Harris, D.D., offered the following prayer:

If we think that we can sweep it under the rug and go on our merry spending, if we think that we can sweep it under personal loyalties, we seek the sanctuary of tension of the present and anxiety about the homeland, with anguished hearts we bemoan the open sores of this afflicted world and the grieves 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.

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, 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, 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 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 1965, 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 Internal 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 issues, addressed himself 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 50 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 as regards the responsibility of the

Conservation and outdoor recreation is of

fundamental significance to Arkansas, particularly as regards the responsibility of

resources and increasing leisure will tax our

recreation"; and

Whereas the President lauded the 88th General Assembly of the

Arkansas congressional delegation.

There being no objection, the concurrent resolution was referred to the Committee on Banking and Currency.

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

**CONGRESSIONAL RECORD - SENATE**

February 19, 1965

**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 personnel in 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. Johnson; to the Committee on the Judiciary.

By Mr. SPAREMAN:

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 convey 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 Mae Keys.

S.1218. A bill for the conveyance of all interests of the United States in certain land in Jefferson County, Miss., to the holder 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 hereafter conveyed by the United States.

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

S.1221. A bill to direct the Secretary of the Interior to transfer mineral 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 to the heirs of J. P. Carter; and

S.1223. A bill to authorize the Secretary of the Interior to convey certain property in 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 Mining Act of 1911, 36 Stat. 469 (25 U.S.C. 300), relating to payments made to the States out of moneys received from the sale of timber from land under the provisions of the Act on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. BAYH, Mr. DURKSEN, Mr. DOUGLAS, Mr. MUSKIE, Mr. PROKHER, Mr. HICKENLOOPER, Mr. MILLER, Mr. LAURCHE, Mr. SCOTT, and Mr. SMITH):

S.1232. A bill to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of knowledge, in the political, legal, economic, social, psychological, educational, and other aspects 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. Munro 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 those who believe that the 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
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, and Luxembourg.

In the United States the selection of the first Tuesday after the first Monday in November as our national election day was specified by Article II, section 1, of the Constitution. The Congress may determine the Time of holding an election and the Place thereof. The frequency of such elections was used to bring many voters to the polls, and in those days it was often necessary to start out the preceding day. Senator Frink, citing his experience in Kentucky, when traveling to the polls on that day.

The bill follows the pattern of Federal and university technical assistance, the proposal is actually an old, re-introduced bill, which proposes to put the Nation's use of colleges and universities in the overseas technical assistance program on a new basis.

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 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 provide for elections as far as the examinations of the Members of the Senate and the House of Representatives. The Vice-PRESIDENT. The bill will be received and appropriately referred.
is the same pattern we adopted last year in Senator Clifton 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 which will be interested in a larger 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 allocations.

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.

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 cooperative efforts to help place our overseas missions to decide which activities the United States can most usefully conduct in cooperation 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. J. 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 said:

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 what should be done.

Secondly, Dr. Gardner's advice to us is that if we want to use the universities more extensively in programs we must make some changes in "tooling up" to handle the technical assistance projects; "tooling up" in terms of staff, adequate and special facilities required, and training of personnel. This requires some 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 Research Act. The situation is the same today as then, and is the same as the situation that confronts the current Administration. The problem is a problem of water pollution control. 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 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 training and development of systems. The unacceptable alternative is to allow others to determine the future conditions under which we will have to defend our national interests.

I have used these quotations from the Gardner report and the Indiana state statement because, while underlying the need for a strong technical assistance program abroad, they also mention two of the fundamental consequences of measures 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 facilities 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 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 universities 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. This requires some 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.

Indiana University Statement

About the same time last summer, a statement, "New Directions in Foreign Aid," was published by Indiana University and the American Council on Education, 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."

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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 land-grant school. 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 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 through this field and establish the facilities with the assurance of continuity which a congressional enactment, as contrasted with an administrative allocation, provides, and with some assurance for "tooling up" if the need should be responded from every State. Faculty members and graduate students, assured Federal Government's continuing commitment, can now specialize in hydrosociences with assurance that it will be a worthwhile career.

A FROZEN 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 201 would authorize 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. Senator Orrock and Senator Boll, 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 to substitute the sort of partnership which I was happy to incorporate in the measure, for they improved it.

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. 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.

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 AMENDMENTS

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 limited to an agricultural development program, the universities, the colleges and universities which do the work need to have men trained in a wide field of disciplines available to them.

Dr. Harvill indicated something of the broad requirements, in terms of varying fields of expertise, involved in just the rural development field, when he told the Senate Agriculture Committee, that he plans to hold a conference on rural development:

To develop a prospering Western-style economy, the productivity of the individual farmer in rural Africa, Asia, and Latin America must grow tremendously. This growth may 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 diverse. It is needed by scientists in many fields. Know-how is needed--

To build a chicken coop and a marketing coop.

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

To improve the sanitation of a village and to furnish the dwellers with a means of providing their personal needs;

To direct the growth of a student body to become the leaders of their institutions.

As of today, colleges and universities have filed applications to the Department of Interior requesting funds to go to selected colleges and universities to strengthen their ability to do technical assistance work. They are happy to cooperate in a program which adds to, rather than subtracts from, their resources.

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As of today, colleges and universities have filed applications to the Department of Interior requesting funds to go to selected colleges and universities to strengthen their ability to do technical assistance work. They are happy to cooperate in a program which adds to, rather than subtracts from, their resources.
Dr. Wilson’s suggestions have been reviewed and taken into account in the draft of the measure today introduced.

On this basis, the President proposed a new structure to the universities outside the universities and outside AID, Dr. Walter Wilcox, of the Legislative Reference Service, who prepared a memorandum at my instruction, wrote:

The principal current AID method of carrying on technical assistance in foreign countries over short-term contracts with universities and research agencies was brought in by him on the basis of his opinion. It is characterized by:

First, the quality of performance should be high enough to encourage 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 undertakings.

Second, direct involvement of the universities should 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.

Third, it should be an assurance which the colleges and universities need to justify building up their staffs and facilities, which the universities need to justify building up.

Fourth, it should provide 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 this area, 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 undergraduate 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 completed its work. The administration and others will also undoubtedly have changes worth making.
on how much on-going work of this type AID would transfer from its present contract grant 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 analysis of this present contract grant 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 title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

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

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 in the United States, for the establishment and maintenance of foreign assistance and development projects in cooperation with foreign universities and other institutions of higher education, a grant in the sum of $250,000,000 for the fiscal year beginning on July 1, 1967, and such sums as may be necessary for each year thereafter, for the purpose of making arrangements with educational institutions requiring, and extensions which shall be 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 Secretary, arrange with private sources or with the country assisted for supplemental services, or for counterpart funds of development projects 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. 1879 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 make its enactment at this time particularly timely and important.

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 of Abraham Lincoln's family 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 along 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 co-sponsors the other Members of the Senate from the three States across which the trail will run—my Indiana colleague [Mr. BAYH]; Mr.uckles and Mr. DOUGLAS, of Illinois; and Mr. COOPER and Mr. MORRISON, of Kentuckian.
I seek 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 reference to the Committee on Banking and Currency, the bill, with the 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 applicable to domestic depositories, 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,

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

Dear Mr. President: There is transmitted herewith a copy of S. 1227, which continues the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositories.

The proposed legislation would make permanent the temporary authority granted for a 3-year period by Public Law 87-837, approved October 15, 1962, 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 domestic depositories.

During the period of time since the law became effective, U.S. commercial banks have been able to attract substantially increased foreign official funds by 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 31, 1964, when the total amounted to $8,930 million. While no one can estimate with certainty what the volume of foreign official deposits would have been had our commercial banks been forced to conform with the regulatory ceilings applicable to domestic depositories, it is clear that a significant volume of foreign official funds would 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 investments 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 maintain the competitiveness of our currency relative to foreign official institutions, supporting the key role of the dollar in the international financial system. At the present 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 absolute terms, are limited relative to the overall deposit structure of our banks and the domestic money market.

Thus, at some time the authority granted under Public Law 87-837 has been used effectively, accomplishing highly useful results without adverse effects. The letter and enclosures evidence by the growth of Lincoln collector and hobbyist interest in this historical and scenic project, and referred to the Committee on Interior and Insular Affairs.

The objective of the study is to assemble data and to develop a recommendation for a national program for scenic roads and parkways. At the same time, the law has helped to enhance the attractiveness of our currency to foreign official institutions. By the proposed bill.

During the period of the early expiration date beyond which higher rates may not be paid, these advantages are not available. It is therefore recommended if you would lay the proposed bill the Senate. A similar proposal has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration 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, Section 1. The last sentence of the fourteenth paragraph of section 19 of the Federal Reserve Act (12 U.S.C. 451) 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 section shall apply to all banks, including intermediate banks which may be 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). The Board of Directors shall by regulation prohibit the payment of interest, at rates above the highest paid by insured member banks, on time deposits of foreign governments, monetary and financial authorities of foreign governments, and of international financial institutions.

Section 18(g). The Board of Directors shall by regulation prohibit the payment of interest, at rates above the highest paid by insured nonmember banks, on time deposits of foreign governments, monetary and financial authorities of foreign governments, and of international financial institutions.
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 have time to time 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 a member bank. Such regulations shall prohibit any insured nonmember bank from paying any time deposit before its maturity except as may be prescribed with such rules and regulations as may be prescribed by the Board of Directors, and from making any payment before payment of any savings deposits except as to all savings deposits having the same maturity. For each violation of any provision of, or failure to act in accordance with, such regulations relating to the payment of interest or dividends on deposits or to member banks, such 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 Board of Directors shall not, in any event, by regulation set an interest rate of any savings deposit at a rate lower than 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 have time to time by regulation of the Board of Directors prescribe different rates for such payment on time and savings deposits, and shall prescribe different conditions respecting withdrawal or repayment of 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 maturity. That the provisions of this paragraph shall not apply to any deposit which is payable on demand in an insured nonmember 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 Board of Directors shall not, in any event, by regulation set an interest rate of any savings deposit at a rate lower than 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.

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 from revenue obtained by 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, the chairman of the Senate. This bill would 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 is the land of the notice 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 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. It does not require that the 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 received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the Record.

The VICE PRESIDENT. The bill shall be considered along with the bill 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 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 Committee on Interior and Insular Affairs by the Bureau of the Budget for 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 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 this legislation.

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 shall be considered along with the bill recently announced by Senator McCLELLAN's subcommittee for March 3.

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, 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 its enactment, that the costs of Federal recreation shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the development of projects under the control of the Secretary of the Interior, and maintenance, and administration 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 location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (c) the Corps of Engineers shall ensure that the projects provided for herein are provided for those purposes unless such areas or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (d) planning with respect to the development of the recreation potential of any such project shall be based on the location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (e) planning with respect to the development of the recreation potential of any such project shall be based on the location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (f) planning with respect to the development of the recreation potential of any such project shall be based on the location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (g) planning with respect to the development of the recreation potential of any such project shall be based on the location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities; (h) planning with respect to the development of the recreation potential of any such project shall be based on the location of the area or facilities are authorized by law or are consistent with the use of existing and planned Federal, State, or local public recreation development facilities."
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 $28,000,000: Provided, That 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, or facilities in tracts, parcels, or projects of comparable values to those functions and wildlife enhancement benefits of reasonably equivalent use and location by the least cost manner, and (2) repayment, with interest at a rate comparable to that for other interest-bearing federal obligations, within an appropriate period, including (A) the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of existing facilities and fish and wildlife enhancement facilities, not more than one-half the separable costs or (B) project lands or facilities to Federal agencies, at no cost, for the operation and development of fish and wildlife. 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. 40), with respect to the outdoor recreation and management of the project. For projects authorized by the Land and Water Conservation Act of 1965 (78 Stat. 897), the Secretary of the Interior is authorized as a part of any water resource development project under his control hereafter authorized, as a part of such project, to transfer land, water areas and the operation, maintenance and replacement of facilities and to transfer land, water areas and the operation, maintenance and replacement of facilities and to transfer such lands of pleasure resorts for boating, fishing, or any similar purpose, for any allocation or reallocation of joint costs (1) for recreation or fish and wildlife enhancement of acceptable or otherwise included in the project reservoir area is located in the public interest for recreation purposes. Provided, That no transfer authority hereafter authorized to allocate water and facilities to Federal agencies under the provisions of this Act shall be deemed to have the same meaning as the same meaning as the nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b) (1) of this Act. (b) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance of real property for the purposes described in 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 to enter into agreements with Federal agencies or State or local public bodies to enter into agreements with Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development for the public lands classified for retention in the public interest for recreation purposes. (b) Nothing in this Act shall be construed as the first proviso of subsection 2(d) of the Act of August 12, 1965 (73 Stat. 565; 16 U.S.C. 661 (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 with funds authorized by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands are acquired for any reallocation or joint cost (1) in the establishment of a migratory waterfowl refuge at the project, shall not exceed $28,000,000; Provided, That the Secretary of the Interior is authorized by the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case by agreement between the Secretary of Agriculture and the Secretary of the Interior for the transfer of lands and water areas within the limits of the Tennessee Valley Authority, or to projects constructed under authority of the Small Reclamation Act of 1935 (43 U.S.C. 1731 et seq.) 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 nonreervoir 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 Ten- nessee Valley Authority, or in connection with an authorized Federal program for the conserva- tion and development of multiple-purpose construction.
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 recreation purposes.

Sec. 8. As used in this Act—
(a) The term "project" shall mean a project or any appropriate units 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 in cost for each project purpose which is 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 development of Federal water projects; (b) planning with respect to recreation aspects thereof shall be coordinated with existing and planned recreation development, and; and (c) project construction agencies shall agree 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.

Funds for the establishment, maintenance, and operation of such lands and facilities, including recreation development costs which they must bear directly, shall be provided by non-Federal public bodies. Other provisions of the Act in effect at the time of the passage of this Act, or in effect at any time thereafter, shall be provided by non-Federal public bodies.

Under the provisions of subsection 2(b) non-Federal public bodies may pay or repay any costs of development (excluding those operation, maintenance, and repayment costs which they must bear directly) under either or both of the following: (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 to be established and periodically reviewed, to achieve repayment in the period specified, shall be provided by non-Federal public bodies.

The latter provision allows non-Federal interests, if they desire, to discharge their obligation to repay by charging fees to the users of the designated lands or facilities in accordance with the fee schedule established under provision (2) after determining that such land is not required by another Federal agency. Disposal of lands or facilities, and project modifications for those purposes. If such an agreement is reached, an authorized Federal agency would be authorized to dispose of the land by sale, lease, or in some other manner, after determining that such land is not required by another Federal agency. Provided such conditions will not, however, provide a basis for allocation or reallocation of any project costs for recreation and fish and wildlife enhancement.

Section 5 makes it clear that incremental or other evaluation for fish and wildlife enhancement at any project shall not be discouraged. Other programs, as under the Land and Water Conservation Fund Act of 1961 and other related legislation, developed to provide water resource and fish and wildlife enhancement, may be developed in accordance with other provisions of the Act. If a proposed project is in accord with the State comprehensive recreation plan developed under the provisions of the Land and Water Conservation Act of 1965.

Subsection 6(a) provides that the views of the Secretary of the Interior, in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each project report. The Secretary's report to Congress shall include a statement of intent to participate by non-Federal public bodies.

Subsection 6(b) confirms the limitations of the first proviso of subsection 3(a) of the bill. Subsection 6(b) is identical to the last proviso of section 503: 16 U.S.C. 622(4) with respect to measures for the enhancement of fish and wildlife benefits, including the construction of a subimpoundment or the construction of a water resource project; it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects which would bear more than their share of costs of development of lands and 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 the bill.
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 development of land other than recreation in the Fish and Wildlife Coordination Act so that the reimbursement policy established by the act will apply.

Subsection (c) places a limitation of $828 million on water resource project funds that may be expended for land acquisition to accomplish九龙江en Government purposes for conserving and protecting migratory waterfowl. These expenditures are in addition to the $32 million in the conservation fund for migratory waterfowl refuges. The $828 million limitation applies only to expenditures for acquisition of lands on which development would otherwise not be required, 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. The reason for the limitation is that Federal recreation fees are not appropriate for Federal administration. This was recognized in TVA's exemption from the cost sharing and reimbursement provisions of the act because existing policies would otherwise be required. Be this as it may, the Federal government of the United States has a restorative obligation in the protection of America's natural resources. The reimbursement policy is not appropriate for these purposes. The limitation on land acquisition costs is designed to ensure that the reimbursement policy will not be used to pay for the rest of the cost of these projects. The limitation on land acquisition costs is designed to ensure that the reimbursement policy will not be used to pay for the rest of the cost of these projects.

Subsection (d) provides that the bill shall not apply to the Tennessee Valley Authority, to projects constructed under the authority of the Water Resources Development Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended. It is believed that cost sharing and reimbursement is not appropriate for Federal recreation and fish and wildlife enhancement as small reclamation projects should be considered to have unique purposes and responsibilities now exist at watershed protection projects. The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate, construct, and maintain projects that are appropriate for Federal recreation and fish and wildlife enhancement in connection with multiple-purpose projects. The Water Resources Development Act and the Watershed Protection and Flood Prevention Act, as amended, are designed to make Federal recreation and fish and wildlife enhancement in connection with multiple-purpose projects, as well as to make Federal recreation and fish and wildlife enhancement in connection with multiple-purpose projects.

Subsection (e) provides for 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. The bill also provides for the Secretary of the Interior to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The bill is in its 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- 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 area of global conflict involving subversion, infiltration, psychological warfare, and economic warfare, too often we fail to recognize the importance of this and the need for nonmilitary actions. To this end, 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 before us 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 referred to in the bill would not have to share its information with the public.

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 second major enemy bill was passed by Congress in 1960 with a glowing report from the House 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. 1323) to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge to be used in 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 complex and difficult problems in the nonmilitary as well as military areas.
2. First and foremost are the problems raised by the unremitting drives by the Soviet Communist leaders to achieve 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 elaborately organized,lege, psychological, economic, technological, organizational, and paramilitary areas enabling them to approach their immediate and long-range objectives through a variety of unique and unprecedented problems for the United States in a conflict that is being waged in such areas as printed, broadcast, and electronic media, labor unions, mass communication systems, in city and jungle and institutions and organizations of every description, as well as political, economic, and social conditions. Noticing that nonmilitary conflict makes extraordinary demands upon its practitioners, the Communist leaders of 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 immensely increased by the recent expansion of related research, science, industry, technology, and education to serve the power-seeking ambitions of world leaders rather than the needs of their people.
3. Second, the problems of the United States are complicated by the emergence of a new adversary society and the proliferation of nonmilitary capabilities. By political, psychological, ideological, economic, and organizational means they have transformed the behavior of the people's world, the revolutionary process, the expression of the expectations of the people's world, and other factors, all of which increase the difficulties of achieving our national objectives of preventing and countering aggression in the nonmilitary area.
4. The nature of the Sino-Soviet non-military 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, technical assistance, non-military programs, defense education, development, economic and social relations, non-military programs, community development, community relations, cultural exchange, and counterintelligence (as well as in the area of related non-military means which are available to us and which we can utilize to build viable, free, and independent nations).
5. However, the United States has fallen short in developing and utilizing its full potential to do the job we face. We are in a conflict where success or failure will not only depend on the ability of our military forces to defeat this while seeking to build free, independent, and viable nations; it will depend on the ability of our non-military means, and who can organize and program these instruments to achieve their objectives, to fully develop a non-military capability, to make these instruments potential available to us, and who can organize and program these instruments to achieve their objectives to facilitate team operations. We should seek to instill a high degree of alertness and dedication.
6. There has been a tendency to look upon counterintelligence as a series of discrete problems with separate solutions. This is inadequate. We must think through these additional methods and their potential roles and capabilities. The various agencies and bureaus and related military programs must be worked out and integrated with the existing instruments of our policy. Otherwise, we shall be left with an inadequate approach and 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 program of training and 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 instruments in achieving goals to facilitate team operations. We should seek to train a high degree of alertness and dedication.
7. The hereinafter created Freedom Academy would be the national clearinghouse for the people of nations involved. It would be the pool of talent, ingenuity, and strength to be developed and brought to bear on the conflict capacity has been increased by the concentrated effort of many instruments potentially available to us. While there has been marked improvement in such areas as language training, technical assistance, and university centers have made significant progress in area studies, nowhere has the academic community and the government program to develop strategies for the conflict area. The major problem is how to approach its area of freedom, national independence and self-government, as well as to attain other national objectives.
8. Furthermore, the United States has fallen short in developing and utilizing its full potential to do the job we face. We are in a conflict where success or failure will not only depend on the ability of our military forces to defeat this while seeking to build free, independent, and viable nations; it will depend on the ability of our non-military means, and who can organize and program these instruments to achieve their objectives, to fully develop a non-military capability, to make these instruments potential available to us, and who can organize and program these instruments to achieve their objectives to facilitate team operations. We should seek to instill a high degree of alertness and dedication.
9. The hereinafter created Freedom Academy would be the national clearinghouse for the people of nations involved. It would be the pool of talent, ingenuity, and strength to be developed and brought to bear on the conflict capacity has been increased by the concentrated effort of many instruments potentially available to us. While there has been marked improvement in such areas as language training, technical assistance, and university centers have made significant progress in area studies, nowhere has the academic community and the government program to develop strategies for the conflict area. The major problem is how to approach its area of freedom, national independence and self-government, as well as to attain other national objectives.
tenebrously and intensively trained in the vast and complex field of total political warfare, we can expect little improvement in our situation.

The lone Freedom Academy, costing a fraction of the Cuban sugar subsidy, may form 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 precursor of the complete 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. Trouble 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. Bratza, 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 and the Election of Members of the 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 301, Old 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 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 department 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 informed of the 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 distant states when they can achieve the same purpose by submitting a prepared statement for the record, either directly to me or through the Senator from the respective States which are affected by these proposals to eliminate research lines. Therefore 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 Subcommittee on Foreign Relations, I desire to announce today that 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 Mexico; C. Claiborne Goodwin, 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 Moody, of New York, 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 extension 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 them to the aid they desire? 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 Estonia 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 ceaselessly to maintain her independence and to establish good relations with other nations. However, on August 23, 1939, the Soviet Union prejudged the 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 ironical 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 ashes of Western colonialism, 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. The shock of occupation and exploitation, never reconcile itself 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 odyssey, especially at a time when the principles of freedom and self-determination for all peoples in the world have found universal
resistance as the guiding idea of this century's international life and is being placed in practice in all parts of the world. Croatian people are fighting for the recognition and application of these same principles.

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 Monday, April 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 AT THE INTERNATIONAL CHRISTIAN LEADERSHIP LUNCHEON, WASHINGTON, D.C., APRIL 4, 1965

It is an honor and a pleasure to join you in this distinguished group at the International Christian Leadership luncheon. I congratulate the sponsors for bringing together the distinguished Ambassadors of so many countries who lead the world. I would like to take this occasion to speak briefly on a subject which concerns us all. It is a matter 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 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 achieve peace, 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 channeling aid 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 regard the deliberations of an international conference of full-scale war as an instrument of national policy has become folly. Originally a means to promote peace, war today can become 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 future is one of peace. Peace is an enlarged because some world leaders have had the vision and courage to take that single step on the long road to peace.

In 1963, the Pope John XXIII, issued his encyclical "Pacem in Terris." In this document, the Pope said 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 stocks 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. President Johnson has made clear that he will travel anywhere and meet with anyone if this will enhance our common interest to keep the peace, to promote peace, and to achieve peace.

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, we have a new face. And the vision of its destruction has been brought home to us. It is a vision demanded of them a keener perception of mutual interests, a higher order of responsibility. For 2,000 years it has been said by the Bible that "when a man spares life, it shall be called a blessing, a good name, an everlasting inheritance." Today our common humanity, our common interests in a nuclear age require that we heed the Biblical advice to "spare life." Today, we are faced with the critical decision to build or to `pursue peace.' Today, our common humanity, our common interests in a nuclear age require that we heed the Biblical advice to "spare life." Today, we are faced with the critical decision to build or to pursue peace.

The modern telecommunications industry, the Nixon Administration's answer to this call for action, is an industry which culminated in the nuclear test ban treaty. This treaty provides that the leaders of the world will respond in like manner.

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.

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 margins and the Federal excise tax on telephone calls tends to depress the greater use of telephones in rural areas.

Whereas the repeal of said tax would immediately afford relief to small telephone companies and their 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.

Resolved, That the Congress of the United States be encouraged to repeal the Federal excise tax on telephone calls; and be it fur­
The railroad nationalization idea, largely dormant in the United States for more than 40 years, was revived January 16 when the Railroads and Finance Committee 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. According to its spokesmen, the RLEA, says he has Congressmen willing to introduce such legislation.

By its own estimate, 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 16 years, only about 10 percent of the general public favors nationalized railroads.

But what of the shipping public that deals most directly with the Nation? Who is this group that is nationalized than any other American population group? How great a percentage of that difficult-to-determine group of public favors nationalization of the railroads?

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

By a more widely used definition, however, 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 widely used definition, however, the term "shipping public" has come to embrace those persons who make up the Nation's "traffic, or its management, or similar problems does work and works well. It accordingly follows, even granting the dreadful inefficiencies, graft, and indifference rampant in our Government today, that it [nationalization] is worth a try."

"Furthermore, let us not overlook the fact—that despite much obvious effort on the part of railroads, the country to paint a grim picture—the fact remains that the Government ownership and operation of railroads in many other countries (with similar density of traffic and similar problems) does work and works well.

"Such views run counter to the beliefs expressed by many shippers who oppose rail nationalization. Many of these shippers feel that rail management is doing an adequate job or, at least, beginning to do an adequate job. They also feel that the shipping public is better off under private ownership.

"As an industrial traffic manager, I feel that the disadvantages would far outweigh the advantages that might be secured through the ownership of the railroads. All of these shippers feel that their charges at or below the market rate for similar services."

"If so, about how much a year does your railroad pay to railroads in transportation charges?

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"Union management obviously is frustr­ated that the number of railroad jobs has declined over the past 2 years and continues to decline. They also are frustr­ated with the costs of doing business; the fact that the work performed is not actually required.

"Union management bases its suggestion for nationalization of the railroads in Great Britain—cited as part of the present status of the railroad industry—and the Canadian situation, perhaps they are prepared to undertake to manage railroads more effec­tively. I would suggest that the union­ized railroad owners are not looking for general interest of the public in those cases where certain employees are totally unqualified. As far as I know, the work performed is not actually required.

"I am sure that you can see that at least this industry traffic manager believes that the nationalization of the railroads is for the opera­tion of our railroad system is for the opera­tion of the American private enterprise system, we would be making a false confession of weak­ness of our capitalist system.

"To recapitulate the results of Traffic World's survey:

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

2. The cost (to the taxpayers) of national­izing the railroads is estimated at $6 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 operating man­ager of the railroads would be settled by the Government, with no question as to the operation of the railroads, the (Government) would be converted into political bodies.

4. Nationalizing an industry that has operated long and successfully as a part of the American private enterprise system, we would be in the presence of another Hitler. No one has warned more eloquently or more stub­bornly than she against the danger of doing nothing about Castro.

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February 19, 1965

CONGRESSIONAL RECORD—SENATE 3217

resources which were Hitler's, humanity would already be deeply entrenched in world war III. Fidel's hatred is aimed not only at Fidel himself, but at all those who fight against all of his fellow men. It does not matter to him that he may bring catastrophe to Cuba, or wherever else he chooses to be. What matters to him is that he must continue to be the victim of international communism, which is the only way he can be a hero.

About Fidel Castro's plans for Latin America, Juanita Castro said that she had had occasion to talk to her brother, Fidel, coming to this meeting. The decision that I had to make became extremely difficult for I could see the tragic destiny which had befallen my country and the leadership in each country, we will have enough at last.

The story I wish to tell you and all for, from the moment that I became realized was never 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 fatal 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 the history of mankind which shows that somehow visionary leaders always appear to the people and would reverse the trend of 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.

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

Let us do more than we are doing because we can assure yourself from personal experience, any effort is too small, only thus we can overcome the monstrous plans which the world cannot understand and relentless preparations for the death of even more innocent victims and the burial of universal democracy.

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 a training ground to plot against those whom he had decided were not being blindly obedient and should be removed. This was the only issue well known to all of his intimate followers. It is a pathological affliction. This particular house was one of the most significant, situated in Cojimar, which is a few miles outside 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 trusted his own personal guard which had been with him since his Sierra Maestra days when the revolution was still on Cuba and that the enemy was the United States自己. The guard was composed of a group of young men who had been used to carry Fidel's knapsacks. Fidel in one of the many houses which he had appropriated for his personal comfort, and which he used as a training ground to plot against those whom he had decided were not being blindly obedient and should be removed. This was the only issue well known to all of his intimate followers. It is a pathological affliction. This particular house was one of the most significant, situated in Cojimar, which is a few miles outside 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.

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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, opened our eyes to what is happening in Cuba would once again have her nuclear warheads if the Western Powers dared to go further. They insisted they would. Fidel was most insistent. Miko­
yan on the point that the missiles should be returned to Cuba the very first minute that was possible. The United States showed the slightest signs of relenting.

Later on, Fidel started demanding loudly that an immediate follow-up of what was on the charge of the Russians be put in Cuban hands. This has now been accomplished.

Indignant in his conversa­
tion with Miskoyan, Fidel has forced me to shelve my plan temporarily but somehow we will drop bombs on the United States and this little island.

I can assure you that his madness knows no limits. All those of us who know him have no fear. He is determined to meet his ambitious goals. He would already not hesitate to drop bombs on the heads of millions of human beings. He would not make any difference to him whether this be against a North American or South American city. I can make this statement is that Fidel is very open about his goals and plans.

He makes no effort to conceal these thoughts from his intimate circle.

I do not believe that I am sure that we are in the presence of another Hitler. If Fidel had at his disposal the enormous arsenal which hitler's armies had already, it is for him to discuss the world war III. Fidel's hatred is aimed not only against the United States but also against all the American countries. He is not a man to whom it may bring catastrophe to the nations of the hemisphere so as to be able to satisfy his brutal ambition of conquering and dominating the continent.

On another occasion I heard Fidel say: "The survival of the United States must be immobilized. This can be done by con­quer­
ing Latin America so as to have them fight against each other. The survival of the United States must come from below. It's just like making a rebel hill by controlling all the flanks. This would be tantamount to crushing an inverted pyramid. The United States needing to bring down this pyramid will be found in Russia, Red China or anywhere I wish. (This is the way he talks to his inner circle)."

Fidel has not abandoned this strategy. Although he has been set back by failures in the past, such as the failure of his attempts to use the Cuban missile crisis against the United States and the failure of his efforts to provoke a war with Red China. Fidel has now found his way back to his original strategy of using the Castro-Communist instruments who had been in power, Fidel's tenacity is dangerous. He is determined to meet his ambitious goals. He is backed by Asia in conquering the African countries so as to black­
mall Moscow. This will probably give him the backing of the United States.

Since 1960 Cuba has been the Latin American "Technique 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, these graduates are sent back to their homelands as agents of Soviet imperialism to foment disturbances and create rebel zos.

These young men, whom the Marxist-Len­　

nism has turned into fanatics, will not be pioneers in the reconstruction and will not be pioneers of the people, but will be forced, with 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.
February 19, 1965

CONGRESSIONAL RECORD — SENATE

THE FLIGHT STATION AT SHERIDAN, WYO.

Mr. SIMPSON. Mr. President, last year the Federal Aviation Agency received 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 this announcement, I strongly protested the action, which, I would, in effect, automate a number of extremely important flight-service stations in mountainous, meteorologically unpredictable areas. I am particularly interested in the station at Sheridan, Wyoming, as it is one of 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 negotiation, but aid 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...
into Laramie. The rescue party spent all Tuesday night and most of Wednesday morn-

ing 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 had not been picked up radio contact with an airliner

stayed in the area close to 2 hours marking

said he was on vacation when he had to land

the first clear spot he could find because

"a

said he plans to get the airplane and be on

deep on the wings.

The pilot picked me up on his way to Casper,

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finest group . of men the FAA has ever

had—and that goes for the citizens of Wyo­

warm by running the motor of his plane until

the fuel ran out.

The committee structure should be studied

to meet the great challenges that face it

and the grave responsibilities it owes the

organization, as is

proposal,

The Kansas City Star, one of our Na­
tion's most noted and respected newspapers,

recently published a comprehensi­

cidal editorial in support of the concurrent

resolution. I believe that all members of

Congress will find the editorial inter­

esting and thought-provoking. There­fore,

formers
currently 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

yelling at each other. We're doing our job—

we're fighting for the American people."

Mr. Van Dox said.

Instead of something 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 seen

across such professionals in their businesses," he said.

Van Dox said if he 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 posi­
tion," Van Dox said. The DC-9 Citation pilot

had picked me up on his way to Casper,

then came back down on his way back, and

stayed with us for 2 hours marking me for the people on the ground." He said the two airline pilots worked to­
gerget the fuel 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.

"I 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 Wyo­

I'm heading for

Wyoming," he said.

"I met men today who stomped around all

night in the deep snow looking for me, and

they were hardily 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 astrucked at the

whole idea of the people who would wish the rest of the world had the integrity of

people I've met since I've been here."

Van Dox recently completed his education

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 that the 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 Organiza­
tion 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

honorable service for him to introduce

the Senate Concurrent Resolution 2.

The Kansas City Star, one of our Na­
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Oklahoma (Mr. Monroney) has submitted a concurrent resolution to establish

a Joint Committee on the Organiza­
tion 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

honorable service for him to introduce

the Senate Concurrent Resolution 2.

The Kansas City Star, one of our Na­
tion's most noted and respected newspapers, recently published a comprehensi­

cidal editorial in support of the concurrent

resolution. I believe that all members of

Congress will find the editorial inter­

esting and thought-provoking. Therefore,

formers currently 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

yelling at each other. We're doing our job—

we're fighting for the American people."

Mr. Van Dox said.

Instead of something 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 seen

across such professionals in their businesses," he said.

Van Dox said if he 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 posi­
tion," Van Dox said. The DC-9 Citation pilot

had picked me up on his way to Casper,

then came back down on his way back, and

stayed with us for 2 hours marking me for the people on the ground." He said the two airline pilots worked to­
gerget the fuel 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.

"I 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 Wyo­

I'm heading for

Wyoming," he said.

"I feel wonderful now. I'm astrucked at the

whole idea of the people who would wish the rest of the world had the integrity of

people I've met since I've been here."

Van Dox recently completed his education

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.
February 19, 1965

CONGRESSIONAL RECORD — SENATE

will be asking their colleagues to sit in judgment on traditional procedures and to stand up as a group against what is, in effect, the establishment.

Mr. McINTYRE. Mr. President, death is never a solely personal affair. When Mrs. Etta Gallagher, of Laconia, N.H., passed away, early this morning, 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 man. An 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 different tasks: a stone mason's measure to 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 award was ordered to be printed in the Record, as follows:

HOPE STUDY MAN OF THE YEAR FOR 1964: STUART SYMINGTON

Yale University, 1923.
International Correspondence Schools, 1929.

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

For demonstrating to millions of his countrymen that he was consistent with the American ambition, motivation, and ability to face society's most difficult tasks; for his foresight, to give us the needed patience and 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 unity. We have shown 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.

"This, by no means, puts a President above questioning or beyond criticism," Mr. Truman said. "It 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 side-liners, 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 commanders in defense seem to be suffering from short memories, and worse yet, shortsightedness. Many of those that could not defend themselves against invasions have grown vain and inflated and are now turning their backs on the remedy.

"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 President Johnson will do so, as he has done in the past, and will carry on, as we aim to carry on, a war against poverty and ignorance, as well as against aggression, for we shall keep ambitious aggressors from turning themselves to the easy prey of certain newly formed independent nations.

"We abandon these to the new marauders only when we accept the fact that we are headed for deep trouble," Mr. Truman said. "If we should commit the grave folly of abandoning the United Nations, or allow the defuncters to curb its effectiveness, we will be setting the stage for a third world war."

"What we have been trying to do throughout the cold war, 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 the war, whether won or lost, 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 side-liners, 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 commanders in defense seem to be suffering from short memories, and worse yet, shortsightedness. Many of those that could not defend themselves against invasions have grown vain and inflated and are now turning their backs on the remedy.

"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 President Johnson will do so, as he has done in the past, and will carry on, as we aim to carry on, a war against poverty and ignorance, as well as against aggression, for we shall keep ambitious aggressors from turning themselves to the easy prey of certain newly formed independent nations."
Mr. Chairman and members of this sub-committee, it is very gratifying for me to be able to stand before you today and consider our GI bill (S. 3223). It is the culmination of 3 years of a personal endeavor to show in my small way that I, as well as I can, would like to influence the passage of this bill. I first became interested in the "cold war" GI bill while I was deplored to the Naval Supply Activity at Tamaano Bay, Cuba, during the Cuban crisis in the fall of 1962. My interest stemmed from the fact that we were stationed in a "hot spot." 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 saw no one except Mrs. Mattaress, of Florida, requesting any pertinent information about the bill. Upon researching the subject, I discovered many technical aspects of the bill with both officer and enlisted personnel serving with me. The bill was favorable with everyone that I talked to, but some of these officers wrote their respective Congressmen asking for more information on the bill. I have come to the conclusion that any person interested in the bill for the past 3 years and have asked them to carefully weigh the merits of the bill, will see that it is a well thought out and objective manner. I found during this period of personal research that there was unanimous approval of the bill. To my surprise, I also discovered that the persons who were exempt from their military obligation would candidly admit that it was unfair. I was impressed with the fact that the people who have been the foremost military burden of our country, and even though they are given this added responsibility, they receive no reaadjustment 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 contemporaries, I wrote a letter to the 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 improving the efficiency and reliability of ocean transportation, and (2) to examine closely the way in which each of our ocean lines serve these trades to determine whether we can recommend immediate improvements which will cut the cost of ocean transportation or improve the 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 H. HARLLEE, 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, SEPTEMBER 22, 1965

It is a distinct pleasure to be here this evening and to bring 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." The Great Society is a magnificent 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 mean to bring dignity, education, and freedom from poverty to every man, woman, and child in the United States, but intends that it cover American citizens everywhere—that it cover citizens of Alaska, Guam, the Virgin Islands, Samoa, and particularly Puerto Rico.

Tonight I want to talk to you about the Federal Maritime Commission and its role in the Great Society in this great Commonwealth.

Indeed my purpose in visiting Puerto Rico is to ask you to follow the example of the people of Puerto Rico how this responsibility can be discharged. I came here to learn. This is no time to travel to the Caribbean. Years of my boyhood, way back in the twenties, were spent in the tropics munching sugar-cane on the plantations of the Dominican Republic. I served as a Coast Guardsman in the Navy in the early and late war years and I am sure that President Johnson does not mean to bring dignity, education, and freedom from poverty to every man, woman, and child in the United States, but intends that it cover American citizens everywhere—that it cover citizens of Alaska, Guam, the Virgin Islands, Samoa, and particularly Puerto Rico. Tonight I want to talk to you about the Federal Maritime Commission and its role in the Great Society in this great Commonwealth.

As Chairman of the Federal Maritime Commission it is my duty and responsibility, along with Vice Chairman Day and Commissioners Barrett, Hearm, and Patterson, to see that your trade continues to flow at reasonable, non-discriminatory costs 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 rates and services in the waterborne transportation industries that transport the goods America imports from and exports to every corner of the globe. In other words we have regulatory tools. We hope to have, and we will have a growing understanding between the Federal Maritime Commission and you, shippers. If we do not do our job well in the Puerto Rican trade, we can have no meaningful export trade.

We already have undertaken tremendous projects to help provide the best regulation possible of the steamship lines between continents and islands, including the Merchant Marine of Puerto Rico, and the other domestic offshore trades.

For example, we have undertake 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 changes 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 had a first-hand look at your shipping problems. They will be in the market for any solutions to these problems that you can suggest.

Regulations of the commerce between Puerto Rico and the United States is so important. Puerto Rico has more than 2 million people, and its exports and imports are of considerable volume. 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. It is not dependent upon the Puerto Rican economy but it 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 Puerto Rican economy operates in a world of shipping. Where there is even a hint that the rate or the service is unfair to either shipper or carrier it is thoroughly studied. Often the staff of the Commonwealth Government and in every case carefully studies every protest against unfairness.

In concluding, let me say that the Commonwealth Government believes and will keep cheap transportation system rather than expensive one. It is the government's job 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 the Commonwealth government to act promptly and not destructively. We are the people who have the job of providing a regulatory climate in which competition prevails and efficient transportation service is offered to meet the needs of the Island.

In closing, let me say that your present highly developed system of ocean transportation is attributable to many things. The Commonwealth Government observes 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 the expert examines every rate change made by every carrier providing service between continental United States and Puerto Rico. It is essential that the rate change may be unfair either to shipper or other carrier it is thoroughly studied. Often the staff of the Commonwealth Government and in every case carefully studies every protest against unfairness.

In closing, let me say that the Commission has done its part in developing the Puerto Rican trade. He will observe that the Commission has been the first to identify the shipping problems and work out solutions for them.

The Commonwealth Government desires our full cooperation. 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. 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 the Commission has been the first to identify the shipping problems and work out solutions for them.
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, in his 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 APPOINTMENT—RESTORING A BASIC PRINCIPLE OF THE CONSTITUTION

Mr. DOUGLAS. Mr. President, the fight to obtain fair representation in the State legislatures is as important to us as it is to our friends in the States across the country 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 is due to 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 plea for the restoration of the equal representation of people in State legislatures is worthy of the attention of Congress and of State legislators across the country. I ask unanimous consent to print the text of his address, as delivered by Senator Wesberry to the DeKalb Democratic Forum on February 16, 1965, 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 F. Wesberry, Jr., of Georgia, at the Inter-American Forum, at Emory University, on February 16, 1965)

Every 15 minutes a unique ritual occurs in the chambers of most of the States. 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 Constitution of the United States. Then some red-faced member makes a fiery speech, most of which is unintelligible to one who has not learned the language in which it is unmistakably indicated that the U.S. Supreme Court has upon its own initiative overturned 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 red; then the speaker and voting for the resolution which barely passes by a vote of about 194 to 8 (not counting rebel yells). The Georgia constitution says that "factors other than people." This unforgettable orgy, which would have keptaines the night of the Constitutional Convention, was ordered to be printed in the RECORD.

WE, THE FACTORS OTHER THAN PEOPLE

Mr. BENNETT. Mr. President, when the budget was submitted to Congress, the people of Utah were understandably shocked and dismayed at what they regarded as the proposal to begin construction of the $300 million Bonneville unit of the central Utah reclamation project.

The central Utah project is the heart and soul 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 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 $3.8 million to begin construction of the Bonneville unit; but the recommendation 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 that cannot be tolerated.

The water and power to be generated from the Bonneville unit will take several years to build, time is of the essence.

Thus the Constitution of the United States changed—thus were the principles of the Founding Fathers altered—not by the will of the people, but by the action of the legislatures—and thus was representation in our great country transferred from the people to factors other than people. This is an unwritten amendment to our Constitution.

When the Supreme Court ruled on March 26, 1964, 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 76 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, and that the will to stand up against the petty politicians 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" device "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 at what they regarded as the proposal to begin construction of the $300 million Bonneville unit of the central Utah reclamation project.

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The water and power to be generated from 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 concern the importance of the appropriation of funds to initiate construction of the Bonneville unit of the Central Utah project during the fiscal year 1966. Without being obtrusive, 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; that this project could move forward. After such a determined and successful effort by so many tenants, the 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 permanent diversion channel of the central Utah project. The board could see no justifiable reason for its delay. They, therefore, advised the legislative leaders 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 unflagging efforts have been appreciated by the citizens in the State of Utah in bringing this project to its present status, but again the board of directors feel the need to request your urgent support toward the establishment of these construction funds. They wish to state that the guidance and effort the county will be glad to provide you with any assistance or material aid in the finalization of 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 for the fiscal year 1966 for initiating construction of the Bonneville unit of the central Utah project.

Whereas the initial phase of the central Utah project to its present status, but again the board of directors feel the need to request your urgent support toward the establishment of these construction funds. They wish to state that the guidance and effort the county will be glad to provide you with any assistance or material aid in the finalization of 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.
I want to say that I had already begun 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 the 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. 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 Falls office. We will do it 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 their 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 defense with that.

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 Olvin Trague has opened hearings on the House side on the announced closing of Veterans' Administration hospitals and the consolidation of services in the country. 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 Department of Veterans Affairs, wrote me a most thoughtful letter, analyzing the effect of the proposed consolidation in South Dakota.

So that our 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.
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 a sudden increase in work volume. 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 load the packages. It is said that there are 110,000 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 addition to the clerical overhead costs. To figure the vast amount spent to allow department heads to travel to South Dakota on occasion brings the charge that the loan guaranty division was moved to St. Paul. Recently the St. Paul office had 5,600 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咬 implied-employee relationship. The adjudication officer is not an employee of the adjudication division. The adjudication division is more than a paper processing media. The adjudication division is the core of the VA operation and is not a paper processing unit. The VA should eliminate those positions and submit a new table of organization for the Sioux Falls office. The VA has shown at least a 6 weeks delay. Under such reorganization there would be no saving. How can the same employees and still save money?

The VA states that "anything dealing with claims and awards of benefits is not an examining function." This is not an examining function department head to another division and the VA officials know it. These actions based upon rules, regulations and public laws were required by the VA central office. The VA central office lacks the facilities and the VA officials know it. This cannot be reduced to a routine operation. Every veteran is entitled to the fullest consideration of his claim as a man who has defended his country without mental reservation.

Since the VA feels that the overlapping and unnecessary positions are needlessly 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 intact and consequently the VFW, AL, DAV, VFW, and the VA officials know it. These actions based upon rules, regulations and public laws were required by the VA central office. The VA central office lacks the facilities and the VA officials know it. This cannot be reduced to a routine operation. Every veteran is entitled to the fullest consideration of his claim as a man who has defended his country without mental reservation.

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The VA states that "this was no random move." It is noted that an arbitrary judgment has been made by the VA to close regional offices of the States having less than 100,000 veterans. South Dakota has approximately 78,000 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 figure based upon inadequate and unfair consideration.

The present organization consisting of a manager, assistant manager, chief medical examiner, central office, and assistant examiner for medical opinions is not an examining function. The central office would be no saving and the supervisory grades would be raised from a grade 13 to 14 and 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 19 to 12 contacts each day with VA personnel. This would mean a reduction of 80 percent in the execution of claims and awards of benefits. In many instances their contents are voted to the VA after they have left the Veteran's Administration and office or an examining function. The fact is not an examining function unit but more of a paper processing unit. Under the proposed merger the service officers would become non-personal services. The adjudication division deals with people every day including service officers, veterans, the hospital personnel and administration. The adjudication division is the core of the whole operation and all of the services revolve around it. To remove the veteran from the examination of 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 on each claim. In the proposed merger the VA examine rating decisions, award actions of the Sioux Falls office as compared with St. Paul office? In claims folders that claims files are so complex that the VA have not determined their rating decisions present full and complete discussion of their actions. What has been the trend of the last year or two compared with the 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 to consider the possibility of eliminating the Sioux Falls office and submit a new table of organization 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, non-service-connected pension for World War II veterans is increasing. The claims for pension by veterans who are approximately 40 years of age present a problem. Worrying more about the time in evaluating disabilities. The end product time now allotted is not sufficient since more time is required to complete the work. The veterans of World War II veteran. You cannot use the same criteria to consider a World War II veteran's claim as was used for a World War I veteran. The need for ability compensation being filed by veterans who have had 20 to 30 years of service. 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 interpreted by the VA. The VA is not an examining function. The VA central office is the core of the VA operation and is not a paper processing unit. The VA should eliminate such positions and submit a new table of organization.

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.

6. The merger and move would not save money since supervisory personnel at the St. Paul office would not be saved. The Sioux Falls office would be eliminated and new positions, adjudication personnel of the Fargo and Sioux Falls offices would be expected to be retained at the St. Paul office without reduction but personnel would be increased from 77 to 102.

7. The St. Paul office lacks the facilities to handle the increased volume for personnel and storage space for the additional records. The St. Paul office is behind in work and this confusion of movement would delay the timely consideration of claims.

8. The top management personnel remaining of either office after the merger would be excessive in the administration of the hospital. Here again the costs would be substantial and no benefits would be derived therefrom.

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 veterans in South Dakota would have no benefits or representation by the VA.

10. The quality and kind of service to the veteran and his dependents has been the best and are far superior to the St. Paul office. The Sioux Falls office has made many inroads of both offices and this will be clearly evident.

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.
PARIS, ILL., COUPLE RECEIVE AWARD FOR DISTINGUISHED SERVICE IN INTERNATIONAL EDUCATION

Mr. DOUGLAS, Mr. President, since 1966, the Institute of International Education has given 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 uniriting 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 neighbors.

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:

INSTITUTION 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 specialized efforts to provide hospitality to foreign students and visitors 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 and the special facility he is visiting is the most rewarding aspect of his exchange experience. Since 1966, 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 fellowship which has now become an annual event. Since then more than 100 foreign students attending nearby colleges and universities to spend the 4-day Thanksgiving holiday in local homes have received this program to the students and to the host families that the Trogdons undertook to develop. Thanksgiving events are now held in other communities. Today their idea flourishes in seven Illinois towns and cities.

The Trogdons were instrumental 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 government and private agencies. Many of these visitors have enjoyed the hospitality of Mr. and Mrs. Trogdon 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 government agencies and organizations, educational and cultural exchange agencies, including the experiment in international cooperation, and the American Foundation for World Youth Understanding.

Their effort to encourage international understanding at the local community level is not only of high purpose but also of effective voluntary action. Ill 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 International 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 subversion 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 confirmed that recent events in that 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 the two Cabinet Ministers, had been condemned to death by Kwame Nkrumah's courts, the New York Times published an eloquent and soothed 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.
Congressional Record — Senate

PRESIDENTIAL AND VICE PRESIDENTIAL SUCCESSION — PRESIDENTIAL DISABILITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations on the Executive Calendar, beginning with the Department of Defense.

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 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, relating to the sundry nominations, which were referred to the appropriate committee.

(For nominations this day received, see the end of Senate proceedings.)
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 a 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 served as 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 served on 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 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. ALLEN. 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 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 distinguish-...
Mr. DODD. Mr. President, the career of Kenneth E. BeLieu is one of steadily progressive experience, 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 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 Tennessee State Legislature, in 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 there 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 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 these nominations be considered en bloc.

The nominations in the Air Force.

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

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 Tennessee State Legislature, in 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.

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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 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 these nominations be considered en bloc.

The nominations in the Air Force.

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

Without objection, they are confirmed.

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 bill 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 editorial in the most forthright editorials I have ever read. 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
that they have fallen to perhaps the lowest level in the history of our country. As the Examiner pointed out, and I quoted in my statement, the facts are there.

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 our respect for the principles of decency and good taste. And, as the Examiner pointed out, and I quoted in my statement, we have seen our standards lower as well.

Mr. President, this editorial deserves the widest dissemination possible, for it calls attention to a problem 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 APPELLING EROSIONS OF MORAL STANDARDS

What has happened to our national morals? An educator speaks out in favor of free love. We are in deep trouble, according to the San Francisco Examiner of Jan. 18, 1965, if we continue to think that our children are as squeamish today as we were at the same age.

Generally, we of the older generation are deeply disturbed. We believe our national standards of morality lowered again and again. We are shocked to find how young people today's literature.

We have seen a steady erosion of past standards. They have more money. They have more freedom of speech and expression. And they have more opportunity to create their own standards. As the Examiner pointed out, and I quoted in my statement, they have more contact with the lower standards to which they are exposed.

Mr. President, this editorial deserves the widest dissemination possible, for it calls attention to a problem 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.

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We have seen a steady erosion of past standards. They have more money. They have more freedom of speech and expression. And they have more opportunity to create their own standards. As the Examiner pointed out, and I quoted in my statement, they have more contact with the lower standards to which they are exposed.
February 19, 1965

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 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 I believe that 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 be referred to the Committee on Commerce. I do this inasmuch as I believe that the preliminary events concerning which I have described, would normally be referred.

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 Senate will refer the bill 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 point out 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.

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 of the bill, 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.

Mr. HART. Mr. President, it is my understanding that the pending business is the question of reference of S. 985.

The PRESIDING OFFICER. The pending motion is not amendable, except to add instructions to the committee.

Mr. HART. 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. HART. 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 sponsor 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 particular antitrust attribute 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 not disputed 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 Committee on Commerce. If it were referred to the Committee on the Judiciary, 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 whole form of legislation 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 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 speak for Senator Magnuson, 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 subsequently 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.

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 extent that hereafter, after all this period of time, we must feel that our labor was practically wasted.

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

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. The proceeding, if that was one, that is 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, they have been 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: '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 referral. The bill 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, but that could not 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 committees 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 something forth. But the whole broad subject comes under the jurisdiction of the Committee on Commerce. I do not believe that there is any more favorable climate in that committee than in the Judiciary Committee.

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 86th Congress. I read the first sentence: Paragraph 80. An act entitled "An act to supplement existing laws against unreasonable restraints and monopolies and for other purposes, approved January 3, 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 identical with Senate bill 885, which is not even in print. I have in my hand a mimeographed copy of the full bill. The initial language of the bill states: "It shall be unlawful for any person— And so forth. The text is absolutely identical. We did not hold hearings on the first section. We held hearings on the text of the bill and what complete standardization, etc., in the food 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 made in the package. On the delivery of the 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 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 different kinds of goods. 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.

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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 have considered 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 on the bill. He does not believe the bill contains elements that should be subjected to careful scrutiny. We are discussing merely the matter of the jurisdiction of the committees.

If the bill is 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 has the Committee on Commerce of two-thirds of the bills upon which it is exercising and always has had 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 did I introduce a bill that directly entered into the jurisdiction of the Committee on Commerce. The proceedings of the 87th and 88th Congresses did I ever go to the desk and speak with the President or the Secretary of Commerce, or 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 determined that this bill should be referred to the Committee on Commerce. 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. He wishes to make it clear that the bill should have been referred to the committee to which it was originally referred.

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, but I wish to make it perfectly clear that he does not decide on the basis of the changes made, but on the basis of the original bill. The mere fact that when the bill was introduced, it contained a title and a purpose and a statement of the section which was to be amended, is not sufficient to warrant 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 would recall. The Senator from New Hampshire did not make 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 effective of which is the Antitrust and Monopoly Subcommittee. If the Committee on Government Operations has already made a broad study of this matter in its consideration of my earlier bills, S. 3802 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. It did not make any difference to me. When the bill was examined to see what the overriding interest was, it was determined that this matter in its consideration of my earlier bills, S. 3802 and S. 671, I, therefore, ask that this bill be referred to the Committee on Government Operations.

It is interesting to observe that the Senator from New Hampshire is so zealous concerning the jurisdiction of the Committee on Commerce. He laments that the 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 utilities, 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. It is not productive of anything that will 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 $2,000,000, and turn our attention to something else, flooding the Committee on Commerce with all these subjects.

We 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 prescriptions are the same. Its procedures are the same. 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.
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 unlawful 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 Commissioner—as to any other consumer commodity—determines that such regulations are necessary to establish or preserve fair competition between or among competing products by enabling the Secretary to act 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 written 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 enshrines 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, I believe, makes 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 be an innovation that redefines competition as contemplated in the antitrust laws. We feel that the bill not only unwisely 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 the previous words and actions in this matter.

As recently as January 15, Chairman Harr 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 extent and nature of trade and commercial practices affecting the consumers in a manner which tends or may tend to restrain competition in interstate or foreign commerce, to establish or preserve competition, and to prevent fraud or unfair practices in the production, processing, packaging, labeling, advertising, sale and other conditions of sale, marketing and furnishing goods and services to consumers.

If the chairmanship of the subcommittee is sincere in his plans to conduct these inquiries, he has placed himself in the curious position of claiming jurisdiction over all regulations that contribute directly or indirectly to Government control or restrained competition. He has placed himself in a manner which tends or may tend to restrain competition in interstate commerce.

That is the position that was taken by the distinguished Senator from Nebraska referred to what the Senator from New Hampshire just said, I believe the Senate had not come in the session 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 matter handled in the Senate and 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 was correct in the conceptual 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 any one could be. But the fact remains that the Senator from Nebraska, 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 of the Subcommittee of 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 as the attempt to establish or preserve competition and fraud 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 quittance 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 jurisdiction 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 by a precedent.

Mr. Cotton. Mr. President, will the Senate 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 Senate had not come in the session when the Senator from New Hampshire first spoke briefly and made some comments on this question...

It requires antitrust enforcement. It is the product of antitrust measure. It is the product of antitrust...
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 in the budget bill. I 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 985, 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 something into 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 involves 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 conduct 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 to refer the bill to the Antitrust Subcommittee, on the record shown herein, how can it have jurisdiction to hold hearings on insurance, on the federal and state, on the governmental and 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, or the 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 bill in 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 makes it referable 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 Cramer, and Representatives Siddens, 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 of products and services by industry action may be a form of antitrust violation, and in view of these wide-ranging plans 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 non-price competition, and 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, 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 takes 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 which would not all—of the authorized regulations, raises problems of administrative practice and interpretations of the Administrative Procedure Act which would not be considered by the Judicial Committee, which originated and reported the Administrative Procedure Act in 1945. I refer, Senators, to Senate Report No. 752, 78th Congress, 1st session, and to House Report No. 1939, 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 6(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, including the Department of Justice; the Food and Drug Administration of the Department of
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 packaging and labeling aspects of this bill that 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 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 this objective in specific areas in which regulations may be necessary to foster fair practices and to prohibit unfair practices. This bill provides a procedure to accomplish these ends within a framework of direction from Congress.

It was the purpose of the original Clayton Act to provide more certain guides for business practices which had come to be recognised 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. Irvin Barnes, a Columbia University professor, formerly of the Antitrust Division of the Department of Justice, and the FTC as reasons for looking into certain antitrust law violation cases.

And the fact that the bill is exactly what the bill 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 much of its time, in good conscience and good grace that it should go back to the Judiciary Committee.

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 provide an antitrust law device that issue can be resolved only by the appropriate committee which has jurisdiction over antitrust law—namely, the Judiciary Committee.

In the closing hours, 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 guidelines 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 dispute within the Antitrust characteristics of S. 387; and therefore, under the Senate rules, the Antitrust 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 is the fact that a serious dispute exists as to the antitrust characteristics of S. 387; and therefore, under the Senate rules, the Antitrust Committee—not the Commerce Committee—is the appropriate one to resolve this issue.

Of course, those views were written after the hearings were completed and after the Antitrust Subcommittee had voted 5 to 1, 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. Of course, the 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, and the appropriate specialities in connection with the communications satellite bill. All that is asked here is that the Juri­diciary Committee have the same privilege, and that some of the Antitrust individuals and packaging bill after the Commerce Committee completes its action.

I have that the 11 Democrats and the 5 Republicans sitting on the Judi­diciary Committee will be fair and judicial 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 might be given a little bit of assurance that the full letter with respect to the proposed activity of the Antitrust Subcommittee to which the Senator from Illinois made reference be incorporated 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:


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 exist because the American people's preference for competition as their economic way of life. Certainly, a free, competitive economy possesses untold 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 plays a full role in the legal order. A competitive way of life offers hope to those who wish to establish enterprises of their own; and where competition is effective, re­strictive practices are virtually for 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 in commerce, and against concentration and monopoly. It is within the framework of these laws that the pro­gram for the subcommittee is set.

The Antitrust Act of 1914 states that it is of primary concern to the subcommittee and last year an examination of the structure of industries with a concentration of wealth. Testimony revealed that regardless of the method of measurement employed, the share of the total assets of all manufacturing firms held by the 10 largest corporations increased between 1947 and 1962 by 9 to 10 percentage points. For example, the 100 largest manu­facturing corporations increased the share of the total assets of all manufacturing firms from 39.3 percent in 1947 to 48.1 percent in 1962, while the share of the net capital assets (land, building, and equipment) rose from 45.8 percent in 1947 to 50.9 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 investigation seeking answers to such questions as: What is the concentration in manufacturing as a whole; i.e., overall concentration? Which specific industries are characterized by relatively high levels of concentration? Are concentration and related practices associated with changes in competition? What have been recent developments in public policy with respect to concentration? What is the relationship between the rising levels of concentration the result of the requirement of large-scale operations for growth? Other than to the argument that scientific research, inventions, and innovations can be developed most effec­tively by large corporations? What is the effect of concentration on the free market­ing efficiency 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 area of subcommittee concern relates to the antitrust laws and their impact on foreign trade. Many have ex­pressed concern that we are feeling that uncertainty surrounds the application of U.S. antitrust laws to overseas activities of Amer­ican companies. This concern has 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 interfered with overseas 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.

Another aspect of the subcommittee concern further with the nature and extent of international cartel and more modern and subtle cartel­istic arrangements. The subcommittee has investigated the restrictive operations under the Webb-Pomer­ene Act exemption, export cartel formed abroad and their effect on U.S. imports, pri­vate cartels in the coal industry, and the restrict­ive 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 to be unduly hin­dering the small businessman. Many of these complaints suggest that practices and policies singled out have no relationship to efficiency of operation. The subcommittee will try to determine whether the framework outlined in which the sub­committee expects to hold hearings this year, which may require further clarification.

Certainly, as the internationalization of the economy continues, the foreign trade, against restrictive practices in foreign commerce, and against concentration and monopoly. It is generally conceded that this structural change has increased the efficiency of the world economy.

But concomitant with the vast changes in the distribution process, problems have arisen which initially affect the livelihood of the smaller businessman. In addition, there are problems in applying antitrust laws to these new practices which may be unduly hindering the survival chances of smaller businessmen.

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SENATE precedent for referring a bill to a second
parliamentary inquiry. It is to any and the insurance industry, especially when the States are powerless to regulate such aspect.

Other questions the subcommittees 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 with 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. It is anticipated that among the other proposals on which hearings will be required are professional team sports bill and legislation to amend the Robinson-Patman Act by making section 8 a part of the antitrust laws.

Further, the subcommittee will continue to look for ways to improve the antitrust laws and suggest changes in these laws as the re- result of specific legislative proposals sent to the Congress by the President as well as important measures introduced by the Members.

It is understood, of course, that any member of the subcommittee can raise objections to and changes are incorporated in the bill.

Finally, it special and unforeseen circumstances arise which warrant the subcommittee's attention toward any particular industry, the Chair 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 and changes are incorporated in the bill.

February 19, 1965

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 one of 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. HART. Mr. President, I have listened to some of the discussion this morning. I should like to proponent another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. There is 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. I would permit the bill 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 purpose and then the Committee on Antitrust within its jurisdiction, I believe the Senate should have an additional opportunity to consider certain aspects of the bill. It would permit the Senate from Arkansas to have a look at it, to which I believe the Senate from Michigan has 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 special appropriation asked for by the Committee to cover 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 relative 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 restraint of trade, as we see it, 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 pending 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 United States. The request appeared in support of that proposal.

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 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 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, and particularly deceptive advertising, deceptive or unfair practices in the production, processing, packaging, labeling, advertising, and dealing with antitrust and monopoly legislation. The full report will be inclusive, 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, is the responsibility of the committee, 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 and 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 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 that of the Antitrust and Monopoly Subcommittee should always be in a position, when necessary, to conduct investigations with respect to practices in packaging and labeling that are unfair or deceptive or unfair practices in 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 referred to in 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 the procedure has been submitted for investigative purposes 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 the light of this 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, if it does not, I see no reason why it should 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 considered 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 to continue apparently it should be possible 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 that when 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 impression that 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 ineffectual in this procedure and wavered in any right or jurisdiction the committee may have.

When the bill is returned to the Senate from the Committee on Commerce, I shall want the resolution containing the motion of the Senator from Michigan to refer the bill to the Committee on Commerce.

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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.

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 refer the bill 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.

Mr. DURKSEN. I ask unanimous consent that the Antitrust 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. 985, 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 Antitrust Subcommittee of the Judiciary Committee, the Antitrust Subcommittee are therefore the appropriate forums to consider S. 985. The Senate's committee system will be greatly weakened.

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 precedent 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 Commerce Committee, 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.

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.

Mr. MANSELL. Without objection, it is so ordered.

Mr. MANSELL. 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 speak further and that, notwithstanding the rule of the chamber, 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 overseas 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 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," without waiting to know which is the stronger of the two powers of Korea. We have determined 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. role in the conflict and who is an advocate of peace for 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 communist 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 a mistake? I would answer this question in the affirmative, modifying it to include both the Kennedy and Johnson administrations. For the facts remain that the plans for the intensification of our involvement in South Vietnam were prepared under the direction of President Kennedy 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 deviation into a thermonuclear disaster—is that we will become embroiled in a Korea-type foot war.

The New York Times editorial continues in its editorial of February 11, 1965, 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 than in fighting the communists makes no sense whatsoever.

The New York Times editorial also asks: "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 continue and escalate 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 of its own? The answer is no. Can the United States lose more than it is gaining, and with a civilian population confused, war-weary, 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 predecessor 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 72,000 killed. It is the cruelest kind of deception to lead the American people to believe that we can succeed in South Vietnam 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 final question asked by the New York Times editorial is: "Is this war necessary?" Emphatically—no. The United States should not have become itself involved in the Vietnam war. Vietnam is not 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 Line of a cease-fire 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 cease-fire 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 NEGOCIATED TRUCE

A spiraling echange of blows and counter blows in Vietnam is a major war involving the United States and China—a war nobody wants and no one can win. The question today is whether to continue in a political, not military, campaign. Stop the widening of the war—Bombing North Vietnam will not stop the conflict in South Vietnam. Widening the war only helps the communists, who can control the North Vietnamese regular army, the U.S.S.R., and China.

Call 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—No, before the war escalates into a major disaster, means must be found and used to make the peace. This can be done at the conference table.

SPONSORS

Michael Amrine, American Psychological Association.

Stringfellow Barr, author and lecturer.

John C. Bennett, theologian.

Robert S. Browne, Parieligh Dickinson University.

Stuart Chase, economist, author.

O. Edmund Clubb, East Asian Institute.

Benjamin V. Cohen, producer.

William C. Davidon, Haverford College.

Jerome D. Frank, M.D., Johns Hopkins University.

Erich Fromm, psychoanalyst, author.
February 19, 1965

CONGRESSIONAL RECORD — SENATE

3247

William Gibson, playwright.
Rabbi Roland B. Gittlesohn, Temple Israel, Boston.

Vernon.

California.

Poetry.

New York.

Vermont.

Rabbi Roland B. Gittlesohn, Temple Israel, New York.

Rabbi Edward E. I. Abraham, New York.

Eleanor Perry, writer.

Ralph Pomerance, architect.

Dore Schary, writer.

Dore Schary.

Rabbi Edward E. I. Abraham, New York.

Rabbi Edward E. I. Abraham, New York.

Rabbi Edward E. I. Abraham, New York.

Patrick Stuart.

Washington, D.C.

March 9.-This may not be a good battleground of the cold war, nor mathematics of the war in Vietnam.

According to the official intelligence estimates, the Communist forces in South Vietnam are now operating below the 17th parallel. They number, to the best of our knowledge, between 250,000 and 340,000, 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 a committed army estimated by the U.S. to be 250,000 men. This is the successor to the force that defeated a French Army of over 260,000 in 1954, and to the French control over Indochina, and cost the French 172,000 casualties.

The Decisive 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 590,000 in the national guard, national police, special forces, coast guard, and national police.

These are backed, trained, and often transported by U.S. forces, now numbering 23,000, with 18,000 more in the pipeline. These U.S. forces 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?

Mr. Johnson's military strategy is in order. Americans would then, at least, be in a position to resolve their own doubts one way or another.

EXHIBIT 3

WASHINGTON, February 9.—This may not be a good battleground of the cold war, nor mathematics of the war in Vietnam.

According to the official intelligence estimates, the Communist forces in South Vietnam are now operating below the 17th parallel. They number, to the best of our knowledge, between 250,000 and 340,000, 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 a committed army estimated by the U.S. to be 250,000 men. This is the successor to the force that defeated a French Army of over 260,000 in 1954, and to the French control over Indochina, and cost the French 172,000 casualties.

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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.

Should Hanoi fail to withdraw, and it cannot be maintained lies with the North Vietnamese aggressors. The key to the situation remains the cessation of infiltration from North Vietnam, which is already being waged by the Hanoi regime so that it is prepared to cease aggression against its neighbors.

Nobody should underestimate the seriousness of this threat. 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.

Mr. Williams. Mr. President, I ask unanimous consent that I may correct a record.

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 Selby—to the extent that it has been done and the corporate test of will and pride is now ahead.

In this situation, the main hope is that both sides will restrain themselves while 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 cease-fire 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 cease-fire 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 FALLOUT 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 long as the completion of the 3-year limitation on 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 $700 million or $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 error. 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 for the Treasury, had made it plain 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 revisited our depreciation law 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 with 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 that business would be allowed 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 the 3-year limitation were removed. This had been an arbitrary interpretation of the act by the Secretary of the Treasury, 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 provide the business with tax advantages 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 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 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 provide the business with tax advantages 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 law and they are now correcting their error.

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 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 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 10 years. And automatically convert to new schedules over a shorter life period, which gave 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. Nothing within which Congress 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 businesses that 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 businesses 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 cut.
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 under 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 enacted 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 to ballyhoo the Du Pont ruling 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 ballyhooing 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 the Treasury is doing—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 the administration cut the Du Pont ruling, 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. Mr. President, 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 are going 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 under 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 the distribution of General Motors stock by the Du Pont company under guidelines laid down by the 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 that Forties and Forties 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 the business man could have gone into court and upset it 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 a 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 tax law allows. 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 says 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 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 due this year?"

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 Treasury Department made a mistake. I do not believe that its new ruling will not affect the 1964-65 budget of the President one single dime. Certainly this is not any new tax cut; otherwise, it would seriously affect the budget. With the politics—taxes are politics; 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 unlimited 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, which 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 of the law not having 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 revenue. It was the intention of Congress that he make this election when he was ready and at whatever date he chose. The 3-, 4-, and 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 being burdened with national 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 a constitutional 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 all purposes and that the amendment be inserted by the clerk.

The committee amendments agreed to en bloc 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 that he is unable to discharge the powers and duties of his office as Acting President; or for a period of 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 by a majority vote of both Houses of Congress.

Sec. 4. Whenever the President, and a majority of the members 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, Congress 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 he 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.

Mr. BAYH. Mr. President, I send to the desk an amendment to section 5 of the bill as 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. If the Senate and the Speaker of the House of Representatives request that the President shall immediately assume the powers and duties of the office as Acting President.

Mr. BAYH. Mr. President, I send to the desk an amendment to section 5 of the bill as 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. If the Senate and the Speaker of the House of Representatives request that the President shall immediately assume the powers and duties of the office as Acting President.

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" and insert in lieu thereof: "transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office as Acting President; or for a period of two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office.

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 United States had a small growth removed from its 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 would 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 head 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 fall us in remembering that seven Vice Presidents died in office. Vice President Calhoun, resigned to become a U.S. Senator.

The vice total 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.

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 ordered to stop. We require 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 the president's secretary.

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..."
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of business which he felt needed President action.

I quote from Eugene Smith's "When the Cheering Stopped," relating to that time:

"The railways taken over during the war still remain in the hands of the

III points 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

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 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, a 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 deal with the problem of the President's absence during the time that we shall 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 Senate 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. PUL of Maine (off 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 responsibilities 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 procedure and duties which are given to the President. It deals with messages—the state of the Union message, and others—which the President is required to 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 which we are dealing with 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 ofRemoval, Death, Resignation, or Inability of the President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President 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, as being now before the Senate. Senate Joint Resolution 1, as amended, was ordered to be printed in the Record, as follows:

S.J. Res. 1

Joint resolution proposing an amendment to the Constitution relating to succession to the President of the United States. Senate Joint Resolution 1 specifies:

Resolved by the Senate and House of Representatives of the United States of America...
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 President, the Vice 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 the President 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, such powers and duties shall be discharged by the Vice President 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. Thereupon Congress may by law provide a body to discharge the powers and duties of the office of the Vice President, and the President shall immediately assume and carry out the powers and duties of the office as Acting President.

"SEC. 6. Whenever the President transmits his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall assume and carry out the powers and duties of the office as Acting President.

Mr. BAYH. Mr. President, Senate Joint Resolution 1 removes all doubt about the 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 Americans are preoccupied with the Vietnam situation, but I do 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 transmitted to the House of Representatives contained under his name the words "Acting President." Subsequently, a close analysis of what our constitutional forefathers intended led us to believe that there was good reason for including the words "Acting President."

Inasmuch as Vice President Tyler determined 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 about the President's office. 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 in which it was presented by 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 as the Vice President. I also point out that the 22d amendment to the Constitution which is a relatively recent amendment, reads in part as follows:

"SEC. 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 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 become Acting 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, and 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 majority vote, not by two-thirds of both Houses which had 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 the scrutiny that one time or another in the history of our country than the office of Vice President. This might have been well directed to 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 in 1792, 1866, 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.

And I hasten to point 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 answer to the question 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, and that was that raised by John Dickinson of Delaware, when 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 last 150 years. We have not dealt with the admittedly created 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 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 3252 CONGRESSIONAL RECORD — SENATE February 19, 1965
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 the 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. BAYH. Will the Senator wish to yield 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 Constitution 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 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.

Mr. ELLENDER. Mr. President, since the Senator from Indiana has yielded to my good friend 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 the protection of the 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 a 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 please explain? 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 be taken charge.

Continuing to 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 themselves unable to act, the President shall then act as President, and such officer shall act accordingly, until the disability be removed, or the 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 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 pointed out, and particularly, I would like to refer them to 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 “sane”? 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 thereby have the same powers as now devolve on 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, when speaking on Tyler's succession in 1841, was describing the situation, "Mr. Tyler was making the decision, it is impossible to separate the powers and duties of 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 Congress 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 die, Congress could fix the powers 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 actions in the event that the President is dead. The last part of the article states: "declaring that officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President have been elected." That would indicate to me that if the disability were removed, Congress could certainly fix powers and means by which the President 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 authorities 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 provide for 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 the language of the Constitution should be construed 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.

Mr. BAYH. That is correct. But if Congress had provided for the case of removal, death, resignation, or inability, both of the President and Vice President, I believe we have not sufficiently re-

Mr. ELLENDER. The constitutionality of a provision in the Constitution cannot very well be tested.

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 this 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 here institutional amendments would give 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 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 suit the political climate of the day.

One of the basic reasons why we believe there must be a constitutional amendment is that it would provide the greatest degree of certainty.

Mr. BAYH. I may proceed with my statement, I shall try to do another. 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 offer one other fact that might be of assistance 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 on the part of other Vice Presidents, particularly Vice Presidents Arthur and Marshall, to consider exercising the powers and duties of the President during the tenure of his disability, and permits the Vice President to assume those powers and duties as Acting 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 discharge his duties. 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 the law may 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 support the President from a coup or the usurpation of the 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 cannot resume your duties as President," 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 supporting the opposite position, it seems to me that 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 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 imperative that there be a constitutional amendment:

The present Attorney General, Mr. Katzenbach.

Former Attorney General Brownell.

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:

"It seems to me that one of the essential purposes of democracy is to provide a 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 measure. If a constitutional amendment is feasible; namely, that the President should be settled by constitutional amendment is to provide some 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 measure. I feel is feasible; namely, that the President should be settled by constitutional amendment, or whether he should be elected by the House of Representatives.

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 a constitutional amendment 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 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 repeat 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 Subcommittees of different Congresses. 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 the solutions which were before the Senate and to incorporate 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 Senate has recognized the need for some central author 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 could 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 guaranteeing 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 incapacity, laid particular stress on the fact that this is a particular responsibility which the Vice President, as the President's chief deputy, had to shoulder. Mr. ERVIN. The Senator from Indiana will recall that I introduced an amendment to provide not only for the election of the Vice President, but also for the selection by Congress on the theory that Congress was
Mr. BAYH. The Senator is correct. The resolution would allow the selection to be made when the vacancy actually occurs; and then conceivably, of course, the Senate would elect, then at that time, the President might 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 is the qualifications of the man to succeed in that office.

Mr. BAYH. This is really a conciliatory, in that the President is to 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. 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. It would be necessary, so the President has to nominate his own Vice President in our convention.

Mr. BAYH. In essence, this action would have to be taken twice, by the Vice President to select a Cabinet, 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 issue 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 declaration, 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. BAYH. That would take care of preventing a situation such as occurs in South Vietnam, where the government changes almost from day to day.

Mr. ELLENDER. Mr. President, will the Senate yield for a question? 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 that lesson. We should accept this measure and send it to the State legislatures.

Mr. ELLENDER. Mr. President, will the Senate 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 proposed resolution for the Senate body to pass upon this matter? Why bring Congress into it, since the Senate wants to make it more or less definitive? Why not make it specific that the Cabinet, by a majority vote, would decide the question? Why is it neces-
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 would have to make an 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 have another body? 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 that is not a plenum vote.

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 seems 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 this provision long after the Constitution has provided 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. ELLENDER. At any time the Congress feels that the Cabinet was serving as an arbitrary obstacle to what was in the best interests of the Nation, namely, the President from continuing in office, then the Congress might create another body. Then the Congress would provide another body would be when it was in disagreement with the Vice President, I would think. If the President is in office, if he has assumed the powers and duties as Acting President, he would have to make an 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 have another body? 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 that is not a plenum vote.

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Mr. ELLENDER. That would have to be done by an act of Congress. Mr. BAYH. The Senate 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. 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; that is correct.

Mr. ELLENDER. Does the Senator believe that the Vice President would be tempted to do it, if he is not in agreement reached by the Cabinet?

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Mr. BAYH. He could veto; that is correct.

Mr. ELLENDER. Does the Senator believe that the Vice President would be tempted to do it, if he is not in agreement reached by the Cabinet?
President in the case of death or resignation of the President. When there is a vacancy in the office of the Vice-President, the President is to nominate a Vice President who will take office upon confirmation by a majority vote of both houses of Congress, unless the President is impeached.

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 impeached. 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 disability. If the President disputes the decision of the Vice President and the majority of the Cabinet members, Congress will decide the issue.

It is my hope that this proposal will receive the approval of Congress and the necessary States so that the people of America will be assured that there will be 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 is in order. The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Does the Senator from Indiana have the floor?

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 or 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 for the original Senate version was that 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 desarrollo of the 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 position 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, 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 deployment of a new weapon. General LeMay, in his characteristic frank and candid fashion, said:

I am afraid the B-52 is going to fail 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 new weapon was proved. 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 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 has been 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-57 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 1970.

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 a new weapon.

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 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 as it is the case, it is 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 old airplanes.

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 giant, self-propelled, targeting 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 vulnerability of the 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 deterrent capability of our intercontinental ballistic missiles, all 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.

The inherent versatility of the manned long-range bomber has its own and 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. 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 ‘lay-down bomber.’ It is a highly flexible weapon. 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 insignifican proportions, the Soviets will be free to divert their huge air defense expenditures to other 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 bombers, as we have 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 concentrated on other areas of 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 himself and, most especially, the current Air Force Chief of Staff, Gen. Thomas S. Power, former commander in chief of the Strategic Air Command, and Gen. Bernard Schriver, commander in chief of the Air Force Systems Command, have repeatedly stated 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 Senate 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 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 Committees, have repeatedly looked 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 is nonsense. We should have one air force 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 were made after the President was 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 before the Congress for many years and which 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 now speaking for the subcommittee because it has not yet had an opportunity to go into the subject. Herefore, 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 that the President is presenting 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 recommend in the fiscal year of this year the funding of a new 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 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 return 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 YP-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.

A decision made now for the orderly and expeditious development and ultimate procurement of a new bomber will pay precious time for us. It is time that we get out of the area of low-level feasibility studies which have bogged down 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 the national defense. The ability to conduct emergency 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, 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 program of the late Senator Barry has already been studied and re-studied for the past 2 1/2 years. All of the experts tell us that the development and production of it is well within our 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 scramble 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 program is not stopped now, 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 not high-level decision makers 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 funds 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. It is an insurance policy individually and 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 Peacekeeper missiles, 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 have the inherent flexibility and versatility in our striking force 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 of our country. As Senator STENNIS has said, to continue to delay is tantamount to being party to the perpetuation of anything than that this question ought to be entirely reviewed from every level in the Department of Defense, 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 the necessary 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 from Mississippi 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 in which the Secretary of Defense 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. Why is not the merit of this 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 "buck 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 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 possible.

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 than 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 to spend money seems to be clear: To rely entirely on missiles beginning about the year 1969 or 1971. 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. My knowledge is that 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 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 would not take off; or if it did take off, it could not be guided to the target. So I think 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 electronic brains in our missiles, we would have no means of retaliation; we could not respond to that strike. If the Communists knew that our 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, but I think the time is approaching when spending one 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 American lives—it is still worth doing.

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 going forward and building the antiballistic missile system. I think we are making a mistake in not going forward and building these strategic bombers. We are being made to begin to get the plans for the development of a follow-on strategic bomber. I believe it is the high priority that it really deserves.

We should go ahead as soon as possible. The Senator is correct. It is ready for use again. It has that human brain in it. Mr. STENNIS, Mr. President, I ask the Senator from Mississippi if most of the missiles and long-range bombers. Mr. STENNIS. The Senator is correct. All it requires is changing the bomb racks.

Mr. STENNIS. The Senator is correct. Their great virtue is their flexibility.

Mr. STENNIS. Mr. President, I ask the Senator from Mississippi if most of the missiles are not stationary, and therefore subject to hostile action. But there is a question of whether that is 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 system. 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. STENNIS. 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 to protect America? I strongly 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 through with the Home Guard, we cannot foretell what precise weapons we shall need in these two areas or whether we need them both, is it 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 a scrap-heap 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 extending succession to the Presidency and Vice-Presidential disability 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 co-sponsor of Senate Joint Resolution 1 and as a member of the Judiciary Subcommittee on Presidential and Vice-Presidential Disabilities, 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 Senate 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 a constructive 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 out 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 the founding of the United States, there has been some talk of a change in the Constitution to allow the President to be succeeded by the Vice President, just as President Johnson succeeded President Kennedy in 1963.

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 presidential disability and vice-presidential vacancies.

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, many 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 has become disabled, or 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 is elected to carry on, 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 disabilities, 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 the concurrence of 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 enable the person next in line to become familiar with the problems he will face should he be called on to assume the Presidency.

Mr. President, as a member of the Senate Committee on Governmental Affairs, I have read the data collected and have read the research done by the subcommittee's staff. I believe Senate Joint Resolution 1 best meets each of these requirements.

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Another important reason for allowing the President to nominate a Vice President is that the close relationship between the President and Vice President will enable the person next in line to become familiar with the problems he will face should he be called on to assume the Presidency.

Mr. President, as a member of the Senate Committee on Governmental Affairs, I have read the data collected and have read the research done by the subcommittee's staff. I believe Senate Joint Resolution 1 best meets each of these requirements.

Mr. President, on this legal controversy, many 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 has become disabled, or 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 is elected to carry on, the entire Nation and
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 support 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 importantly, this provision assures that the Constitution’s sovereignty is preserved in the hands of the people through their elected representatives in the National Legislature.

Senate 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 these amendments should be voted down.

Mr. President, this is the first time since 1966, 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 a vote of 68 to 6. 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 bipartisan group of 77 Senators.

I am most delighted and pleased to cosponsor this proposal with the very distinguished and able junior Senator from Indiana [Mr. 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?

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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 has the Senator 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 constitutionality of the transfer of the President’s powers and duties in the case of presidential inability.

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 speculation.

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 will. I yield.

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. HAAS 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 important points, and, in his behalf, I wish to urge 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 as before the Senate. This has been not 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 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 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 Resolution 1 should leave this choice 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 left to Congress, in an effort to foresee and imagine every possible contingency 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 conferences seems to have impressed upon me 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 we lay to rest any notion or belief which is in anyone’s mind as to who is exercising the powers and duties of the Presidency. That is the central issue we are
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. It is the kind of action by the bureau which are administering the law 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 that 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?

Mr. President, I am about to propose a unanimous-consent resolution.

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 in charge of the joint resolution; 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 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.

Yours very truly,

Penn S. Ransom, Jr.

One American Citizen.

In other words, a sergeant in the U.S. Air Force, who happens to be a religious subject, is deprived of his religious liberty. [Mr. BAYH]: Provided, That in the event the Senator from Indiana is in favor of any such amendment or the Senate 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
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equally divided and controlled, respectively, by the majority and minority leaders: Provided, That the said leaders, or either of them, may, if they so determine, at any time after the bill has been referred to the committee of the whole, reserve for consideration of any amendment, motion, or appeal.

Mr. DICKENSEN. 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 ever considered by this session of Congress is the pending joint resolution regarding presidential succession and presidential disability.

I commend the distinguished Senator from Illinois, Mr. Bayh, and 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 disability. More than a period of three 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. It must not be taken 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 Constitution Club, a number of 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 existence for a period of time.

The preponderance of testimony has declared that these problems must be solved by constitutional amendment. They are of sufficient importance to our constitution and the government that they must be given the status of 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 John N. Mitchell, former President of 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 the subject would have to be a 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 President unable to return to his official duties, or if the President is stricken, has from time to time reenergized this issue. I am quite aware of the desire to have some substitute for the President who can 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 in statutory implementation of the Constitution 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 may 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 that has been 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.
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 upon the Vice President. For example, the President might be alive. He might be incapacitated and unable to discharge his responsibilities as President. But if the President were disabled, he 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 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 undertake the duties and the responsibilities of the executive departments or 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 amendment 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 a majority of the principal officers of the executive departments in transmitting a message to the Congress?

The language of the joint resolution is as follows:

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 meet the problem of presidential disability and of vacancies in the office of Vice President.

I commend the distinguished chairman of the Committee on Senate Committees and 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 undertake the duties and the responsibilities of the executive departments or act as President; and such officer would be or act as President accordingly.

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standing precedent (see, e.g., Missouri Pac. Ry. Co. v. Kansas, 248 U.S. 276 (1919)).

"Second, I assume that the procedure established by Joint Resolution 1 is dispensable and, at the same time, put to a vote and failed to support the Acting President by convincing the 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. The Senate Committee on Saturday, section 5 might be construed as impliedly requiring the Acting President to convene a special session in order to raise an issue in the President's inability pursuant to section 5.

"Fourth, I assume that the Senate Committee on Saturday, section 5 might be construed as impliedly requiring the Acting President to convene a special session in order to raise an issue in the President's inability pursuant to section 5.

"Fifth, I assume that the language used in section 5— to the effect that Congress 'will immediately decide' the issue—means that if Congress follows the procedure established by section 3, the powers and duties of the office immediately 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 I would suggest 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 Senate.

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What is the practical difficulty with Senate Joint Resolution 1? It is the questions left unanswered. Must the President wait two days before he can notify the public voluntarily relinquished it? If the President is disabled and the Congress is not in session, and the constitutional powers and duties are to be performed, who is to perform them? The Constitution only the President can. What happens if a Vice President, who is serving as Acting President, became disabled?

Then, too, if the method of filling a vacancy in the office of Vice President proves unsatisfactory, how would the President change the procedure by legislation rather than by another constitutional amendment as Senate Joint Resolution 1 requires?

These are practical 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 administered?

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 departments 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 make the President 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 might be 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, be prepared to come to the fore if the President becomes disabled. Would the complicated procedure in Senate Joint Resolution 1 make provision for having the offices filled at all times?"

7. Suppose the President becomes disabled and the Vice President becomes Acting President. Where is the provision for filing the office of Vice President?

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?
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, but I think 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 North Carolina has expired.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, in the discussion 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.

The greatest number of procedural provisions found in the Senate joint resolution, as reported by the committee, we will very likely, if we are ever called upon to exercise it, run into substantial difficulties. For that reason, it will 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 provided for in the joint resolution by the Senator from Vermont on behalf of the Senator from Kentucky (Mr. Coors).

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.

This 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 the matter of the doctrine of separation of powers. It has been my view that that doctrine is violated in the resolution as approved by the Senate, and that 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 opposition to the Dirksen amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 minutes.

Mr. ERYN. 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. 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 we were 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 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 hold the two cases as they should have been decided.

The group then decided that they would impeach Andrew Johnson. The President had been removed from office by the Senate by an act of one vote. The Senate did not dare to decide cases as they should have been decided. It saved us from behaving as a "banana republic" often behaves on the seizure of power by ambitious men, was the provision of the Constitution which required a two-thirds vote for impeachment, and saves us 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 Cabinet and a President they 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 the Constitution or the President or 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 that Congress may remove the President by impeachment, and 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.

So there are many cases in which the powers of government are jointly reposed in both the executive and the legislative branch.

The amendment should be rejected for those two reasons. The joint resolution...
presented by the committee contains full protection against any group of men threatening the existence, or the continued operation 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, 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 Indiana 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 from Indiana 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 specific 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. The Vice President or someone, we had better write into the Constitution if we do not want Congress to keep separate. I am also glad he pointed out 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.

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Mr. BAYH. I am glad to yield to the Senator from Massachusetts, who has been an ardent ally from an early date.
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is possible. As the President said in his message of January 26, 1965, Senate Joint Resolution 1 represents a carefully considered solution that would responsibly meet the requirements in this area. In addition, it represents a formidable consensus of considered opinion. I have, accordingly, testified 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 1965, 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 far too long. We shall, in any case, be concerned with substance, not form. It is to the credit of Senate Joint Resolution 1 that it is workable. That is something which 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 in the Senate, so that 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 the Joint Resolution 1, as so vividly pointed out by [Mr. ERVIN], and the distinguished Senator from Massachusetts [Mr. SALTONSTALL], would act, when the President might be unable to write his message of January 28, 1965.

I close by saying that it seems to me that we are making a general policy deter­mination which was articulated so well by my colleague, the Senator from North Carolina [Mr. BAYH]. I am assured that if we have a loosely drawn, non-spec­ific 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 were not the only mishap of the Constitution since its inception, and which is also provided in Senate Joint Resolution 1, as so vividly pointed out by the Senator from North Carolina [Mr. BAYH].

There has been a trend of thinking 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 which I thought was one of the strongest defenses of the Constitution since its inception, and which is also provided in Senate Joint Resolution 1, as so vividly pointed out by the Senator from North Carolina [Mr. BAYH].

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 which I thought was one of the strongest defenses of the Constitution since its inception, and which is also provided in Senate Joint Resolution 1, as so vividly pointed out by the Senator from North Carolina [Mr. BAYH].

There is a real risk that if we have a loosely drawn, non-specific 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 were not the only mishap of the Constitution since its inception, and which is also provided in Senate Joint Resolution 1, as so vividly pointed out by the Senator from North Carolina [Mr. BAYH].

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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 Dirkson substitute.

The yeas and nays have been 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. Buriick], the Senator from Pennsylvania [Mr. Clark], the Senator from Tennessee [Mr. Gore], the Senator from Alaska [Mr. Gruening], the Senator from Oregon [Mr. Moss], the Senator from Utah [Mr. Moss], the Senator from Alaska [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 Iowa [Mr. Muskie], 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 other 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 absent on official business.

On this vote, the Senator from Colorado [Mr. Domnick] is detained on official business.

On this vote, the Senator from Minnesota [Mr. McCarthy] is absent on official business.

On this vote, the Senator from Missouri [Mr. Symington] is absent on official business.

On this vote, the Senator from Connecticut [Mr. Ribicoff] would be paired with the Senator from South Carolina [Mr. Johnston].

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Oregon [Mr. Moss].

On this vote, the Senator from Oregon [Mr. Moss] is paired with the Senator from Minnesota [Mr. McCarthy].

On this vote, the Senator from Ohio [Mr. Mansfield] is paired with the Senator from Massachusetts [Mr. Kennedy].

On this vote, the Senator from New Jersey [Mr. Williams] is paired with the Senator from Massachusetts [Mr. Kennedy].

On this vote, the Senator from Arizona [Mr. McFadden] is paired with the Senator from New Mexico [Mr. Anderson].

On this vote, the Senator from Connecticut [Mr. Ribicoff] is paired with the Senator from South Carolina [Mr. Johnston].

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Oregon [Mr. Moss].

On this vote, the Senator from Oregon [Mr. Moss] is paired with the Senator from Minnesota [Mr. McCarthy].

On this vote, the Senator from Michigan [Mr. Symington] is absent on official business.

On this vote, the Senator from Georgia [Mr. Russell] is absent because of illness.

On this vote, the Senator from North Dakota [Mr. Burdick] is paired with the Senator from Alaska [Mr. Gruening].

On this vote, 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. Metcalfe], 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. Kuchen] is absent on official business.

The Senator from Colorado [Mr. Domnick] is detained on official business.

The Senator from Minnesota [Mr. McCarthy] is absent on official business.

The Senator from New York [Mr. Javits] is paired with the Senator from Alaska [Mr. Gruening].

On this vote, the Senator from New York would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from North Dakota [Mr. Burdick] is paired with the Senator from Alaska [Mr. Gruening].

On this vote, 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. Metcalfe], 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. Kuchen] is absent on official business.

The Senator from Colorado [Mr. Domnick] is detained on official business.

On this vote, the Senator from Minnesota [Mr. McCarthy] is paired with the Senator from South Carolina [Mr. Johnston].

On this vote, the Senator from Connecticut [Mr. Ribicoff] would be paired with the Senator from South Carolina [Mr. Johnston].

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. Kuchen] is paired with the Senator from Missouri [Mr. Symington].

On this vote, the Senator from California would vote "yea," and the Senator from Missouri would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. Cooper and Mr. Metcalfe], 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. Kuchen] is absent on official business.

The Senator from Colorado [Mr. Domnick] is detained on official business.

On this vote, the Senator from Colorado [Mr. Domnick] is paired with the Senator from South Carolina [Mr. Johnston].

On this vote, the Senator from Colorado would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. Cooper and Mr. Metcalfe], 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. Kuchen] is absent on official business.

The Senator from Colorado [Mr. Domnick] is detained on official business.

On this vote, the Senator from Minnesota [Mr. McCarthy] is paired with the Senator from South Carolina [Mr. Johnston].

On this vote, the Senator from Connecticut [Mr. Ribicoff] would be paired with the Senator from South Carolina [Mr. Johnston].

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. Kuchen] is paired with the Senator from Missouri [Mr. Symington].

On this vote, 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 Connecticut [Mr. Ribicoff].

If present and voting, the Senator from Iowa would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Iowa [Mr. Miller] is paired with the Senator from Minnesota [Mr. McCarthy].

If present and voting, the Senator from Iowa would vote "yea," and the Senator from Minnesota would vote "nay."

The result was announced—yeas 12, nays 60, as follows:

[19. 23 Leg.]

YEAS—12

Bennett  Dirksen  Smith
Boggs  Hickenlooper  Thurmond
Case  Frouty  Tower
Cotton  Scott  Williams, Del.

NAYS—60

Allen  Harris  Metcalfe
Allott  Hart  Monroney
Bartlett  Hartke  Moss
Bayh  Hayefield  Murphy
Byrd, Va.  Hill  Pell
Byrd, W. Va.  Hruska  Pearson
Carnegie  Jackson  Prouty
Carlson  Lausche  Reed
Curtis  Long, La.  Reagan
Dodd  Long, Va.  Reed
Domenici  Mansfield  Ronan
Eastland  McClellan  Sarbanes
 Eldender  McGovern  Stennis
Fannin  McNamara  Slade
Fulbright  McNamar  Young, Ohio

NOT VOTING—28

Anderson  Jordan, N.C.  Muskie
Burdick  Jordan, Idaho  Nelson
Clark  Kennedy, Mass.  Neuberger
Cooper  Kuchel  Russell
Domnick  Miller  Smathers
Gore  Mondale  Kennedy
Mornington  Morley  Mondale
Javits  Morton  Williams, Va.
Johnston  Morse  Williams, N.J.
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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 replacement is required, the electors in that State shall 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 Constitution to the Senate and the House of Representatives in joint session for that purpose.

Section 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 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 election by the Senate of 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 1, 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 election by the Senate of Joint Resolution 1, dealing with presidential inability, would remain unchanged if my amendment were adopted.

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 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 election by the Senate of 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. The Senate Judiciary Committee, Mr. President, has referred 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 Mississippi (Mr. FAAH), 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 a new 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 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

Vice-President-elect whom he succeeds was elected.

resolution provides 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 President in the event that Congress is not in session at the time a new Vice President is to be selected under this amendment. This is to assure that the full vote to which any candidate is entitled is cast. The last proviso is the only modification of Senate Joint Resolution 25 as I originally introduced it.

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. Secondly, 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 electoral college is 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 longstanding 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 either of these objections has enough merit to outweigh the obvious advantages of the electoral college plan as compared with the presidential nomination plan.

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 presumably be someone with the President's confidence. In my opinion, 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.

Under this wording, it is not clear whether the Senate and House of Representatives are to meet in joint session and confirm the nomination 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 plan 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 nomination plan has been the basis for 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 would 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 is so important to me, that to my mind, the proposal contained in my amendment is preferable.

Mr. STENNIS. Mr. President, will the Senator yield me 2 minutes?

Mr. DURKSEN. 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 the United States. The 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 at Acting President in event of the President's inability to serve.

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 responsibilities. I believe that Senate Joint Resolution 1 presents that best answer to the problems of Presidential inability and succession. It represents a consensus of legal and constitutional authorities. It provides a solution, which is simple and necessary in order that this Nation will never be without the President, for his diligence in studying this problem and for his perseverance in mobilizing a national sentiment for immediate action.

Although the Senator from Indiana has done an outstanding job of presenting to the Senate the need for this resolution and an explanation of its terms. He is to be highly commended for his astute presentation of this problem and for his perseverance in mobilizing a national sentiment for immediate action.

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 astute presentation of this problem and for his perseverance in mobilizing a national sentiment for immediate action.

I believe that the provisions of Senate Joint Resolution 1 represent the best possible solution.

I yield back the remainder of my time.

Thereupon, Congress shall immediately proceed to make a decision. The language of section 5 provides that if Congress shall fail to agree to the amendment of the joint resolution before the end of the third day after its introduction, it shall be deemed defeated and the people the 48-hour period would obviously prove to be much too small.

Senator from Indiana (Mr. Bayh), the principal sponsor and architect of this proposed constitutional amendment, for which he has done so much, must be commended for the work that 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 crucial 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 could be replaced by another crisis.

This Nation recently survived a tragedy of the worst proportions that led to the ascendency of our President, Lyndon Johnson. But then we were fortunate enough to have as President the only 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 President vacancy 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 in the judgment of our tradition and 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 co-sponsor of this resolution and take this opportunity of commendation. I commend Senator Bayh 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 for her 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 her kind remarks, but for the significant 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 the person 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 the party having gone into 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 the land in working out a solution.

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 first 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 price 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 delay. After all, Mr. Dirksen 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 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 Senator 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 become President, 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. At that time he was as well qualified to succeed to the Presidency of the United States as any man in America. They would have considered it a step in the face to face 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 more properly 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 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 two safeguards with respect to these 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 advice and consent which the Senate has had over Executive appointments; and that during the period to which the Senator referred, the President on only 2 of the 3 occasions the Congress was of another party, 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, than the last thing we would want 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 get in our country. 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 never arise. I think 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 Senate would have 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 should 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--

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 Senate 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. PASTORE. 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, 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 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 wait until the 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--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 or insane, or who is removed from office, 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 people of the United States," 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. PASTORE. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. BASS. My point has been that the election in section 3 should be on the election of 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 an amendment for himself.

Mr. BASS. I do not think 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 together in line 18.

The PRESIDING OFFICER. The Senator from Rhode Island still has the floor.

Mr. PASTORE. Mr. President, I ask that this 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 means to me by the word "immediately proceed" 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 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?
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 point in section 2 to which I think the Senator wants to refer.

Mr. PASTORE. I cannot write quite that fast. If I may have a moment, I shall be glad to write it out.

Mr. PASTORE. I yield.

Mr. HARRIS. Mr. President, I should like to suggest that this 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 the 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 believe the record of the debate will make it clear that there is a President who is able to conduct business and to carry on the affairs of our country. I should hate to see anything that must be decided by Congress come to a stop in the event Congress becomes legislative 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.

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could we not add additional 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 this specific point, 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 amendment override the rules of provision as it is?

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 President of 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 we should be in a position that we cannot determine that. 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 the question.

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 panels in the spring while we are trying to determine who is the President of the United States should—and there is sometimes a tendency to indulge in such things in moments of capriciousness—we might take days in 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 but determine 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. That is the case, is it not?

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 no objection now to its being considered in conference, and the Senate Chamber should be allowed.

Mr. BAYH. Mr. President, it seems I must speak to much on this in our interest. 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 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." That was the response.

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 panels in the spring while we are trying to determine who is the President of the United States should—and there is sometimes a tendency to indulge in such things in moments of capriciousness—we might take days in 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 but determine that question. Such a provision ought to be in the law.

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Mr. BAYH. I yield to the Senator from Montana.
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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, impose any time limit on the consideration of the amendment? I wish to reserve my right to move to reconsider the decision of the Senate. I need to make sure that we have an amendment on the floor, because if the Senator from Michigan were to drop his amendment, would we lose the amendment?

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 deplorable that the 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 as much as 10 days. 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 inherentlyjudicial discretion 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 let the decision 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. I think the question to be answered is whether there is a provision in the Constitution that the President may not accept a constitutional 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 could not be trusted, 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 yield time.

Mr. HART. I presume that the patriotic 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 the debate could go on forever. How much time have I remaining?

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 constitutional status of the Vice 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 that would be to bring back missiles that would create havoc, and we would confuse medical testimony with our obligation.

I think the bill 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: "Resolved, that the bill shall not 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 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 President is. There are two different issues 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 seeking 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 would consider it separately. 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 common sense and good judgment on this chance. 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 for the majority leader 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. Would I 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 cannot amend the Constitution 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 committee and 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 the 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, he cannot even make a logical argument, 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. If the amendment 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 trying 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 transacton 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 only one Senator at the time, but a second Senator had been appointed and was ready to be sworn, that Senator 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. HRSK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRSK. Mr. President, would 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 Constitutional Amendment 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. We considered amendments of 2, 3, 10, 15, or 60 days. But we concluded that 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 the entire Cabinet would declare that the President 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 Presidency. 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, would 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.

I oppose, "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 Michigan, it is important. 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 dies, 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. For wisdom requires us to proceed on the measure. Speaking for 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 unconditionally. In other words, 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, so long as has been determined that 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 slight. I think it is ambiguous. The Committee on Rules has adopted this wording. 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.

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, that the President has to decide. The Senator wishes to add a sentence: "The President shall immediately decide who the Vice President shall be." The Senator from Tennessee has concocted a situation that he thinks might forebode evil. He asks what will happen when the President is disabled and the Vice President dies. He asks whether it is possible that the Congress will allow the Senate to decide. He asks whether it is possible that the Vice President might die 3 years later. He says he is afraid that, "immediately." The Vice President can die 3 years later. The urgency is clear. The responsibility is immediate. But in section 2 we are trying to decide who the Vice President shall be.

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Mr. BAYH. The Senator from Tennessee has concocted a situation that he thinks might forebode evil. He asks whether it is possible that the Congress will allow the Senate to decide. He asks whether it is possible that the Vice President might die 3 years later. He says he is afraid that, "immediately." The Vice President can die 3 years later. The urgency is clear. The responsibility is immediate. But in section 2 we are trying to decide who the Vice President shall be.

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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 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 Dakota who have 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 no purpose.

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. MANSFIELD. Also an indication of the intention of the amendment which they have just offered.

The amendment is open to further amendment.

Mr. BAYH. Mr. President—

The PRESIDING OFFICER. If there are no further amendments, the question on the amendment and the third reading of the joint resolution will be taken care of.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read a third time.

Mr. HART. Mr. President—

The PRESIDING OFFICER. Who yields time to the Senator from Michigan?

Mr. BAYH. Mr. President—

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 am only going to try 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.

The joint resolution is on the floor of the Senate at the present time. 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 a statute in this field at the present time. The original succession statute was passed in 1789; 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 created, which dealt only with succession.

The amendment which is pending today would 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 power of the Congress and the 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 Senate 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 many help all of us understand 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 to enable him 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 in-
ability, or must it be based upon a judg-
ment that is very far reaching? Mr. BAYH. The Senator from In-
diana agrees with the Senator from Michi-
gen on this point, dealing with an un-
popular decision that must be made in
time of trial and which might rend-
der 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 clari-
ified in the report, and I plead guilty
to not having read it very carefully.

With regard to the heads of the execu-
tive departments, is it clear that we are
talking about those whom we re-
gard as comprising the Cabinet, as re-
ferred 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 Senate by the From Indiana by the
Library of Congress, which sets this mat-
ter out specifically.

Mr. HART. That would be helpful.

There being no objection, the report was on a motion to print in the Rec-
ord, as follows:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
To: Honorable Albert Gore, Chairman Senate
Subcommittee on Constitutional Amend-
ments.

From: American Law Division.

Subject: Executive departments.

Reference is made to your inquiry of Feb-
ruary 17, 1965, regarding the meaning of the
phrase as defined in 5 U.S.C. 2 which provides: "The word 'department' when used alone in this
chapter, and in the general direction of the
Constitution, as the Comptroller
General is authorized to order, or, if the
President requires it, in writing, the op-
in this same section of the Constitu-
tion it is said that the President may require
the opinion in writing of the principal of the
office of a department of the United States.

"While it has been the custom of the Presi-
dent to require these opinions from the Sec-
taries of 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 an opinion has been officially re-
curred to the head of any of the bureaus, or of any commissioner or auditor in these de-
partments.

In United States v. Hartwell, 73 U.S. (6 Wall.) 388 (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 a head of a department within
the meaning of article II, 2, 12, 12, supra, the Court held that it was being consis-
tent with the Hartwell since "it is clearly stated and relied on that Hartwell's appoint-
ment was approved by the Assistant Secre-
tary of the Treasury as acting head of that
department 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 Currency, of the Secretary of the Treasury, officer of a bureau of the Treasury Department charged with the execution of all laws passed by Congress relating to the regulation and management of national banks, as authorized by U.S. bonds, was appointed by the head of a department within the meaning of the Constitution, as the Constitution requires.

We are sending herewith duplicate copies of the material delivered to you last evening,
material requested this morning, and loan
materials. You are requested to return any material not used.

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 maximum of good faith and understanding, that we can avoid what all of us want to avoid; namely, a usurping Vice President who consolidates his position by firming the Cabinet.

In some 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 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, involved in the situation with respect to whom we do not want a Vice President from Michigan—some place short of tying the hands of the Cabinet, if he were to junior in his own cabinet.

Mr. HART. What about interim appointments to the Cabinet? Is there not some way in which the badness 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 Cabinet members who may have died or resigned.

Mr. BAYH. I reiterate what I said before. The position of the Vice President is not a temporary one, but one which even in the event of a 3-year moment, he would become President, and the Cabinet must 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 appointments. Ought we not at least to go that far?

Mr. Hruska. I yield myself 3 minutes.

This question was considered in committee in the event of 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 the Senate? If there were an overreach- ing 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, the situation of 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. Yes.

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 many Under Secretaries as may be involved in the situation with respect to those who would participate in the Cabinet en personne.

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 what do not 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, the joint resolution be ordered up.

Mr. HART. 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. HART. 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 Senate 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 Indiana 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 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 make the declaration for 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 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 litigated.

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 Vice President, 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, and a majority 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, could Congress proceed to establish its views, and whether further 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 Congress may by law 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 incapacity?

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 he is unable to discharge the powers and duties of his office unless the Vice President, with the written consent of a majority of the principal officers of the executive department or such other body as Congress may by law provide, transmit to the Congress his written declaration that he 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 the First Amendment and 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 attention publically, they would make such a declaration, there would be a serious enough doubt about the mental capacity—and usually it would be the capacity of the President—that the declaration 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, the Vice President, 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 under that article, 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. It is important that 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. 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 propose a solution to 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 transmit the Senate a bill. 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 open appeal 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. The proposal as it now stands 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 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.

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The procedure by which Congress shall act is properly left to later determination. The proposal as it now stands thereof. A point of possible conflict is resolved in the understanding that Congress shall act as separate bodies and within their respective rules.
If present and voting, the Senator from Kentucky (Mr. DoMINICK), the Senator from Colorado (Mr. DOMENICI), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. KECHEL), the Senator from Iowa (Mr. MCKEAN), the Senator from Idaho (Mr. MITCHELL), the Senator from New Hampshire (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

Alben
Allott
Allott
Alvord
Bayh
Bennett
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, Va.
Cannon
Carlson
Carlson
Case
Church
Cotton
Crandall
Cruze
Curtis
Darrus
Davis
Dodd
Douglas
Eastland
Elender
Gramm
Javits
Johnston

NAYS—0

NOT VOTING—28

Anderson
Bible
Cole
Dodd
Dodd
Foster
Gore
Grasmueck
Hartke
Hartke
Hartke
Hess
Hefley
Humphrey
Jackson
Johnson
Morton
Moss
Muskie
Neuberger

The PRESIDING OFFICER (Mr. MOR-toya in the chair).—Two-thirds of the Senate 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. HRIFF. 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, in all the circumstances of 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 trade policies toward Russia and the other European bloc countries, will work in close cooperation with our dynamic new Secretary of Commerce, John T. CONNOR.

It is interesting to note 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 interest is not sentimental but the headlined pursuit of our own economic and strategic self-interest.

Less than 3 weeks ago, I introduced in the Senate, Senate Joint Resolution 38, 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 innovation 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 leaders.

The President's committee represents an exceedingly important first step toward the establishment of such machinery. But the exploration of expanded trade opportunities 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 and trends.

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 more effort into expanding 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 38.
Supply of other fine American hardwoods, reflected in the greater quantity of veneer that is imported from Canada, is permitted by restrictions. Since many of you are much better informed on the subject of veneer logs, let us compare the same quantity of their finished product.

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 million board feet in mind. Even in free Europe's total hardwood logs cut in 1961, less than any other area, there is a trade deficit, much less a surplus of this order. Moreover, the great advantage which makes 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 130 million or 17 percent were veneer logs. Principal domestic furniture veneer species consumed were birch (88 percent), maple (7 percent), and elm (3 percent). Other species, none of which can be produced in Canada, were imported. The principal countries contributing to this country's supply are the following.

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, but steady increase in exports is possible in immediate future.

Principle furniture species is mahogany, but mahogany logs from this area are used for hardwood plywood, cabinet furnishing, the figure (grain) of the wood being less desirable for veneer than the African mahogany. Material for furniture, 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 logs are involved, since a large portion of the forest resources being used is virgin. Even at that, trade levels and net plus balance are not of the magnitude of the national forest areas in which we are interested.

The principal furniture species grown in South America is mahogany, which is also demanded 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. Acceptable stands have largely been cut, development of new areas difficult and uncertain, shortage of timber in many countries, particularly because of rainy season in tropics. Expansions of production also hampered by restrictions and economic burdens placed on foreign operators in many countries; most native operations are primitive. Other furniture logs also peculiar to this area. Situation as in Central America. Rosewood, for example, is available only in very limited quantities at higher prices.

Control of logs by several countries is covered elsewhere, including those of Brazil and Colombia, which provide over 60 percent of the production of the area.

Free Europe

Despite substantial production of all hardwood logs in free Europe, imports arePortal supply of such wood, with a deficit exceeding 900 million board feet in 1961. The small indicated surplus for 1961 reduces the portion of total log production that is of veneer quality.

This area is most significant to our problem over the past years has been the producer 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, they imported less than 40 million board feet of such logs. European imports of tropical logs were in considerable quantity, although excellent and widely used for plywood.

Exports sharply restricted by export controls, see chapter on such restrictions. Very little opportunity for the United States to increase its exports from this country.

Free Asia

Free Asia's production of all hardwood 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 1961 (1,478 in 1962) or 17 percent of the area, total, export 775 million board feet or more than 50 percent of production. Its forest resources are being devasted by a combination of excessive logging and the slash-and-burn methods of the indigenous agriculture (Kaling farming). Logging companies are going into more remote areas for their timber, and aerial observation by even casual observers shows a large 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 is in Congress. Of all hardwood log exports in 1962, 88 percent went to Japan.
Most of the Philippine resource is in species of the lauan, not desirable for high quality furniture while in great demand for plywood. Many desirable quality furniture woods are the eucalypt species, many of which are currently being concentrated on in the north. It is not feasible to concentrate on any one of them because of the large number of species involved. 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 timber comes in the form of buttressed stands which are felled for their hardwood. The felling of tall buttressed trees is difficult, and native superstitions limit the willingness of natives to cut them.

The Philippines is not a promising long-term source of substantial quantities of hardwood logs suitable for fine furniture veneer. Indonesia, with a 1961 production of 662 million board feet of all hardwood logs, or 11.5 percent of the area's production, is not a substantial source of exports.

India, with a production of 892 million board feet, or 6.6 percent of area total, has relatively little volume of timber capable of producing furnishing veneer logs. Indian rosewood is one such species, is relatively scarce and expensive. India's log exports are minimal.

Malaya, with a production of 497 million board feet, or 6.6 percent of area total, has a large volume of high quality hardwood veneer type (santan, meranti in Malaya), rather than the fine furniture veneer type. Malaya exercises control over the production of those species which it can readily use domestically.

North Borneo, with a 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. Moreover, most of the timber is of the ilauan type, not the chosen by Europe, or saraya), 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 the same position.

Thailand's tropical 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 in the large woodcutting. Eucalypt types, and teak, are the most prominent species. Most of timber is in the center of the country, and being overcut, and the increasing European demand 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 potential 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 406 million board feet, Gabon with 300 million, Nigeria with 294 million, and the Republic of South Africa, with 218 million. Substantial exporters, but Europe is the principal buyer, with its historic ties to the west. Ghana, the Republic of South Africa, Mozambique and De vas have nationalized its timber trade, and industry sources report that Nigeria is moving in that direction. Ghana, with increasing facilities for local manufacture, is considered by the international timber trade as threatening the continuation of log supplies from Africa. The European 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. One hundred million logs have been cut or are 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 woods exist, but as small parts of very complex stands of many species of species, making it difficult if not impossible to concentrate on any one species. Many of these woods lack the distinctive figure or grain in desirable in fine furniture (mahogany is an exception). Regular and substantial supply of any one wood, even of small output, by foreign furniture producers, is usually a serious problem. There is growing opposition to the costly practice of high grading of timber stands for select species.

Oceanica

All but 100 million board feet of Oceanica's total production of all hardwood logs are accounted for by Malaysia, for which FAO ports no log exports. By far the predominating woods are eucalyptus which are not desirable for fine furniture veneers. However, some of them are of a 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, Malaysia has a well-developed veneer and plywood industry, and should not be considered as a source of veneer logs for the United States.

Only Africa's tropical hardwoods are 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 market. 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 the African log supplies and is constantly seeking additional sources of fine hardwoods. In fact, the Ministry of Natural Resources in the Federal Eu rope to explain Europe's increasing interest in African black walnut.

Tropical hardwood resources, in Africa and in Latin America, are of course much greater than 1961 production indications. 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 species have not been the few species in demand; it will take time, money, and the solution of many problems to increase production materially. No one species is favored in pure stands and thus is readily available in large quantities. There is always the difficulty of developing public acceptance of the veneer industry as the expense only to encounter the hazards of an unsteady or dwindling supply.

Another major stumbling block is the fact that present -a-zions are premature 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 Tap Painting which 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 supplies 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

<table>
<thead>
<tr>
<th>Area</th>
<th>Cut</th>
<th>Exports</th>
<th>Imports</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>5,002</td>
<td>49</td>
<td>49</td>
<td>-</td>
</tr>
<tr>
<td>Central America</td>
<td>822</td>
<td>53</td>
<td>53</td>
<td>-</td>
</tr>
<tr>
<td>Mexico</td>
<td>431</td>
<td>43</td>
<td>43</td>
<td>-</td>
</tr>
<tr>
<td>Europe</td>
<td>3,885</td>
<td>218</td>
<td>1,125</td>
<td>957</td>
</tr>
<tr>
<td>Asia</td>
<td>7,492</td>
<td>1,482</td>
<td>1,508</td>
<td>-26</td>
</tr>
<tr>
<td>Africa</td>
<td>7,920</td>
<td>25</td>
<td>25</td>
<td>-</td>
</tr>
<tr>
<td>Oceanica</td>
<td>115</td>
<td>39</td>
<td>39</td>
<td>-</td>
</tr>
</tbody>
</table>

Note: Charts accompanying above not printed in the CONGRESSIONAL RECORD.

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 measures 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.

The Joint Atomic Energy Committee, which was previously reported to Senator Robertson and his committee for the expedient and expert handling of this bill, was also indebted to Senators Munson, Allott, Lausche, Hartke, Williams, Tidball, Saltonstall, Javits, Dominick, Douglas, Thurmond, Oosten- ing, 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 liability and vacancies in the office of the President. At the same time, we are being assured of a proposal strongly supported by the Armed Services Committee to the effect that 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. I might say also that a great deal of lightening contributions in the debate, I might say also that a great deal of credit should also go to Senators Dirksen, Hart, Hartke, and floor leader of the constitutional amendment, is to be congratulated for his expert handling of this important measure. H.E. Smith; he was a constitutional lawyer and an extremely capable floor manager. Full credit should also go to Senators Humka, Dirksen, and Bess 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 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, that for a 35 percent 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 $260 million a year. This represents the U.S. share of a planned $900 million increase in the Fund which will serve to strengthen multination aid and the Alliance for Progress.

As to what we may expect in the next week or so the Senate Agriculture Committee on the 9th, 16th and 18th of this month, held hearings on the President's recommendation for a 35 percent increase in crop production and marketing limits on an acreage-pounds 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 to authorize appropriations for the Committee on Foreign Commerce Council. On March 2 or 3 hearings will be held on S. 325 and S. 349—rail transportation service in the northeastern seaboard area. On March 8-10 there will be a second consideration of the President's request to extend the 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 marine transport. Early next month before March 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 a late date, on the Senate Resolution to ratify the Arms Control and Disarmament Act but it will be from 2 to 3 weeks before this bill will be ready for floor action. On the 23rd and 25th the committee will hold hearings on the President's request to the Federal Communications Commission 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 24-25, 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 markup. On February 22, the Public Lands Subcommittee will hold hearings on S. 42-43 and S. 645 dealing with the Outer Continental Shelf, and on S. 445 relating to the Kaniksu National Forest, Idaho. On the 23rd and 24th 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 proposal to liberalize the Employment Act 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 report its recommendation for the President's recommendations to authorize a 5-year program of project grants to develop multi-purpose 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. 515, 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 bills. President's request to amend the Rivers and Harbors Appropriations Act for 1966—several bills—five for 500 projects. The Senate sent the President thus far has neither completed action or passed 9 of the President's recommendations and confirmed 18,668 of his nominees. These were the agricultural supplemental, gold bill, Appalachian aid, Bighorn Canyon Park, Coffee Agreement Implementation, stockpile disposal, VA distressed homeowners relief, water pollution control, and Presidential liability. In addition, 96 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 excellence of the work he rendered thus far. It is the combination of months of hard work on his part.

I am sure that through the conscientious work 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 moments of work. I am deeply appreciative.

Mr. Yarborough. Mr. President, I congratulate the Senator from Indiana. It is a very rare occasion when any Senator and I agree on a resolution. This is a rare occasion 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
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 adjourned, under the previous order, until Monday, February 22, 1965, at 12 o'clock meridian.

J. 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

The following-named persons to be postmasters:

ALABAMA
William E. Streetman, Hartselle, Ala., in place of J. Chambitis, retired.
Milligan Earls, Menard, Opelika, Ala., in place of A. J. Peacock, Sr., retired.
Willie R. Finch, Samson, Ala., in place of E. E. Johnson, retired.

ARIZONA
Thomas E. Nelms, Broackland, Ark., in place of J. P. Lamb, retired.
Ralph W. Blair, Fort Smith, Ark., in place of Cooper Hudspeth, retired.
Betty L. Cockrum, Hector, Ark., in place of L. B. Hurley, retired.

CALIFORNIA
John A. O'guin, El Centro, Calif., in place of E. E. Keitz, retired.
Lewis N. Hanson, Rio Linda, Calif., in place of W. E. Plumb, retired.
Ruby M. Willoughby, Stevinson, Calif., in place of C. E. Coker, retired.

COLORADO
Carroll E. Byerrum, Grand Valley, Colo., in place of Olds Murray, retired.
Wayne F. Wilcoxen, Idalia, Colo., in place of Rose Ramsier, retired.
Harry N. Johnson, Ignacio, Colo., in place of N. B. Marker, retired.
Barbara M. Spencer, Ouray, Colo., in place of M. H. McCullough, retired.
Frank A. Bateman, Jr., Pierce, Colo., in place of E. F. Hultt, retired.

DELAWARE
Clifford W. Truitt, Dagoboro, Del., in place of P. B. Willett, retired.
Clarence A. Schwartz, Jr., Townsend, Del., in place of E. M. Conner, retired.

GEORGIA
H. Bryson Turk, Flowery Branch, Ga., in place of P. N. Carlisle, retired.
J. Dwight Tody, Gibson, Ga., in place of W. M. Duke, retired.
Jesse L. Garland, Martin, Ga., in place of G. B. Lord, resigned.
James E. Fevey, Pembroke, Ga., in place of J. N. Hope, resigned.

IDAHO

ILLINOIS
Kathryn E. McLaughlin, Troy Grove, III., in place of R. H. Zorn, resigned.

INDIANA
Carolene Merrifield, Sr., Wolcottville, Ind., in place of M. H. Rice, retired.
Chester A. Echanson, Jr., Plainfield, Ind., in place of A. C. McMullen, 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. Hites, Hudson, Kans., in place of M. M. Metz, retired.

Kentucky
Martin W. Wilson, Dixon, Ky., in place of M. B. Moore, deceased.

Louisiana
Emund 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. Woodcock, Medfield, Mass., in place of F. G. Haley, retired.

MINNESOTA

MINNESOTA
Elwyn A. Guyer, Taconite, Minn., in place of L. W. Wierre, retired.

MISSISSIPPI
John D. Rosander, Jackson, Miss., in place of L. C. Skipper, Jr., deceased.

Missouri
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.

New Jersey
Doris M. DaKay, Delaware, N.J., in place of V. B. Braden, transferred.

New Mexico
Norman M. Booker, Hobbs, N. Mex., in place of L. L. Gholson, removed.

New York

North Carolina
Robert L. Baydoun, Errol, N.C., in place of M. B. Epock, retired.

North Dakota
Sylvester J. Schneider, Hannah, N. Dak., in place of R. E. Milligan, retired.

Ohio
Mauna L. Pullin, Eric, Ohio, in place of H. B. Gorton, retired.
Frank Dobroznik, Middletown, Ohio, in place of L. M. Taylor, resigned.

Oregon
Allan B. McVay, Ailes, Oreg., in place of Eugene Bedelli, retired.

Pennsylvania
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 Ojakian, Floreffe, Pa., in place of W. R. Weir, retired.

William K. Whitford, Shiremanstown, Pa., in place of E. F. Yost, retired.

SOUTH CAROLINA

John W. Rogers, Pelzer, S.C., in place of Sue Scott, retired.


TENNESSEE

Taskei T. Rich, Byrdstown, Tenn., in place of C. I. Wells, retired.

George W. Whaley, Middletown, Tenn., in place of H. G. Simpson, retired.

William R. Broadway, Ten Mile, Tenn., in place of A. M. Edgemon, transferred.

TEXAS


Donald P. Fiehrer, Follett, Tex., in place of A. C. Combs, Jr., retired.

Aubra C. Fuqua, Jr., La Porte, Tex., in place of R. F. Fuqua, retired.

Louis P. Fonsen, Texarkana, Tex., in place of W. F. Cannon, transferred.

Ernest L. Ryan, Weslaco, Tex., in place of N. G. Hargett, retired.

WASHINGTON

Kenneth A. King, Coupeville, Wash., in place of E. L. Modisette, retired.

WEST VIRGINIA

Lansing H. Walker, Berwind, W. Va., in place of R. M. Mccloughlin, resigned.


Myrna F. Profit, Hinsfeld, W. Va., in place of O. G. Toney, retired.

William E. White, Newell, W. Va., in place of C. E. Mils, 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. James Ferguson, 1550A (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 required, pursuant to title 10, United States Code, section 5232, to be admiral.

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 are 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 are appeared in the CONGRESSIONAL RECORD on February 8, 1965.

U.S. MARINE CORPS


The Journal of the proceedings of Thursday, February 18, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Ar­ rington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the con­ clusion 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 require­ ment that Federal Reserve banks maintain certain reserves in gold certificates against deposit liabilities.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the or­ der 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. CLAYFORD 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 thoughtful citizen must endeavor to designate 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. I am, 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 in, the office to which the call has twice called me, have been urged to me by many arguments of inclination to the public good; but am supported by a full conviction that the step is compatible with both.

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