICK] and the Senator from California [Mr. MURPHY] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. KUCHEL], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON] and the Senator from California [Mr. MURPHY] would each vote "yea."

The yeas and nays resulted—yeas 72, nays 0, as follows:

[No. 24 Leg.]

YEAS—72

Aiken	Fong	Monroney
Allott	Harris	Montoya
Bartlett	Hart	Morse
Bass	Hartke	Mundt
Bayh	Hayden	Pastore
Bennett	Hickenlooper	Pearson
Boggs	Hill	Pell
Brewster	Holland	Prouty
Burdick	Hruska	Randolph
Byrd, Va.	Inouye	Robertson
Byrd, W. Va.	Jackson	Saltonstall
Cannon	Kennedy, N.Y.	Scott
Carlson	Lausche	Simpson
Case	Long, Mo.	Smith
Church	Long, La.	Sparkman
Cotton	Magnuson	Stennis
Curtis	Mansfield	Talmadge
Dirksen	McCarthy	Thurmond
Dodd	McClellan	Tower
Douglas	McGee	Tydings
Eastland	McGovern	Williams, Del.
Ellender	McIntyre	Yarborough
Ervin	McNamara	Young, N. Dak.
Fannin	Metcalf	Young, Ohio

NAYS—0

NOT VOTING—28

Anderson	Jordan, N.C.	Nelson
Bible	Jordan, Idaho	Neuberger
Clark	Kennedy, Mass.	Proxmire
Cooper	Kuchel	Ribicoff
Dominick	Miller	Russell
Fulbright	Mondale	Smathers
Gore	Morton	Symington
Gruening	Moss	Williams, N.J.
Javits	Murphy	
Johnston	Muskie	

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Two-thirds of the Senators present having voted in the affirmative, the joint resolution (S.J. Res. 1) is passed.

Mr. BAYH. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, earlier I had asked the Senator from Indiana to yield for 10 seconds, but I did not pursue my request because I wanted to have the joint resolution passed promptly. But I believe it is apropos now, after all the discussion today, that the Senate should wish the President and Vice President good luck and good health.

FORMATION OF BUSINESS ADVISORY COMMITTEE ON TRADE WITH EASTERN EUROPE

Mr. MAGNUSON. Mr. President, all of us who view expanded trade as a sensitive tool for piercing the Iron Curtain, welcome President Johnson's formation of a business advisory committee on trade with Eastern Europe, announced yesterday. I am particularly pleased that this committee, in charting new paths to increased peaceful trade with Russia and the other European bloc countries, will work in close cooperation with our dynamic new Secretary of Commerce, John T. Connor.

It is significant that the President announced his action during the throbbing crisis in Vietnam, for it should serve as a healthy reminder to those who see East-West trade in unthinking, cold war terms, that our object in expanding trade is not sentimental but the hardheaded pursuit of our own economic and strategic self-interest.

Less than 3 weeks ago, I introduced in the Senate, Senate Joint Resolution 36, to establish a high level permanent Council for Expanded Trade, composed of leading private citizens from the business, labor, and academic communities to advise the Congress and the President on a continuing basis of "the extent to which and the methods by which trade between the United States and countries within the Communist bloc can profitably be expanded in furtherance of the national interest."

In the past, business leaders and Government officials have each tended to let the other take the lead in urging innovations in our trade policies toward the bloc countries. As a result, businessmen in general have remained confused and uncertain of the guidelines of national trade policy, while the Government has been unable to grasp the commercial realities involved in the pursuit of expanded trade with the East.

What should be a great national debate has too often been obscured by myth and misconception. Before we will be able to establish a rational exchange of goods and services with the bloc countries, we must establish a rational machinery for the exchange of ideas, experience, and fact between our own business and Government.

The President's committee represents an exceedingly important first step toward the establishment of such machinery. But the exploration of expanded trade with the Communist bloc should not be a one-shot affair. The interchange of ideas on East-West trade between business and Government must be placed on a permanent basis so that the President and Congress might not only be informed of trade developments with the East but so that business leaders, in turn, might be informed of Government policies on such trade.

The development and cultivation of trade relationships is a continuing process which will undoubtedly take many years. Problems which now exist, and which may in the future arise, will require continuing scrutiny and attention.

For these reasons, while I wholeheartedly endorse the President's formation of his study committee, I believe that Congress has an obligation to place the effort to expand East-West trade on a more permanent, institutionalized basis, and so I urge that Congress support President Johnson's goal of an active East-United States trade policy by enacting Senate Joint Resolution 36.

AVAILABILITY OF FINE HARDWOOD LOGS FOR VENEER

Mr. BAYH. Mr. President, last evening, Senators HARTKE and JAVITS and I discussed the critical problem of excessive cutting of black walnut logs which will occur due to the removal of an export control order by the Secretary of Commerce.

In our discussions we suggested that the source of supply of replacement woods was virtually nonexistent in the United States and was, in fact, in short supply worldwide.

To fully describe the critical proportions of our veneer quality log supply I would like to have inserted in the RECORD a speech by the Director of the Forest Products Division of the Department of Commerce, Mr. Thomas C. Mason, entitled "World Availability of Fine Hardwood Logs for Face Veneer." This speech analyzes the total world supply of walnut logs and other fine hardwoods and emphasizes the dimensions of the shortage we face.

This speech by a respected Department of Commerce official again underscores the folly of removing the export quota and I commend it to my colleagues attention.

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

WORLD AVAILABILITY OF FINE HARDWOOD LOGS FOR FACE VENEER

(Speech by Thomas C. Mason, Director, Forest Products Division, BDSA, at the annual spring meeting of the Hardwood Plywood Institute luncheon, Mar. 5, 1964, Las Vegas, Nev.)

BLACK WALNUT

Coincidence of growing domestic and foreign demands for American black walnut veneer logs has, since 1958, resulted in excessive drain on the resource.

As of the end of 1958, the resource was able to provide about 18 million board feet of veneer logs per year.

Domestic use increased from about 12 million board feet in 1958 to 19½ million in 1962 and continued at a high level in 1963.

Exports increased from 2¼ million board feet in 1958 to 10⅓ million in 1962, and well over 14 million in 1963.

In 1962, domestic use and exports combined were nearly twice the indicated growth reported late in 1963 by the Forest Service.

For those of you who may be interested in details, I have copies of two small charts. These compare annual growth and drain of veneer-quality black walnut: In the one case, had 1960–63 trends of use been allowed to continue; in the other, the trends anticipated as a result of the conservation program.

In 1963, estimated domestic consumption plus exports were at an annual rate materially exceeding twice the indicated growth. If this rate had been permitted to continue, it would have taken less than 10 years to exhaust all the growing capital of veneer-quality black walnut trees down to 15 inches in diameter breast high. All the larger trees available for cutting, from which the high-quality veneer logs come, would have been exhausted much sooner that that. After about 10 years, the only supply of walnut veneer logs would have come from what is known in forestry terminology as in growth in the veneer tree size class; in other words, trees which reach 15 inches in diameter breast high during the year. The indicated volume of in-growth is less than

10 million board feet, in fact, less than half of current usage alone.

The pinch in walnut veneer log supply is already here. It is reflected in an increase of 75 percent in the average price of walnut veneer logs cut between 1954 and 1962. It is reflected in usage of a much lower quality and smaller size of logs for veneer purposes. For example, in 1962 the walnut logs cut into veneer by one large producer averaged only 87 board feet per log, against a normal average well above 100. It is reflected in lower quality and increased prices of walnut veneer, and in the greater quantity of veneer that must now be bought by users to make the same quantity of their finished product.

OTHER AMERICAN FINE HARDWOODS

I hesitate to delve into the subject of the supply of other fine American hardwoods, since many of you are much better informed of this than I am. However, this is how we sum up the situation for veneer logs of the more important species.

Hard maple: Grown in the Northeast, Lake States, and Appalachian areas (as well as Canada), supply very limited and declining, imports from Canada restricted.

Yellow birch: Grown in the Northeast and Lake States, supply virtually exhausted and logs being imported from Canada whenever permitted by Canadian restrictions. Birch veneer is imported from Canada and also birch plywood from Canada, Finland, and Japan.

Oak: Grown in Eastern United States, supply of veneer quality logs low, competition for finest trees with the bourbon stave industry.

Cherry: Of veneer quality, limited pretty much to parts of Pennsylvania, supply very short.

Elm: Grown in Eastern United States, veneer-quality supply short, declining due to inroads of Dutch elm disease introduced in burl elm logs imported from Europe for furniture veneer manufacture.

Pecan: Grown in the southern gulf area, veneer-quality supply short, reportedly being supplemented by substitution of other hickories which are deficient in supply of quality trees.

In a broad way, the current Forest Service updating of the Timber Resources Review, which was based primarily on 1952 data, confirms these observations. Mr. Edward P. Cliff, Chief of the Forest Service, speaking at the Fifth American Forest Congress in October 1963, stated in part:

"The cut of timber substantially exceeds growth in the larger tree diameters where quality is concentrated, both for softwoods and hardwoods. Most of the cutting is limited to preferred species. As a result of these trends, less than 10 percent of the total hardwood inventory, for example, is now in trees above 15 inches in diameter in those species having established markets. (This includes select red and white oak, yellow birch, hard maple, cottonwood, sweet gum, yellow poplar, ash, black cherry, and walnut.) Moreover, only a portion of this 10 percent is top-grade material. Today we import nearly half of the wood used in hardwood plywood and veneer—a forcible reminder to look to the quality of our timber growth and inventory rather than to volume alone."

THE WORLD PICTURE

Hardwood log production and availabilities in the free world are shown in this tabulation, developed from 1961 statistics published by the Food and Agriculture Organization of the United Nations. I must emphasize that these data include both sawlogs and veneer logs, separate data are not available. On the average, we estimate that probably 20 percent of these quantities represent veneer logs. The proportion is lower than this for developed countries, such as the United States and Europe, with little or no virgin timber, and higher for less developed countries with considerable virgin high forests.

Since the United States currently requires about 20 million board feet of black walnut for domestic production of veneer and exports over 10 million feet of such veneer logs, we are talking about an alternative supply of hardwood logs, combining the veneer and sawlog grades, of the order of 100 to 150 million board feet, as far as this tabulation is concerned.

Please note first that the United States produces (and uses) more hardwood sawlogs and veneer logs than any other country or principal geographical area of the free world, excepting free Asia. The United States has a deficit in veneer logs alone, and in most years in all hardwood logs. The small indicated surplus in the total in 1961 is due entirely to our imbalanced trade with Canada, which can import our logs freely but imposes controls on exports of Canadian logs.

Look at the trade balance column in the tabulation with the figures of 100 to 150 million board feet in mind. Even in free Asia, which produces more hardwood logs than any other area, there is a trade deficit, much less a surplus of this order. Moreover, the lauans and related woods which make up a large part of Asia's total, are largely not suitable for fine furniture, although excellent and widely used for plywood.

Canada

Of total hardwood log cut of 732 million board feet, about 120 million or 17 percent were veneer logs. Principal domestic furniture veneer species consumed were birch (88 percent), maple (7 percent), and elm (3 percent). Veneer log imports are all from the United States. Exports sharply restricted by export controls, see chapter on such restrictions. Very little opportunity for the United States to increase its imports from this country.

Central America

Production of all logs low in relation to forest resource, some substantial undeveloped forest areas, largely inaccessible at present. Trade in all logs essentially in balance, no indication that any major increase in exports is possible in immediate future.

Principal furniture species is mahogany, but mahogany logs from this area are used especially for lumber for solid wood furniture, the figure (grain) of the wood being less desirable for veneer than the African species. Most accessible mahogany has been cut. See also South America.

A variety of other woods useful for furniture veneer occur as scattered individuals in stands made up of 100 to 200 or more species, none of which can be produced in substantial quantities for export.

Export restrictions prevalent in this area, see chapter on same.

South America

Production of all hardwood logs substantial, but plus balance of trade minor. Probably a higher proportion of veneer logs are involved, since much of the forest resource being used is virgin. Even at that, trade levels and net plus balance are not of the order of the 100 million board feet in which we are interested.

The principal furniture species grown in South America is mahogany, which is also depended on for lumber for use in solid wood furniture. Some increase in mahogany production is in the works, but will add only a relatively minor amount to veneer log supplies. Accessible stands have largely been cut, development of new areas difficult and slow. Logging restricted to a few months because of rainy season in tropics. Expansion of production also hampered by restrictions and economic burdens placed on foreign operators in many countries; most native operations are primitive. Other furniture veneer species in much the same situation as in Central America. Rosewood, for example, is available only in very limited quantities at higher prices.

Control of log exports by several countries are covered elsewhere, including those of Brazil and Colombia, which countries provide over 60 percent of the production of the area.

Free Europe

Despite substantial production of all hardwood logs, free Europe is sorely deficient in its supply of such wood, with a deficit exceeding 900 million board feet in 1961. The essential lack of virgin forests probably reduces the portion of total log production that is of veneer quality.

This area is most significant to our problem not only as the principal importer of American black walnut veneer logs but as the United States principal competitor for hardwood veneer logs produced elsewhere in the world, mostly in the tropics. In 1961, European countries imported over 1,057 million board feet of tropical logs, while in the same year the United States imported less than 43 million board feet of such logs. European imports of tropical logs are increasing steadily. The index of quantity, with 1955 as 100, reached 137 in 1958, 161 in 1959, 196 in 1960, and 198 in 1961. While European imports of such logs virtually doubled between 1955 and 1961, U.S. imports of the same had decreased in 1961 to only 41 percent of the 1955 level of 104 million board feet. In other words, European competition for veneer log supplies everywhere in the world is extremely serious.

France, which produced 40 percent of free Europe's total hardwood logs in 1961, restricts exports of veneer logs. West Germany, with 17 percent of free Europe's total hardwood log production, and Italy, with over 7 percent of free Europe's total, have export control authority applicable to logs, whether used or not at present, which has not been determinable. See chapter on export restrictions.

Free Asia

Free Asia's production of all hardwood logs in 1961 was by far the largest of any area, but Asia imported more logs than it exported. The principal countries contributing to this area's production are the following:

Japan, with a total hardwood log production of 2,416 million board feet, or 32 percent of the area's total, is deficient in hardwood timber, mainly because of its large exports of products made from hardwood logs. It imported 1,293 million board feet of such logs in 1961, especially from the Philippines and North Borneo, but including black walnut veneer logs from the United States; on the other hand, Japan's total exports of hardwood logs amounted to less than 0.1 million board feet.

The Philippines, producing 1,301 million board feet of all hardwood logs in 1960 (1,578 in 1962) or 17 percent of the area total, but exported 775 million board feet or more than 52 percent of the area's total exports. Its forest resources are being devastated by a combination of excessive logging and the slash and burn practices of nomadic agriculture (Kaingin farming). Logging companies are going into more remote areas for their timber, and aerial observation by even casual observers shows considerable destruction of the resource. With domestic production of hardwood lumber, veneer, and plywood increasing rapidly the need for logs, there is growing demand for control of log exports if not a complete ban. Required legislation has been proposed in the Philippine Congress. Of all hardwood log exports in 1962, 88 percent went to Japan.

Most of the Philippine resource is in species of the lauans, not desirable for high quality furniture while in great demand for plywood. Many desirable quality furniture woods are scattered in the timber stands, but concentrating on major increases of production of any one of them would be difficult if not impracticable. One of these, for example, is Dao or Paldao, a fine wood resembling walnut. While widely distributed, its market cut is limited by the fact that 30 to 45 percent of the log is unusable sapwood, felling of tall buttressed trees is difficult, and native superstitions limit the willingness of native workmen to fell it.

The Philippines is not a promising long-term source of substantial quantities of hardwood logs suitable for fine furniture veneers.

Indonesia, with a 1961 production of 862 million board feet of all hardwood logs, or 11.5 percent of the area's production, is not a stable source of exports.

India, with a production of 595 million board feet, or 8 percent of the area total, has relatively little volume of timber capable of producing furniture veneer logs. Indian rosewood is one such species, is relatively scarce and expensive. India's log exports are minimal.

Malaya, with production of 497 million board feet, or 6.6 percent of area total, has wood primarily of the lauan type (known as meranti in Malaya), rather than of the fine furniture veneer type. Malaya exercises control of exports of all log species which it can readily use domestically.

North Borneo, with production of 576 million board feet, or 7.7 percent of the area total, has relatively low domestic manufacturing facilities (although these are increasing) and exports over 86 percent of its production. Here again, most of the timber is of the lauan type (known locally as seraya), not suitable for fine furniture veneers although desirable for plywood. Japan takes 78 percent of the exports. Federation with Malaya and the growth of log utilization in the new federation as a whole, may change the freedom of log exports from this source. Sarawak, with less than half of North Borneo's production, is in much the same position.

Thailand, with hardwood log production of 297 million and Burma with 227 million are the other substantial producers in the area. Here again, plywood veneer type woods predominate, instead of the denser furniture veneer types. An exception is teak, which is prominent in both these countries. However, the teak timber resource is limited, is being overcut, and the increasing European demands for the wood limit its availability to the United States. In Burma, the state timber board is the major operator, controls the trade in teak logs, and is increasing its domestic usage in manufactures. In Thailand, the Government is also involved in teak utilization and trade is being centralized.

Africa

Africa, with a substantial production of fine hardwood logs from its virgin forests is the outstanding area of the free world in the ratio of log exports to log production. Nearly half of the production is exported. The four principal producing countries are Ghana, with 405 million board feet, Gabon with 386 million, Nigeria with 294 million, and Ivory Coast with 288 million. All are substantial exporters, but Europe is the principal buyer, with its historic ties to the west African tropical area. Ghana has nationalized its timber trade, and industry sources report that Nigeria is moving in that direction. This trend, along with the increasing facilities for local manufacture, is considered by the international timber trade as threatening the continuation of log supplies from Africa. The Europeans particularly are concerned, and are constantly seeking substitute sources of quality logs. This is one of the factors, reportedly, in the growth of European demand for our black walnut.

African mahogany is by far the most important furniture veneer wood grown in Africa. The readily accessible supply has been cut or is being operated, and substantial transportation difficulties must be overcome to increase supply. Ghana has been an important source, but nationalization of the trade is interfering with its supply.

Many other species of excellent furniture wood exist but as small parts of very complex stands of many scores of species, making it difficult if not impossible to concentrate on any one species. Many of these woods lack the distinctive figure or grain so desirable in fine furniture (mahogany is an exception). Regular and substantial supply of any one wood, a characteristic necessary to furniture producers, is usually a serious problem. There is growing opposition to the costly practice of high grading of timber stands for select species.

Oceania

All but 100 million board feet of Oceania's total production of all hardwood logs is accounted for by Australia, for which FAO reports no log exports. By far the predominating woods are eucalypts which are not desirable for fine furniture veneers. However, some of the production includes a wide variety of rain-forest species, some of which are quite desirable for furniture veneer. Export of logs of at least one of these, Oriental wood or Australian "walnut," is completely embargoed, according to trade sources. In general, Australia has a well-developed veneer and plywood industry, imports veneer logs, and should not be considered as a source of veneer logs for the United States.

Only Africa has a substantial trade surplus. However, Europe, with its old colonial ties and developing new trade ties with Africa, has the inside track on this source of logs. It is by far Africa's principal customer. In 1961, Europe imported over 1 billion board feet of tropical logs, mostly from Africa, compared to only 43 million board feet of tropical logs imported by the United States. European imports of such logs continue to grow (in 1961 they were double the 1955 figure), whereas the U.S. total in 1961 was less than half the 1955 quantity. Even at that, the European hardwood veneer industry is concerned with the adequacy of its African log supplies and is constantly seeking additional sources of fine hardwoods. In fact, this reason has been advanced in Europe to explain Europe's increasing interest in American black walnut.

Tropical hardwood resources, in Africa and in Latin America especially, are of course much greater than 1961 production indicates. But these resources are undeveloped, inaccessible, and comprised of a wide variety of species, many of them not suitable or desirable for fine veneer. Most of the accessible forests have been high-graded for the few species in demand; it will take time, money, and the solution of many problems to increase production materially. No one species is found in pure stands and thus is readily available in large quantities. There is always the difficulty of developing public acceptance of a new species at considerable expense only to encounter the hazards of an unsteady or dwindling supply.

Another major stumbling block is the fact that restrictions on log exports are prevalent and growing today over the world. Many countries exercise some controls, including Canada, Mexico, Brazil, Colombia, Malaya, Australia, France, to mention just a few. In Burma, exports are controlled by the State Timber Board, which also exercises a monopoly of the trade in teak. In Ghana, log exports have also been taken over as a Government monopoly with pricing and other provisions interfering with the trade.

SUMMARY

Briefly, it can be said that the world supply of fine hardwood veneer logs is not bright; specifically, we find no adequate replacement for veneer-quality American black walnut.

World availability of hardwood timber

[In millions of board feet]

Area	Cut	Exports	Imports	Balance
United States	5,502	50	49	+1
Canada	732	19	29	−10
Central America	322	4	5	−1
South America	2,725	67	51	+16
Europe	3,896	218	1,125	−907
Asia	7,495	1,482	1,508	−26
Africa	2,098	933	18	+915
Oceania	1,554	1	40	−39

NOTE.—Charts accompanying above not printed in the CONGRESSIONAL RECORD.

Source: United Nations, Food and Agriculture Organization; and Forest Products Division, Business and Defense Services Administration, U.S. Department of Commerce.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to inquire of the distinguished majority leader what the program will be for the rest of today and also for the forepart of next week.

Mr. MANSFIELD. Mr. President, the distinguished minority leader knows, I am sure, what my private prescription is; but my public pronouncement, with which he agrees, is to have the Senate go over until Monday, at which time the only business to come before the Senate will be the reading of Washington's Farewell Address. Then the Senate will adjourn until Tuesday, at which time it will take up Calendar No. 63, S. 805.

U.S. AUTHORIZATION TO PARTICIPATE IN INCREASE OF FUND FOR SPECIAL OPERATIONS OF THE INTER-AMERICAN DEVELOPMENT BANK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 63, S. 805, be laid before the Senate for consideration and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 805) to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

RECORD OF LEGISLATIVE ACCOMPLISHMENTS

Mr. MANSFIELD. Mr. President, this week the Senate acted on two more of President Johnson's legislative recommendations. The first one implements a recommendation in his economic message to adapt the gold reserve provisions

of the Federal Reserve Act to the realities of present and prospective monetary requirement, by eliminating the provision of existing law that the Federal Reserve banks hold gold certificates equivalent to at least 25 percent of their own deposit liabilities. The similar requirement that a gold certificate reserve of 25 percent be maintained against Federal Reserve notes in circulation is not affected in any way. We are most grateful to Senator ROBERTSON and his committee for the expeditious and expert handling of this bill. We are also indebted to Senators MUNDT, ALLOTT, LAUSCHE, HARTKE, WILLIAMS of Delaware, SALTONSTALL, JAVITS, DOMINICK, DOUGLAS, THURMOND, GRUENING, MCGOVERN, and TOWER for their enlightening contributions in the debate. Senate passage completed congressional action on this measure and it is now at the White House awaiting approval.

Today the Senate sent to the House a proposal, strongly supported by the President, to amend the Constitution relating to presidential inability and vacancies by spelling out a procedure permitting the Vice President to become Acting President in the event the President becomes disabled and providing for filling a vacancy in the office of the Vice President. The distinguished and very able Senator BAYH, the sponsor and floorleader of the constitutional amendment, is to be congratulated for his expert handling of this important measure. He has proved his mettle as a constitutional lawyer and an extremely capable floor manager. Full credit should also go to Senators HRUSKA, DIRKSEN, and ERVIN for their contributions to the passage of this measure.

I might say also that a great deal of credit should go to Senators HART, PASTORE, KENNEDY of New York, BASS, TYDINGS, LAUSCHE, SALTONSTALL, ALLOTT, and others who made contributions directly and indirectly toward strengthening the intent of Congress as far as this constitutional amendment is concerned.

Next week the leadership hopes the Senate will complete action on another of the President's legislative recommendations, a bill providing for a $750 million increase in the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank—over a 3-year period at the rate of $250 million a year. This represents the U.S. share of a planned $900 million increase in the Fund which will serve to strengthen multinational aid and the Alliance for Progress.

As to what we may expect in the next week or so the Senate Agriculture Committee on the 8th, 9th, and 16th of this month, held hearings on the President's recommendation to authorize production and marketing limits on an acreage-poundage basis. However, at present there is no reporting date.

The Appropriations Committee started Interior hearings February 15 and have scheduled Agriculture hearings for February 23.

The Armed Services Committee plans to start hearings February 24 on the President's military procurement program.

The Committee on Banking and Currency will hold hearings on balance of payments early in March—by March 2.

The Commerce Committee held a hearing Friday, February 19, on a bill establishing a National Oceanographic Council. On March 2 through 4 hearings will be held on S. 325 and S. 348—rail transportation service in the northeastern seaboard area. On March 8–10 the committee will consider the present helicopter service and whether subsidies are warranted in this area. S. 558 will be the subject of hearings on March 17 and 18, a bill relating to foreign markets for U.S. products. On the 23d and 24th of March the committee will hold hearings on cigarette labeling and advertising.

The Committee on the District of Columbia has announced hearings to start March 8 on the President's home rule recommendation.

The Foreign Relations Committee held a 1-day hearing February 16, on an amendment to the Foreign Agent's Registration Act but it will be from 2 to 3 weeks before this bill will be ready for floor action. On the 22d and 23d the committee will hold hearings on the President's request to amend the Arms Control and Disarmament Act to authorize appropriations of $55 million for the 4-year period of fiscal years 1966 through 1969. This bill passed the House on February 17 and it is expected to be ready for Senate action about the first week in March. On February 24–26, the committee will hold hearings on East-West trade.

The Committee on Interior and Insular Affairs has completed hearings on S. 360, a bill establishing the Indiana Dunes National Lakeshore in Indiana, in response to the President's request to expand our present system of parks, seashores, and recreation areas. The committee has also completed hearings on S. 21, the river basin planning authorization, and it is now ready for full committee action. On February 25, the Public Lands Subcommittee will hold hearings on S. 426–428 and S. 645 dealing with the Outer Continental Shelf, and on S. 435 relating to the Kaniksu National Forest, Idaho. On the 2d and 3d of March, the committee plans hearings on improvements on the Water Research Act enacted last Congress.

The Joint Atomic Energy Committee is in the process of holding hearings on its annual authorization bill which are expected to continue into the third week in March.

The Antitrust and Monopoly Subcommittee of the Judiciary Committee is holding hearings on S. 950, a bill clarifying the status of professional team sports under the antitrust laws. The Immigration Subcommittee started hearings February 10 on the President's request to correct serious defects in immigration laws by eliminating the national origins quota system which is incompatible with our basic American tradition.

The Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare is in the process of holding hearings on S. 9, the cold war GI bill. The education hearings for elementary and secondary schools were concluded on February 18, and the hearings are in the process of being printed prior to markup. The Manpower Subcommittee concluded hearings on the President's proposals to liberalize the present program for training the unemployed in new skills, including a new plan to create 10,000 jobs a month. The Health Subcommittee has just received its printed hearings on S. 510, a bill extending the Community Health Services, and S. 512, Health Research Facilities Amendments, both are Presidential recommendations and it is anticipated the subcommittee will act early next week. Hearings have been completed on the President's recommendation to authorize a 5-year program of project grants to develop multipurpose regional medical complexes for an all-out attack on heart disease, cancer, stroke, and other major diseases. It is expected as soon as the hearings are printed, the subcommittee will start its markup. On February 24 to 26, there will be subcommittee hearings on S. 315, a bill to establish a National Foundation on the Arts.

The Committee on Public Works will hold hearings February 23 to 26 on water pollution control at Federal installations—for reporting soon thereafter.

The Rules and Administration Committee will hold hearings February 23 and March 1 on rule XXII.

In summarization, the Senate thus far has either completed action or passed 9 of the President's recommendations and confirmed 18,698 of his nominees. These were the agricultural supplemental, gold cover bill, Appalachian aid, Bighorn Canyon Park, Coffee Agreement implementation, stockpile disposal, VA distressed homeowners relief, water pollution control, and Presidential inability. In addition, 66 other measures have been passed. The committees are moving ahead nicely and it looks as if we will have a productive session and early adjournment.

Mr. HRUSKA. Mr. President, I congratulate the junior Senator from Indiana for the excellent service he rendered today. It is the combination of months of hard work on his part.

I am sure that through the conscientious effort he put into it, he has made possible the passage of a joint resolution which is a landmark in its field. It is a significant contribution. I congratulate the Senator for his excellent work.

Mr. BAYH. Mr. President, I thank the distinguished Senator from Nebraska for his kind words. But more than that, I thank him for the great contribution he has made. We did not see eye to eye on all provisions of this resolution, but the Senator from Nebraska was one who led us through the morass of different possibilities and contingencies, ever toward our goal which we reached because of all our efforts a few moments ago. I am deeply appreciative.

Mr. YARBOROUGH. Mr. President, I congratulate the Senator from Indiana. It is a very rare occasion when any Senator has an opportunity to place his name on a constitutional amendment that seems as destined for passage, as this seems to be. In view of the few years that the Senator from Indiana has been

a Senator, it is an even greater accomplishment for him.

I had the privilege of adding my name as a cosponsor to the amendment. I hope it is eventually written into the fundamental law of the land.

I believe that the leadership of the Senator from Indiana, in framing this language within the first 60 days of the session, is a very fine accomplishment for him, as it would be for any Member of the Senate to have such a measure acted on within such a short period of time.

Mr. BAYH. Mr. President, I thank the Senator from Texas for his cosponsorship of the measure, as well as his counsel from time to time. I am grateful for his assistance.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon on Monday next.

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

ORDER FOR ADJOURNMENT FROM MONDAY TO TUESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday afternoon, it stand in adjournment until 12 o'clock noon on Tuesday next.

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

ADDITIONAL BILL INTRODUCED

Mr. DIRKSEN, by unanimous consent, introduced a bill (S. 1233) relating to the status under the Internal Revenue Code of 1954 of the Local 738, I.B.T.-National Tea Co. Employees' Retirement Fund, which was read twice by its title and referred to the Committee on Finance.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that, under the order previously entered, the Senate stand in adjournment until 12 o'clock noon, Monday next.

The motion was agreed to; and (at 7 o'clock and 26 minutes p.m.) the Senate adjourned, under the previous order, until Monday, February 22, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 19, 1965:

Department of the Interior

Stanley A. Cain, of Michigan, to be Assistant Secretary of the Interior for Fish and Wildlife.

Department of State

Thomas C. Mann, of Texas, a Foreign Service officer of the class of career minister, to be Under Secretary of State for Economic Affairs.

Jack Hood Vaughn, of Virginia, to be an Assistant Secretary of State.

W. Averell Harriman, of New York, to be Ambassador at Large.

Diplomatic and Foreign Service

Angier Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Raymond R. Guest, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Robert C. Good, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Geoffrey W. Lewis, of Virginia, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

C. Robert Moore, of Washington, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Postmasters

The following-named persons to be postmasters:

ALABAMA

Joseph R. Rutland, Fitzpatrick, Ala., in place of F. W. McLaurine, retired.

William E. Streetman, Hurtsboro, Ala., in place of J. J. Chambliss, retired.

Milligan Earnest, Opelika, Ala., in place of A. J. Peacock, Sr., retired.

Willie R. Finch, Samson, Ala., in place of E. E. Johnson, retired.

ARKANSAS

Thomas E. Nelms, Brookland, Ark., in place of J. P. Lamb, retired.

Ralph W. Blair, Fort Smith, Ark., in place of Cooper Hudspeth, retired.

Betty L. Cochran, Hector, Ark., in place of L. B. Hurley, retired.

CALIFORNIA

George R. Mitchell, Clearlake Oaks, Calif., in place of I. C. Ketterman, retired.

John A. O'Guin, El Centro, Calif., in place of E. E. Keltz, retired.

Lewis N. Hanson, Rio Linda, Calif., in place of E. M. Fisher, retired.

Ruby M. Willoughby, Stevinson, Calif., in place of C. E. Coker, retired.

COLORADO

Carrol E. Byerrum, Grand Valley, Colo., in place of Otis Murray, retired.

Wayne F. Wilcoxen, Idalia, Colo., in place of Rose Ramseier, retired.

Harry N. Pearson, Ignacio, Colo., in place of N. B. Marker, retired.

Barbara M. Spencer, Ouray, Colo., in place of M. H. McCullough, retired.

Frank A. Batman, Jr., Pierce, Colo., in place of E. F. Huitt, retired.

DELAWARE

Clifford W. Truitt, Dagsboro, Del., in place of F. E. Williams, retired.

Clarence A. Schwatka, Jr., Townsend, Del., in place of E. M. Conner, retired.

GEORGIA

H. Bryson Turk, Flowery Branch, Ga., in place of F. N. Carlisle, retired.

J. Dwight Todd, Gibson, Ga., in place of M. W. Dukes, retired.

Jesse L. Garland, Martin, Ga., in place of O. C. Elrod, transferred.

James E. Pevey, Pembroke, Ga., in place of J. N. Hope, resigned.

IDAHO

Hortense H. Tyler, Ucon, Idaho, in place of M. A. Ritchie, retired.

ILLINOIS

Kathryn E. McLaughlin, Troy Grove, Ill., in place of R. H. Zorn, resigned.

INDIANA

Carldean Merrifield, Sr., Wolcottville, Ind., in place of M. H. Rice, retired.

Chester A. Etchason, Jr., Plainfield, Ind., in place of A. C. Morphew, retired.

IOWA

Dalbert D. Holst, Harris, Iowa, in place of Thelma Allen, retired.

KANSAS

Melvin C. Webb, Cimarron, Kans., in place of J. D. Egbert, retired.

Virgil J. Hitz, Hudson, Kans., in place of M. M. Metz, retired.

Charles T. Lingo, Wakarusa, Kans., in place of E. L. Allison, retired.

KENTUCKY

Martin W. Willson, Dixon, Ky., in place of M. B. Moore, deceased.

James A. Estill, Mays Lick, Ky., in place of W. R. Guilfoile, transferred.

LOUISIANA

Edmund F. Perkins, Clayton, La., in place of D. A. Williams, retired.

MAINE

Emilio E. Hary, Owls Head, Maine, in place of B. L. Borgerson, retired.

MASSACHUSETTS

Edwin G. Fabian, Hanson, Mass., in place of H. A. Kane, retired.

Francis A. Woodlock, Medfield, Mass., in place of F. G. Haley, retired.

MICHIGAN

Robert E. McMullen, St. Joseph, Mich., in place of E. M. Evans, retired.

MINNESOTA

Elwyn A. Guyer, Taconite, Minn., in place of L. W. Wivell, retired.

MISSISSIPPI

John D. Rosamond, Gholson, Miss., in place of L. C. Skipper, Jr., declined.

Hayden L. Martin, Pittsboro, Miss., in place of L. R. Beckett, retired.

Charles H. Wellington, State College, Miss., in place of J. D. Mullen, deceased.

Annie R. Lagrone, Steens, Miss., in place of O. O. Odom, transferred.

MISSOURI

Aldace Naughton, Jr., La Plata, Mo., in place of G. C. Brammer, retired.

Eugene F. Schaberg, St. Charles, Mo., in place of H. I. Holmes, retired.

Gerald A. Robertson, Sullivan, Mo., in place of R. L. Cuneio, deceased.

NEW JERSEY

Doris M. DaKay, Delaware, N.J., in place of V. B. Brader, retired.

NEW MEXICO

Norman M. Booker, Hobbs, N. Mex., in place of L. L. Gholson, removed.

NEW YORK

Walter W. Rostenberg, White Plains, N.Y., in place of J. M. Paul, retired.

NORTH CAROLINA

Robert L. Baysden, Ernul, N.C., in place of M. B. Ipock, retired.

NORTH DAKOTA

Sylvester J. Schneider, Hannah, N. Dak., in place of R. E. Milligan, retired.

OHIO

Mauna L. Pullins, Irwin, Ohio, in place of H. B. Gorton, retired.

Frank Dobrozsi, Middletown, Ohio, in place of L. M. Taylor, resigned.

Arthur E. Rau, Sardinia, Ohio, in place of J. F. Crawford, transferred.

OREGON

Allan B. McVay, Alsea, Oreg., in place of Eugene Bedell, retired.

June Y. O'Connor, Ione, Oreg., in place of R. O. Roberts, retired.

PENNSYLVANIA

Eugene D. Mitchell, Beaver Springs, Pa., in place of L. B. Wetzel, retired.

Joseph D. Murphy, Bryn Mawr, Pa., in place of M. C. Barone, transferred.

John Gajdosik, Floreffe, Pa., in place of W. R. Weir, retired.

William K. Whiteford, Shiremanstown, Pa., in place of E. E. Tritt, retired.

SOUTH CAROLINA

John W. Rogers, Pelzer, S.C., in place of Sue Scott, retired.

Vertie Lee Salley, Salley, S.C., in place of O. J. Salley, retired.

TENNESSEE

Taskel T. Rich, Byrdstown, Tenn., in place of C. L. Wells, retired.

George W. Whaley, Middleton, Tenn., in place of H. G. Simpson, retired.

William R. Broadway, Ten Mile, Tenn., in place of A. M. Edgemon, transferred.

TEXAS

Clarence T. Davis, Jr., Amarillo, Tex., in place of G. B. Jordan, retired.

James T. Youngblood, Jr., Burkeville, Tex., in place of M. M. Woods, retired.

Dorothy F. Ehrlich, Follett, Tex., in place of A. C. Cotney, Jr., transferred.

Aubra C. Fuqua, Jr., La Porte, Tex., in place of R. F. Fuqua, retired.

Louis F. Parsons, Thornton, Tex., in place of W. F. Cannon, transferred.

Ernest L. Ryan, Weslaco, Tex., in place of N. G. Hargett, retired.

VIRGINIA

Willie L. Yeatts, Altavista, Va., in place of Z. J. Barbee, Jr., retired.

Edwin A. Crowder, Boydton, Va., in place of E. C. Oslin, transferred.

Jennie D. Luck, Montvale, Va., in place of A. G. Whitten, retired.

WASHINGTON

Kenneth A. King, Coupeville, Wash., in place of E. L. Mudgett, retired.

WEST VIRGINIA

Lansing H. Walker, Berwind, W. Va., in place of R. M. McGlothlin, resigned.

Ova H. Tolley, Dunbar, W. Va., in place of O. H. Young, retired.

Myrna F. Proffit, Hansford, W. Va., in place of O. G. Toney, retired.

William E. White, Newell, W. Va., in place of C. E. Mills, retired.

WISCONSIN

Ferne L. Thompson, Wyocena, Wis., in place of R. E. Andrews, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19, 1965:

OFFICE OF EMERGENCY PLANNING

Buford Ellington, of Tennessee, to be Director of the Office of Emergency Planning.

DEPARTMENT OF DEFENSE

Kenneth E. BeLieu, of Oregon, to be Under Secretary of the Navy.

Graeme C. Bannerman, of the District of Columbia, to be an Assistant Secretary of the Navy.

U.S. AIR FORCE

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. William H. Blanchard, 1445A (major general, Regular Air Force), U.S. Air Force, to be general.

Maj. Gen. James V. Edmundson, 1863A, Regular Air Force, to be lieutenant general.

Maj. Gen. Robert J. Friedman, 1397A, Regular Air Force, to be lieutenant general.

Maj. Gen. William K. Martin, 1697A, Regular Air Force, to be lieutenant general.

Lt. Gen. James Ferguson, 1530A (major general, Regular Air Force), to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10, of the United States Code.

U.S. NAVY

Rear Adm. Charles T. Booth II, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving, to be vice admiral.

Adm. Harold P. Smith, U.S. Navy, for appointment to the grade indicated, when retired, pursuant to title 10, United States Code, section 5233, to be admiral.

U.S. MARINE CORPS

Lt. Gen. Henry W. Buse, Jr., U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated, while so serving, to be lieutenant general.

IN THE ARMY

The nominations beginning Edward H. Frick to be colonel, and ending John H. Ziegler to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 3, 1965.

IN THE NAVY AND MARINE CORPS

The nominations beginning William C. Adams, Jr., to be captain in the Navy, and ending John W. Winters, Jr., to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 8, 1965.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 22, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., quoted this verse from Joshua: 1: 9: *Be strong and of good courage for the Lord thy God is with thee whithersoever thou goest.*

Most merciful and gracious God, we thank Thee for this day commemorating the character and conduct of our first President, whom we reverently and affectionately call the Father of his Country.

Our hearts expand with pride as we think of his courageous spirit of adventure, his fortitude in times of hardship, and his fidelity to the principles of justice and righteousness, which urged him to champion the cause of the oppressed colonists.

We thank Thee above all for his humility and devout faith which sent him down upon his knees in prayer at Valley Forge in order that he might know how to march in step with the eternal will and wisdom of God.

Grant that the memory of his life may strengthen and support the soul of our Republic and inspire us to live and labor, in faith and in faithfulness, for the freedom of all mankind.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 18, 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 joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 1. Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of office.

RESERVES AGAINST DEPOSITS IN FEDERAL RESERVE BANKS

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, February 18, 1965, he did, on February 19, 1965, sign the following enrolled bill of the House:

H.R. 3818. An act to eliminate the requirement that Federal Reserve banks maintain certain reserves in gold certificates against deposit liabilities.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 9, 1965, the Chair recognizes the gentleman from California [Mr. DEL CLAWSON] to read George Washington's Farewell Address.

Mr. DEL CLAWSON read the Farewell Address as follows:

To the People of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently