HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 19, 1965

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture:

I John 3: 1: *Behold, what manner of love the Father hath bestowed upon us, that we should be called the sons of God.*

O Thou who art the God of justice and righteousness, of love and good will, grant that we may have the faith to believe that a better day for all humanity is slowly dawning and that a better mood and a better mind are making themselves felt among all nations.

We have had a clear demonstration in facts and figures of the stupidity and insanity of war and we dare not allow our civilization to go down in blood and ashes.

There must be brought into being a new dimension of religion, more real and more heroic, more human and practical in its insight and appeal, and more divine in its consecration and cooperation and compassion.

Fear and force have failed and now the spiritual influences of love which never faileth must take up the task of stamping out the hatred of man and weaving a better spell upon the human mind and heart.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 800) entitled "An act to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. SALTONSTALL, and Mrs. SMITH to be the conferees on the part of the Senate.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, FISCAL YEAR 1966

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tomorrow to file a report on the Department of Agriculture and related agencies appropriation bill for the fiscal year 1966.

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

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill.

AUTHORIZING APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, ETC.

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 800) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes, insist on the House amendment and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, HÉBERT, PRICE, FISHER, HARDY, BATES, ARENDS, and O'KONSKI.

CANADA-UNITED STATES INTERPARLIAMENTARY MEETING

The SPEAKER. The Chair lays before the House the following communication which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., May 18, 1965.

The SPEAKER,
House of Representatives,
Washington, D.C.

MR. SPEAKER: Due to circumstances beyond my control, I deeply regret that I must resign as a delegate to the Canada-United States Interparliamentary Conference which will be held in Canada May 20–24.

Yours sincerely,
FERNAND J. ST GERMAIN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–42, the Chair appoints as a member of the U.S. delegation of the Canada-United States interparliamentary group for the meeting to be held in Ottawa, Canada, from May 20 to May 23, 1965, the gentleman from Illinois [Mr. YATES], to fill the existing vacancy thereon.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ADMINISTRATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it has come to my attention that the Department of Health, Education, and Welfare has a regulation in effect which would deny to the State of Massachusetts, and I am sure many other States, the use of Federal funds. The use of Federal funds will be withheld where the State is entitled to reimbursement. This regulation of the Department of Health, Education, and Welfare requires that all welfare workers have to be college graduates. In my opinion, this is bad. Furthermore, it is my understanding that anyone who has been working for the Department of Health, Education, and Welfare for a number of years cannot get a promotion unless he or she is a college graduate. While I doubt the wisdom of the regulation in the first place, I certainly do believe it would be fair to provide what is commonly known as a "grandfather clause" so as to protect those individuals who have been employed in the various departments for years and years and who have shown merit in their work and who, therefore, should be entitled to promotion.

Mr. Speaker, I am sure I am not alone when I say that the requirement of a college degree does not mean always that you are getting the best man for any particular job. For example, suppose we had a law or rule that you could not be a Member of the Congress unless you were a college graduate. We all know that some of the great men of the Congress of the United States—yes, and even including our great Speaker of the House who is an attorney and a member of the bar, but who obtained his legal education by serving his apprenticeship in a law office, would not be eligible to serve in this body.

I serve notice on Mr. Celebrezze that I think his ruling is wrong and I intend to protest it vigorously.

I would like to read a communication from William T. Casey, director of public assistance in the city of Somerville:

CITY OF SOMERVILLE,
BOARD OF PUBLIC WELFARE,
Somerville, Mass., May 12, 1965.

Hon. THOMAS P. O'NEILL, Jr.,
House Office Building,
Washington, D.C.

DEAR SIR: As the director of the public assistance agency in the city with the ninth highest caseload in the Commonwealth, I am deeply concerned with the provisions of Massachusetts house bill No. 3652. This bill was filed by the Massachusetts commissioner of public welfare at the insistence of Federal Health, Education, and Welfare, on the threat of withholding reimbursement for administration of public welfare in Massachusetts. In substance the bill as it stands will require any new employee in the social service division of public agencies to possess at least a bachelor's degree from an accredited college. In addition it will prevent any present employee who does not possess such an academic background, from advancing in rank. It is the latter provision which is creating the problem. By freezing such personnel, many with long years of service, in their present positions, the action would create the greatest factor toward completely ruining the morale of every agency in the 351 cities and towns of the Commonwealth as well as the State department of public welfare. What incentive would remain for these workers to extend

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

themselves if they know they can never advance?

The members of the Massachusetts Legislature have been requested by employee organizations to amend the bill to include a "grandfather's clause." Such an amendment could better be spoken of as an "opportunity clause" because such a title better describes the justice and fairness to which they should be entitled. I personally approve of such an amendment and I respectfully request that you use any means in your power to influence the Department of Health, Education, and Welfare to accept such an amendment. I am sure the members of the Massachusetts Legislature would also appreciate hearing of your approval.

Very truly yours,

WILLIAM T. CASEY,
Director of Public Assistance.

Mr. Speaker, I am aware that Hon. JOHN W. MCCORMACK, the Speaker of the House, has also protested this action. I trust that this gross injustice will be corrected.

EXTENSION OF TIME TO FILE 1965 TOBACCO ALLOTMENT LEASES

Mr. ABBITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 436) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 436

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "1964" wherever it appears in said subsection and substituting therefor "1965".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE PACIFIC NORTHWEST DISASTER RELIEF ACT OF 1965

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 388) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7303) to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

After the passage of H.R. 7303, the Committee on Public Works shall be discharged from the further consideration of the bill S. 327 and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7303 as passed.

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

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 388 provides for consideration of H.R. 7303, a bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters. The resolution provides an open rule with 2 hours of general debate, making it in order, without the intervention of any point of order, to consider the substitute now in the bill as an original bill for the purpose of amendment. The rule further provides that after passage of H.R. 7303, the Committee on Public Works shall be discharged from further consideration of S. 327, that it shall be in order to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the language of the House-passed bill.

The catastrophic floods in northern California, Oregon, and contiguous parts of Nevada, Idaho, and Washington during December of last year were among the worst experienced in the history of the United States.

Over 12,000 homes were damaged, half of which were demolished, affecting 20,000 families. Forty-five persons died and some 2,000 persons were injured. Over 35,000 farms were flooded in California alone. The cost in human suffering cannot be evaluated. But physical damages are tentatively estimated to approach about a half billion dollars.

Under Public Law 81–875, the President declared the area a major disaster area and all available machinery of the Federal and State governments, as well as of the county and municipal jurisdictions was directed to immediate relief and subsequent rehabilitation. Equipment and services to transport food and forage, clothes, fuel, and other necessities were supplied by the Army, Navy, Marine, and Air Force.

A special subcommittee of the Committee on Public Works was sent to the area to inspect the damage and to meet with Federal, State, and local officials. On their return they reported to the full committee and hearings were begun. H.R. 7303 is a result of their findings. It contains what is believed to be needed and necessary to give further aid to the disaster-stricken areas.

The bill would authorize the appropriations from the general fund of the Treasury of not to exceed $50 million for fiscal year 1965 and not to exceed $20 million for fiscal year 1966 for the repair and reconstruction of highways, roads, and trails damaged.

Mr. Speaker, I urge the adoption of House Resolution 388.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I find myself in complete agreement with the gentleman from California [Mr. SISK] on the explanation of this rule and the purpose of the bill. As stated, it is a 2-hour rule which waives points of order. That is due to section 5 of the bill, which will provide for transfer of certain funds to certain private industries.

The rule also provides for a substitution of the House language in the Senate bill, when the bill is passed.

The total cost for the remainder of fiscal year 1965 and for fiscal year 1966 will be $111,875,000.

I know of no objection to the rule. I know of much support for the bill.

I urge the adoption of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE PACIFIC NORTHWEST DISASTER RELIEF ACT OF 1965

Mr. JONES of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7303) to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7303), with Mr. YOUNG in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Alabama [Mr. JONES] will be recognized for 1 hour, and the gentleman from Florida [Mr. CRAMER] will be recognized for 1 hour.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Maryland, the chairman of the Committee on Public Works [Mr. FALLON].

Mr. FALLON. Mr. Chairman, I rise in support of H.R. 7303 which was reported unanimously by the Committee on Public Works.

When the Congress reconvened at the beginning of this session, one of the major problems facing the Committee on Public Works was the question of what should be done about the unprecedented and extensive flooding that had occurred in the Pacific Northwest during December 1964. There had been tremendous damage to northern California, Oregon, and contiguous parts of Nevada, Idaho, and Washington. These floods were among the worst experienced in the history of the United States. Since the Committee on Public Works has as one of its basic jurisdictions the question of flood control, it was determined that a special subcommittee should be sent immediately to report back to the full committee a firsthand account of the damage that had been suffered in the area. I named the distinguished gentleman from Alabama, the Honorable ROBERT E. JONES, who is chairman of the subcommittee on Flood Control, to head this subcommittee. Along with him went the Honorable JIM WRIGHT of Texas; the Honorable HAROLD T. JOHNSON of California; the Honorable DON H. CLAUSEN of California; and the Honorable WILLIAM H. HARSHA of Ohio.

The special subcommittee made a detailed examination of the affected area and the result of its trip can be found in the excellent report the subcommittee presented to the Committee on Public Works which is now Committee Print No. 8, "Report of the Special Subcommittee to Inspect Flooded Areas in the Northwestern United States." Thereafter, hearings were held on a number of bills which had been introduced to provide relief to the Pacific-Northwest area. H.R. 7303 was drafted after full and extensive committee hearings on this problem and after careful consideration of the report of the special subcommittee. It is the result of long and hard work in the committee and it is a good bill.

The agencies of Government which have provided relief in the area include the Office of Emergency Planning among others which have done an excellent job within their jurisdiction, but there is a need and I believe a responsibility on the part of the Congress for legislation such as we are considering today. The people of the Pacific Northwest need all of the assistance they can get to fully restore the economic and social life of that great section of our Nation. H.R. 7303 provides the means for that work to be carried out and I strongly recommend its passage.

As a further evidence of the concern of the Public Works Committee for areas of our country which have experienced loss of lives and property as a result of floods a special subcommittee will leave Washington late this afternoon to visit Minnesota, Iowa, Illinois, and Wisconsin and to gather at firsthand information on the recent disaster in that area.

It is the intention of the Public Works Committee to continue our interest in controlling the waters of our Nation and to recommend to the Congress whatever appropriate action is necessary in each instance where the forces of nature have wreaked havoc and destruction upon the people of our great Nation.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, H.R. 7303, the Pacific Northwest Disaster Relief Act of 1965, was reported from the Committee on Public Works unanimously on May 6, 1965. It provides relief to the States of California, Oregon, Nevada, Idaho, and Washington who suffered severe flood damage as a result of the floods of December 1964, and January and February of 1965.

It was my privilege to be chairman of the special subcommittee that was appointed by the chairman of our committee, Congressman GEORGE H. FALLON, at the suggestion of the Speaker of the House and the President of the United States.

I would be remiss in my remarks at this point if I did not pay proper and fitting tribute to all those who were so necessary and so needed and who were really responsible for the success of the trip we took to the Pacific Northwest last January and who are today indirectly the reasons why this legislation is before this body.

Let me begin by commending the initiative and fight of my colleague, the distinguished member of the Committee on Public Works, the Representative from the Second Congressional District of California, the Honorable HAROLD T. "BIZZ" JOHNSON. It was his initiative as a Representative of part of this flood-stricken area that brought into full focus the need for the trip we took and for the legislation which is before us today. He is to be highly commended for his untiring efforts and work on this whole problem of the devastated areas of the Pacific Northwest.

I would also like to pay tribute to another outstanding member of our committee the Representative of the First District of California, who worked unceasingly during the trip and afterward here in Washington to bring this legislation to proper focus my good friend and colleague, the Honorable DON H. CLAUSEN.

During our visit to the flood-stricken area we received the highest cooperation from the Governors of all the affected States. The local officials on all governmental levels in the affected States cooperated with us to the fullest extent. Let me compliment particularly those Federal agencies whose representatives accompanied us on our trip and who were so helpful to us in Washington. May I single out in particular those representatives of the agencies who accompanied us to the Pacific Northwest:

Mr. Frank Turner, chief engineer, Bureau of Public Roads;

Brig. Gen. Harry Woodbury, Jr., Deputy Director of Civil Works, Corps of Engineers, U.S. Army;

Mr. Ellis L. Hatt, Assistant to the Deputy Administrator for Watersheds, Department of Agriculture;

Mr. Floyd E. Dominy, Commissioner, Bureau of Reclamation, Department of the Interior;

Mr. Frank Dryden, Deputy Administrator, Office of Emergency Planning; and

Mr. Clarence Cowles, Director, Office of Financial Services, Small Business Administration.

Finally, may I thank my colleagues on the committee on both sides of the aisle and in particular our distinguished chairman, the gentleman from Maryland [Mr. FALLON], and the ranking minority member, the gentleman from Florida [Mr. CRAMER], for their cooperation which brought about the legislation which is before us today.

We toured the flood stricken areas of northern California and Oregon and heard firsthand accounts from State and local officials, as well as private citizens of the devastation that had covered this most important section of our Nation. On our return to Washington we filed our report with the full Committee on Public Works and then hearings were held on a number of bills dealing with the problem of providing relief for the States affected by the floods of December, January, and February last. This legislation which is before you today I think will go a long way toward giving a vital hand toward those people in the area who have done so much on their own initiative but who, because of the tremendous losses they have suffered, require the assistance this legislation will give them. I am proud of this type of legislation and I am privileged to be here on the floor today with this bill. I strongly recommend its passage by the House.

The following are the major provisions of the bill:

Section 2 of the legislation authorizes an appropriation of not to exceed $50 million from the general fund of the Treasury for fiscal year 1965 and not to exceed $20 million for fiscal year 1966 for obligation and expenditure by the Secretary of Commerce under the provisions of section 125, title 23 of the United States Code. This provides additional funds for construction and repair of those roads in the affected States on the Federal-aid highway system which were damaged as a result of the floods.

Section 3 provides the following: It authorizes the Secretaries of Agriculture and the Interior to reimburse timber sales contractors for reconstruction and restoration of roads which were under construction which had not been accepted by the Government as part of the national system of forest development roads and trails at the time of the floods. It supersedes existing timber sales contracts which embodies the entire loss on the purchasers. It provides the purchasers shall bear 15 percent of the cost of reconstruction and restoration up to a maximum of $4,500. The Government shall bear 85 percent of the cost and 100 percent of all amounts above $30,000 on a single timber purchase contract. The estimates of all costs of damage would be made by the appropriate Secretary. It

further provides in the case of any road restoration or reconstruction if the cost of such restoration or reconstruction is less than $500 and in the case of any road construction if the increase in the cost of such construction is less than $500 more than the construction cost as originally determined either by the Secretaries of Agriculture or Interior then this section will not apply. It further gives either Secretary the discretionary authority to cancel a timber purchase contract where it determines that the damages are so great that restoration, reconstruction or construction is not practical under this cost sharing agreement.

This section further authorizes an additional $38 million for forest development roads and trails for the fiscal year 1966 raising the total figure from $85 million to $123 million. Of this, $36 million will be used for the construction, repair and reconstruction of the forest development roads and trails and $2 million to reimburse timber purchasers under section 2 of the bill. This section further provides a reduction of from 30 days to 7 days for the minimum time required to advertise the sale of national forest timber in the affected area.

Section 4 of the bill authorizes the Secretary of the Interior to suspend the time limits embodied in the law for the performance of certain acts where appropriate in cases where the entryman's ability to comply has been interfered with by floods and high waters.

Section 5 of the bill authorizes the President acting through the Office of Emergency Planning to provide bank protection along the Eel River in certain areas where the adjacent trackage of the Northwestern Pacific Railroad would be vulnerable to washouts. The survey and supervision of this work will be performed by the Corps of Engineers, U.S. Army. The President acting through the OEP will be authorized under this section to make a survey of what protective works are needed for the necessary revetment work and report to the Congress within 60 days after the date of enactment of this act the results of such survey together with the cost of any recommended work. The President will be authorized to perform this work through the Office of Emergency Planning where he deemed the work was necessary in the public interest. No appropriation, however, shall be made for any recommended work determined by the President to be in the public interest unless such work has been approved before June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and House of Representatives, respectively, after the consideration of the survey report. Of the $3,875,000 authorized to perform this work, it is estimated $250,000 will be required for the survey and the balance of $3,625,000 to provide the necessary protective works.

Section 6 of the bill authorizes the Small Business Administration to allow the maturity date on loans, the maturity of such loans to be allowable from a 20- to a 30-year amortization period.

The total amount authorized under H.R. 7303 for this relief is $111,875,000.

Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. JOHNSON], a member of the Committee on Public Works.

Mr. JOHNSON of California. Mr. Chairman, we have before us today H.R. 7303, a bill that was reported from the Committee on Public Works unanimously after a very thorough study of the flood damage in the Pacific Northwest. The flood hit in the months of December, January, and February. There were 45 deaths attributed to the flood and there were 2,000 people injured. There was a little better than half a billion dollars in damage to the five Western States.

Since that time, we had legislation introduced in the Congress, shortly after Congress convened. The President, the Speaker, and the chairman of the Committee on Public Works, the gentleman from Maryland [Mr. FALLON] appointed a subcommittee to go out and make a study of the flood-damaged area. This trip was made starting on January 10 and completed on the 15th; and shortly after we returned to Washington, those of us who made the trip started working with the Federal agencies involved to try to write a piece of legislation agreeable to all and that covered the situation. Hearings were held in Washington on March 9, 10, and 11. The chairman of our committee that made the trip to California, the gentleman from Alabama, the Honorable BOB JONES, conducted those hearings. The hearings were very extensive. We had all of the Federal agencies before the committee.

After the hearings were completed we went to work on the drafting of a bill that would meet the needs and would receive unanimous support in the Committee on Public Works. After many long weeks of consideration, the bill was finally reported by the Committee on Public Works on May 6. Just yesterday the Rules Committee granted the necessary rule to bring the bill before us today.

This particular bill covers the area that was affected by the floods: California, Oregon, Washington, Nevada, and Idaho were the disaster States. The legislation provides for consideration of restoration of the transportation system. The transportation system in the flooded areas was severely damaged. It affected the entire economy of our area. So the bill deals for the most part with assistance through the various Federal agencies, to allow us to restore our transportation system in the areas affected, through local government, district government, State government, and the Federal agencies, which have done a wonderful job in restoring parts of this system. And with this final piece of legislation, the necessary authorization will be granted and we hope the necessary appropriations to finalize the work of restoring the area to normalcy.

Section 2 authorizes an appropriation of an additional $50 million from the general fund of the Treasury for fiscal year 1965 and an additional $20 million for fiscal year 1966 for obligation and expenditure by the Secretary of Commerce under the provisions of section 125, title 23, of the United States Code. This provides additional funds for construction and repair of those roads in the affected States on the Federal-aid highway system which were damaged as a result of the floods. The Federal Government, through the Bureau of Public Roads, normally assists in this emergency road rebuilding task where we have contributed to the initial construction of the highway project through the Federal-aid highway program. Each year, Congress has allocated $30 million for this emergency fund. In view of the Alaskan earthquake disaster, and other disasters throughout the Nation, this $30 million was nearly exhausted even before the Pacific Northwest floods. I recognize that we will have even further demands from the floods and tornadoes of the Midwest and want to assure my colleagues from those regions that I stand ready and willing to support their efforts to help their own communities. I have traveled this road before you.

Section 3 authorizes the Secretaries of Agriculture and Interior to reimburse timber sales contractors for reconstruction and restoration of roads which were under construction which had not been accepted by the Government as part of the national system of forest development roads and trails at the time of the floods. It supersedes existing timber sales contracts which place the entire loss on the purchasers. I should note that new contracts which will go into effect July 1 will not place the full burden on the purchaser but will provide that restoration of these roads in similar disasters will be shared by the purchaser and the Federal Government as the seller of the timber. These roads will upon the completion of the timber sale be made part of the Federal forest road system and they will be built to Forest Service standards.

This section provides that the purchasers shall bear 15 percent of the cost of reconstruction and restoration up to a maximum of $4,500. The Government shall bear 85 percent of the cost and 100 percent of all amounts above $30,000 on a single timber purchase contract. The estimates of all cost of damage would be made by the appropriate Secretary. It further provides in the case of any road restoration or reconstruction if the cost of such restoration or reconstruction is less than $500 and in the case of any road construction if the increase in the cost of such construction is less than $500 more than the construction cost as originally determined either by the Secretaries of Agriculture or Interior then this section will not apply.

It further gives either Secretary the discretionary authority to cancel a timber purchase contract where it determines that the damages are so great that restoration, reconstruction, or construction is not practical under this cost-sharing agreement. This section further authorizes an additional $38 million for forest development roads and trails for the fiscal year 1966, raising the total figure from $85 million to $123 million. Thirty-six million dollars of this will be used for the construction, repair and reconstruction of the forest development roads and trails and $2 million to reimburse timber purchasers. This section further provides a reduction of from

30 days to 7 days for the minimum time required to advertise the sale of national forest timber in the affected area.

It should be pointed out that a great deal of the area stricken by the floods is Federal timberland. The approximately 45 million acres of Federal forests in this region provide approximately half the commercial timber harvested in these areas which are dependent upon the timber industry. More than 400,000 people are employed by this industry. You can see that restoration of this industry is essential for economic survival of the region. The sections outlined above would facilitate the rehabilitation of this industry.

Section 4 authorizes the Secretary of the Interior to suspend the time limits embodied in the law for the performance of certain acts where appropriate in cases where the entryman's ability to comply has been interfered with by floods and high waters.

This applies to persons who have filed homesteads or desertland entry applications with the Secretary of the Interior and who, because of the storms and floods, could not meet the occupancy, planting, or other time schedules required by law.

Section 5 authorizes the President acting through the Office of Emergency Planning to provide bank protection along the Eel River in certain areas where the adjacent trackage of the Northwestern Pacific Railroad would be vulnerable to washouts. The survey and supervision of this work will be performed by the Corps of Engineers, U.S. Army. The President, acting through the OEP, will be authorized under this section to make a survey of what protective works are needed for the necessary revetment work and report to the Congress within 60 days after the date of enactment of this act the results of such survey together with the cost of any recommended work. The President will be authorized to perform this work through the Office of Emergency Planning, where he deemed the work was necessary in the public interest. No appropriation, however, shall be made for any recommended work determined by the President to be in the public interest unless such work has been approved before June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and House of Representatives, respectively, after the consideration of the survey reports. Three million, eight hundred and seventy-five thousand dollars is authorized to perform this work of which it is estimated $250,000 will be required for the survey and the balance of $3,625,000 to provide the necessary protective works.

Briefly the situation is this: The railroad is the only common carrier serving the public which can handle the volume of timber and lumber transportation demanded by the industry in the region. The right-of-way runs for about 100 miles along the Eel River. Virtually all of the trackage was washed away and in many instances the streambank on which the rails were built disappeared. Total damage to the railroad exceeds $10 million. We are asking that the Office of Emergency Planning, working through the Corps of Engineers, assist in the stabilization of the banks along the river to protect them from further erosion from high water or future floods.

Section 6 of the bill authorizes the Small Business Administration to allow the maturity date on loans, the maturity of such loans to be allowable from a 20- to a 30-year amortization period.

The total amount authorized under H.R. 7303 for this relief is $111,875,000.

In many cases a person whose home has been destroyed or extensively damaged is placed in serious financial straits. Although his resources may be very limited, he must find some means of financing replacements or repairs, and at the same time, continue meeting his existing mortgage obligations. Thus the Small Business Administration is often compelled to refuse a loan because the application cannot demonstrate ability to repay on a 20-year amortization basis.

Mr. Chairman, on behalf of the people of my home State of California and others throughout the Pacific Northwest, I want to express our deep appreciation for the concern already demonstrated by you and this Congress and by the President in responding so wonderfully to the needs of the people of these disaster stricken areas.

Passage of H.R. 7303 today will help these people tremendously as they walk the long, long road to recovery. These people, their local governments, and their State governments are doing everything humanly possible to recover from the heavy blows which they suffered in the Christmas week disaster. May we in the Federal Government continue our efforts in this direction.

Mr. Chairman, this proposed act is strictly an emergency measure. It will run through June 30, 1966. It is an emergency measure dealing with the flood disaster in the five Western States.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I want to take this opportunity to commend the gentleman for his fine explanation of this important legislation, but more particularly to commend him and the committee, particularly the chairman, the gentleman from Alabama [Mr. JONES], for acting expeditiously to meet a very urgent problem out in our part of the country.

I want to additionally express my appreciation for their personal trip into the area during the time of the flood in making a personal inspection.

Mr. Chairman, this is important legislation. This was probably the greatest catastrophe that has hit the State of Oregon and the adjacent States for a century. It is most urgent and I commend the committee and urge the passage of the legislation.

I thank the gentleman for yielding.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I would be glad to yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Mr. Chairman, I would like to also compliment the gentleman from California on this legislation as prepared in its present form. I know it will be most helpful to my people in Idaho. But I would particularly like to indicate to the Members the high degree of cooperation that was exhibited by the Army Engineers and the Office of Emergency Planning at the time the disaster struck that portion of Idaho which it is my privilege to represent.

I suggest to the gentleman that these people are very appreciative of what is being done today and what has been done up to this point.

Mr. JOHNSON of California. Mr. Chairman, I too want to thank the President of the United States, the Speaker of the House of Representatives, the chairman of the Committee on Public Works, and the chairman of the subcommittee for joining together in working out a piece of legislation after much consideration that resulted from this disaster, and I hope later this afternoon we will be successful in passing this legislation in the House.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I want to concur with the remarks of the previous speaker, the gentleman from California [Mr. JOHNSON] with whom I have had the privilege of working in the development of this legislation in conjunction with the Committee on Public Works, of which I am a member.

Mr. Chairman, following the onslaught of the once-in-a-thousand year Pacific Northwest Floods of December 1964, the chairman of the full Committee on Public Works [Mr. FALLON], appointed a special Flood Control Investigating Subcommittee to visit the devastated sections of the Northwest to determine the adequacy of Public Law 875 for recovery and rehabilitation of the area, and further, to determine whether or not additional legislation was necessary to provide these sections of the country with an opportunity to return to normal living.

I cannot express my thanks deeply enough for the understanding shown by the Speaker, the committee chairman [Mr. FALLON], and the subcommittee headed by the gentleman from Alabama [Mr. JONES]. They, and the committee members accompanying us, and those listening to our story on our return, have shown a tremendous capacity for understanding human need and compassion for their fellow men in times of dire emergency.

To those Federal agencies charged with providing emergency assistance, activated by the President's declaration of the area being a disaster area under Public Law 81-875, I give the heartfelt thanks of myself and the people in the area I have the privilege of representing in Congress. Everyone, from the Office of Emergency Planning, the Corps of Engineers, the Army, Navy, Marine, and Air Force, who transported people out of the danger area, helped distribute food, clothing, fuel, and so forth, to those marooned, performed magnificently. The Red Cross, the Civil Defense, the Federal, State, county and local governmental offices, in addition to many civilians, more than did their share to help out far

above and beyond the call of duty—and we are grateful.

This once-in-a-thousand-year flood—considered among the most severe ever experienced in the entire life of our country—wreaked havoc in the States of California, Oregon, Washington, Nevada, and Idaho. My own district—the First Congressional District of California—was hit hardest of all areas we visited. Here whole towns were demolished by the rampaging, uncontrolled Eel and Klamath River waters—Klamath, Klamath Glen, Orleans, Myers Flat, Shively, Weott, Pepperwood, Stafford, T-Bar, and South Fork. Others—Scotia, Rio Dell, and Metropolitan—were all hit hard. Industry in these areas was hit so severely that unemployment, affecting around 5,000 people, may prove an economic problem to resolve for months and even years.

Over 12,000 homes, affecting some 20,000 families were lost in the Pacific Northwest. Forty-five persons died in the flood and its tragic aftermath, and around 2,000 people were injured. Over 35,000 farms were flooded in California alone. Human suffering was intense and prolonged. Physical property damage, including homes, businesses, farms, transportation systems, et cetera, will run beyond the half-billion dollar mark.

Unusual weather conditions—a combination of strange circumstances—resulted in this tragic disaster. There was a heavier than average snowpack in the mountains. Below the snowline the ground had already been saturated by previous rain and then frozen by subfreezing temperatures. When this record rainfall came—24 inches in 3 days—and totaling over 30 inches in 9 days—it fell on what we might term greased skids. There was no place to go, so the water ran off the frozen, saturated ground.

One of the first casualties of the December storm and flood was the flood warning system, itself, in both Oregon and California. The storm broke communications and power lines. Electrically operated flood warning devices were put out of commission. Some of those still operating—with meters still recording—could not be transmitted to authorities before the communications lines went down. These weather gages are operated through normal power communication facilities. When the power lines and communications went out, these electrically operated gadgets stopped working. Little of the findings of those still in operation were of use, because the reports could not be transmitted since the telephone lines were out.

We have urged, and the Weather Bureau is working on an expanded and improved flood warning system, with the added proviso of emergency power sources, and wireless communications available in times of a similar emergency.

A short 30 hours brought discharges breaking all previous records. Most areas in the Pacific Northwest showed recorded peak flows 50 percent greater than previous highs.

The Eel River—which is uncontrolled—and for which there is a multiple-flood control project proposed—relentlessly swept over its banks, bringing death and destruction in its wake. To give you an idea of the volume of water that was spent, I should mention that the flows reached 780,000 cubic feet per second at Fernbridge and 700,000 cubic feet per second at Scotia, as compared to a previous record of 560,000 and 540,000. The Klamath River record flow previously was 425,000. It rose to 500,000 cubic feet per second. On the Smith River, the flow rose from 165,000 to 200,000 cubic feet per second. The Mad River in my area also showed a raise from 78,000 cubic feet per second to 100,000.

I might mention here that while many of my colleagues from the Southwest are concerned about the lack of water, and where to go about getting it, we are faced in northern California with the problem of distributing an excess amount of water.

It is almost impossible to portray the waste and devastation laid bare by the Eel River. The Northwestern Pacific Railroad line was washed away, with sections of track uprooted, bridges and culverts half gone, heavy railroad cars rocketed about like pebbles on a beach. Sawmills were dislodged and moved, large sections of "cold deck"—stacked logs—were swept into streams and projected along like missiles to create further damage and debris. The harbor at Crescent City was log-jammed, hemming in the fishing fleet. Other harbors faced the same problem. Some logs from northern California streams were found halfway up the Oregon coast. The damage to the railroad line—100 miles of which were completely uprooted—runs beyond the $12 million figure.

It will take at least a year, perhaps more, to repair the destruction to the transportation system, including the highways and the railroad line. At present, the commerce of the north coast area is suffering at the rate of approximately $1 million a day, in counting some $700,000 per week in local jobs and payrolls lost. The production of forest products, including plywood, some redwood and other lumber is our major industry. The damage to the railroad line has completely disrupted the forest products industry, as the bulk of these products are normally transported over the railroad along the Eel River Canyon, and from there across the mountains to the major rail terminal.

All communications by road or rail were cut off from the Eureka area, with the exception of very limited truck transportation. A little traffic was able to move over a temporary ferry thrown across the Klamath River. The only way that supplies could be brought in—food, clothing, fuel, and feed for the livestock—was by air, or by water. The Armed Services outdid themselves in standing ready for any emergency, any hour, and they deserve commendation. The aircraft carrier *Bennington* stood off the coast to provide a launching for planes and helicopters. Regrettably, seven lives were lost in a tragic helicopter crash.

Damages to primary and secondary roads in California, Idaho, Oregon, and Washington amounted to over $25 million. Forest roads damaged in this same area will cost about $31 million to repair.

There is no way yet to determine the extent of the millions of dollars of timber lost and destroyed. Millions of dollars of lumber were lost at sea, and many trees uprooted, broken, and blown over. This loss of timber, both standing and cut, will have a considerable effect on the economy of the area for years to come. For Nature to replenish this loss, it will take many, many years. The impairment to the economy may never be recovered.

National forest improvements were damaged to the extent of over $52 million. Because of the impassable access roads, more than 2.6 billion board feet of national forest timber, included in 458 timber sales—will not be available at normal operating time. This has a direct impact on some 195 industrial plants employing 20,000 people, or more.

The Six Rivers National Forest, covering 36 percent of the Humboldt, Del Norte, and Trinity County areas in the northern California territory, sustained serious damage in excess of $10 million. Fifty miles of Forest Service road will have to be relocated. Major construction repairs are required on 130 miles, and on 45 main crossings. Recreational areas, serving 68,000 visitors last year, were damaged to the extent of $168,000. Most of the spawn in 1,400 miles of fishing streams were killed by silt, debris, et cetera. Considerable debris will have to be removed to allow anadromous fish access.

All available flood control reservoirs, small irrigation reservoirs, completed flood control State and Federal systems were brought into the maximum of use. The damages saved in a few days by projects already in service run from $750 million to $1 billion. Some projects paid for themselves during this flood. Most of the damages occurred in areas where there is only partial, or no flood protection. I am sure this will be vividly brought to your attention when the projects authorization bill comes before the House. You will know why my district will be well represented in the bill.

Almost $200 million in damages occurred in the valleys of northern California coastal streams, largely in the Eel and Klamath Rivers, and another $50 million on the Rogue and Umpqua Rivers in Oregon, where there are no major flood control projects.

On the credit side of the ledger, California's Sacramento River levee and bypass system prevented damages of over $150 million for the fourth time in less than 10 years, and the Shasta and Folsom Reservoirs saved about $85 million more. The State's partially completed Oroville project prevented considerable flood damage.

In Oregon, seven flood control reservoirs in the Willamette Basin saved half a billion dollars of damage. Existing reservoir storage in the Willamette and Columbia River Basins and Corps of Engineers floodwalls spared Portland. Eugene and Salem, Oreg., Vancouver,

Wash., and Reno, Nev., were saved considerable damage by flood control systems. I am stressing this to give you an idea of the worth of some of these flood control projects. They have proven themselves time and again.

I know this flood and its devastating after effects have been off the front pages for a long time. People tend to forget about these things. After all, these floods occurred in December, January, and February. That is months ago. But there does come a time when we have to clean up the havoc wrought by a natural disaster. It is a financial problem. Everyone has been working like beavers—and I might add here that I have a tremendous admiration for the courage and will of the people in this area—adversity does not get them down for long. A lot of time, effort, and money is being spent. But we have got to take care of some of these emergency costs by necessary legislation. Our bill—H.R. 7303—Congressman JOHNSON of California's and mine—would provide the necessary remedial relief.

You will note, Mr. Chairman, that there is a considerable similarity between this bill we have here, and the remedies provided in the Alaskan earthquake assistance bill.

Running briefly down the bill, section by section, to clarify the provisions:

Section 1: This section of the bill merely recognizes the extensive property loss and damage experienced during December 1964 and January and February of 1965, and points out that much of the area affected is federally owned and administered and recognizes that the very livelihood of the people rests on the restoration of transportation facilities. It is simply a declaration of congressional intent for the need of special measures designed to assist and facilitate reconstruction.

Section 2: Provides additional authorization for Federal-aid highway systems. Increases funds to $50 million for fiscal 1965, and up to $20 million for fiscal 1966, under section 125, of title 23, United States Code, for repair and reconstruction of highways, roads and trails, on a countryside basis, damaged by natural disaster.

Section 3: Provides for the reconstruction of timber purchase roads. Assistance would be provided to get logging underway by granting authorization to the Secretaries of Agriculture and Interior to reimburse timber sale contractors for reconstruction and restoration of roads under construction, but not yet accepted by the Government at the time of the onslaught of the rising flood waters.

Section 3–A: Would supersede existing timber sale contracts now forcing purchaser to absorb entire access road loss, and substitutes a cost-sharing ratio. The purchaser would bear up to 15 percent of the costs, up to $4,500, and the Government would bear 85 percent of the costs and 100 percent of all amounts above $30,000 in a single timber purchase contract.

Section 3–C: This section stipulates that the additional $38 million shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, Nevada, and Idaho.

Section 3–D: Would authorize the Secretary of Agriculture to reduce from 30 days to 7 days the minimum time required to advertise the sale of national forest timber in the flood-affected area.

Section 4: Insures public land entrymen additional time to comply with the requirements of the law in the disaster area because of interference with ability to comply with requirements due to flood damage.

Section 5: Would authorize the President, through the Office of Emergency Planning, to provide bank protection, in the public interest, along the Eel River in certain areas where the adjacent trackage of the Northwestern Pacific Railroad is susceptible to washouts and other possible floods. The survey to be completed within 60 days, and the work to be performed by the Corps of Engineers. The President is also authorized to see that the work is done, again through the OEP, and to reimburse the railroad company for any of the recommended work already performed by such company, the work to be approved by the Public Works Committees of the House and Senate.

Section 6: Amends the Small Business Administration Act to allow maturity of loans up to 30 years.

Section 7: With the exception of section 5—the railroad section—and amendment by section 3–C—forest development trails—the act shall expire June 30, 1966, with the additional exception for payment of expenditures for obligations and commitments entered into prior to June 30, 1966.

Speaking for the minority members of the Public Works Committee, not only as a result of the special subcommittee field inspection trip, but also from personal knowledge and firsthand experience as a result of considerable work in the area, I thoroughly agree with the conclusion of the committee that these additional measures are required to insure prompt relief to the Pacific Northwest disaster area.

To facilitate a return to normal living in the area, and to help bring about economic recovery, the Public Works Committee, of which I am a member, wholeheartedly recommends enactment of H.R. 7303.

The minority members of the Public Works Committee agree with the findings of the committee, and respectfully urge the concurrence and approval of the House.

Thank you, Mr. Chairman.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Missouri.

Mr. CURTIS. I just went down to get a copy of the hearings, and apparently they are not available. I thought there were hearings on this matter.

Mr. DON H. CLAUSEN. There are copies of the hearings.

Mr. CURTIS. Where are they? This is getting to be rather typical of matters we have to consider.

I have another question. From reading the committee report I find that practically every agency reporting on this bill had various objections. Most of the reports from the executive department pose objections to portions of the bill, and on the other hand, I notice that the bill itself has been completely stricken and new langauge put in. I ask whether the new language, as written, is approved by the various departments.

Mr. DON H. CLAUSEN. As the gentleman has stated, the original bill, on which department reports were requested, has been supplemented by the new language in H.R. 7303. As I understand the situation, the bulk of the language in the new bill was to satisfy the points raised by the departments.

Mr. CURTIS. I believe it should be stated somewhere by the committee whether the objections raised—and some of them are very serious objections by the various departments—have been met, and whether the new language does conform and whether the departments now approve. I notice the chairman of the subcommittee is nodding his head. I wonder if we could have that clarified.

Mr. JONES of Alabama. Mr. Chairman, in order to satisfy the gentleman from Missouri [Mr. CURTIS] I will say that in the consideration of the bill H.R. 7303 the objections raised by the various agencies were substantially satisfied through discussions with the affected agencies.

On the question of the hearings, there were exhaustive field hearings held in the Pacific Northwest. Further hearings were held in Washington and printed copies of these hearings will be available shortly. I can also assure the gentleman from Missouri that this bill has been as carefully considered as I know how in order to meet the needs and requirements of an area which had suffered devastation and destruction brought about by the ravages of the flooding which occurred in that area.

Mr. CURTIS. I want to make one other point. I appreciate what the gentleman is saying and I want to get to the gist of my concern. The administration in several of the letters here recommends that this legislation should be on a general basis and applicable to all States rather than on a disaster-by-disaster basis and recommends that there should be amendments to the permanent law, which strikes me as being very reasonable. Apparently, though, this is another piece of legislation on a disaster-by-disaster basis. That is my concern.

Mr. JONES of Alabama. I would like to say to the gentleman that we have no standards to guide us, nor any past history to use as a basis for the consideration of legislation in regard to each one of these unusual flood control situations. I am quite sure the gentleman recalls along with me the disasters which occurred in 1951 in Kansas and Missouri.

Mr. CURTIS. That is correct.

Mr. JONES of Alabama. As a result of that, the Congress appropriated some $35 million for relief of the affected areas. We do not have any firm guidelines. Each flood presents very unusual and unique problems which require leg-

islation tailored to meet the type of damage suffered. For that reason, it is most difficult to have a uniform approach and to use guidelines which can be employed to cover every given circumstance.

Mr. CURTIS. What I read from are the words of the OEM at the time I brought this to the gentleman's attention.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I take this time in the hope that perhaps I can answer some of the questions that have been raised and to satisfy the House on some of these questions.

The investigation of this matter dealt with the Northwest flood situation and involved an on-the-site inspection by the members of the Committee on Public Works and the special subcommittee designated to go there. The same situation will prevail in the inspection of the Mississippi River basin flood area. Based on the findings of that committee which made the on-site inspection, reports were made to the Subcommittee on Flood Control of which the distinguished gentleman from Alabama [Mr. JONES] is chairman. The reports of the departments were made.

I, too, had some reservations about this bill as it was introduced, and as it relates to those reports. I will say to the House that as a result of those reservations the bill was in effect redrafted by both the majority and the minority with the express purpose in mind of trying to do something about the objections which had been raised and in order to write language into this legislation so as to meet many of those objections.

I had some reservations initially. My reservations have been largely taken care of by the language written into the bill and as it relates in particular to the Eel River flooding problem in section 5. The committee wrote in on my request language to the effect that a finding has to be made before Federal money can be spent, that this work is in the national public interest. In other words, it has to be a proper Federal function. With that language in the bill it is a much more satisfactory bill. There is no intention to set any precedent that could be construed as emergency "act of God" Federal aid going to private enterprise, the present law making such aid available only for public—as compared to private—projects.

Second, as it relates to the areas affected, the largest cost of the bill relates to highway construction under section 2 which is a nationwide program. That provides for additional funds that are presently being authorized at $30 million to be used annually for the purpose of rehabilitating highways destroyed by acts of God in areas declared to be national emergencies. What this does, in view of the tremendous amount of damage done—and it appears there is going to be much more, the Mississippi River area being an example of natural causes by acts of God—is that it will be necessary to increase that authorization above the presently existing $30 million. So the largest cost of the bill is an additional $50 million for 1965 which was recommended by the Departments involved, that is, that additional funds be made available, and $20 million in additional funds for 1966.

As to a continuing program. I agree with the gentleman from Missouri that it is a problem to have to act on these disaster area questions, disaster area by disaster area, and not on a national basis of money available for disaster areas.

I am hopeful that eventually Congress will be able to meet that problem with long range disaster area legislation. In my opinion, this is a good bill and deserves the support of the House. It is my hope that it will pass substantially as written.

Mr. DON CLAUSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. WYATT].

Mr. WYATT. Mr. Chairman, I would like to commend the gentlemen from California [Mr. JOHNSON and Mr. DON CLAUSEN] and members of the committee who have worked so long and faithfully on this bill and I wish to associate myself with their remarks.

Mr. Chairman, my congressional district is the northwest corner of the State of Oregon extending from a point at the mouth of the Columbia River on the Pacific Ocean easterly along the Columbia River to the city of Portland and south of the city of Portland approximately 100 miles and thence west to the Pacific Ocean again. My district was extremely hard hit by the storms and subsequent floods of December 1964 and January 1965.

I am personally familiar with the torrential accompanying storm and flood which occurred in December since I was in my district until January 1 and had the opportunity to personally witness much of the devastation. Likewise, I personally am very familiar with the damage which was done to our forest land roads and to our agricultural community and to our many, many private individuals who were wiped out because in the middle of February I made a personal helicopter inspection tour for 2 days of the area affected and talked to many, many of my constituents in the district.

WEATHER CONDITIONS

To fully recognize the unique combination of natural conditions which resulted in this great tragedy, I should point out that during the period December 19 to 27 the precipitation in the area was 200 percent or more of average. The rainfall far exceeded that for any previous December. However, before the abnormally heavy precipitation we had had an unusually large amount of snow in our area and the ground was frozen. This combination of warm rain falling on frozen ground and snow resulted in the greatest winter flood on record in western Oregon. The rain itself resulted in terrific runoff. It melted snow which added to the terrific runoff. But perhaps the most crucial factor of all was the fact that the ground was frozen and, hence, unable to absorb any of this moisture and the runoff resulted, To give a more meaningful comparison I might say that the magnitude of our disaster was comparable to the disaster occasioned by the Alaska earthquake and tidal wave.

A committee report details the great and unrecoverable loss to people of the State of Oregon and other affected areas. The Federal agencies within their means for the large part responded swiftly and the State of Oregon, led by Governor Hatfield, magnificently coordinated the activities of the Federal agencies and the local government agencies to minimize the damage and to commence the rebuilding job.

OREGON TIMBER INDUSTRY

The forest industry of Oregon employs 80,000 people with an annual payroll of nearly $470 million. The industry generates directly 60 percent of the State's economy. The Federal Government owns two-thirds of the timber in Oregon and the timber industry is the Government's only customer for its annual timber harvest under the sustained yield forestry. As part of the industry's timber purchase contract with the Government, in Oregon alone the industry builds roads worth $27 million annually in national forests and $9 million annually on the lands administered by the Bureau of Land Management.

EFFECT ON ECONOMY

When last winter's floods hit hundreds of Government timber purchasers had roads in all stages of construction. Slides, washouts, and high water damage destroyed hundreds of miles of such roads, thousands of culverts, hundreds of bridges, and removed surfacing everywhere. The terrible destructive power of this flood was beyond imagination. Because it is necessary to keep logs rolling from these Government-owned properties, unless prompt relief is granted the disaster will spread geometrically on the economy of the States involved unless money is made available—and promptly—to restore forest roads damaged and destroyed.

LANDOWNER'S RESPONSIBILITY

The Government, as a landowner, should have the landowner's responsibility. Federal timber purchasers who build roads as part of their contract should be in the same position as Government highway contractors who are not liable for damage to the roads they build for the Government when such a damage is caused by acts of God or other things beyond their control. Some Government timber sale contracts will provide for the Government's responsibility in this case starting July 1 this year and it is hoped that all of them will. This legislation is needed to correct this inequitable situation as it presently exists under the law. This act merely recognizes that the Government has inherent risks as a landowner just like a private landowner when an act of God damages a landowner's property, he sustains the losses.

These losses are substantial and by way of an example I can refer to one sale on the Mount Hood National Forest in Oregon where in connection with this one sale a road 2.8 miles long was to be built at an estimated cost of $21,139.

The road was 90 percent completed at the time of the storm but because of the culverts and fills washed out it will be necessary to replace a bridge at an estimated cost of $78,000. The fact of the matter is that unless this legislation is passed, many of these roads simply will not be built because the operators are financially unable to do so.

A major catastrophe to our economy will result in our State where 60 percent of the economy depends upon the forest industry. If we do not haul logs our plants are shut down and our people are out of work. The basic payroll in our industry, which is in excess of $470 million a year, is felt in every kind of business in our State because this basic payroll generates the economy.

Log inventories are way down below average. This legislation is late but it will still cure and help save Oregon's economy. The Federal Government in the long run will benefit because if this legislation is not passed the disastrous effect upon our entire economy will eventually cost the Government much more than is involved here in relief legislation and in loss of tax money.

I urge in the strongest possible language the immediate passage today of this emergency legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, I rise in support of H.R. 7303, the Pacific Northwest Disaster Relief Act of 1965, and I wish to commend the committee for great interest and zealous study they gave to the severe damage caused in the Pacific Northwest, including sections of the Fourth Congressional District of the State of Washington. Because of the urgency of the situation, I joined in cosponsorship of the legislation pending before the Public Works Committee early last month.

The unprecedented floods last winter caused severe damage along the lower Columbia River and its tributaries amounting to an estimated $57 million.

Three counties in my district which border the Columbia and Snake Rivers were especially hard hit and I visited some of the most severely damaged areas during the Easter recess of Congress and can report to my colleagues it will be some time yet before the people of these areas recover.

In one county alone, that of Walla Walla, damage to county roads is estimated at $1½ million. Similar reports have been made to me from Klickitat County, and the damage was also great in Columbia County.

I can assure my colleagues that the provisions in the legislation before us increasing the emergency fund of the Bureau of Public Roads for highway repair are desperately needed in the State of Washington.

The emergency repair of forest roads in my State, where we are so heavily dependent upon the forest products industry, is also a matter of great urgency. Again I wish to commend the committee for its diligent attention to a problem of such vital necessity to all of the Pacific Northwest.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, first of all may I express my deep gratitude to the chairman of the full committee and the chairman of the subcommittee, the distinguished gentleman from Alabama [Mr. JONES], for the way in which they have handled this legislation and for bringing it so promptly to the floor. It will give great encouragement to not only the people of my district and the entire State of Oregon but also the other States that suffered such tremendous damage from natural disaster.

Mr. Chairman, my State, the State of Oregon has over 26.6 million acres of commercial forest land on which there are some 451 million board feet of standing timber. Converted to lumber, it has been said, that this would be enough to completely rebuild every residence in the Nation with enough left over for schools and hospitals.

Yet, with this almost incomprehensible supply of timber available, a survey made in early March revealed 15 mills were on the verge of closing their doors because they did not have sufficient lumber to meet production needs.

What a paradox. It sounds impossible, but let me assure you it is not. The trees are in the forest and the mills are in the towns; and in between there is, instead of the forest access roads necessary to carry workmen to the timber and logs to the mills, a twisted labyrinth of mud and slime left as a solemn reminder of the horrible calamity which made Christmas week a time of sorrow for many of the people of my State.

Memories will recall not only the washing away of virtually all access roads to our great forest region, the rendering useless of 4.1 million additional acres of recreation and water production area, the inundation of millions of dollars worth of highways and rail lines, the total destruction or serious damage to over 120 major and minor bridges, the destruction of $55 million worth of farm resources and the general disruption of the State's economy, memories will also recall the 18 loved ones who lost their lives and the thousands, yes, thousands of families who were left without homes.

Nature dealt my State a severe blow. A 200-percent increase in the region's rainfall for the period from December 19 to 27 mercilessly pelted down upon the frozen earth to unleash literally oceans of water to swell the State's waterways from their riverbeds to a course which carried them through the homes and property of Oregon's people.

And my State was far from being the only area struck. In their misery, Oregonians shared heartache and tragedy with people of their neighbor States of California, Idaho, Washington, and Nevada.

The misery of the people of those States combined with that of Oregon is currently being given a dollar price tag of more than $574 million. That is an impressive figure. In fact it could not be more impressive if it were 10 times that for the simple reason that it is already more, far more, than the stricken individuals, businesses, and communities can afford to pay for restoration of their resources.

For that reason, Mr. Chairman, I am here today with my colleagues from the other stricken areas to ask for help from the Federal Government. That, in simple terms, is the purpose of the legislation before the House today. H.R. 7307 is a request from the people of Oregon, California, Idaho, Washington, and Nevada to the people of the rest of this great Nation to extend a helping hand.

This helping hand will, when this bill is passed, come in the form of increased appropriations to the Bureau of Public Roads to enable that Agency to furnish a part of the funds necessary to reconstruct the access roads to our forests from which 80,000 Oregonians derive their livelihood and upon which 60 percent of Oregon's economy is based.

It will come in the form of an extended home-loan repayment period to enable the homemaker to rebuild his home in spite of the fact that his financial resources were so completely wiped out that he would not be able to repay a loan within the normal repayment period.

It will come in the form of increased highway appropriations to aid in restoring the vital arteries of transportation which connect the disaster area's people and industry with the rest of the Nation.

It will come in the form of foundation restoration and protection along the rail lines of northern California to safeguard the partial reconstruction investment of $5,600,000 already made by the Northwestern Pacific Railroad, an investment which when completed will total more than $15 million.

It will come in the form of emergency timber bidding regulations enacted by the Forest Service.

And it will come in the form of a declaration of the Members of this Congress that the representatives of all the people of our great Nation know and are concerned with the plight of these unfortunate thousands.

It will say to the people of Oregon, Idaho, California, Washington, and Nevada that we are eager to see the mills of the Northwest return to full production, eager to see their vital wood products return to the production lines of the countless national industries who depend upon these wood products for their own livelihood, eager to see flood victims rebuild their homes and unemployed workers return to their jobs.

It will say to the people of my State and the other States who suffered from uncontrolled nature that awful Christmas week last year that we remember how they individually and collectively sent their barges of clothes and other emergency goods to their sister State of Alaska when its people felt the crushing blow of a devastating earthquake.

And, while this bill is directed toward speeding the reconstruction of the Northwest, it is not without relevance to a similar and more recent tragedy suffered by the people of our midwestern region. What we do today for the Northwest will give encouragement to our fel-

low citizens in the Midwest through the knowledge that help for them is on its way.

It will say that what happens to one of us happens to all of us today and in the future.

For these reasons, Mr. Chairman, I urge my colleagues to take prompt action today to join with the members of the stricken areas in supporting this truly good samaritan legislation.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, personally, on behalf of my congressional district in southwestern Oregon, and I am sure I can speak on behalf of the entire Pacific Northwest, I would like to express our gratitude to this body for the support I know it will give to the Pacific Northwest Disaster Relief Act of 1965.

We commend and thank the special subcommittee, and its chairman, the distinguished gentleman from Alabama [Mr. JONES], for their special efforts in expediting this legislation and interrupting their busy schedules by traveling to the Northwest to observe and inspect the results of the devastating Christmas week floods.

We are aware of, and grateful for, the efforts of my neighbors to the south, Mr. JOHNSON and Mr. CLAWSON, for their untiring efforts in support of this legislation, and for so ably championing the bill this afternoon. I hope their constituents are likewise alerted to their service to their respective districts.

We would be remiss if we did not take special note of the support and assistance of our distinguished Speaker, Mr. MCCORMACK, as we had not only his "heart," but his "hand" as well, in getting this emergency legislation to the floor.

As so often happens when disaster strikes, private losses of this magnitude mount so rapidly that they are transformed into a public loss. This is especially so in an area, such as the Northwest, where the entire economic area pivots around a single industry, in this instance the harvesting and manufacture of wood products, and the countless supporting and allied industries. Whenever there is a substantial delay in moving raw materials from the woods to the mills, the Northwest is in serious economic difficulties.

I would want also to point out that the local units of government have been and will continue to contribute to the restoration of their portion of our transportation networks. The damage to local, State, county and city roads and bridges will run into the millions of dollars. Bringing this part of the road system, and each part is as important as the remainder, up to the preflood standard will tax the facilities of the local governments to the breaking point especially in the face of reduced revenues resulting from this same disaster.

The imperfections of this legislation and the general disaster legislation already on the books, the recent calamities that have struck the Midwest, the earthquake in Alaska and others leading back into history, all indicate that sooner or later we are going to have to face up to the problem of solving these recurring losses to private property by some form of natural disaster insurance. Disaster follows disaster too rapidly to handle each on an ad hoc basis. While I would not detract one iota from the well deserved credit that belongs to the agencies of the Federal, State, and local governments, as well as the Red Cross and countless other groups and individuals all of whom responded quickly and effectively with emergency assistance.

Special legislation on a case-by-case basis is neither far-reaching enough nor speedy enough to do the job that needs to be done.

To all of you representing all parts of this great country, we, of the Pacific Northwest, say thank you for the assistance provided in this legislation.

Mr. JONES of Alabama. Mr. Chairman, I yield to the gentleman from Indiana [Mr. ROUSH] such time as he may consume.

Mr. ROUSH. Mr. Chairman, I thank the gentleman for yielding.

Although I realize that each disaster brings its own problems, it does seem to me that the Alaska disaster and the disaster in the Northwest and the more recent disaster in the Middle West caused by floods and tornadoes have pointed out certain deficiencies which exist in our Disaster Act that are pertinent to each disaster. This was particularly brought home to me as I examined the Disaster Act as it related to the Palm Sunday tornadoes which swept from one side of my district to the other, leaving a path of devastation, destruction, and death such as we have never seen.

I would like to ask the chairman of the subcommittee if his committee may not be considering taking a good look at our present Disaster Act with the view of updating it and covering some of these areas which are not covered presently by legislation?

Mr. JONES of Alabama. It is the sense of the committee that we reexamine in detail the Federal policy with respect to disaster relief. It is our intention to deal with that subject when we hold hearings on the omnibus flood control bill this year. As the gentleman from Indiana has pointed out, we will make a homesite study of the upper reaches of the Mississippi and Missouri Rivers.

Next week we will go down to the Texas area for an examination of the damages as a result of the flood that recently occurred there. I can assure the gentleman we will welcome his suggestion and at the appropriate time, we will take it up.

Mr. ROUSH. I direct the gentleman's attention to certain provisions which I have included in a disaster act which I recently introduced, particularly provisions dealing with relief to individuals who have been adversely affected and provisions dealing with assistance to small unincorporated communities that have been adversely affected. I think these two areas in particular need attention.

Mr. JONES of Alabama. The committee will certainly welcome suggestions made by the gentleman from Indiana because we know they will be worthwhile and valuable to the committee.

Mr. ROUSH. I thank the gentleman.

Mr. JONES of Alabama. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Does the gentleman from California have any further requests for time?

Mr. DON H. CLAUSEN. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. There being no further requests for time, pursuant to the rule the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby recognizes (1) that the States of California, Oregon, Washington, Nevada, and Idaho have experienced extensive property loss and damage as the result of floods and high waters during December 1964, and January and February 1965, (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of transportation facilities, and therefore Congress declares the need for special measures designed to aid and accelerate those States in their efforts to provide for the reconstruction of devastated areas.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the amounts authorized in section 125 of title 23 of the United States Code, not to exceed $50,000,000 for the fiscal year ending June 30, 1965, and not to exceed $20,000,000 for the fiscal year ending June 30, 1966. Such sums shall be obligated and expended by the Secretary of Commerce in accordance with such section 125, and related provisions of title 23 of the United States Code for the repair and reconstruction of highways, roads, and trails, damaged as the result of a disaster.

SEC. 3. (a) Notwithstanding provisions of existing contracts, the Secretary of the Interior and the Secretary of Agriculture, separately, and as part of the regular road and trail construction program, shall reimburse timber sale contractors or otherwise arrange to bear road and trail construction and restoration costs either directly or in cooperation with timber purchasers to the extent of costs determined by the respective Secretary as incurred or to be incurred for restoring roads in any stage of construction authorized by a contract for the purchase of timber from lands under his jurisdiction to substantially the same condition as existed prior to the damage resulting from the floods of December 1964, and January and February of 1965 in California, Oregon, Washington, Nevada, and Idaho, and to the extent costs determined by the respective Secretary as incurred or to be incurred for completing road construction not performed under any such contract prior to the floods but which, because of changed conditions resulting from the floods, exceed road construction costs as originally determined by the respective Secretary. The costs for such road restoration, reconstruction, and construction under any single timber purchase contract on roads and accepted prior to the floods, whether construction was complete, partial, or not yet begun, shall be borne as follows: 15 per centum of all amounts shall be borne by the timber purchaser, except that such purchaser shall not be required to bear costs of more

than $4,500, and the Secretary shall bear the remaining portion of such costs. This subsection shall not apply (1) in the case of any road restoration or reconstruction if the cost of such restoration or reconstruction is less than $500, and (2) in the case of any road construction if the increase in the cost of such construction as the result of the floods is less than $500 more than the construction costs as originally determined by the respective Secretary.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

(c) Paragraph (3) of section 2 of the Federal-Aid Highway Act of 1964 is amended to read as follows:

"(3) For forest development roads and trails, $123,000,000 for the fiscal year ending June 30, 1966, of which not to exceed $38,000,000 shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, Nevada, and Idaho, necessary because of the floods and high waters in such States during December 1964, and January and February 1965, and $85,000,000 for the fiscal year ending June 30, 1967."

(d) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that the sale of such timber will assist in the reconstruction of any area of California, Oregon, Washington, Nevada, and Idaho damaged by floods or high waters during December 1964, and January and February 1965.

SEC. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in California, Oregon, Washington, Nevada, and Idaho, as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement resulting from floods and high waters during December 1964, and January and February 1965.

SEC. 5. (a) The President, acting through the Office of Emergency Planning, shall make a survey to determine what protective works would be necessary to prevent the recurrence of damage by floods or high waters to those banks of the Eel River, California, which are adjacent to the trackage of any common carrier by railroad and shall report to Congress the results of such survey together with the cost of any recommended work within sixty days after the date of enactment of this Act. The President, acting through the Office of Emergency Planning, is authorized to perform all or any part of the recommended work determined to be in the public interest and to reimburse any common carrier for any of such recommended work performed by such carrier, but no appropriation shall be made for any such work which has not been approved before June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and the House of Representatives, respectively. The Corps of Engineers of the United States Army shall be used to make the survey authorized by the section, shall recommend necessary work that has been determined by the President acting through the Office of Emergency Planning to be in the public interest, and shall be used to supervise any work authorized to be performed under this section.

(b) There is authorized to be appropriated not to exceed $3,875,000 to carry out this section.

SEC. 6. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) for the purpose of replacing, reconstructing, or repairing dwellings in California, Oregon, Washington, Nevada, and Idaho, damaged or destroyed by the floods and high waters of December 1964, and January and February 1965, may have a maturity of up to thirty years, except that section 7(c) of such Act shall not apply to such loans.

SEC. 7. This Act, other than section 5 and the amendment made by section 3(c), shall not be in effect after June 30, 1966, except with respect to payment of expenditures for obligations and commitments entered into under this Act on or before such date.

SEC. 8. This Act may be cited as the "Pacific Northwest Disaster Relief Act of 1965".

Mr. JONES of Alabama (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. YOUNG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7303) to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters, pursuant to House Resolution 388, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 388, the Committee on Public Works is discharged from further consideration of the bill, S. 327.

The Clerk read the title of the bill.

AMENDMENT BY MR. JONES OF ALABAMA

Mr. JONES of Alabama. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Alabama: Strike out all after the enacting clause of S. 327 and insert in lieu thereof the provisions of H.R. 7303, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JONES of Alabama, the title of the bill was amended so as to read: "An act to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7303) was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

COMMITTEE ON RULES

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

COMMITTEE ON BANKING AND CURRENCY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Thursday to file a report, with minority views, on H.R. 9874, the housing bill.

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

There was no objection.

MISSISSIPPI COMMEMORATION

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. RYAN. Mr. Speaker, June 21 will be the anniversary of the death of three courageous Americans who dedicated their lives to freedom. The brutal murder of James Chaney, Andrew Goodman, and Michael Schwerner awakened the Nation to the systematic racial disenfranchisement in Mississippi. The sacrifice of these three young lives has been a major factor in bringing the voting rights bill before Congress.

Mr. Speaker, America owes a debt of gratitude and honor to the courage and dedication of these young men. A committee of distinguished Americans has called upon the citizens of New York to

establish a commemorative period for the week following June 21 to honor James Chaney, Andrew Goodman, and Michael Schwerner. I wholeheartedly endorse this call and wish to bring it to the attention of my colleagues with the hope that they will join with me in endorsing the call for a commemorative period.

I include the call at this point in the RECORD:

COMMITTEE TO ISSUE A CALL FOR ESTABLISHMENT OF A COMMEMORATIVE PERIOD FOR THE WEEK FOLLOWING JUNE 21, TO HONOR THE THREE BOYS MURDERED IN MISSISSIPPI IN 1964

We, the undersigned, do hereby form ourselves into a committee for the purpose of commemorating the anniversary of the ordeal and deaths of the three boys who sought to bring equality and personal freedom to the oppressed citizens of Mississippi: James Chaney, Andrew Goodman, and Michael Schwerner. We call upon all citizens of New York to make special efforts to observe the period beginning June 21 and culminating June 28, 1965. It is fitting that we, as citizens of New York, observe this period as one of great historic import to the struggle for the rights of all citizens, everywhere, and that we honor the memory of those past, present, and future, who are risking their all so that we may benefit with a brighter, more secure future. We urge the executive branches of government, both on the State and municipal levels, to take appropriate action for the creation of a truly significant commemorative period during the month of June. We urge our congressional delegation in Washington, D.C., to take the appropriate action to bring the focus of attention on this period and the appropriate activities set to take place. We urge the industry and the retail stores of New York to participate with local government in the display of photographs of the murdered boys. We urge that both government and private industry make special efforts to participate significantly in a schedule of special ceremonies to mark this period.

Committee: Mr. James Farmer, Miss Lisa Howard, Mrs. Newman Levy, Mr. Andrew Norman, Mr. Marvin Rich, Mr. Jackie Robinson, Mr. Jack Shor, Mr. David Susskind, Miss Pauline Trigere, Mr. Robert Wechsler, Mr. Gerald Zipper.

MISSISSIPPI CHALLENGE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RYAN. Mr. Speaker, on January 4, 1965, when I objected to swearing in the 5 Representatives-elect from Mississippi, 149 Members of the House voted against seating them because of the systematic disenfranchisement of Negro citizens in the State of Mississippi. Mississippi Negroes are still being denied the right to vote. Under title 2, section 201, et seq., United States Code, the statutory challenge to the Mississippi delegation continues.

On May 17 the Mississippi Freedom Democratic Party held a press conference to announce the filing of more than 600 depositions with the Clerk of the House in support of the challenge to the Representatives from Mississippi. The announcement of the filing of the depositions should remind the House that the House will be called upon to take final action upon this vital matter. The Reverend Martin Luther King said:

The unseating of the Mississippi Congressmen will be the test of the moral integrity of the Congress of the United States.

That test will come. After the record is printed, the matter will be referred to the House Administration Committee. Under the rules of the House the House Administration Committee should report to the House by July 4 of this year.

Mr. Speaker, we must not fail to meet our responsibility. There is no question that Negroes were unconstitutionally disenfranchised in the 1964 Mississippi congressional elections and that those elections were unconstitutional. The only remedy under the Constitution is for the House to deny the beneficiaries of illegal elections the right to sit in the House.

In anticipation of the day when we will be called upon to make our judgment, I wish to bring to the attention of my colleagues the statements of Dr. Martin Luther King; James Farmer, National Director of CORE; John Lewis, chairman of the Student Nonviolent Coordinating Committee; and Lawrence Guyot, chairman of the Mississippi Freedom Democratic Party, which were delivered at the press conference on May 17.

The statements follow:

STATEMENT BY DR. MARTIN LUTHER KING, MAY 17, 1965, WASHINGTON, D.C.

Today, on the 11th anniversary of the historic Supreme Court decision outlawing segregation in the public schools, the Mississippi Freedom Democratic Party has filed with the Clerk of the House of Representatives the more than 600 depositions taken in support of the challenges to the seating of the entire congressional delegation from Mississippi. This indeed is a momentous and historical moment. I wholeheartedly support, as I have from the beginning, these challenges.

The unseating of the Mississippi Congressmen will be the test of the moral integrity of the Congress of the United States. The weakening of the voting bill by the Senate's shameful action in stripping away the anti-poll-tax provision makes it absolutely imperative that the House of Representatives does not waiver in its obligation to unseat the Congressmen. The unseating will make any voting bill meaningful.

I, therefore, again pledge myself and the Southern Christian Leadership Conference to the fullest support of the challenges of the Mississippi Freedom Democratic Party and call upon all Americans to join with me in this commitment.

STATEMENT OF JAMES FARMER, NATIONAL DIRECTOR, CORE

CORE unequivocally supports the historic challenge of the Mississippi Freedom Democratic Party and calls for a great coalition of civil rights, political and civil organizations and individuals to join this struggle. CORE pledges its fullest support of MFDP on this 11th anniversary of the Supreme Court decision outlawing segregation in the public schools.

The chronicle of brutality to be presented today in these petitions has no equal in the parliamentary history of our Nation. These are real voices of the real Americans who have been bloodied and even murdered in their efforts to exercise the right to vote.

As we take these depositions to the Congress, I ask of the Congress fast remedial action and the rejection of the regular Mississippi congressional pretenders who have been elected on a platform of blood and disenfranchisement.

CORE is prepared to take whatever steps may be necessary to support this challenge. Discussions are underway as to a schedule of massive demonstrations if the Congress fails to act and act quickly. These demonstrations will be in large part directed at Congressmen across the Nation who have opposed this challenge. For example, on June 20, a major demonstration is planned for Brooklyn, N.Y., calling attention to Congressman EMANUEL CELLER and the Brooklyn congressional delegations vote against the fairness resolution on January 4, 1965.

As to the voting rights bill before Congress at this moment, these depositions bear tragic witness to the need for this bill—and more specifically to the need for a bill with real legislative and judicial teeth.

STATEMENT BY JOHN LEWIS, CHAIRMAN, THE STUDENT NONVIOLENT COORDINATING COMMITTEE, MAY 17, 1965, WASHINGTON, D.C.

The issues raised by the Mississippi Freedom Democratic Party challenge to the congressional delegation from Mississippi go to the heart of Negro exclusion from the political processes in Mississippi and the South.

The questions of the challenge goes beyond the processes of registration. It goes to the issue of actual participation in elections and the political processes. It is entirely possible that the mere fact of being registered—thereby qualified—to vote will not enable Negroes in Mississippi to actually vote since economic intimidation and violence will still be available to those who are opposed to Negro voting.

The challenges are based specifically on the lack of Negro participation in the elections of November 1964. The evidence covered by the depositions given cover not only obstruction to registration, but the acts of economic harassment and violence that are also used as a matter of policy by the State. It is only when the Congress unseats the Mississippians and calls for and conducts free and open elections in Mississippi for these seats that the Negroes in the State will be free to participate. It is only when the Congress takes these actions that the political forces in the South that are opposed to Negro voting will understand that Congress and the Nation are serious about guaranteeing the rights of Negroes to fully participate in the processes of government.

Recognizing this the Student Nonviolent Coordinating Committee stands ready to commit the major portion of its organizational resources and energies to the support of this challenge during the next 2 months.

We plan to use our organizing staff in Mississippi to support the voter registration drives, mass rallies and political demonstrations called for by the local community leaders of the Mississippi Freedom Democratic Party. Our offices and support organizations in the North are working with other organizations in the northern communities to publicize the challenge and garner congressional support from these communities. We are at present recruiting 2,000 students and young people to convene in Washington in June for the purpose of engaging in lobbying and educational workshops around this challenge. These young people engaged in the Washington lobby will disperse, some to Mississippi to participate in activities there and others will return to their home communities to organize activities directed to local Congressmen. This activity will be in support of unseating the Mississippians and calling for free elections in Mississippi.

SNCC stands ready to support with all its organizational resources, both North and

South, any call that comes from the MFDP and its allies for a national mobilization of people in Washington.

STATEMENT BY LAWRENCE GUYOT, CHAIRMAN, EXECUTIVE COMMITTEE, MISSISSIPPI FREEDOM DEMOCRATIC PARTY, WASHINGTON, D.C., MAY 17, 1965

Today the Mississippi Freedom Democratic Party is submitting to the Clerk of the House of Representatives more than 600 depositions of evidence taken in Mississippi conclusively proving that the 5 Congressmen from that State were elected by processes violating the Constitution of the United States and the political rights of over 400,000 Negroes in Mississippi. These depositions of evidence were collected by lawyers acting in behalf of the MFDP in support of the challenges we have instituted to the seating of the Congressmen from that State under title 2, section 201–26, of the United States Code.

OFFICIAL PARTICIPATION OF STATE AUTHORITIES IN NEGRO DISENFRANCHISEMENT

This testimony is not only the statements of hundreds of Negroes in the State describing shootings, private acts of intimidation such as bombings, beatings, evictions, and dismissals from jobs which they suffered for attempting to register. It also includes conclusive evidence of officially perpetrated and inspired harassment, the admission of State officials of their own participation in organized racism, and illustrates the close ties and overlapping interests between such organizations as the White Citizens' Councils and the State administration in depriving Negroes of the right to vote.

Mr. Earl Johnson, Jr., director of the tax-supported Mississippi Sovereignty Commission, admitted under oath that as of January 1 of this year $193,000 drawn from public funds had been given by that agency to the White Citizens' Council. Richard Morphew, public relations director for the citizens' councils admitted to having received the money and testified that "the first major accomplishment and the first project undertaken by the councils on a State level was the passage of the (Mississippi) constitutional amendment to raise voter qualifications in Mississippi." Mr. Morphew testified that "it was not uncommon for a great many people in public life in Mississippi to be proud of their membership in the council," and that Congressmen WHITTEN, COLMER, and WILLIAMS "participated in citizens' council forums," and that to the best of his recollection Governor Johnson is a member.

Over 400 depositions of local Negroes and voter registration workers document the patterns of intimidation and terror suffered by Negroes seeking to vote. Mrs. Aylene Quinn, of Macomb, testified that her house was bombed after she sheltered voter registration workers and attempted to register. The bombers were released with suspended sentences. George Johnson, a law student working on voter registration in Greenwood, testified that police officers threatened him with castration while he was in custody at the jail.

In making these depositions, amounting to over 15,000 pages of evidence the Negro people of Mississippi have again come forward to risk reprisals of violence and terror. However, these depositions, formally signed and witnessed, are an incontrovertible body of evidence proving that the general elections of November 1964 in Mississippi were unconstitutional. They prove that the conditions described by President Johnson on March 15, "The harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes. Every device of which human ingenuity is capable has been used to deny that right," applies very specifically to Mississippi.

RESPONSIBILITY PLACED WITH HOUSE

The submission of this evidence and the filing of a final legal brief completes the legal aspects of the challenges. We have made enough evidence available to the Congress to convince any reasonable and unbiased panel. We now call upon the Clerk of the House, the Subcommittee on Elections of the Committee on House Administration and the Members of Congress to act swiftly to insure that the House of Representatives has a full opportunity to examine the evidence and charges brought in these challenges at any early date.

There are, for example, a number of depositions which are being inexplicably held up by white notary publics and hearing officers in Mississippi. In these cases we are submitting duplicates of all statements which are still unsigned by the Mississippi officials with receipts showing that the hearing officer is in possession of the originals, which have not been sent back as the statute provides. We urge the Clerk to proceed with all subsequent steps of the challenge.

CHALLENGE ENTERS NEW PHASE—NATIONAL ACTION PROGRAM BEGINS

After today the progress of this challenge will be at the pace imposed by the internal machinery of the House. The Mississippi Freedom Democratic Party is presently engaged in taking the issue to the Nation. With the support and assistance of major organizations within the civil rights movement—the Southern Christian Leadership Conference, the Congress of Racial Equality, the Student Nonviolent Coordinating Committee, and others we are currently engaged in discussion to formulate a program of action in the North and the South. Mr. James Farmer, of CORE, and Mr. John Lewis, of SNCC, are present to discuss this further.

On April 24 a conference was held in Washington to begin the national effort in the north. In addition to the civil rights organizations there were representations from 40 civic, religious and labor organizations from 30 States. Action is now being taken to bring to Washington delegations from these States to bring the issue of the challenge to Congressmen from the various areas. This effort will culminate in a national convocation in Washington during July.

U.S. POLICY IN THE DOMINICAN REPUBLIC

Mr. FRASER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. FRASER. Mr. Speaker, I have been a strong supporter of the foreign policy of the United States. I believe that, in general, since World War II the United States has pursued the most enlightened, farsighted policies which have been followed by any major power in history.

Our Government has made mistakes along the way. No government possessing the power and the responsibilities which accrue to the United States will always act wisely.

I believe that today the U.S. Government is making one of those mistakes in its current posture in the Dominican Republic. Moreover, I fear this mistake to be among the most serious since the end of World War II. Today we have over 15,000 marines in the Dominican Republic who are standing idly by while hundreds of persons are being killed in a dispute between two factions. The ultimate resolution of this conflict by force bodes no good for the people of that unfortunate island.

We stand helplessly by without a policy and without support from among our friends in the free world. It is my considered judgment that present events are inexorably leading to the destruction of the spirit and substance of the OAS. Our moral position in international affairs is being seriously undermined, and our lack of effectiveness dramatically displayed for all the world to see.

Mr. Speaker, last Monday on the floor of this House I called upon our Government to announce its support for a referendum to be conducted by the OAS or by the United Nations as a substitute for the needless killing now going on.

Today I renew my plea. It is my considered judgment that the United States must take two immediate steps. First, it should directly intervene in the current fighting and interpose a barrier between the two sides. Second, it should announce that U.S. forces will be utilized in the Dominican Republic for the sole purpose of permitting the people of the Dominican Republic to decide which of the contending factions it prefers to serve as an interim government. We should announce our intention to abide by that choice, and we should ask the OAS or the United Nations to establish the procedures for carrying out such a referendum.

Mr. Speaker, the United States must act within the collective conscience of its citizens. I know of no American citizen who wants to seek continued bloodshed on that island, or who wishes for the people of that nation any government other than one which they themselves would choose by the ballot box. It is time for this Government to express this collective American conscience by acting to restore the confidence of the world in our purposes and our commitment to freedom and the right of people to choose their own government.

LEGISLATION DESIGNED TO ESTABLISH A FEDERAL MURDER LAW TO ACHIEVE APPROPRIATE JUSTICE AND VERDICTS IN THE TRIAL OF PERSONS CHARGED WITH MURDER OF CIVIL RIGHTS WORKERS

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I am today submitting legislation designed to establish a Federal murder law with the purpose of dealing with one of the most disturbing phenomena in the conduct of American jurisprudence—the failure to achieve appropriate justice and

verdicts in the trial of those charged with the commission of murder of civil rights workers.

The last decade has seen seven major murders of Negro and white civil rights workers in the South, and although overwhelming evidence of guilt was amassed by law enforcement officials, none of those so charged has been found guilty. Innumerable other unreported or less publicized murders have been committed in the absence of the threat of meaningful prosecution.

It is my hope that the legislation I am today proposing will elicit from the House a full hearing and the final answer to this unacceptable denial of justice. These miscarriages of justice demonstrate the need for a Federal murder statute, as did the Lindbergh tragedy dramatize the necessity for a Federal kidnaping statute.

The maintenance of equal protection of the law and the right of all citizens of the United States to expect the unobstructed exercise of justice in every city and State of the Union should be unquestioned. If local law enforcement is inadequate, or unwilling to meet this responsibility, then the Federal Government must, in the last analysis, take action.

My bill would provide that murder or manslaughter, or the attempt thereof, committed by or upon any person who has traveled or is traveling in interstate commerce would be a Federal offense and therefore subject to the jurisdiction of the Federal authorities. It is my expectation that the Federal judicial system will provide a mechanism far freer from local color and bias than has been offered by the States. Federal constitutional guarantees will be afforded to those accused of murder and manslaughter, while the community at large will derive comfort from knowing that the selections of Federal judges and juries are more attuned to rendering fair justice than to satisfying local prejudices.

The enactment of this legislation, and the resultant likelihood of increasing the number of convictions in murder and manslaughter cases, where such convictions are mandated by the evidence, will serve as a deterrent to those who seek to defeat compliance with Federal civil rights statutes.

Mr. Speaker, in my judgment, it is regrettable that local law enforcement has so miserably failed in the preservation of the rights of all citizens of the United States, making it necessary that century old legal concepts have to be changed. But, if we are to remain a free and democratic society, then changed they must be.

ENDORSEMENT AND SUPPORT OF THE FOREIGN POLICY OF PRESIDENT LYNDON B. JOHNSON

Mr. MORRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a resolution.

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

There was no objection.

Mr. MORRIS. Mr. Speaker, unlike some of my colleagues who have spoken on the House floor today, I believe that we do have a policy in foreign affairs. I believe that we do have friends abroad and I believe that the President of the United States is implementing this policy.

Mr. Speaker, on May 15 of this year, the Democratic State executive committee met in Santa Fe, N. Mex. This committee is composed of 32 county chairmen throughout the State of New Mexico. They passed a resolution unanimously endorsing this Government's position in foreign affairs, our foreign policy in southeast Asia, with specific reference to Vietnam and our foreign policy in Latin America with specific reference to the case of the Dominican Republic.

Mr. Speaker, I include in my remarks the resolution to which I have referred.

The resolution referred to follows:

RESOLUTION

Whereas the foreign policies of the United States are of paramount concern to all Americans and to the free world and those policies presented by President Lyndon B. Johnson are designed to maintain and continue freedom and liberty for nations throughout the world; and

Whereas the policy of the United States and the commitments made in southeast Asia, such as those in South Vietnam, and similar areas are for the purpose of insuring freedom in that part of the world; and

Whereas the United States under President Johnson has maintained and intensified its policy to keep the nations of Latin America free from the shackles of international communism, particularly with the current policy in the Dominican Republic: Now, therefore, be it

Resolved by the Democratic Party of the State of New Mexico and the county chairmen, meeting in Santa Fe, on this 15th day of May 1965, Do hereby endorse and vigorously support the foreign policy of our President, Lyndon B. Johnson, particularly in regard to South Vietnam and the Dominican Republic, and do dedicate ourselves to the furtherance of that policy for the benefit of all peoples of the world who love, desire, and hold precious freedom.

TURMOIL IN INDUSTRY—EXCISE TAX GOOF

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. HALL. Mr. Speaker, on Monday of this week, the President sent to Congress a message dealing with the removal of certain emergency excise taxes. I feel certain the Congress will enact major legislation along these lines, as many of us in the Congress have been urging for years.

But, I am distressed, Mr. Speaker, that the President has been the recipient of some extremely poor advice which already is causing turmoil in certain industries. I refer to the proposed effective date of certain of these tax reductions. For example, the excise tax reductions on automobiles would take effect on May 14, the date of the President's message to the Congress. The purpose, obviously, is to prevent an abrupt curtailment of auto purchases by persons who, quite logically, would otherwise wait until the tax reduction becomes effective.

But, for many business machines, the effective date would not become effective until July 1. I am advised this morning by one of the industries with plant locations in southwest Missouri, that they are being flooded with cancellation or deferral orders from clients who, quite logically, do not want to be penalized 10 percent in the purchase price of expensive machinery, much of it costing as much or more as a new automobile. This is in an area where 2- to 3-percent discounts are often sought. A 2- or 3-week lag might be tolerable, but not the 7-week lag, which may cause many layoffs and disruption of production, is intolerable. Even though the Congress may ultimately make an earlier retroactive date, it will be too late because of the present climate generated by the President's message, and reportorial services.

I hope the President will take immediate action to correct this oversight by recommending an earlier effective date on removal of excise taxes at least on business machines.

BISHOP WILLIAM F. CREIGHTON

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. GOODELL. Mr. Speaker, I rise today with great reluctance, but I believe the time has come for those of us in public life to express a word of caution to a revered and respected group in our society. I speak of bishops and other clergy who are rightly concerned with all human problems and committed to alleviating human suffering.

Yesterday a respected leader of my church, Bishop William F. Creighton, spoke with passion, and I fear a trace of malice, about one of our colleagues in the other body representing the State of West Virginia. I do not question Bishop Creighton's right—yes, his obligation—to speak earnestly and forthrightly about public problems. I do question the propriety of a man of the cloth apparently attacking motives and integrity, and in this case even implying lack of any human compassion in a respected public official who happens to differ with him. I often disagree with the gentleman from West Virginia myself, and I happen to in this case with reference to welfare policy.

I regret, however, to read Bishop Creighton's characterization of our colleague and I quote:

If Senator BYRD's heart, or the hearts of men of whom he is typical, ever bleed even

a little bit for children who are neglected, or for mothers who cannot find the counsel they seek in a fat, selfish and hardhearted society, or for fathers who leave their families rather than deprive them by their presence, then we should begin to have a decent city.

As an Episcopalian and as a lay reader in that church, I am disappointed and embarrassed by this apparent attack on the personal outlook and motivations of our colleague. I want the good bishop and my colleague to know it. I am a Republican and Senator BYRD is a Democrat. This issue far transcends any partisan considerations.

Mr. Speaker, there have been other worse examples by other clergy in recent months. It is time that the most respected profession in our society, the clergy, applied some self-discipline and imposed some reasonable standards on the manner in which they engage in public debate. This case probably qualifies as third degree character assault, not character assassination, but all of us have the obligation to strive to elevate discussions above personalities.

I know my colleague from West Virginia is concerned about "children who are neglected" and about the plight of welfare families. He earnestly, and perhaps wrongly, believes that certain rules are necessary to help people help themselves effectively. We should debate that significant issue without personal venom or unnecessary reflections on the good intentions of those who differ with us. This is a standard that has special pertinence for those who speak from a position in society which clothes them with a high degree of immunity from such attacks.

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. I happen to belong to the same faith that the gentleman from New York belongs to, and I am embarrassed by this individual injecting himself into the discussion. Maybe this is the only way he can get his name in the newspaper. I am embarrassed as an Episcopalian. He should keep his nose out of it.

Mr. GOODELL. While I do not agree with the Senator from West Virginia, I think there is something larger involved.

DIRECTIVES OF DEPARTMENT OF EDUCATION

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. COLMER. Mr. Speaker, on yesterday a group of southern Governors came to Washington and met with the members of the southern delegations in the Congress from both the House and the Senate. This was an unprecedented meeting. It was indicative of the concern which these chief executives of these Southern States have about the regulations and directives that the Department of Education has issued under the guise of implementing the so-called civil rights bill of 1964 and the general education bill of 1965.

It was the unanimous consensus of opinion of both the Governors and the Members of Congress that the Department in issuing these rules had gone far beyond what was intended by the Congress in the enactment of these laws as well as by the decrees of the courts.

In this connection, Mr. Speaker, it might be well to call to the attention of those responsible for these most far-reaching rulings that there are two specific provisions of the law which apparently seem to have been overlooked or ignored.

In the Civil Rights Act, title 6, the Congress specifically provided:

> No such rule, regulation, or order shall become effective unless and until approved by the President.

And it is difficult to believe that with the President's background and knowledge of the habits, customs, and mores of the people that he would approve of such harsh and unrealistic regulations.

Moreover, section 604 of the general Aid to Education Act provided:

> Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system—

And so forth. Many Members of Congress, particularly from sections where the racial problem is so acute, voted for the bill because of and relying on this section. Although, with my long experience and observation of the bureaucrats, I was not among those who were so motivated. As one who has consistently opposed general Federal aid to our public school system, I voted against the bill. In fact, I pointed out then that Federal control would follow the Federal dollar and that this was the beginning of the end of our public school system.

Mr. Speaker, the actions of the Department of Education in issuing these directives and regulations poses a most serious problem to all of the States of the Union and particularly to those in the South where the problem is so acute.

Therefore, along with many of my colleagues I call most respectfully but most emphatically upon the Department to use some discretion, elasticity, and a sense of realism in administering this law.

APPEALS BY THE GREEK ORTHODOX POPULATION

Mr. GILLIGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. GILLIGAN. Mr. Speaker, seldom in my public service have I been so moved by the appeals of citizens deeply distressed by a problem as I have been by telegrams from the Greek Orthodox population in my district. The telegrams which follow show the deep distress of a religious group resulting from the hardships suffered by their patriarch. At times the large problems of international affairs obscure problems which are less well-known and less well-understood, but not less critical.

I urge my colleagues to read these telegrams so that we may all once again have recalled to us the difficulties and harassments of religious groups all over the world:

CINCINNATI, OHIO,
May 16, 1965.

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

We feel that it would be a sin on our part as Americans if we were to meet the crisis of the Greek Orthodox people in Turkey with indifference and apathy with too little, too late. For this reason, we appeal to you for help in making known to the Turkish Government that the American people condemn their acts against the innocent Greek Orthodox people of Turkey.

Mrs. CATHERINE JOHNSON,
President of the Greek Ladies Philoptocmos Society.

CINCINNATI, OHIO,
May 16, 1965.

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

We are very distressed that our church leader, Patriarch Athenagoras I, of Istanbul, Turkey, and his people are continuously suffering humiliations, persecutions, and deportations. We appeal to your sense of justice and implore you to bring this before the American people.

Miss VALERIE CHRONIS,
President of the Junior Greek Orthodox Youth of America.

CINCINNATI, OHIO, *May 16, 1965.*

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

We respectfully urge and protest against threat of persecution and expulsion of thousands of innocent Turkish residents of Greek descent, and the submitting of the Ecumenical Patriarchate of Constantinople to humiliating and oppressive actions as widely reported in the American press in violation of internationally accepted covenants and principles of law and morality as set forth in the United Nations Charter universal declaration of human rights and in article 40 of 1923 Treaty of Lausanne which clearly provides rights of non-Moslem minorities in Turkey to establish, manage, and control their own charitable, religious, and educational institutions.

REV. C. MITSOS,
Pastor.

PAUL MISALI,
President of Holy Trinity St. Nicholas Greek Orthodox Community.

CINCINNATI, OHIO, *May 16, 1965.*

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

Turkey's threat to deport the Greek Orthodox Ecumenical Patriarchate from Istanbul has to be discouraged by the U.S. Government.

PASCHAL VARNE,
President of the Greek-American Progressive Association.

CINCINNATI, OHIO,
May 16, 1965.

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

Because the Ecumenical Patriarch Athenagoras I, of Istanbul, is a hostage in the

dispute over Cyprus, we urge you to exert all possible means to discourage the Turkish Government to carry out such inhuman and totally immoral acts.

MARIA SAKELLARIOUS,
President of the Hellenic Mothers Club.

CINCINNATI, OHIO,
May 16, 1965.

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

The Ecumenical Patriarch Athenagoras I and the Greek Orthodox people of Istanbul, Turkey, will perish, unless our American Government intervenes. Please do whatever you can in this direction.

MRS. LULA PANOS,
President of the Daughters of Penelope, Calypso Chapter 13.

CINCINNATI, OHIO,
May 16, 1965.

Hon. JOHN J. GILLIGAN,
House Office Building,
Washington, D.C.:

Expulsion of two bishops of the Patriarchate from Istanbul and of 1,000 Greek Orthodox Christians is protested by us. We ask your intervention in this matter.

THOMAS TSARAS,
President of the Pan-Macedonian Society.

THE SHORTAGE OF SILVER AND SILVER COINS

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 60 minutes

Mr. CONTE. Mr. Speaker today I should like to discuss a directive which in my estimation is one of the most ill-advised, unrealistic directives I have read about or heard about since coming to Congress 7 years ago.

Mr. Speaker, like all of us here in this body, I count among my constituency a great many responsible businessmen and merchants of all types and sizes. And in trying to meet my obligations to this business community as a Member of Congress, I have had to deal with a great many problems in their behalf, ranging from social security pension benefits to fair labor standards to capital gains taxes, and all the rest. Each one seems to have his own unique problem requiring a novel and unique solution.

However, there is one problem which has persisted throughout this business community and is affecting virtually every single one of them. It is also a problem that is growing in intensity in spite of all my efforts and the efforts of the other Members of this body to find some suitable remedy. It is a problem that threatens the economic disaster for many merchants and the erosion of still another New England industry.

Mr. Speaker, I am talking about the persistent and increasing shortage of coins in general circulation and the related, equally serious shortage of silver.

My concern in this matter stems in large measure from my concern for the business and commercial interests of my district and throughout the Nation, because this is truly a national problem. It also stems from my activities with the Treasury-Post Office Appropriations Subcommittee of the House on which I have been privileged to serve since my first term in this body.

As you know, this subcommittee must deal each year with appropriations for the Bureau of the Mint, and therefore, comes face to face each year with the problem of coins and other currency in circulation.

One of the biggest headaches we have faced over the years, and one which has grown in intensity rather than subsided, is the shortage of coins of all types, but particularly those made with a high percentage of silver from dimes on up.

This shortage has existed for a long time, much too long. And in spite of all my concern and efforts of our subcommittee which, I must say, have been limited pretty much to authorizing hurry-up stopgap increases in the supply of coins, the shortage has persisted and in fact, gotten worse.

Now these efforts, hasty and makeshift as they are, have been dealt still another severe blow. The concerted, round-the-clock efforts of the Bureau of the Mint to cope with the coin shortage has been crippled by a rabbit punch on the back of the neck.

Instead of trying to find the source of the shortage, to stifle the glutton that is sucking millions of coins out of circulation each year, the President has instead decided to feed him even more. He has decided to tax the already overtaxed Mint facilities even further by directing the production of 45 million new silver dollars. I must say the action leaves me a little dizzy and more than a little confused.

Year after year, the budget for the Bureau of the Mint for coin production has gone up. The number of coins minted has repeatedly been increased. At the same time, the inventory of coins available for everyday transactions in the business world has gone down and down.

Last year's appropriation bill provided funds for the minting of these new silver dollars. I strongly opposed the appropriation at that time. The case that can be made against the advisability of minting silver dollars today is even stronger than it was a year ago.

We cannot be mollified or persuaded to overlook the very real ramifications of this action by a pronouncement that the will of Congress is merely being carried out at the earliest feasible time.

We have not arrived at a feasible time.

The demand for coins is increasing, and increasing at a rate beyond any present hope or capability to keep pace. We simply cannot solve the shortage by feeding it more coins.

In 1950, we minted 497 million pieces. That was sufficient to meet our needs.

In 1957, we minted 1½ billion pieces. That was sufficient to meet our needs.

In the last 6 months of calendar year 1964, the first 6 months of this fiscal year, we minted a record total of almost 3½ billion domestic coins. That was not sufficient to meet our needs.

Inventories in the Mint at the close of calendar year 1964 were exhausted.

Stocks in the Federal Reserve banks were extremely low and many orders for coins remained unfilled. This shortage of coins existed throughout the country.

There is no question of insufficient appropriations to give the Mint the operating budget it needs. The Congress has done its best to provide the funds required to produce enough coins for our monetary system.

The Mint is presently engaged in a crash program to increase the production of subsidiary and minor coins—pennies, nickels, dimes, quarters, and half-dollars. This program calls for a 3 shift, 24-hour workday, 6 and 7 days a week at our present mints and has been in operation throughout the current fiscal year. It is expected that an annual rate of production of more than 9 billion coins will be reached by the end of this fiscal year. If that rate is achieved, we will have doubled last year's production.

In February, then Secretary of the Treasury Douglas Dillon, appearing before the Treasury-Post Office Subcommittee, commented on the progress of the crash program. He said that there was a rather substantial flowback of pennies to the Federal Reserve banks in January. However, the bank inventories were still inadequate and there was no penny inventory in the mints. There was an improvement in the nickel inventories, but the situation was less favorable than that for pennies.

There has been no improvement at all in the inventories for silver coins. They remained depleted.

Secretary Dillon said that the mint would have to "continue full steam with this crash program."

The program had not gotten into full operation at that time. It was the opinion of the Director of the Mint that it would be June before they would be organized for the 9 billion annual coin rate. We have not come up to this level yet in the attempt to meet our coin needs. In order to build up any reserves at all, we would have to operate at that level for some time to come. We have not met the daily coin demands, much less moved toward a resolution of our critical coin shortage problems.

The President said in his directive:

> Substantial progress has been made in bringing the supply of small coins into line with the demand.

Where are the indications of this progress? Our subcommittee, I can tell you, has seen not one scintilla of this evidence.

The mint has not yet completed tooling up for the crash program which is designed to bring supply into line with the demand. They have not found that it is no longer necessary to work 24 hours a day, 6 and 7 days a week.

How many of us here today no longer receive complaints from the commercial banks in our districts that they are having difficulty getting coin orders filled by the Federal Reserve banks?

There is, and I think you will agree with me, a desperately critical shortage of coins of all denominations throughout the United States.

How will the new directive by the President affect this shortage? The directive was for the minting of 45 million coins and gave no hint that there would

be a cutback in operations. But, there was a lot left unsaid when it was announced that the feasible time to mint silver dollars—for the first time since 1935—is now.

Because of the coin shortages, the mint is utilizing all of its facilities to produce the maximum number of subsidiary and minor coins possible. These coins are circulated nationwide. There is no substitute for any one of them. Untold billions are passed through coin-operated vending machines in every State in the Nation each year. I might add that I have yet to find one of these machines set up to take silver dollars.

Now, we must stop the minting of some of these coins and divert the facilities to the production of silver dollars. There simply is no equipment standing idle which can be put into action to make these dollars.

Because there have been no silver dollars made since 1935, considerable attention will have to be given to the production problems which will arise in connection with the manufacture of large quantities of silver dollars. No coins as large as the dollar have been produced on the present equipment in any of the mints. All of these problems, unexpected and unforeseen, must find their solutions during actual production operations, a costly and time-consuming approach to any manufacturing problem. The mint does not have a research laboratory or a pilot plant for experimentation. Not only, then, will production facilities be diverted from other coin manufacturing operations during the time it takes to mint the 45 million silver dollars, but also during the inestimable time while production problems are ironed out on the line.

There is no way that anyone can be sure of the time it will take to mint these dollars. But we do know that minting one silver dollar means not minting, for example, four or eight quarters, because the dollars require a much more difficult stamping operation than any of the other coins.

I can sympathize with the statement made by the director of the mint during hearings for the fiscal year 1965 budget. She said that the problems in the mint would be much simpler if they did not have to make silver dollars.

I can agree wholeheartedly with the statements of Secretary Dillon before the committee just a few months ago. He testified that the silver dollars authorized under last year's appropriation bill had not been minted because the crash program was necessary to meet the demands for other coins. These dollars could not be minted without reducing the production of other denominations.

I admire the former Secretary for withstanding the great pressure which he said was put on him to mint these silver dollars, so long as he felt it would interfere with the minting of other coins.

The President noted in his directive for this action, that these new dollars would be "distributed in the areas of the country where the silver dollar has traditionally been used as a medium of exchange."

I cannot imagine that a single one of these silver dollars will ever find its way into the marketplace as a medium of exchange.

There are now more than 482 million silver dollars outstanding.

Secretary Dillon estimated that nearly 400 million silver dollars are being hoarded or collected somewhere, well out of circulation. He continued, and I quote from his testimony before the Treasury-Post Office subcommittee in February of this year:

> I am certain that if these new coins were issued, even though we would distribute them only in the Western States and particularly in the areas where they are used, they would go into the hands of speculators and coin collectors immediately and wouldn't be in circulation more than 20 minutes.

By running off 45 million new silver dollars, Mr. Speaker, we are merely playing into the hands of those who are responsible for the shortage of coins in this country today. We will not be increasing the Treasury's inventory of silver dollars with this minting. We will be adding to the hoarded coins held by speculators, who have come more quickly to the realization that there is a severe silver shortage in the country and the world, than has Congress or the administration.

The silver situation today is critical and poses an ominous threat to this Nation's economy. We are faced each day with increasing demands and a decreasing supply of silver. Treasury stocks now amount to 1.1 billion ounces. In acquiring this silver, the Treasury paid for it by issuing silver certificates, redeemable on demand with silver at the rate of $1.29 an ounce. The demand for redemption is now at the rate of 120 million ounces annually.

The silver is also used for coinage at the present record rate of more than 312 million ounces a year. During the month of April alone, more than 27 million ounces were used in coin production. Present coinage requirements alone would exhaust the supply in about 3 years. The minting of these 45 million silver dollars will consume an additional 35 million ounces of Treasury silver.

To all of these uses must be added the free world industrial use, which for 1965 will be about 300 million ounces. This private industrial consumption, for photography, silverware, jewelry and electronics, is estimated to be increasing at a rate of about 5 percent each year.

This is where the silver shortage bites with special intensity for those of us in New England. We have seen a great many industries and commercial assets sucked away from us by a host of uncontrollable factors such as cheap land and labor, and favorable tax enducements in other areas of the country.

The jewelry industry has been one of those which has withstood this trend. It remains concentrated to a considerable extent in the New England States and provides important jobs and revenues throughout the region. We take great pride in the artistic achievements as well as the economic benefits which this fine industry provides.

The lifeblood of that industry, Mr. Speaker, is silver. In the production of fine tableware, decorative and functional jewelry, and the valuable objects of art which are such an important element of our society and culture, there just is no substitute for silver.

Add to this the needs of the photo industry, whch has not yet found a substitute for silver in the magic chemical emulsion which produces the image on film, plus, the needs of the electronic industry, the medical and dental profession, and the many other users of silver, and you begin to approach the scope of the problem.

The staggering figure to remember for this silver situation is 225 million ounces. That is the total annual production of newly mined silver in the free world. In other words, we are now using more silver just in coins each year than is produced in all of the free world. At the same time, the annual industrial consumption of silver is also greater than the free world production.

Therefore, with the continued use of silver for our coins and the escalating production figures for coins necessary to keep up with the demand, coupled with an increasing consumption of silver in the industrial sector, we will shortly find ourselves at the end of our silver supply.

This is exactly why the speculating coin hoarders are playing their waiting game. They stand ready to jump in when the need for silver for coins will send the price up—and it need go up only a few points per ounce—and they will be able to melt down their silver coins and obtain more for the silver in them than the face value of the coin. I might point out, Mr. Speaker, there is no present law against melting down coins.

Of course, the silver dollar is not responsible for the silver situation, nor would the stoppage of the White House directive resolve the difficult monetary problems with which we are faced.

But, the directive to mint these coins at this time can serve only to further whet the appetities of the speculators and will add nothing to the supply of coins available as a medium of exchange.

Today we are experiencing a critical shortage of coins. Today we are facing serious shortage in the supply of silver.

We had hoped to alleviate the coin shortage by clearing the way for the mint to go forward with their crash program of subsidiary coin production.

To this end, we authorized the continued purchase by the mint of rolled bronze and nickel strips to be blanked for coins from outside sources. This policy was justified to the subcommittee on the basis that it would be ridiculous to contemplate anything else and proceed with the crash program. The continuation of this purchasing policy in costing the mint and the taxpayers $7 million this year.

We are also looking toward a reasonable resolution of the silver supply problems. There are several issues open to us here which I will not go into now. They will, however, require action in time by the Congress.

This directive, coming as the mint and the Treasury Departments approach a crucial crossroad bearing on the lives of every American, serves only to make the way ahead more difficult.

I am not today advocating that silver dollars should never again be minted.

The issue is not the perpetuation of a tradition which has come down to us from the very inception of our coinage system in 1792. The very basic issue is the critical shortage of coins for commercial use and the effect of this directive on the resolution of this problem.

Silver dollars are not now circulating. This additional number will not find their way into circulation. These dollars are not a commercial necessity. There is an existing substitute in paper dollars.

None of these factors can be applied to the subsidiary coins now being minted, and which must be curtailed for the minting of silver dollars. There is no substitute for any of these coins.

I submit, Mr. Speaker, that now is not the best feasible time to begin minting silver dollars. I suggest it would be difficult to imagine a worse time.

I hope, Mr. Speaker, that you and this body will give my resolution which I have filed here today, stopping the minting of these silver dollars, immediate action and bring it out on the floor of the House and let the House work its will and stop this foolishness.

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

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

Mr. FASCELL. I must say as chairman of the Legal and Monetary Affairs Subcommittee of the Committee on Government Operations, we have gone into this problem which the gentleman has so ably presented to the House here today. Our report covered very much the conclusions and statistics that the gentleman has presented.

I would like to ask the gentleman a few questions to make clear my position which is just a little bit different from the gentleman's position although it is substantially the same.

Am I correct in saying that the approval for the minting of these silver dollars came through the gentleman's subcommittee on appropriations?

Mr. CONTE. If I correctly remember my facts, I fought that issue on the floor of the House and prevailed on a vote not to mint these 45 million silver dollars. It went over to the other body and one of the gentlemen that I am speaking of got it back into the bill. Then it went to conference and we did not prevail in conference. The House of Representatives voted against minting the 45 million silver dollars.

Mr. FASCELL. The fact is that there was congressional approval for the minting of the 45 million silver dollars.

Mr. CONTE. Yes; and that was over my objections.

Mr. FASCELL. I think the gentleman was correct. I think this is no time to mint 45 million silver dollars and I agree thoroughly with the conclusions reached by the gentleman that not only would this bring down our silver stocks but the dollars would not go into circulation either. I agree with all of that but I wanted to point out that I think the responsibility lies with the Congress. I commend the gentleman for introducing his resolution and urging immediate consideration by the legislative committee. I do not think the responsibility is on the President of the United States because the President is bound to faithfully execute the law and Congress has directed that these 45 million dollars be minted.

As the gentleman pointed out in his statement, the Secretary of the Treasury, and properly so, under a different directive from the Congress which as I say partly emanated from our subcommittee, withheld the production of these 45 million silver dollars because of the fact that the mint was in a crash program which all of the Congress supported and was seriously interested in. So I say that what has to be done now is for the Congress to withdraw its directive and make clear its position on this very serious problem of silver.

Mr. CONTE. I certainly appreciate the remarks of the gentleman from Florida and thank him for his contribution. I believe this resolution will go to his committee.

Mr. FASCELL. It does not come before my committee.

Mr. CONTE. I hope the gentleman will join with me in an effort to get speedy hearings on this and let us get it on the floor of the House.

Mr. FASCELL. I join the gentleman in urging speedy hearings on this matter by the legislative committee because I think this is an urgent problem that must be met squarely by the Congress of the United States. I also hope that the gentleman's subcommittee would urge the Treasury immediately to make available its report on the question of silver and the shortage of coins.

Mr. CONTE. Let me inform the gentleman I have spoken with the chairman of our committee, the gentleman from Oklahoma [Mr. STEED] and he called the Secretary of the Treasury and the Assistant Secretary of the Treasury before our committee to account for this because in our report when we brought the bill to the floor of the House, we stated that even though Congress had directed that 45 million silver dollars could be minted that it should be held back until a more feasible time or a more appropriate time was available, and that during this crash program while we had both mints, the Phildelphia and the Denver Mints going 7 days a week, 3 shifts a day and paying all kinds of overtime, and going out and buying our nickel and bronze strips at a cost to the taxpayer of $7 million a year, that to open up the San Francisco Mint to help in the crash program just to mint 45 million silver dollars at this time would be ridiculous.

We need 45 million silver dollars now like I need a hole in the head.

Mr. FASCELL. Mr. Speaker, I am delighted to hear that the powerful Committee on Appropriations will make known its desires and its wishes. I hope great heed will be paid to what it concludes.

I believe, however, in all fairness, that this puts the Treasury Department in an impossible position. On the one hand, they have a clear mandate from the Congress to pursue the minting. They also have a directive from the President, who, under the Constitution, must faithfully execute the law. On the other hand, they have a conclusion from our committee, which is an investigative committee, and from the Appropriations Committee, which appropriates the money, to do the opposite. I believe this is an impossible position in which to put the Secretary of the Treasury and the Director of the Mint.

Mr. CONTE. If I may comment on that, I realize that there is a directive.

Let me state that the former Secretary, Secretary Dillon, took a different point of view. Even though there was a directive, he said he would do it someday, but that this was the wrong time.

On page 30 of the hearings on the Treasury-Post Office appropriations bill, for this year, Secretary Dillon said:

> We have not commenced minting any of those silver dollars because we are still short in other coins. As we pointed out at the time of the hearings on the 1965 appropriation, we felt we could mint those 45 million coins without reducing the amount of coinage that was programed in our original appropriation act.

I do not know whether the gentleman was present when this was mentioned, but he went on to say, talking about the silver dollar:

> I am convinced they would go into the hands of the speculators and coin collectors immediately and wouldn't be in circulation more than 20 minutes.

Can we imagine the foolishness of going out to stop the minting, to stop the presses, to mint 45 million silver dollars, which would be picked up by the speculators and the coin collectors?

I am told, and, unfortunately, I do not have proof, so I cannot mention names, that some are hoarding hundreds of thousands or even millions of silver dollars in eastern banks, just in the hope that the price of silver will go up to more than $1.29 per ounce. Then they would come in and melt those down and sell the silver. They would make a killing.

Mr. FASCELL. In the hearings before our subcommittee on this question I thoroughly concurred with the conclusion stated. If the dollars are minted, they will not be in circulation for more than 20 minutes. They are a highly speculative item. I do not think they would be in circulation at all.

As a matter of fact, the pressures have been so great on the silver dollar now that not only the American silver dollar has been driven out of circulation, but also those within the dollar area have been driven out of circulation. I do not know what the price is today on the Balboa. The last time I heard it was about $2.75 in the United States. Perhaps the distinguished gentleman from Idaho could answer that.

All reasonable evidence at this time leads to the reasonable conclusion that the 45 million silver dollars would not be in circulation.

Mr. CONTE. Again I thank the gentleman from Florida for his wonderful contribution. I hope the Committee on Banking and Currency will commence hearings immediately on this resolution which I have filed today to stop the minting of the 45 million silver dollars.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Idaho.

Mr. WHITE of Idaho. I do not believe it will be often that the gentleman in the well and myself will be on the same side of the coinage question as we are today.

As the gentleman in the well will remember, at the time of the consideration of the Treasury Department appropriation bill, I opposed the minting of the additional 45 million silver dollars.

I agree with the remarks the gentleman has made today with respect to the minting of these dollars and what the outcome will be.

First, the minting of these 45 million silver dollars will not even serve the intended purpose. These silver dollars will not stay in circulation in the State of the Member of the other body who is sponsoring the proposed minting.

As recently as a half hour ago I looked at the wire service in the Speaker's lobby, which reported that already the coin collectors and numismatic associations are calling this a mess.

I should like to point out that not only will this compound the present problem being discussed but also it will complicate the problem of a transition to any coinage we may consider to replace the present subsidiary coinage.

I believe the gentleman will agree that the Congress will have to do something in the subsidiary coinage area. The only way we can defend the present subsidiary coinage is by the continuation of the sale of silver from Treasury stocks at $1.29 an ounce. If we remove from those stocks 34 million ounces of that silver for the minting of silver dollars, that silver will not be available for the protection of subsidiary coinage during the time we are trying to defend the price at $1.29 per ounce.

It seems to me, the same as taking the 34 million ounces of silver and throwing it into the middle of the Chesapeake Bay, because, as the gentleman has already stated, these silver dollars will not go into circulation to satisfy the demands of the areas of the West where traditionally silver dollars have been in circulation. I would also like to suggest the silver shortage is exaggerated and is not the entire reason for the coin shortage.

Mr. CONTE. No, it is not.

Mr. WHITE of Idaho. We find ourselves also short of pennies and nickels, which, of course, are not made of silver.

Mr. CONTE. If the gentleman will stop just there, I did not try to create that impression. These two things are not related at all. There is a shortage of silver and a shortage of coins, but the shortage of silver has not contributed to the shortage of the lesser coins.

Mr. WHITE of Idaho. I thank the gentleman.

As recently as last Monday I was in the mint at Philadelphia, and in that entire complex there is but one room about a third the size of this room which is dedicated to the actual minting of coins. As the gentleman in the well has said, they are going 8 hours a shift and 3 shifts a day and working on Christmas, the Fourth of July, and every holiday. They are not able to keep up with the present coinage demands even with such a production schedule. I do not see how we can take that limited capacity and use it for the production of silver dollars and keep up with the demand for coins, as the gentleman has indicated.

Mr. Speaker, I am hopeful when the Treasury Department comes out with the report on legislation that I have introduced in the Congress with respect to the reduction of the silver content, it will be favorably considered. I am sure the gentleman in the well and myself will have many colloquies when the legislation is considered, but it would seem to me, if we are to mint silver dollars, minting at the reduced silver content would be the logical way to handle this problem. It is fraught with many problems such as the existing statutes as to the silver content of the dollar. I realize we cannot make a decision on the minting of silver dollars until after we make the decision as to what the silver content will be, but that would be the time to talk about minting an additional 45 million silver dollars and not today.

Mr. FASCELL. Mr. Speaker, will the gentleman yield to me?

Mr. CONTE. Yes. I yield to the gentleman from Florida.

Mr. FASCELL. In following up what the gentleman from Idaho said, it seems to me that we in this Congress should not wait any longer on the Treasury Department making available to us and the public what its decision is with respect to the silver and the coinage question. It seems to me that the time has arrived for the Congress to decide what its policy is going to be and what the policy of this country is going to be. The time is now to hold hearings, and I trust that the gentleman's resolution will be the focal point for the legislative committee to start holding hearings on this entire subject.

Mr. CONTE. The gentleman is absolutely right. I really do not want to be a Monday-morning quarterback, but there have been certain individuals in this Congress who have been way ahead, far ahead, of the Treasury on this problem. This problem has been with us for about 3 years, and they have been dragging their feet on it. To point out another inconsistency, this report you speak about is way overdue, and it should have been in here the first week of April. However, here we are in the middle of May, and the report is not in yet.

It is a fact that on the floor of the cloakroom they say they will come out with a report calling for a sandwich coin which will have maybe 70 percent of silver on the outside with 30 percent copper, and maybe 30 percent silver on the inside and 70 percent of copper. They will come out with this report, and assuming that the rumors are right and they do come in with such a recommendation for a sandwich coin, they will argue that it will cut down the shortage of silver, but at the same time they come in with a directive to mint 45 million silver dollars, which will just gobble up 35 million ounces of silver just like that, and which will not go into circulation but instead will go into the pockets of the speculators who will make a killing on this thing.

Mr. WHITE of Idaho. If the gentleman will yield further, there is one additional thought I would like to leave with the gentleman in the well. At the present time I am making an analysis with the best available information I can gather as to the actual and anticipated production capacity of the silver industry not only of the United States but of the entire world. I believe that the gentleman in the well, in examining this information, when it is available, will find that the silver shortage is not quite as great as the gentleman may have indicated in his remarks here today.

Mr. CONTE. I thank the gentleman from Idaho.

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

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

There was no objection.

SUGGESTED REPEAL OF SECTION 14(b) OF TAFT-HARTLEY ACT

Mr. JOHNSON of Pennyslvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HALL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HALL. Mr. Speaker, in these days we are receiving a near-massive assault of identical mail urging support of H.R. 7 to repeal paragraph 14(b) of the Taft-Hartley Act. Such near identical letters parrot this action as necessary for a growing economy and castigate right-to-work laws for many alleged reasons. Some even falsely quote nearby States with said right-to-work laws as losing industry and business, which is at least questionable. All claim it will reduce standards of living, not realizing wherein jobs originate, but regardless of all of these pros and cons, and the right of petition—through mail to elected officials—the NLRB has practically ceased to function, as though in anticipation of things to come.

Enclosed herewith, by permission of the author, is his personal opinion of that Board with background material. I commend it for study by my colleagues in these times of a weighted Congress and vital decisions affecting not only the Nation, but future generations:

OPINION OF NLRB

(By Homer Carr)

I had a construction job at Miami, Okla., for the First Baptist Church in the amount of $400,000. Around July of 1962 the labor local from Venita put a picket on the job because we had subcontracted the wrecking of the old auditorium to a firm in Tulsa that didn't employ union labor. I immediately contacted the NLRB which was out of Texas. We were shut down for 1 month at a cost to me of $1,194.50. The NLRB gave the union a chance to withdraw and publish a notice that they would not engage in the same prac-

tice for a period of 60 days. By doing this, the NLRB didn't have to render a decision. I later tried to bring a damage suit against the union and I could not get a law firm to take it because the NLRB did not render the decision.

In early 1963, the labor union at Nevada, Mo., placed a picket on the State hospital No. 3 job. This was a repair contract in the amount of $273,000. The picket was on the job 3 days, the reason was that they were trying to force me to send welfare fund money to Jefferson City instead of Kansas City. They did not know I was a member of the Kansas City chapter of the A.G.C., which has a contract with the labor local. The sign stated the Homer Carr Construction Co. refused to sign contract with the local union and the contract that they wanted me to sign pertained mostly to welfare. This stoppage cost a total of $210 besides the cost to the State for delaying 34,000 square feet of facilities which were badly needed for the health and welfare of the patients.

Early in 1964, I was engaged in building a supermarket at 31st and Virginia in Joplin, Mo., in the amount of $130,000. Around January of 1964, the building trades council put a picket on this job stating that Independent Gravel Co. was unfair to organized labor. Independent Gravel was furnishing ready-mix concrete. This picket would sit in a car and walk when the concrete truck was unloading concrete.

When this would occur, the bricklayer would quit and remain off the job the rest of the day. We contacted the NLRB and they made an investigation and a decision. The decision found no evidence of secondary boycott. This forced me to cease doing business with Independent Gravel Co. on this job. This resulted in a loss of $876.

On January 27, 1965, the International Brotherhood of Electrical Workers, AFL–CIO, local No. 453, engaged in a picket at the Branson post office and Federal building at Branson, Mo. The electrical work is being done nonunion. The company is Judah Electric, a local electrical contractor of Branson, Mo. The wages paid were equal to union wages as set forth by minimum wage scale. The sign stated that electrical work on this job is not being done by local 453 electricians. The business agents from the Plumbers and the Masons instructed their men to do no work on the project as long as the picket was there. On February 8, 1965, we filed charges of secondary boycott with the NLRB and on February 10, 1965, we got a temporary injunction from the magistrate judge. This lasted until March 15, 1965. At this time, the circuit judge ruled the injunction illegal. On (date not known) the electrical union agreed to cease picketing if the NLRB would drop charges, and on March 17, 1965, the picket went back on, stating that there was no dispute with any craft on this job; enclosed is a copy of sign. Although the sign read that it was not the purpose to slow down the job, the Electrical B.A. would tell various crafts that the picket was legitimate and anyone crossing it was subject to $100 fine. One man from the labor local reported that when he tried to clear out of Springfield and go to Kansas City, they refused to take his dues and refused to clear him out because he worked behind picket line and that he would have to pay a fine that would be assessed against him before he could pay his dues. On April 15, 1965, Howard Garlow overheard the Plumbing B.A. tell a plumber that he would be fined $100 if he continued to work behind picket line, he was accompanied by the Electrical B.A. Jim Hardy, of Hardy Sheet Metal Co. of Joplin, Mo., was informed by the Sheet Metal B.A. that anyone crossing the picket line would be fined. Hardy sent his man to Branson today to try to sub his installation to a nonunion shop in Branson, and found out the picket was not on the job today. We do not know if the picket is off permanently or not. We had put heat on the Jess Wood Plumbing Co. of termination of contract if they failed to perform under the conditions. We think the picket is off for the benefit of the plumbers to do some pressing work and then will be back on again.

Yesterday we received word from the A.G.C. informing me that Washington failed to act in my favor because of the temporary injunction and the changing of the reading of the sign. They stated the charges were secondary boycott and that the lapse and the sign changing had eliminated the secondary boycott.

In my opinion, the union is acting on the instructions of the NLRB. The delays and expense caused by this injustice are approximately $1,800. The NLRB in this Branson case took 83 days to act and then did not act according to the evidence given them.

In my opinion, corruption has gotten into the NLRB and I think there should be an investigation. If NLRB is to be the sole judge and jury, I think it is important that it be run by people unswayed by union power.

I also think that every State should have the right to work law and I believe the Constitution of the United States was founded on freedom, and every man and woman should have a choice of being organized or unorganized.

If we are to abide by the nondiscrimination law of union or nonunion, why should we be penalized by such acts as described in the foregoing letter?

NATIONAL LABOR RELATIONS BOARD,
Kansas City, Mo., April 26, 1965.

Re International Brotherhood of Electrical Workers, AFL–CIO, Local No. 453 (Judah Electric Co.), case No. 17–CC–216.

JAMES L. HUTTON,
Assistant to Manager, Builders Association of Kansas City, Kansas City, Mo.

DEAR SIR: The above-captioned case charging a violation under section 8 of the National Labor Relations Act, as amended, has been carefully investigated and considered.

The charging party has, by resort to the State court, achieved for itself a cessation of the unlawful picketing by respondent. Inasmuch as the picketing which resumed on March 17 conforms to the Moore Drydock standards for lawful common situs picketing, it would serve no statutory purpose to proceed further. Accordingly, I am refusing to issue complaint and am dismissing the charge in the above matter.

Pursuant to the National Labor Relations Board rules and regulations (sec. 102.19), you may obtain a review of this action by filing a request for such review with the Counsel of the National Labor Relations Board, Washington, D.C., and a copy with me. This request must contain a complete statement setting forth the facts and reasons upon which it is based. The request must be received by the General Counsel in Washington, D.C., by the close of business on May 10, 1965. Upon good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. A copy of any such request for extension of time should be submitted to me.

Very truly yours,

MARTIN SACKS,
Regional Director.

STAN HINDEN, JOURNALIST

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WYDLER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WYDLER. Mr. Speaker, having the right man for the job is habit on Long Island.

Recently one of Long Island's leading newspapers—and one of the country's as well—promoted its longtime political writer and analyst, Stan Hinden, to the position of editor of the editorial page.

Nassau County will miss his fine column "Inside Politics," but it will gain some penetrating and incisive editorial statements.

I know, like, and admire Stan Hinden as a man. He is in the best tradition of American journalism.

I truly believe his farewell column is worth the attention of my colleagues in the House who—like Stan Hinden's column, are "Inside Politics":

SIX HUNDRED AND EIGHT COLUMNS LATER

(By Stan Hinden)

It is almost 10 years—and 608 columns—since June 8, 1955, the day on which this writer began covering politics for Newsday. Tomorrow, I move to a new and challenging assignment to become editor of the editorial page.

This column, therefore, will be both a farewell to my readers in and out of political life and a summing up of some of the events that have swept by us during the past decade.

Ten years, of course, may be a short span of time in the long chain of events of this era. But it is a convenient block of time in which to glimpse some of the huge changes that have occurred in the landscape of political life. On ever-growing Long Island, especially, the pace of change has been accelerated.

Between 1955 and 1965, political dynasties, machines, and ambitions have been born, have grown, and have died at a wholesale rate. In my first column, for instance, I wrote of a visit which then Gov. Averell Harriman, a Democrat, was making to Long Island.

It was a time of great expectations for State and local Democrats. Harriman had squeaked into office by the narrowest of margins in 1954. After 12 years of rule by Thomas E. Dewey, the Democrats figured that the long Republican reign had ended and that a new Democratic dynasty was in the making. The White House loomed in Harriman's sights, and he thought that if he failed to win the presidential nomination he could be reelected to another term as Governor with ease.

In retrospect, the Harriman dream was made of tinsel and tissue. It was soon to be smashed. First, there was Adlai Stevenson's renomination in 1956. Then there was the party-rending State convention in Buffalo in 1958. It opened the battle over "bossism" with Carmine DeSapio, it split the Democratic Party, and Harriman went down to defeat at the hands of a GOP newcomer named Nelson Rockefeller.

What a chapter of glory and controversy and failure. How noisy it all was—and how fast it all ended and disappeared into the old files.

On Long Island, the political landscape is almost unrecognizable. A decade ago, the Republicans reigned supreme in Nassau and Suffolk. The political organization run by J. Russel Sprague in Nassau was a legend for its vote-getting power. Today, there are Democratic county executives in both Nassau and Suffolk. There have been other Democratic victories, once thought impossible. Time and events have splintered the

Republican power and a full two-party struggle is in progress.

But it is not the clash of major events that remains most solidly rooted in the memories of 10 years on the political trail. It is, instead, the many little, almost unnoticed, yet unforgettable incidents of political life.

MEMORIES ARE MADE OF THIS

There was the day I arrived for a preelection interview with the late President Kennedy. He was on his way to the shower and dressed only in his underwear but he postponed his shower long enough to talk with me. There was the day I watched Nelson Rockefeller, brandnew to the campaign trail, trying unsuccessfully to snag the hands of weary factory workers, who were totally disinterested in the wealthy candidate.

There was the day I watched a political chairman cry because his party's fund-raising efforts had flopped so badly, and the day I watched a secretary weep when her boss got into political trouble. There was the wife of a prominent political figure, who always smiled and laughed in public, but admitted to me that politics really bored her. The list could go on and on.

There have been dozens of other incidents, some humorous and some sad, in the political panorama of the last 10 years. But perhaps my favorite is one that occurred in 1956, when the late Senator Estes Kefauver was running for vice president. He had been due at a Democratic dinner in Glen Cove at about 9 p.m., but had been running late all day and didn't arrive until close to midnight.

Kefauver took one look at the sleepy crowd and, with his own weariness showing on his face, commented, "Instead of making a speech at this hour, I think I'll just say 'good night.' Then we can all go home, go to bed, get some sleep and get ready for more democracy tomorrow."

All in all, it's been a fascinating 10 years. To all those in the world of politics who helped and answered all my unending questions, my sincerest thanks and appreciation.

A YOUNGSTER "VISITS" VIETNAM

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. OTTINGER. Mr. Speaker, the situation in Vietnam is a matter of considerable concern to all of us in the Congress, to all Americans, indeed, to the entire world. Much has been said about Vietnam, and even more has been written. I would hope that even more will be said and written about Vietnam, for full and open discussion is the very heart of American democracy.

I have just finished reading a fictional diary written by Miss Eileen "Scotty" Wells, a sixth-grade student at the Frank G. Lindsey Elementary School in Montrose, N.Y. This was done as part of a project assigned by Mr. Joseph W. Hoff, who teaches the sixth grade at the school. The assignment was to "visit" a country which the class had studied during the year, and discuss your "experiences."

Miss Wells, who incidentally, is 11 years old, wrote her "diary" from the viewpoint of a Peace Corps nurse serving in Vietnam. Her report shows not only a maturity of thought and thoroughness of research, but a genuine compassion for a strange and distant people that certainly is unusual in one of such tender years.

Mr. Speaker, Eileen's "diary" would be a fine achievement for a student far more advanced in his education. I feel it is worthy of wider distribution than it would otherwise have and submit it herewith for inclusion in the RECORD:

ONE YEAR DIARY: "ONE OF THE MOST WONDERFUL AND SATISFYING YEARS I'VE EVER SPENT"

FEBRUARY 24, 1964.

DEAR DIARY: To start off with, I think I'd better apologize for not having "talked" with you in a long time. I guess I've neglected a lot of things I'd planned to do when I arrived in Vietnam. I planned to keep an up-to-date record on what I saw and did, but it seems I've been too busy to accomplish this. In fact, as you probably recall, I haven't written you in over a month.

You know, I realized something when I came over here. I am a poor American citizen. I read the papers and listened to the news every day, and did everything I thought was expected of a good citizen, but deep inside I knew that in a way I could be wrong. I soon decided that as an American, a fortunate American, I should do something else. I also knew that many people did not realize this, and as one of the few who did I felt that it was my job to do something about it, so I did. As a nurse, I joined the Peace Corps.

My family didn't seem to understand my actions.

"Why do you want to do this?"

"You've got everything and more than most people, so what is it you want?"

"I want," I said smiling in a serious, thoughtful way, "the satisfaction of knowing that I've helped someone less fortunate than myself."

Yes, in the first year I've spent in South Vietnam I've been very busy, but its been a happy kind of busy I'll always remember and treasure.

APRIL 13, 1964.

DEAR DIARY: Today, April 13, 1964, the town of Baria was attacked by Vietcong guerrillas. Being a rather large town (compared to most Vietnam towns) some soldiers were assigned to protect it. However, a few soldiers could do little to protect the people.

It was late at night, and most of the people had retired to bed after a long day of hard work. There was a deadly silence as these men crept slowly closer to the town.

Things seemed to be like that of any other night, and nobody suspected a thing.

Suddenly a shot rang out with more to follow. Huts were set on fire with innocent people dying. Then just as quietly as they had come they disappeared, leaving this part of the town in ruin.

It was then that I was sent, from the hospital in Saigon, to this town, equipped with supplies, and the urge to help these people.

I arrived as dawn was approaching. Seeing what was left of this particular section which had been attacked, the scattered ruins of the huts, I hurried toward a hut which was serving as a hospital. Stepping inside I found that many patients had already been cared for, and to my relief, were coming along fine. I noticed that one doctor seemed to be running things, so I explained to him that I was a member of the Peace Corps, and as a nurse I traveled from town to town, caring for the people. I also told him that I was sent here to see what I could do. His thick, bushy eyebrows raised a bit as he scratched his head. I noticed he was also from America, but before I could question him he said: "As you probably noticed, we have things pretty well under control, but I'd be thankful if you'd give Son his injection."

He then pointed to a young boy, one of the soldiers. He was a fairly short boy with light skin. He had dark hair and high cheekbones, which I've noticed on many, if not all Vietnamese. In appearance they're much like the Chinese.

"Oh," the doctor continued, "and if you could watch him tonight I'd be thankful, because he's got quite a high fever." He then turned around muttering what a shame it was, and stalked off.

As I gave the injection to him I noticed a look of anger in his eyes, and his lips were moving as if he were muttering something. After wiping his forehead with a damp cloth, I sat down to study him more closely. However, before I could do much studying he began to toss and turn. I could see the sweat rolling down his face and the veins in his hands popped out as he clenched his fists, but before I could reach him he turned, facing me and yelled,

"They're doing it to us again! They won't give us peace! Those red devils will keep fighting till they've got everything! everything—."

These words trailed off into an empty silence. Wiping his forehead once more, he seemed to have regained his senses, and calmy opened his eyes saying with a reassuring look, "But we will never let them." He then told me an amazing and impressive story which I will now reveal to you, as was told me:

"My full name is Zuat Chi Son in Vietnam your first name is last, and your last name is first. I was originally born in North Vietnam and lived there the first 12 years of my life. As you probably know, Vietnam before being divided was a colony of France. However many Vietnamese rebelled, not liking the idea of being owned. They wanted independence. The Communists saw a good chance to win the country by taking over its fight for independence. Though the French had more supplies and a bigger army, the Communists, using guerrilla warfare, had a good, if not better chance. They knew the jungles and would attack the French, then would disappear into the jungles and swamps where the French could not find them. Finally the French were defeated by the Communists and were forced to give up Vietnam. The Communists asked for the northern half, and got it. (This was how Vietnam got divided.) They figured the southern half (South Vietnam) would soon weaken and fall into their hands, but they were mistaken.

"I was living in North Vietnam at this time. My family and the other families in our village had been hearing rumors. One of the rumors was that the refugees who had attempted to flee North Vietnam had been treated cruelly and had been separated from their families. This was just a rumor, and as we learned later, designed to scare us."

Here Son closed his eyes and thought for a minute as I wiped his forehead. Soon he opened his eyes again, smiled a thankful smile and went on.

"Our town was then visited by an old Catholic priest, who had traveled around the country telling people, as he told us—the truth. He explained to us that the rumors we heard were just started by the Communists to scare us."

He also said that the Communists were bad but the rulers must be obeyed, for those who disobeyed mysteriously disappeared.

"We didn't like the idea of being assigned a piece of land and having to give half of our crops to the Government. A single careless word, we learned, would cost a man his life. There were spies everywhere.

"The priest then informed us that if we chose, we could go with the other refugees to

South Vietnam. The priest brought us to a U.S. Navy ship which would carry us to freedom.

"We arrived at the capital city of Saigon 4 days later. We were brought from there to a huge warehouse where other refugees were staying. We were fed by smiling cheerful people, carrying huge kettles filled with hot food, which seemed to taste better than any other food we ever had.

"I wondered how the Government could afford to feed these hundreds of people. Where would it find work for all?

"The Mecong Delta, I should tell you before I go on, was, before the war, a great rice producing piece of land. It fed the people of South Vietnam, leaving enough surplus to export and trade for manufactured goods which South Vietnam so much needed. However, during the war this fertile land became a tangled jungle. Canals were destroyed. What was called the Bink Xugen River Pirates lived there and would not give up the land which they believed was theirs. However, it was not. Diem, who ruled South Vietnam at that time, was determined to wipe out the crime from which they made their living.

"So, there was a battle. It was a long, hard battle. Some of the officers were traitors and deceived Diem, but other determined young officers replaced them, fought the pirate war and won it.

"After this war, when Diem was democratically elected, he decided he'd try to solve South Vietnam's food challenge by attempting to open the Mecong Delta. He made a speech to us, saying he would give each of us seven and a half acres of land to farm. However, we would all have to pitch in and help change this jungle into good productive land. Canals also had to be dug, and it would be hard work, but it would be worth it. The enthusiasm was great, and I believe I clapped the hardest.

"This job was very hard, but we were determined, and accomplished it with great success. No longer was food a problem in South Vietnam. Slowly we are becoming a strong nation, but they are trying to stop us."

He stopped and wiped a tear from his eye, then reassuringly said:

"But they can't and they won't take our freedom away." With those last words his eyes slowly closed, and I realized how much I really believed him.

JUNE 29, 1964.

DEAR DIARY: Today was a very enjoyable day for me. I paid a visit to a charming couple and equally charming home in a town called Thong, as small a town as there is on the outskirts of Saigon. Most of the towns I've previously visited have had about 1,000 people, but this village has a total of 523 people—rather small, compared to our towns. Most of the people had lived there all their lives. I've found that Vietnamese do not like to leave their bamboo thatch houses even to move into new ones.

They seemed very glad to see me again. I had sometime last year cared for their son, who had been ill. I had grown to love his family as I had so many other families in Vietnam. So, when I found out I would be passing this town, I decided to pay a short visit.

As I mentioned before, they seemed glad to see me, almost as glad as I was to see them. They asked me at once to have supper with them. At first I hesitated, but seeing the delicious rice cakes, fresh corn and beans, I hungrily accepted. Sitting down I inquired how their son was.

"Fine, indeed, but I'm sure he'll regret the fact that he wasn't here to see you."

"By the way," her husband Huy broke in, "how have you enjoyed your stay in Vietnam?"

"It has been a new and wonderful world that I discovered when I came over here. Yes, I am enjoying it," I answered with enthusiasm.

Then thinking for a minute I decided to tell the story that Son, the young soldier had told me. When I finished Ming said, "You will find that we Vietnamese know a great deal about the history of our country."

Here she took a mouthful of corn and continued, "because our ancestors experienced it and passed down stories which have been told and retold."

"Ah," I sighed, "I'm very ashamed to admit I know very little about the history of Vietnam."

"Well then," Huy told me, "I'll give you a general background, skipping over the stories." So, he began.

"My ancestors were originally Chinese because China ruled Vietnam for over 1,000 years. Naturally the Vietnamese adopted many Chinese customs. However, in the 10th century we gained independence and began to conquer neighboring countries to the south. By the 18th century Vietnam controlled down as far as the Mecong Delta. This and an additional piece of land, continuing farther down is now South Vietnam, as you probably know," he said smiling.

"At that time Vietnam was ruled by an emperor, but actually the real power was held by two families, one controlling the north and one the south. However, a prince, from one of the two families became emperor of the country, with the help of a French missioner. When in power he was kind to France, but the rulers who followed were not. So in 1883 France got sick of this and when they decided they wanted a colony in southern Asia they quickly found a reason to send an army against Vietnam, and soon all of Vietnam was under French control. Vietnam was struggling for freedom. However, during World War II the Japanese occupied it, but they were defeated after the war, and France once again tried to rule Vietnam, but were faced with a country led by Communists. The rest your young soldier friend told you."

Ming continued, "Our government is not very strong, as yet. Diem was overthrown and others who followed experienced much the same thing. I feel the reason for this is very simple. We are not quite sure of ourselves yet. We have the ambition and the makings of a good country, but we are still young and just learning how to walk, but someday—just someday."

A dreamy look came into her eyes. "Yes, we will become a strong nation."

I only hope she was right and that this small country can have better luck in the future than it has had previously.

SEPTEMBER 7, 1964.

DEAR DIARY: Did you know that when the French controlled Vietnam about one out of a hundred children attended school? Well, I didn't, until yesterday, but I also learned that since 1954 South Vietnam has worked hard to give more people an opportunity to get an education. Adults who never learned to read are now attending night schools. Now, nine-tenths of the people can read and write. Isn't that a helpful way in clearing a path toward making Vietnam a stronger, finer country? I certainly think it is.

I guess you're wondering where I picked up this information? I learned it from a teacher. You see, I was assigned to vaccinate the children in the town of Zuoi. When I arrived, through the rain, at this small but neatly kept school, I quickly ran in to get shelter from the cold rain. Since this was a small town, it was just a small school. The teacher was a young, inspiring woman, who in my opinion was a fine teacher.

When I stepped into the classroom, soaking wet, she asked the class to excuse her, and briskly walked back to me, telling me to sit down in front of the stove and get warm. After following her orders I was informed that she had already explained to the class the purpose of this vaccination, and had told them that there was nothing to fear. After hearing this each child slowly stepped up as it was his turn. There was a frightened look in each child's eyes. I gave them a comforting smile and they returned it, but rather weakly, unsure of what would happen next.

When I was through and about to leave, I was asked by the class and the teacher to stay for a few minutes. Not wanting to be rude, I stayed (though I really wanted to).

The teacher was giving a lesson on the Government of South Vietnam. I must admit I learned something, but this is not at all strange since I knew very little about the subject.

"After South Vietnam," she began, "had gained independence, a constitution was adopted. This constitution provided for an elected president and also an elected assembly. However, when Diem was president the elections were not held in a democratic fashion, but were controlled. The people realized this and did not think it was right, so in 1963 Diem was overthrown. The constitution was suspended and a government run by a military council was started."

Here she paused, and asked if there were any questions, and there were—many!

I realized how late it was, and knew that I had better leave. Getting up I thanked the children and once again stepped out into the rain.

I now recall the eager look in each child's face as the teacher was talking. They seemed to want to learn, and were so interested in what they learned. I now realize that those children are the future of Vietnam.

NOVEMBER 27, 1964.

DEAR DIARY: This is just a short note to tell you about a little experience I had today. I was called upon to visit a family who were in great need of help. There was sickness in their house and one of the children had already died. Visiting this home and village I found both were poverty stricken. It was a very poor house with very little food. I cared for them as best I could, but I didn't see much hope.

They happened to live in the northern part of South Vietnam where there are many forests. Vietnam's warm, wet climate is ideal for growing trees.

I see the only way to solve this poverty problem is to modernize. To try to help the people help themselves would do ever so much good. The people must be raised to a higher living standard.

Some main resources in South Vietnam are fishing, lumbering, waterpower, and minerals. If it was possible to raise and modernize the living standards of the people this poverty would stop. For example, a fisherman, lumberman, miner, or farmer all do things the hard, old way. We should try to lessen the poverty by showing them the easier, healthier, and better way. This would be a fine way to make South Vietnam a stronger and happier country.

JANUARY 13, 1965.

DEAR DIARY: Today I worked in a village on the Mecong Delta called Thuan. This delta produces enough rice to feed the whole country, with surplus enough to export to other countries. I was sent here to give the people shots to prevent polio. At first the people didn't understand the purpose of these shots, and as with other new ideas it took them awhile to get accustomed, and to understand the reason.

I stayed in that particular village for approximately 1 week, and lived with the people. I lived with the Hun family. There were six members in the family: Sing, the gentle but strong mother, Ho, the wise father who always seemed to be worried but

who, when problems arose handled them with ease, Lang, the 13-year-old daughter who took after her mother but lacked her strength, Chi, the 16-year-old boy who was the second man of the house, Phang, the 10-year-old independent of the family and Kon, the 15-year-old boy who preferred books to working in the field.

Like most of the other families on the Mecong Delta, the Hun's main crop was rice. The reason for this is that the delta provides the special conditions rice needs to grow. To better explain this I'll mention the steps involved in planting, raising, and harvesting rice.

In the spring the Mecong River floods the land. Then, as the water slowly recedes, farmers plant small rice seedlings in the swampy earth. All summer long the rice grows with the hot sun shining down upon it. After 1 month of rain it is ready to be harvested.

The Huns are a fine, hard-working family. That is the impression I got while staying there. Up at dawn, they'd rush through a quick breakfast, then would at once begin to work. Ho, Chi, Kon, and Phang would head for the fields while Lang and her mother would work, as we say, "around the house."

Today happened to be the last day I was expected to work in the village. However, I had already finished my work so I decided to spend my remaining day living and working with the Huns; but today, as I soon discovered was not a normal day but "market day."

The marketplace was a small village up the river, where the people would come and trade their products for things they themselves did not produce.

The family boarded a small boat which they had acquired for just such a purpose and began the rather short journey up the river. They had with them goods which they planned to trade. We soon reached our destination.

I found myself very interested in watching the manner in which these people traded. They were very careful, and traded only when they thought it was a good and a fair deal. The Hun family seemed quite expert at this and traded rice, woven, and handmade goods. They, in turn received food and goods which they did not grow, such as corn, potatoes, rubber, beans, sugarcane, tea, and coconuts. They also received some dried fish which they certainly could use. These crops, I learned later, were grown either on the valley along the coast, the Mecong Delta, or the highland region, extending down the central part of South Vietnam.

Lang seemed overwhelmed when she got 73 pastres ($1) for a woven cloth she had made. Marketing and trading seem very important to these people.

The family was quite happy and satisfied as we slowly drifted toward home. As we approached their hut I pointed to the bamboo framework of some sort of building. He informed me that this was a new church under construction.

"Of course it is a Buddhist church, since most of the people in this town are Buddhists. But many of the other towns are a variety of different religions, such as Taoism, Confucianism, Christianity, Caodaism, and Hoa-Hao. Ancestor worship is also practiced. Many of these religions are a combination of others. There has been much misunderstanding and trouble between the Christians and Buddhists."

Here he paused, staring blankly into the horizon. Changing the subject, I asked him why everyone seemed to travel by water.

"That is simple," he said, shaking his head, "roads are very expensive to build and keep in good order. Besides, the land these roads would take up could better be used for productive land. That is why we have so many canals. If we want to go visiting, we just get into our boats. Although the main source of travel is water, many people in Vietnam travel differently. Some walk or ride bicycles. Railroads and roads are important also, but in the Mecong Delta water transportation is the most important and useful.

"I see," I said, smiling to myself as we pulled up to their familiar hut. "This has been such an interesting and exciting day. I'd like to thank you."

Yes, it was one of the most pleasant and enjoyable days I've spent here, but amid the fun, one in which I thought a good deal.

FEBRUARY 24, 1965.

DEAR DIARY: I am writing to you from a small bamboo hut. Tomorrow I am to be picked up and brought to the airport, where I will leave for home. It has been 2 years since I first set foot in this amazing little country. Little did I know how sad I would be to leave it. Little did I know that a small country like Vietnam could so change my way of thinking, that it could make me a completely different person—a better person.

I now know how much a big strong country like the United States could learn from a little country like Vietnam.

FEDERAL WATER PROJECT RECREATION ACT

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GRABOWSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, since the end of World War II, a growing need of recreation values has been recognized in water resource project reports. However, we have not had a general policy to guide and limit us as to the extent to which the Federal Government would bear a part of the cost of a water resource project that helps make possible recreation benefits.

Such a general policy will be provided by H.R. 5269 as it was passed by the House yesterday.

H.R. 5269 will provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with Federal water resource projects of the Corps of Engineers and the Bureau of Reclamation. This act contains numerous provisions, with some of the more important ones including:

First. Full consideration is to be given to recreation and fish and wildlife enhancement as project purposes on Federal projects and general cost-sharing and reimbursement policy for these purposes is established.

Second. Planning with respect to the recreational potential of any project also is to be coordinated with existing and planned Federal, State, and local public recreation developments.

Third. Federal agencies are directed to encourage non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects. H.R. 5269 is, in this way, complementary to the Land and Water Conservation Act of 1965. Both Federal and non-Federal responsibilities are recognized.

In addition, the Secretary of the Interior is given general authority to develop the recreational potential at projects under his control.

For some time Federal water resource projects have been providing opportunities for an increasing number of visitor-days of outdoor recreation for the American people. However, all indications are that there will be a further growth in public interest in water-associated recreation in the years ahead. The difficult policy question which we here in the Congress have faced in connection with the consideration of water projects has been to determine to what extent and under what conditions the Federal Government should include recreational development as a part of Federal multiple-purpose water projects. During the last several Congresses, this question has been dealt with in various ways in connection with individual project authorizations to the Bureau of Reclamation and the Corps of Engineers. This has resulted in inconsistencies among projects and differences in agency procedures.

We know that the demand for outdoor recreation opportunities has been increasing rapidly in more recent years and that the needs are expected to continue rapidly expanding in the years ahead as our population and available leisure time increases. Records for 1964 indicate nearly 160 million visits to Federal reservoirs exclusive of those administered by the National Park Service and the Forest Service.

We know that water, in addition to providing for popular water-based recreational activities such as swimming, boating, and fishing, also makes more enjoyable land-based recreational activities such as picnicking and camping. In many sections of our country, water-oriented recreation is dependent upon Federal water development projects, and this has resulted in the general recognition that outdoor recreation should be given full consideration along with other project purposes in the formulation and management of such projects. If outdoor recreation is to be considered fully and properly included in water projects, then general policies, particularly cost-sharing and reimbursement policies, need to be adopted for the treatment of recreation and of fish and wildlife values. These policies should provide uniform procedures to be followed by the agencies concerned and provide equitable treatment to all projects.

H.R. 5269 is intended to meet this need and to insure optimum development and use of the recreational and related resource enhancement opportunities in any given project area. In the interest of achieving a desirable balance in the overall recreation program, this legislation requires the recreational aspects of water projects to be coordinated with State, regional, as well as national plants. It also encourages non-Federal public bodies to assume responsibility for management and additional development of recreational areas and facilities.

This legislation will be of major assistance in the provision of water-oriented recreation opportunities for the American people and will bring much-needed consistency to the handling of recreation and fish and wildlife as part of Fed-

eral multiple purpose water resource projects.

I am fully in favor of H.R. 5269.

NEW YORK CITY IN CRISIS—PART LXX

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article from the New York Herald Tribune of March 27, 1965 concerning the effort to bring much-needed blue-collar jobs to New York City.

The article is part of the series on "New York City in Crisis" and follows:

NEW YORK CITY IN CRISIS—JOBS: JERSEY'S LOSS IS BROOKLYN'S GAIN

(By Barrett McGurn)

The struggle to keep needed blue-collar jobs in the city reached a turning point yesterday.

Louis Broido, commissioner for commerce and industrial development, dedicated the first factory to move into the five boroughs under the State's $100 million industrial aid program.

The ceremony was the climax to a bizarre battle during which the plant had to fight, in effect, for an "exit permit" from a New Jersey town.

The factory is Reliable Sample Card, Inc., of 30 Sandford Street in the Bedford-Stuyvesant section of Brooklyn not far from the doomed New York Navy Yard. The company's plant employing 125 people on a regular basis and another 50 seasonally has been shut down at Wanaque, N.J. The New Jersey workers have lost their jobs. Brooklynites will get the work instead. The tasks are unskilled, paying about $1.50 per hour, just the sort of employment so many untrained Negroes and Puerto Ricans of the navy yard area are seeking.

The phrase "exit permit" cropped up in violent conversations between Irving Warsoff, president of Reliable, and the authorities of Wanaque. Mr. Warsoff, who already has from 125 to 275 Sandford Street employees on a year-round basis, decided to combine operations inside the Bedford-Stuyvesant neighborhood for one main reason. Unemployment there guarantees a labor pool. A $300,000 State loan enabling him to more than double the size of his Brooklyn operation was the clincher.

Then, the Wanaque fireworks began.

"They put an unmarked police car in front of our factory to prevent us from moving out equipment," company representatives said yesterday.

"You have no exit permit," Wanaque said in effect.

"What's an exit permit?" the Reliable people demanded.

Tiny Wanaque (population 10,000) explained unhappily. Reliable's year's taxes of $3,000 would not be due until next month but "they're automatically payable at once if you move out." Factory equipment could move until taxes were paid.

Anyway, the taxes weren't $3,000 anymore. Wanaque had decided that Reliable's machines and other equipment were not worth a mere $100,000 as previously appraised, but rather a whopping $230,000. That meant that next month's tax would be $10,000. And for "late filing" there'd be a charge of another $2,500, or $12,500 in all. Otherwise no "moving permit," no transfer of any Wanaque machinery to Bedford-Stuyvesant.

Many a hot word was exchanged until the present agreement. Three thousand dollars in taxes will be paid now and the rest of the $12,500 will be left in escrow in a local lawyer's hands but Reliable won't hand the difference to Wanaque Township even "under protest."

"If they get their clammy hands on that $9,500 * * *" company spokesmen shook their heads in dismay at the very thought.

Reliable hopes to get all its Wanaque equipment to Brooklyn within a week. Commissioner Broido cut the plant ribbon yesterday. This is a feather in his cap as he tries to convince the Committee of 14, representing New York business, that they should collaborate with his industrial development corporation in seeking to save factory jobs.

NEW YORK CITY IN CRISIS—PART LXXI

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns one of the neighborhood renewal plans in New York and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune on March 28, 1965, and follows:

NEW YORK CITY IN CRISIS—BATTLE OF MORNINGSIDE HEIGHTS: BUREAUCRACIES VERSUS FAMILIES

(By James Lynn)

"We do not accept the idea that the eradication of slums in any area is accomplished by the relocation of the majority of its low-income residents."

The speaker was Aramis Gomez, of the Puerto Rican Citizens Committee on Housing; the scene, city hall during a board of estimate hearing earlier this month on the Morningside General Neighborhood Renewal Plan.

For hundreds of families on Morningside Heights, relocation is a present threat, not a distant prospect. Not all of them are slum families, or even low-income families, and their determination to stay where they are is the foundation on which much of the opposition to the Morningside GNRP has been built.

So far these families have lost most of their battles with the big institutional landlords on the Heights: Columbia University and its affiliates, St. Luke's Hospital, and the other members of the real estate combine called Remedco Corp.

But the battles so far have been little more than skirmishes, and since that board of estimate hearing on March 11 there have been unmistakable signs that the institutions may win them all and still lose the war of town and gown.

SAFEGUARDS

Mrs. Constance Baker Motley, Manhattan's new borough president, made it quite clear at the hearing that she wants firm safeguards in the GNRP against the possibility that poor Negroes and Puerto Ricans will be turned out of their homes to make a middle-class white enclave on the Heights.

Alone among the members of the board of estimate, Mrs. Motley sat through virtually all the speeches at the hearing. Several times she cross-examined supporters of the renewal plan to find out what protection it would give tenants who might have to be relocated if it goes into effect.

The answers she got didn't seem to satisfy her. She asked the board to postpone a decision on the GNRP until its April 22 meeting. Since then her staff has been looking into the various changes different interests have recommended in the plan.

The city's housing and redevelopment board defines a general neighborhood renewal plan as "a preliminary plan outlining proposed urban renewal activities in an area of such scope that renewal activities must be initiated in a series of projects over an extended period of time up to 10 years."

Morningside's plan certainly fits that definition. It includes no less than five proposed urban renewal projects in a 92-block area stretching from 100th Street to 125th Street between Eighth Avenue and Riverside Drive. One of the projects, broken into two phases, is already in the detailed planning stage. A preliminary plan for the second is in preparation.

Some people are against the GNRP for reasons that have become rather commonplace in New York City in the 1960's. They object to urban renewal because it would mean the demolition of a community—in this case a community whose residents cover a wide band of the racial and economic spectrum.

To these people a GNRP is bad because urban renewal is bad—wasteful, degrading, and, worst of all, not even successful in its own limited terms. Any GNRP—and New York's only other one is now in a rather tentative state—would meet with the same objections from them.

ARGUMENT

Far more interesting are those people who see the need for urban restoration in general and are willing to admit that the need exists on Morningside Heights, but oppose the GNRP as it now stands on grounds as unique as the Morningside plan itself.

Their argument runs like this: Eviction is bad enough even when its cushioned by all the relocation services and payments the law requires in urban renewal projects supported by Federal funds. But right at the core of the Morningside GNRP area are 14 blocks that are excluded from the plan and its relocation benefits.

These 14 blocks are directly north, east, and south of Columbia, and 11 of them are marked for residential and/or institutional use on the proposed land-use map attached to the GNRP. Two more are flatly marked "Institutional"; only one is "Predominantly Residential."

Franz S. Leichter, the Seventh Assembly District's reform Democratic leader, told the board of estimate that "the practical effect, if not the purpose" of the exclusion "was to give the institutions carte blanche to expand into these excluded areas which just happen to border the institutional core."

The institutions are definitely expanding, which means people are losing their homes. Some of the buildings they are being forced out of are in terrible shape, but as William Stanley, of the Uptown Tenants Council, told the board of estimate, "As bad as it is, we want to keep it until we get something better."

Some of the other buildings under pressure are in perfectly good condition. One of them is actually being taken over by St. Luke's Hospital for use by nurses and other personnel as old tenants are pressured to get out.

On the Heights right now, there are eight sites where tenants are already under the threat of eviction. These tenants are wondering when their turn will come or if, at best, they will be allowed to stay on the sufferance of an institutional landlord who obviously would like to be rid of them as soon as possible.

1. Jewish Theological Seminary: In the back-to-back buildings at 531 West 122d Street and 540 West 123d, the Jewish Theological Seminary of America has served notice that it wants the tenants out by the end of the year. Only 156 of the 212 apartments are occupied; a handful are used for offices and the rest have been allowed to stand vacant.

The seminary, on the east side of Broadway between 122d and 123d Streets, wants to build a library and a small dormitory just east of its present quarters. The buildings it would tear down next year are something of an architectural curiosity: walkups with open stairways in their courtyards.

David Collins, who lives in one of the buildings, can quote from a survey of the residents done by the Morningside Open Stairway Tenant Association: the average tenant has lived there about 15 years; 26 percent are elderly people living on modest incomes; some two-room units still rent for as little as $23 a month.

The seminary bought the buildings only last summer, according to Mr. Collins, and said at one time that it would help relocate tenants when the time for eviction came. Formal notice has not yet been served, but now the tenants have been told it will be up to them to ask for assistance if they consider themselves hardship cases.

Still, says Mr. Collins, tenants have been able to meet with Rabbi Louis Finkelstein, the seminary's chancellor, and the seminary is "the first one of the institutions who has now shown a willingness to sit and discuss with us."

2. College of Pharmacy: Columbia's College of Pharmacy, which is loosely tied to the university in the manner of Barnard or Teachers College, wants to move to Morningside Heights from its present site, at 115 West 68th Street, not far from Lincoln Center. Two buildings on West 122d Street have already been vacated and torn down.

DEFIANCE

But four buildings are still standing: 130 and 140 Morningside Avenue, 1253 Amsterdam Avenue, and 417 West 121st Street. Only about 40 apartments out of 90 are still occupied. The tenants' appeal has been rejected by the rent and rehabilitation administration but they expect to take their case into court this week.

Mrs. Marie Runyon, a founder of the tenants' organization when the agent started moving people out 3 years ago, says, "We will fight until the last dog is hung." The College of Pharmacy is apparently prepared for a drawnout battle, too; an agreement with the university for a $3 million loan has been extended to April 30, according to Mrs. Runyon, and there is talk of further extensions as needed.

Mrs. Runyon's group has been able to hold out so long, she says, because so many buildings were involved: "Buildings have been picked off one at a time with as little to-do as possible, but there were six of us, and we did get together."

3. Bryn Mawr Hotel: Remedco, the Heights institutions' real estate arm, bought this single-room-occupancy building, at 420 West 121st Street, last summer and has gone to court to cancel Morton Jacobowitz's lease, charging that he has permitted the place to become a hangout for narcotics addicts, prostitutes and other undesirable people.

The institutions won the first round, but Mr. Jacobowitz is appealing. Meanwhile, with some help from Mrs. Joan Shapiro, of St. Luke's Hospital's bureau of community psychiatry, the Bryn Mawr tenants have begun a recreation and rehabilitation program of their own.

Several dozen of the 100 or so tenants now use the recreation room Mr. Jacobowitz donated after his occupancy rate dropped because the welfare department stopped referring clients to the Bryn Mawr. Even more showed up a couple of weeks ago for a community dinner.

The curious thing about the Bryn Mawr is that Remedco has flatly denied that it knows what it will do with the building once the present tenants are out. Since most of them are Negroes and many are on welfare, the situation provides ammunition for critics who claim that the institutions want to turn the Heights into a colony of middle-class whites.

Remedco doesn't seem to be bothered by the criticism. It's president, William Bloor—who is also Columbia's treasurer—showed no interest in seeing the recreation room when he inspected the Bryn Mawr not long ago; he simply asked, "What kind of recreation?" and didn't wait for an answer.

4. School of International Relations: Columbia has announced that it will build a new School of International Relations on Amsterdam Avenue from 117th to 118th Streets, taking over five apartment buildings on the south side of 118th to add to those on the north side of 117th which are already used for office space.

Last August the 118th Street tenants were told they should be out of their apartments within a year, but they have been slow to organize for resistance. One of them, Mrs. Carmen Garcia, has the peculiar distinction of facing eviction from two places at once: She operates a beauty parlor in one of the Bryn Mawr's ground-floor stores.

5 and 6. St. Luke's Hospital: At 44 Morningside Drive, a handsome building on the corner of 115th Street, St. Luke's Hospital is gradually replacing old tenants as they move out with nurses and other employees, sometimes three or four to an apartment. There are 17 noninstitutional tenants left, though, and they aren't about to be pried loose even though they say the newcomers are noisy and their services have deteriorated.

Some of these newcomers, on the other hand, have moved out, the old-timers say, because they couldn't afford the rent. And the rest, they insist, would rather mix with civilians than see no one but their own institutional kind.

St. Luke's is also the villain—from the tenants' point of view—in another eviction proceeding that was before the rent board only last week. The three buildings at 1084 and 1088 Amsterdam Avenue and 500 West 114th Street are supposed to be demolished so the hospital can build a 15-story residence for doctors and nurses.

One argument in favor of the plan is that it will almost double the number of apartments on the site; there are 65 now—32 of them vacant—and there will be 127 if St. Luke's has its way. But the biggest of them will have only 3½ rooms, and most will have only 1½.

Peter Austin, one of the tenants' leaders, can detail what happened to the people who moved out of the building in the year since eviction notices were sent out. Only 10 families have been placed by the relocations agent on the site, he says, and 7 more have taken compensation—$400 plus $150 for moving expenses is the going rate—and found new places for themselves.

HARDSHIP

The families in the buildings have lived there an average of 22 years, Mr. Austin says—one tenant is 85 years old—but St. Luke's has been unwilling to consider, for instance, moving them to the building at 44 Morningside Drive. By contrast, the doctors and nurses in the new building will be required to move as soon as they sever their connections with the hospital.

7. Morningside House: One of the institutional landlords barely exists except on paper. Morningside House was planned as a merger of St. Luke's Home for Aged Women (now at Broadway and 114th Street and not related to St. Luke's Hospital), the Home for Old Men and Aged Couples (now at Amsterdam Avenue and 112th Street) and the Peabody Home (now in the Bronx).

The idea was to build on Amsterdam Avenue from 111th to 112th Street on ground now occupied by eight buildings: 501, 503, and 507 West 111th; 500, 504, and 510 West 112th, and 1046 and 1050 Amsterdam. According to Jay Dreyer, who lives in one of the threatened buildings, the original plan fell through when the Home for Old Men and Aged Couples pulled out.

R. J. Long, Morningside House's executive director, confirms that it is "trying to get up the courage and the wherewithal" to carry out its plans, but denies that a decision has been reached on what to do with the site.

Mr. Dreyer points out, however, that there are 22 vacant apartments in the four buildings that abut on Amsterdam Avenue, including the two corner buildings. There were vacancies in the other four buildings, too, he says, until the Home for Old Men withdrew from the project. He suspects that Morningside House will try to build on the lots, which St. Luke's Home has owned since the 1930's, and try to keep the other tenants on short-term leases so the building can be extended later.

8. Bank Street College: In the two buildings at 604 and 612 West 112th Street, the tenants are convinced they're next. The Bank Street College of Education is supposed to move from Greenwich Village to Morningside Heights. As Robert Suskind, one of the tenants, puts it, "Columbia needs a school for its children that's going to be nice and white, and of course they're going to take in a few Negroes."

CONCESSION

There have been no evictions from these two buildings, Mr. Suskind said, but fewer than 40 of the 48 apartments in them are now occupied and no one expects that the trend will be reversed. The tenants are convinced it is only a matter of time—and money—until they are put under pressure to get out.

It seems likely that some of these tenants are too eager to flay the institutions for the ills of Morningside Heights. The more temperate ones concede that Columbia and St. Luke's and the Jewish Theological Seminary must expand somehow.

But what seems to drive the tenants wild is the impossibility of ever confronting their adversaries face to face. The phrases recur again and again in their conversation. The Morningside Renewal Council is "a sort of closed society." Morningside Heights, Inc., which includes most of the biggest institutions, is considered a front: "We want to deal individually with the responsible parties."

"We've never been able to have a single discussion," complains Mr. Dreyer. "There is absolutely no genuine dialog about the needs of the tenants."

Basically, the tenants want to be consulted about decisions that affect them intimately—about St. Luke's Hospital's decision, for instance, to sell the big site of the old Women's Hospital, on 110th Street between Amsterdam and Columbus Avenues, to Consolidated Edison instead of using it for the housing everyone agrees is needed on the Heights.

Columbia's vice president, Lawrence Chamberlain, has also suggested that some kind of communication ought to be established between institutions and individuals, but so far, according to the tenants, he simply hasn't done anything about it. And until he does, they intend to fight for partial control by amending the GNRP to take in the excluded areas A, B, and C—which happen to include all but one of the present and prospective eviction situations.

One of the groups to send its representatives to the borough president's office in the

past few weeks is the Architects' Renewal Committee in Harlem, whose professionals are trying to give some technical help to GNRP critics who know what they're against but may not be too sure what they're for.

Richard Hatch, ARCH's executive secretary, sees the GNRP as an instrument not for strangling the institutions but for bringing into the open "the secret and arbitrary nature of the expansion." To kill expansion, he argues, would effectively kill any significant renewal of the area, since the money the nonprofit educational institutions spend is eligible for matching funds from the Federal Government on a two-for-one basis.

"In other words," says Mr. Hatch, "the money to renew the Morningside Heights area is coming from the university's expansion program; the city has no money specifically earmarked for urban renewal there." The institutions' capital outlay for expansion already adds up to more than $8 million—considerably more than the city's share, which would have been spent with or without urban renewal.

Theoretically, the institutions would be able to save money if the excluded areas were taken into urban renewal. The hitch is that their expansion, in Mr. Hatch's words, "would be subjected to public scrutiny, public hearings and public approval."

The clear advantage to tenants, Mr. Hatch says, would be to make them eligible for Federal relocation payments, and they might be willing to give up the opportunity to harass the institutions in return for a guarantee of equal or better relocation treatment. Or they might not; it would have to be worked out.

ARCH is mulling over other possibilities, too, including the possibility of using land north of 125th Street—outside the GNRP area—for housing. But that must be worked out, too; the city reportedly has several plans already under consideration for that area.

The combination of ARCH and the local citizens, Mr. Hatch suggests, may help to counteract the usual advantage bureaucracies—whether public or private—have over unorganized individuals. Until now, he says, "the problem has been that all the neighborhood organizations have simply been reacting to the city's plans."

FOREIGN AID AND THE POPULATION EXPLOSION

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BROWN of California. Mr. Speaker, our foreign aid program is greatly concerned with one of the hardest realties of our time—the rapid rate of population growth, particularly in many countries struggling for modernization and independence. Today's population explosion is so great that it threatens to slow economic development in some countries, and to widen the gap between the haves and have-nots.

Birth control is, at best, a delicate subject. But, it is a subject that must no longer be just whispered about. It must be brought out into the open forum of frank and honest discussion.

It is gratifying to note that we are taking steps to do just that.

In his state of the Union message last January, President Johnson stated that he would "seek new ways to use our knowledge to help deal with the explosion of world population and the growing scarcity of world resources."

Let us examine for a moment the role of AID in this world problem.

Now, AID does not advocate family planning policies for any country. In fact, it opposes any effort to dictate population policies to another country.

Rather, AID's role is to make available information and assistance on family planning to those countries which request it.

Several countries over the past several years have, on their own initiative, instituted programs in the field of family planning. Programs are already underway in India, Pakistan, Korea, Taiwan, Ceylon, Hong Kong, and Jamaica. Pilot programs or significant action-research programs are also being carried out in Thailand, the United Arab Republic, and Tunisia.

AID has long given assistance in the development of health services and the training of health personnel. Assistance has also been given in developing official statistics, including population censuses and vital statistics. In February 1965, AID provided a $400,000 grant to a Latin American research center in Santiago, Chile, Centro para el Desarrollo Economico y Social de America Latina, for studies in family size and population growth.

Since 1962 AID has encouraged the collection and analysis of population growth data and study of attitudes about family planning, but until recently requests for information and assistance in family planning have been referred to appropriate private agencies.

AID now considers requests for technical assistance including the training of family planning workers. Where appropriate, the requests will continue to be referred to private agencies.

AID will also consider requests for commodity assistance. AID will not consider requests for contraceptive devices or equipment for manufacture of contraceptives.

Items that could be provided by AID include vehicles and educational equipment for use in maternal and child health and family planning programs. We are also prepared to receive requests to assist in local currency financing of such programs.

The Population Reference and Research Branch, organized in the Health Service of AID's Office of Technical Cooperation and Research—TCR—serves as the AID focal point for information and coordination in the population field. Consultants have been appointed in the demographic, economic, medical, and public health aspects of the population field.

The Latin America Bureau has created a population unit and requested each Latin American AID mission to appoint an officer to be responsible for population matters.

Every AID mission is being instructed to assign one of its officers, as Latin America missions have done, to become familiar with the problems of population dynamics and program developments in the country and to keep the mission director, country team personnel, and Washington headquarters appropriately advised.

Mr. Speaker, we cannot ignore the problem of population growth. It is serious and it must have the serious, practical, and sensitive attention now being given in our official policies. But neither can we rely on population control measures as a cure-all. If the developing countries are to continue their advance from poverty and desperation they need our help on every front: our technical assistance to improve their education, their health, their agricultural productivity; our loan programs to provide the powerplants, irrigation systems, roads, and other basic capital for further growth; and our attention and our tactful help to helping others solve the problem of population growth.

Our foreign aid program is trying to meet all these challenges.

SOCIETY HILL WEEK CELEBRATION IN PHILADELPHIA

Mr. FARNSLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it gives me great pleasure to call to the attention of the Members of the House of Representatives the weeklong Society Hill celebration to be held in the city of Philadelphia June 6 to June 13. This most interesting observance is for the purpose of calling attention to the Nation's most unique renewal area.

CHAIRMEN NAMED TO HEAD EVENTS

Eight community leaders have been named to head events during Society Hill week, June 6 to 13, it was announced by cochairmen C. Jared Ingersoll and Richardson Dilworth.

The weeklong Society Hill observance is being conducted to bring attention to the Nation's most unique renewal area. According to Mr. Ingersoll, Society Hill Week will highlight the many facilities and activities which make the area a "thriving, active, and complete community today."

The Reverend Martin J. Casey, rector of Old St. Joseph's Church, and the Reverend Joseph Koci, Jr., rector of St. Peter's Church, will direct Historic Churches Day, Sunday, June 6. The day's program will hail the many religious institutions in Society Hill which date back to the colonial period.

William L. Day, president of the Old Philadelphia Development Corp., will develop a program for Penn's Landing Day, to be observed on Monday, June 7.

National Park Service Day, Tuesday, June 8, will be guided by M. O. Anderson, district superintendent of the National Park Service, while Pennsylvania Hospital Day will be observed on Wednesday, June 9, with Mrs. John J. Clutz, Jr., and Mrs. Robert Gill of Pennsylvania Hospital's Women's Auxiliary serving as cochairmen.

Society Hill museums will join on Thursday, June 10, in tribute to the opening of a new institution, "A Man Full of Trouble," at Second and Spruce Streets. The museum was restored to its original 18th century tavern by the Knauer Foundation and contains a large collection of china and pewter. Heading Museum Day will be Grant Simon, architect and director of the Philadelphia Historical Commission. Friday evening will mark the dedication of the Society Hill Towers pool, featuring a water ballet and a fireworks display.

The celebration of the 200th anniversary of Powel House, home of Philadelphia's first mayor, will be the focus of Powel House Day, Friday, June 11. Mrs. Henry Watts will be be chairman of the day.

Festivities on Saturday, Fun Day, will include a fashion show by Strawbridge & Clothier and a band concert. Open house on Sunday, June 13, will feature informal activities throughout the area.

Visitors to Society Hill Week will also see exhibits by the division of art education of the Philadelphia Board of Education and the Philadelphia Historical Commission, among others.

Following is the calendar of events for Society Hill Week:

CALENDAR OF EVENTS, SOCIETY HILL WEEK, JUNE 6–13, 1965

SUNDAY, JUNE 6, HISTORIC CHURCHES DAY

Cochairmen: Father Martin J. Casey, Old St. Joseph's; and Rev. Joseph Koci, Jr., St. Peter's Episcopal Church.

Services: Old St. Joseph's; St. Mary's.

Joint communion service: St. Peter's Church and Old Pine Street Presbyterian Church, at St. Peter's, 11 a.m.

Luncheon in the Old Yard, St. Peter's Parish Churchyard.

Tours of yard.

Evensong service: St. Mary's, Old St. Joseph's, and St. Peter's, at St. Peter's Church, 3 p.m.

MONDAY, JUNE 7, PENN'S LANDING DAY

Chairman: Mr. William L. Day, president, Old Philadelphia Development Corp.

Ceremony of switch to be thrown at Pennsylvania Railroad shed, signaling start of demolition of old property in preparation for construction of Penn's Landing waterfront and Delaware Expressway projects, 10:30 a.m.

TUESDAY, JUNE 8, NATIONAL PARK SERVICE DAY

Chairman: Mr. M. O. Anderson, superintendent, National Park Service.

Ceremony of awarding of Society Hill Medal to Hon. Stewart Udall, U.S. Secretary of Interior, and honoring National Park Service, 2 p.m.

WEDNESDAY, JUNE 9, PENNSYLVANIA HOSPITAL DAY

Cochairmen: Mrs. John J. Clutz and Mrs. Robert Gill.

Events in Washington Square: Society Hill house tour; jackpot drawing for new car; clothesline art exhibit; antique auction; band music; luncheon and dinner; dog show; fashion show by Gimbels; booths. Day runs from 10 a.m. to 7 p.m.

THURSDAY, JUNE 10, MUSEUM DAY

Chairman: Mr. Grant Simon, chairman, Philadelphia Historical Commission.

Official opening of "Man Full of Trouble," museum for china and pewter, restored from 18th century tavern to its original condition, 10:30 a.m.

Salute to museums in Society Hill area. (Museums: American Philosophical Society; Athenaeum; Atwater Kent; Maritime Museum.)

FRIDAY, JUNE 11, POWEL HOUSE DAY

Chairman: Mrs. Henry Watts, chairman of the Powel House Committee.

Citation from city to Landmark Society, owners of the Powel House, on the latter's 200th anniversary. Ceremony to take place in the Powel House gardens, 10:30 a.m. Mr. Frederick H. Levis, president of the Landmark Society, to accept citation.

FRIDAY EVENING, JUNE 11

Dedication and opening of Alcoa pool at Society Hill Towers; water ballet by Vesper Swim Club, 8:45 p.m. Fireworks display.

SATURDAY, JUNE 12, FUN DAY

Band concert by police and fireman's band, 12 noon to 2 p.m.

Fashion show by Strawbridge & Clothier.

SUNDAY, JUNE 13, OPEN HOUSE

Morning prayer at St. Peter's, Old St. Joseph's, St. Mary's, Old Pine; open invitation to all area parishioners.

Bell recital, St. Peter's, 1 p.m.

Tours of yard, St. Peter's.

Exhibit of rare books and Bibles, St. Peter's.

SOCIETY HILL WEEK EVENTS THROUGHOUT THE WEEK

Display at Society Hill Towers, work of students of Philadelphia Board of Education, Redevelopment Authority, Philadelphia Historical Commission.

Informal walking tours.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted (at the request of Mr. GERALD R. FORD) to Mr. TUPPER, Mr. ANDREWS of North Dakota, Mr. WHALLEY, Mr. STAFFORD, and Mr. THOMSON of Wisconsin, for May 20 and 21, on account of official business, as members of the U.S. delegation of the Canada-United States International Parliamentary group.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. CONTE, for 60 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. REUSS and to include extraneous matter.

Mr. SCHISLER and to include extraneous matter.

Mr. GILLIGAN and to include extraneous matter.

(The following Member (at the request of Mr. JOHNSON of Pennsylvania) and to include extraneous matter:)

Mr. FINO.

(The following Members (at the request of Mr. FARNSLEY) and to include extraneous matter:)

Mr. CAREY.

Mr. FRIEDEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 306. An act to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes; to the Committee on Interstate and Foreign Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on May 18, 1965, present to the President, for his approval, a bill of the House of the following title:

H.R. 2998. An act to amend the Arms Control and Disarmament Act, as amended, in order to continue the authorization for appropriations.

ADJOURNMENT

Mr. FARNSLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes p.m.) the House adjourned until tomorrow, Thursday, May 20, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1117. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 1, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on a channel from Escambia Bay to Mulat Bayou, Fla., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959, and authorized by the River and Harbor Act of 1960; to the Committee on Public Works.

1118. A letter form the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the establishment by the Commissioners of the District of Columbia of a Youth Council as an agency of the government of the District of Columbia; to the Committee on the District of Columbia.

1119. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank, for the month of April 1965, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1965; to the Committee on Foreign Affairs.

1120. A letter from the Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of March 31, 1965, pursuant to section 5(e) of the Communications Act as amended by Public Law 554, July 16, 1952; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 7847. A bill to amend the Small Business Act; without amendment (Rept. No. 353). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 1796. An act to amend the Small Business Act to provide additional assistance for disaster victims; without amendment (Rept. No. 354). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 391. Resolution for consideration of H.R. 3584, a bill to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines; without amendment (Rept. No. 355). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 392. Resolution for consideration of H.R. 5241, a bill to amend section 20a(12) of the Interstate Commerce Act to eliminate the necessity for prior approval of the Commission for a person to hold the position of officer or director of more than one carrier when such carriers are in a single integrated system of carriers lawfully operated under common control, and for other purposes; without amendment (Rept. No. 356). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 393. Resolution for consideration of H.R. 5883, a bill to amend the bonding provisions of the Labor-Management Reporting and Disclosure Act of 1959 and the Welfare and Pension Plans Disclosure Act; without amendment (Rept. No. 357). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 394. Resolution for consideration of H.R. 8122, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 358). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8273. A bill to amend title 10 of the United States Code to authorize the Secretary of the Army to lend obsolete or condemned rifles to local units of certain national veterans' organizations for use for ceremonial purposes; to the Committee on Armed Services.

By Mr. BARING:

H.R. 8274. A bill to amend the Fair Labor Standards Act of 1938 to increase to 50 percent of the minimum under section 6 of the minimum wage applicable to handicapped workers employed in sheltered workshops and to provide for periodic increases beginning January 1, 1966, and for other purposes; to the Committee on Education and Labor.

By Mr. CEDERBERG:

H.R. 8275. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 8276. A bill to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 8277. A bill to authorize the Secretaries of the Army, Agriculture, and the Interior to make Federal contributions to certain State water resource projects; to the Committee on Public Works.

By Mr. CONTE:

H.R. 8278. A bill to prohibit the further coinage of silver dollars; to the Committee on Banking and Currency.

By Mr. FINDLEY:

H.R. 8279. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 75th anniversary of the founding of the General Federation of Women's Clubs; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 8280. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. GREIGG:

H.R. 8281. A bill to amend the Agricultural Act of 1949, to take into consideration floods and natural disasters in reference to the feed grains program; to the Committee on Agriculture.

By Mr. MILLS:

H.R. 8282. A bill to provide for the establishment of a program of Federal unemployment adjustment benefits, to provide for matching grants for excess benefit costs, to extend coverage, to establish Federal requirements with respect to unemployment compensation, to increase the wage base for the Federal unemployment tax, to increase the rate of the Federal unemployment tax and to provide for a Federal contribution, to establish a Federal adjustment account in the unemployment trust fund, to change the annual certification date under the Federal Unemployment Tax Act, to provide for a research program and for a Special Advisory Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 8283. A bill to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

H.R. 8284. A bill to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes; to the Committee on Foreign Affairs.

By Mr. GROSS:

H.R. 8285. A bill to make personnel officials of the Departments of the Army, Navy, and Air Force financially responsible for overpayments resulting from their actions of pay and allowances for members of the Armed Forces; to the Committee on Armed Services.

By Mr. HANSEN of Iowa:

H.R. 8286. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide additional assistance for disaster victims; to the Committee on Agriculture.

H.R. 8287. A bill to amend the Small Business Act to provide additional assistance for disaster victims; to the Committee on Banking and Currency.

By Mr. KREBS:

H.R. 8288. A bill to achieve the fullest cooperation and coordination of activities between the levels of Government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes; to the Committee on Government Operations.

By Mr. LINDSAY:

H.R. 8289. A bill to assist in the provision of housing for moderate-income families and elderly persons by providing Federal guarantees for certain obligations issued by local housing agencies; to the Committee on Banking and Currency.

By Mr. McDADE:

H.R. 8290. A bill to extend to volunteer fire companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 8291. A bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 8292. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of periods of service performed as a Work Projects Administration employee in an administrative or supervisory capacity, classified as noncertified and nonrelief; to the Committee on Post Office and Civil Service.

By Mr. ROGERS of Texas:

H.R. 8293. A bill to provide that U.S. passports shall not be valid for travel to or in Cuba, except as prescribed by the President; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H.R. 8294. A bill to make a Federal offense the commission of murder by or upon any person traveling in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 8295. A bill to amend the Land and Water Conservation Fund Act of 1965 with respect to entrance, admission, and other recreation user fees and charges authorized thereunder; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 8296. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 8297. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the club dues tax for college and university faculty clubs; to the Committee on Ways and Means.

By Mr. WHITE of Idaho:

H.R. 8298. A bill to authorize the Secretary of the Army to grant rights of storage and transportation on the Dworshak Dam and Reservoir, Idaho; to the Committee on Public Works.

By Mr. ZABLOCKI:

H. Con. Res. 415. Concurrent resolution authorizing the printing as a House document of a report on the Sino-Soviet conflict by the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs, House of Representatives, together with hearings thereon held by that subcommittee, and of additional copies thereof; to the Committee on House Administration.

By Mr. MONAGAN:

H. Con. Res. 416. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

269. The SPEAKER presented a memorial of the Legislature of the State of New York, relative to appropriating an additional $600,000 for the economic-engineering survey of the canal known as the All American Canal, which was referred to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BERRY:

H.R. 8299. A bill for the relief of C. E. Hagel; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 8300. A bill for the relief of Memorial Hospital of Michigan City Foundation, Inc.; to the Committee on Banking and Currency.

By Mr. DOWNING:

H.R. 8301. A bill for the relief of Peter Vamvouklis; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 8302. A bill for the relief of Giuseppe Buffa; to the Committee on the Judiciary.

By Mr. GILLIGAN:

H.R. 8303. A bill for the relief of Dr. Douglas H. K. Lee; to the Committee on the Judiciary.

By Mr. GREIGG:

H.R. 8304. A bill for the relief of Tita L. Calleja; to the Committee on the Judiciary.

H.R. 8305. A bill for the relief of Remedios H. Sevillano; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 8306. A bill for the relief of Reyes Cardona-Banuelos; to the Committee on the Judiciary.

H.R. 8307. A bill for the relief of Rene Paulo Rohden-Sobrinho; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MAY 19, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Walter C. House, pastor, Emmanuel Baptist Church, Lexington, Ind., offered the following prayer:

Heavenly Father, like the shepherds of old, we hear Thy spring song upon the air, and we hasten to add our heartfelt thanksgiving for all Thy handiwork in the bountiful provisions of the beauty of nature.

As the prophets of old, we thank Thee, our Father, for faith in Thy guidance, and for Thy blessings upon our national life and our fertile land. Father, the teeming multitudes of people of this Nation and of other freedom-loving nations of the world respectfully beseech Thee to bless with endowment of Thy wisdom all these dedicated men and women who have been entrusted with soul-searching legislative responsibility, and whose deliberations may very well alter the course of history during this time of international turmoil.

Again, we beseech Thee to bless each of these assembled Senators, other officials, and visitors, with Thy wisdom and peace. We pray in the Master's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 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.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of May 18, 1965,

Mr. MAGNUSON, from the Committee on Commerce, reported favorably, with amendments, on May 18, 1965, the bill (S. 1734) to conserve and protect Pacific salmon of North American origin, and submitted a report (No. 194) thereon, which was printed.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

REQUEST FOR COMMITTEE TO MEET DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, reserving the right to object, on behalf of the minority, I should like to say that yesterday I was instructed to object to any committee meetings during sessions of the Senate. This may be a unique situation. Will the Senator from Montana withhold his request for about 1 minute while I inquire?

Mr. MANSFIELD. Mr. President, I temporarily withdraw the request.

The VICE PRESIDENT. The request is withdrawn.

ANNOUNCEMENT OF PLANTING OF TREE IN HONOR OF LATE SENATOR ROBERT S. KERR, OF OKLAHOMA

Mr. MONRONEY. Mr. President, tomorrow afternoon, at 5 o'clock, the Oklahoma State Society will plant a tree in honor of the memory of our late colleague, Senator Robert S. Kerr, of Oklahoma, on the grounds just to the west of this Chamber.

This will be a beautiful specimen of Oklahoma's State tree, the Red Bud. It is particularly symbolic that Oklahomans and all the people of the Nation should honor Senator Kerr with a memorial tree on the grounds of this Capitol in view of his magnificent efforts over the years on behalf of natural resource conservation—his beloved land, wood, and water program.

On behalf of the Oklahoma State Society, I extend to each Member of the Senate an invitation to join us at 5 o'clock tomorrow afternoon in this brief ceremony, which will take place a few steps down the hill toward Pennsylvania Avenue.

The distinguished representative from Oklahoma, Hon. CARL ALBERT, the majority leader of the House, will make the dedicatory address, and members of Senator Kerr's family will be our guests. Following the tree-planting ceremony, the members of the Oklahoma State Society will have a reception in room 207 in this building. I invite all Senators to attend that meeting, also, and to join in the fellowship honoring Senator Kerr.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

NATIONAL CAPITAL TRANSPORTATION AGENCY

The Chief Clerk read the nomination of Walter J. McCarter, of Illinois, to be Administrator of the National Capital Transportation Agency.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DEPARTMENT OF THE INTERIOR

The Chief Clerk read the nomination of Stanley A. Cain, of Michigan, to be Assistant Secretary of the Interior for Fish and Wildlife.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

FEDERAL POWER COMMISSION

The Chief Clerk read the nomination of Carl E. Bagge, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1967.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

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

The VICE PRESIDENT. Without objection, the President will be notified forthwith of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Acting Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarterly period ended March 31, 1965; to the Committee on Armed Services.

AUDIT REPORT OF EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, an audit report of the Exchange Stabilization Fund, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED LEGISLATION RELATING TO DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the establishment by the Commissioners of the District of Columbia of a Youth Council as an agency of the Government of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON REAL AND PERSONAL PROPERTY RECEIVED BY STATE SURPLUS PROPERTY AGENCIES FOR DISTRIBUTION TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on real and personal property received by State surplus property agencies for distribution to public health and educational institutions, for the quarterly period ended March 31, 1965 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through use of Government-owned housing to meet military requirements in the Jacksonville, Fla., area, Federal Housing Administration, Housing and Home Finance Agency, Veterans Administration and Department of Defense, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inequitable allocation of accelerated public works funds among eligible areas, Area Redevelopment Administration, Department of Commerce, dated May 1965 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S.J. Res. 65. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes (Rept. No. 201);

H. Con. Res. 383. Concurrent resolution authorizing the printing of a pocket-sized edition of "The Constitution of the United States of America" as a House document, and for other purposes (Rept. No. 202);

S. Res. 92. Resolution to permit reprint of the Committee on Aging's report entitled "Frauds and Deceptions Affecting the Elderly; Investigations, Findings, and Recommendations" (Rept. No. 197);

S. Res. 98. Resolution to print as a Senate document the committee print entitled "Proposed Federal Promotion of 'Shared Time' Education (A Digest of Relevant Literature and Summary of Pro and Con Arguments)" (Rept. No. 198);

S. Res. 99. Resolution to print as a Senate document the committee print entitled "Student Assistant Handbook (Guide to Financial Assistance for Education Beyond High School)" (Rept. No. 199); and

S. Res. 101. Resolution to provide additional funds for the Committee on Appropriations.

CIGARETTE LABELING—REPORT OF A COMMITTEE (S. REPT. NO. 195)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 559) to regulate the labeling of cigarettes, and for other purposes, and I submit a report thereon. I ask that the report be printed, together with the supplemental views of Senators NEUBERGER and HART.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

Mr. MAGNUSON. Mr. President, the Committee on Commerce has held rather lengthy hearings on the matter of cigarette labeling and cigarette advertising.

The committee spent much time not only on the bill, but also on the report which sets forth the problem that is involved and the committee recommendations.

The report is now ready for filing. Many Senators and members of the public are deeply interested in the conclusions that have been reached.

Mr. President, I ask unanimous consent that when copies of the printed reports are exhausted, the Commerce Committee be authorized to request a further printing.

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

AMENDMENT OF BRETTON WOODS AGREEMENTS ACT—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 196)

Mr. SPARKMAN. Mr. President, I submit the report of the Committee on Foreign Relations on H.R. 6497, a bill to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States.

I ask unanimous consent that the supplementary views of the senior Senator from Pennsylvania [Mr. CLARK], be printed as a part of the report of the committee.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

TO PRINT AS A SENATE DOCUMENT THE ANNUAL REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION—REPORT OF A COMMITTEE (S. REPT. NO. 200)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 107) authorizing the printing of the 67th annual report of the National Society of the Daughters of the American Revolution as a Senate document, and submitted a report thereon; which report was ordered to be printed, and the resolution placed on the calendar, as follows:

Resolved, That the 67th annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1964, be printed, with an illustration, as a Senate document.

CARRIE WALTON—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 108) to pay a gratuity to Carrie Walton, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carrie Walton, widow of Barriteer L. H. Walton, an employee of the Senate at the time of his death, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

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

By Mr. JAVITS (for himself, Mr. HARTKE, Mr. MORSE, Mr. PELL, Mr. COOPER, and Mr. SCOTT):

S. 1992. A bill to establish a Peace by Investment Corporation, and for other related purposes; to the Committee on Foreign Relations.

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

By Mr. MONDALE (for himself, Mr. MCCARTHY, Mr. NELSON, and Mr. PROXMIRE):

S. 1993. A bill to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to the Committee on Labor and Public Welfare.

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

By Mr. MONRONEY (by request):

S. 1994. A bill to amend the Dual Compensation Act;

S. 1995. A bill to provide for the discontinuance of the Postal Savings System, and for other purposes;

S. 1996. A bill to amend the Civil Service Retirement Act to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis

as an annuity to a congressional employee or former congressional employee;

S. 1997. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; and

S. 1998. A bill to establish the Federal Salary Review Commission; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. MONRONEY when he introduced the last two above-mentioned bills, which appear under a separate heading.)

By Mr. FONG:

S. 1999. A bill for the relief of Young Kih Minn; to the Committee on the Judiciary.

By Mr. CANNON:

S. 2000. A bill to provide that standard silver dollars hereafter minted shall bear the figure "1922" in lieu of the year of coinage, and shall bear no mark signifying the mint of coinage; to the Committee on Banking and Currency.

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

RESOLUTIONS

TO PROVIDE FOR A STUDY OF EXPLOSION AT THE AIRBASE AT BIENHOA, SOUTH VIETNAM

Mr. YOUNG of Ohio submitted a resolution (S. Res. 106) to provide for a study of explosion at the airbase at Bienhoa, South Vietnam, which was referred to the Committee on Armed Services.

(See the above resolution printed in full when submitted by Mr. YOUNG of Ohio, which appears under a separate heading.)

PRINTING OF 67TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 107) authorizing the printing of the 67th annual report of the National Society of the Daughters of the American Revolution as a Senate document, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees.")

CARRIE WALTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 108) to pay a gratuity to Carrie Walton, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees.")

PEACE BY INVESTMENT CORP.

Mr. JAVITS. Mr. President, for myself and on behalf of the Senator from Kentucky [Mr. COOPER], the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PELL], and the Senator from Pennsylvania [Mr. SCOTT] I introduce a bill to create a federally chartered Peace by Investment Corporation, and for other related purposes.

The Corporation is designed to enable small investors in the United States to buy shares at $5 a share to establish a pool of capital in the first instance amounting to $2.5 billion, in order to aid in the development of underdeveloped areas of the free world. It is the culmination of a long effort which has been developing for well over 10 years, and which was introduced in the 87th and 88th Congresses by other Senators, including myself. It comes now with a special impact because, first, it follows the pattern of the Communications Satellite Corp.—Comsat—a mixed Government-private enterprise to use the communications satellite, which has already had a marked success; second, it follows also the objective of the Adela Investment Co., the great free enterprise effort of the major companies and banks of the United States, Europe, and Japan to aid in the free enterprise development of Latin America; and third, because it is a practical way to reduce the need for the U.S. foreign aid and to supplement the activities of the World Bank, International Development Association, the Inter-American Development Bank, and the United Nations Special Fund, by enlisting the interest of the U.S. small investor, giving him a chance to buy a share in peace on a people-to-people basis.

In addition, the proposal answers the feeling of many who wish we would find some other way of providing foreign aid than through the established Government channel of the foreign aid bill.

The unique feature of the bill is that the Corporation would obtain its investment funds primarily from millions of small investors, who would be, in effect, buying peace shares. I sponsored the peace by investment bill in the 87th Congress. Senator MORSE introduced it in the 88th Congress, and the bill was cosponsored by Senators HUMPHREY, Beall, HARTKE, and myself.

The new bill is a revised version of earlier proposals, which I have sponsored in the Senate, based upon additional study and consultation in the United States and other countries during the past 4 years. The financial and economic basis for the bill is principally the work of Benjamin A. Javits, my brother, a well-known lawyer and author who for many years has written extensively on the subject, and Leon H. Keyserling, well-known economist and former Chairman of the Council of Economic Advisers.

Under the terms of this legislation, initial and temporary capital funds for the Peace by Investment Corporation, totaling $50 million, would be subscribed to by the U.S. Government through the Treasury. During the first 6 years of its operations, to obtain added funds for its investment purposes, the Corporation would also be authorized to borrow from the Treasury in amounts not exceeding $60 million in any one year, and in an aggregate outstanding amount not exceeding $300 million. During this initial period, the Corporation would function as an agency of the United States. But upon retirement of the basic portion of the original investment in the project by the Treasury, the Corporation would go through an orderly transition from an agency of the United States to private operation and management.

The bill contains provisions for the retirement of these initial subscriptions and borrowings with earnings in investments and with permanent capital funds obtained by offering stock for public sale, predominantly to small investors, at a price yielding $5 per share to the Corporation. The issuance of this stock would be authorized by the bill in a total amount of $2.5 billion, not more than half of which could be during the first 6 years of the Corporation's operation.

The plan also includes an insurance feature, designed to protect investment on a sound actuarial basis against certain types of risk.

The establishment of the Peace Corps reflects growing realization that governments and diplomatic relations alone cannot bring enduring peace, without the consolidation and expansion of people-to-people relationships. Economic relationships are fundamental to human relationships, and private economic endeavors are inseparable from systems of human freedom. This measure is designed to establish and expand people-to-people relationships in the economic field; to encourage an expanded flow of private capital investment from the United States into economically sound enterprises in underdeveloped areas of the world in the interest of world peace through mutual economic progress; to enlarge the number of private investors participating in this flow of capital so as to forge more direct links among the peoples of the world; to reduce gradually thereby the need for U.S. public investment and grants overseas; to help redirect the total flow of capital from the United States so that increasing portions of this total flow go to the underdeveloped areas, and thus be in better harmony with the domestic economic needs of the United States and the effective management of its international balance-of-payments problems.

The onrushing Soviet economic challenge underscores a fact which has been evident since the end of World War II—that our own national and economic security depends upon our willingness and ability to play a substantial economic role in the advancement of industrialization, agricultural productivity, and living standards which are now so abysmally low in many areas of the free and noncommitted world. Undoubtedly, public funds from the United States, from other countries and from international agencies, will need to be continued for some years, and even enlarged. But it is obvious that the flow of private capital needs to be expanded enormously in the years ahead, if a stable productive structure is to be built on the foundations created with the help of public funds.

Equally important as the economic factors are the political and social fac-

tors. By demonstrating throughout the world, not only that we in the United States can help to make responsible sovereign governments work for the benefit of free peoples everywhere, but also that we can help to make responsible private enterprise work for the benefit of free peoples everywhere, we may by precept and example enlarge the appeal of our admixture of private enterprise and government in other areas of the world. And by making it possible for other peoples to rise out of near starvation to a degree of production which will make further improvement in living standards increasingly feasible through their own efforts, we shall have gotten closer to the heart of the problem of peace.

Further, the opening up of trade and market opportunities which will result from an improved technology in the underdeveloped areas can make an immense contribution to our own long-range economic advancement at a steady growth rate, with beneficent consequences in the form of business and farm prosperity, increased job opportunities, and better living standards here in the United States.

The basic criteria for the entire investment program contained in the bill require that the Peace by Investment Corporation make these findings:

First. That each specific investment is in furtherance of an undertaking which is economically sound, actually or potentially profitable, and consistent with the sound, long-range economic development of the country in which it is located.

Second. The country in which the undertaking is located shall have had full information with respect to it and opportunity to express a judgment as to its desirability.

Third. That the investment is not in competition with nor duplicative of other private investment programs or other public programs of the United States or of international agencies which give reasonable promise of accomplishing comparable results in accord with the purpose of this act.

Fourth. That each investment, taking into account the country in which it is located, is in accord with the general international economic and political policies of the United States.

Fifth. That the investment program in general is consistent with the short-range and long-range policy of the United States to maintain maximum employment, production, and purchasing power within the domestic economy.

Sixth. That the investment program in general is consistent with the short-range and long-range need of the United States to maintain a satisfactory balance-of-payments position. The creation of such a corporation is fully consistent with U.S. balance-of-payments policy. The Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the Federal Reserve Board have recently assured me that the encouragement of the flow of productive private investment from the United States to developing countries remains administration policy. An exchange of correspondence between myself and the above administration officials on this subject may be found in the CONGRESSIONAL RECORD of March 25, 1965, pages 5896–5899, and April 1, 1965, pages 6700–6701.

Seventh. That the investment program, in general and in its specific applications, is mutually beneficial to the country to which the investment flows and the country from which it emanates, taking into account not only purely economic considerations but also consideration of human improvement under free institutions.

All authorities agree that everything that has been done by the World Bank, International Development Association, the Inter-American Development Bank, and the United Nations Special Fund still leaves much more to be done.

The concept incorporated in this bill is an effective way, without placing a burden upon taxpayers, to enable the American private investor, with his enormous power, to participate, as he has in Comsat, in a worthwhile public adventure.

I have on my desk—and Senators who are interested may obtain a copy of it—a booklet authored by my brother, Benjamin A. Javits, who was the inventor of the idea, going back some years, together with Leon H. Keyserling, who has been his principal collaborator, and who was formerly Chairman and President of the Council of Economic Advisers. Mr. Keyserling fully subscribes to the idea.

Mr. President, it is time we had some fresh concepts in the foreign aid field. I know of none which is as bright, viable, and practical as this one.

I shall seek the earliest possible hearings from the committee to which the bill will be referred, probably the Committee on Foreign Relations. I introduce the bill in the Senate with great pride, as it emanates from my own family as a real alternative to the treadmill which many persons feel we are on; namely, of merely voting public funds year after year in a foreign aid bill.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of it be printed at this point in the RECORD.

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

The bill (S. 1992) to establish a Peace by Investment Corporation, and for other related purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GENERAL PURPOSES

SECTION 1. The recent establishment of the "Peace Corps" reflects growing realization that governments and diplomatic relations alone cannot bring enduring peace, without the consolidation and expansion of people-to-people relationships. Economic relationships are fundamental to human relationships, and private economic endeavors are inseparable from systems of human freedom. This measure is designed to establish and expand people-to-people relationships in the economic field; to encourage an expanded flow of private capital investment from the United States into economically sound enterprises in underdeveloped areas of the world in the interest of world peace through mutual economic progress; to enlarge the number of private investors participating in this flow of capital so as to forge more direct links among the peoples of the world; to reduce gradually thereby the need for United States public investment and grants overseas; to help redirect the total flow of capital from the United States so that increasing portions of this total flow go to the underdeveloped areas, and thus be in better harmony with the domestic economic needs of the United States and the effective management of its international balance-of-payments problems.

PEACE BY INVESTMENT CORPORATION: BASIC FUNCTIONS

SEC. 2. There is hereby established a Peace by Investment Corporation (hereinafter referred to as the Corporation) with the following basic functions in accord with the purposes of this Act:

(1) As an equity investment agency, to purchase the securities and obligations of, or make loans to (a) any underdeveloped country or political subdivisions thereof, (b) any public agency or instrumentality of any such country, or (c) any private or semiprivate firm, corporation, or association doing or intending to do business wholly or mainly in any such country or countries for the purpose of financing or assisting in financing any undertaking to expand such industrial, mining, construction, or agricultural activity in such country or countries as will, in the judgment of the Corporation, further the purposes of this Act;

(2) As an investment trust, to purchase minor stock interests in enterprises in the United States already in being under effective management and engaged substantially in investment in underdeveloped countries, to the extent that such purchases are clearly desirable in conducting the financial functions of the Corporation on a sound and prudent basis;

(3) To establish an insurance system, on an actuarially sound basis including such premiums as are required, designed to protect all or part of the outstanding investments under paragraph (1) of this section against loss arising from any cause, including but not limited to political or military events;

(4) To establish a second insurance system (distinct from that pursuant to paragraph (3) of this section), on an actuarially sound basis including such premiums as are required, designed to protect against loss for specified causes, not including mismanagement, all or part of the outstanding investments of private investors (other than the Corporation) in any undertaking eligible for financial assistance under paragraph (1) of this section.

BASIC CRITERIA FOR INVESTMENT PROGRAM

SEC. 3. In carrying forward the investment program pursuant to paragraph (1) of section 2 of this Act, the Corporation shall be guided by these basic criteria, and shall make appropriate findings accordingly:

(1) That each specific investment is in furtherance of an undertaking which is economically sound, actually or potentially profitable, and consistent with the sound long-range economic development of the country in which it is located;

(2) That the country in which the undertaking is located shall have had full information with respect to it and opportunity to express a judgment as to its desirability;

(3) That the investment is not in competition with nor duplicative of other private investment programs or other public programs of the United States or of international agencies which give reasonable promise of accomplishing comparable results in accord with the purposes of this Act;

(4) That each investment, taking into account the country in which it is located, is in accord with the general international economic and political policies of the United States;

(5) That the investment program in general is consistent with the short-range and long-range policy of the United States to maintain maximum employment, production, and purchasing power within the domestic economy;

(6) That the investment program in general is consistent with the short-range and long-range need of the United States to maintain a satisfactory balance-of-payments position;

(7) That the investment program in general, and in its specific applications, is mutually beneficial to the country to which the investment flows and country from which it emanates, taking into account not only purely economic considerations but also consideration of human improvement under free institutions.

BASIC FINANCING OF PEACE BY INVESTMENT CORPORATION

SEC. 4. (a) The Corporation shall have a capital stock consisting in part of fifty shares of par value of $1,000,000 per share of class A stock, which shall be the only stock of the Corporation having voting power so long as any of it is outstanding. This class A stock shall be subscribed to by the United States Government. The Secretary of the Treasury shall use the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, for the purpose of such subscriptions, and the purposes for which securities may be issued under such Act are extended to include such subscription. Payment under this paragraph to the Corporation for the subscription of the United States and repayments thereof shall be treated as public debt transactions of the United States. Certificates evidencing stock ownership by the United States shall be issued by the Corporation to the President of the United States or to such other person or persons as he may designate from time to time. Neither the provisions of the Securities Act of 1933, as amended, nor the provisions of the Securities Exchange Act of 1934, as amended, shall apply to the Corporation or to the original issue of its securities while class A stock is outstanding.

(b) The Corporation is authorized to increase its capital stock by offering for public sale five hundred million shares of class B stock at par value of $5 per share. This stock shall be placed on public sale to net the Corporation $5 per share, with an override not exceeding 30 cents per share to cover distribution costs: *Provided*, That not more than two hundred and fifty million shares of this class B stock in the aggregate, nor more than seventy-five million shares in any one year, shall be sold so long as the Corporation remains an agency of the United States as provided in section 5(a) of this Act. The Corporation, with approval of the Secretary of the Treasury, shall by regulation determine the maximum amount of such class B stock which may be held at any time by any individual, and the maximum amount which may be held at any time by business enterprises and other organizations of various types and sizes.

(c) The Corporation is authorized to issue from time to time, for purchase by the Secretary of the Treasury, its notes, debentures, bonds, or other obligations: *Provided*, That the issue of such obligations shall not exceed $60,000,000 in any one year, nor shall the aggregate amount of such obligations outstanding at any one time exceed $300,000,000, nor shall any such obligations be issued more than six years from the date of the first issue, nor shall any such obligations be issued except so long as the corporation remains an agency of the United States as provided in section 5(a) of this Act. Such obligations shall have such varied maturities, not in excess of twenty years, as may be determined by the Corporation with the approval of the Secretary of the Treasury, with periodic retirement of each obligation commencing in the first year subsequent to its original issue: *Provided*, That any such obligations may be retired at the option of the Corporation before maturity in such manner as may be stipulated therein. Each obligation purchased by the Secretary of the Treasury shall, so long as the Corporation remains an agency of the United States, bear interest at a rate determined by the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such obligation; and when the Corporation is no longer an agency of the United States, as provided in section 6 of this Act, each such obligation shall bear interest at the rate of 4 per centum per annum. The Secretary of the Treasury is authorized for the purpose of this subsection to use as a public-debt transaction the proceeds of any securities issued after July 31, 1945, under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment by the Treasury under this subsection of the purchase price of such obligations of the Corporation and repayment thereof by the Corporation shall be treated as public-debt transactions of the United States.

(d) One-fifth of the proceeds of the sale of class B stock issued under subsection (b) of this section shall be set aside by the Corporation in a special fund to be established by the Corporation. This special fund shall be utilized (1) to retire fully, within a period of six years or less from the initial issuance of such class B stock, the class A stock of the Corporation issued under subsection (a) of this section, and (2) to retire fully the obligations issued under subsection (c) of this section in accordance with the terms of retirement contained in such obligations. This special fund shall be invested or reinvested by the Corporation in interest-bearing obligations of the United States or in obligations guaranteed as to interest and principal by the United States: *Provided*, That when the class A stock of the Corporation and the obligations issued under subsection (c) of this section shall have been retired in full, any balance remaining in this special fund shall be merged with other funds of the Corporation obtained through the sale of class B stock and shall thereupon be available for the general purposes of this Act.

(e) Except as otherwise provided in this section, all funds available to the Corporation pursuant to this section, and as earnings from its operations, shall be available for its general purposes under this Act.

INITIAL MANAGEMENT OF PEACE BY INVESTMENT CORPORATION

SEC. 5. (a) Until the conditions set forth in section 6 of this Act are fully met, the Corporation shall be an independent agency of the United States.

(b) The management of the Corporation during its existence as an agency of the United States shall consist of a Board of Directors (herein referred to as the Board), composed of (1) five members appointed from private life by the President with the advice and consent of the Senate, who shall collectively possess broad experience in various areas of economic endeavor; (2) the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Labor, to serve ex officio; (3) four members to be appointed by the President from various United States agencies concerned with international economic development; and (4) a President and Executive Vice President of the Corporation, as set forth below, who may be appointed from private life or from public service. All members, except those serving ex officio, shall serve at the pleasure of the President.

(c) The Board shall elect a Chairman from among its members. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment. A majority of the Directors shall constitute a quorum, and action shall be taken only by a majority vote of those present.

(d) The Board shall designate an executive committee of seven members, not more than two of whom (exclusive of the President and Executive Vice President of the Corporation) shall be members appointed from private life. The executive committee shall perform the functions and exercise the powers of the Board at such times and to such extent as shall be provided in the bylaws of the Corporation.

(e) Members of the Board appointed from private life shall resolve $——— per diem when engaged in the actual performance of their duties, plus reimbursement for necessary travel, subsistence, and other expenses incurred by them in the performance of such duties.

(f) There shall be a President of the Corporation, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a salary at the rate of $——— per annum, and who shall serve as chief executive officer of the Corporation, as a member of the executive committee, and as a member of the Board. The President of the Corporation shall, in accordance with the bylaws, appoint such officers and employees as may be necessary for the conduct of the business of the Corporation, define their duties, and fix their compensation.

(g) There shall be an Executive Vice President of the Corporation, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a salary at the rate of $——— per annum. The Executive Vice President shall serve as President of the Corporation during the absence or disability of the President thereof or in the event of a vacancy in such office.

(h) No director, officer, attorney, agent, or employee of the Corporation shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any government, corporation, partnership, or association in which he is directly or indirectly personally interested.

(i) The President may also appoint an advisory committee to the Board, composed of individuals drawn from private and public life outside of the United States, who need not be citizens or residents of the United States.

TRANSFER OF PEACE BY INVESTMENT CORPORATION TO PRIVATE OWNERSHIP AND MANAGEMENT

SEC. 6. (a) When the class A stock of the Corporation has been retired in full within the period of six years or less provided in section 4(d) of this Act, the Board shall transmit to the President of the United States, for submission to the Congress, recommendations for such legislation as may be necessary to provide for the orderly transition of the Corporation from an agency of the United States to a corporation under private ownership and management, including (1) appropriate provision for transfer to the owners of the outstanding class B

stock of the Corporation the assets and liabilities of the Corporation, (2) appropriate provision for vesting in such owners of class B stock the exclusive voting power of the Corporation originally vested in the owners of class A stock, with each owner of class B stock being thereupon entitled to one vote per share, and (3) such additional provisions as may be necessary to protect any outstanding investments in the Corporation by the United States: *Provided*, That the President, in connection with such submission to the Congress, shall also provide recommendations as to whether a sufficient portion of the obligations purchased by the Secretary of the Treasury pursuant to section 4(c) of this Act have been retired to justify the transfer of the Corporation from public to private ownership and management.

(b) In connection with such transfer, a complete and final accounting shall be made by the Corporation and the Government, at which time the Government shall receive reasonable compensation for all Government services rendered the Corporation.

GENERAL CORPORATE POWERS AND DUTIES

SEC. 7. (a) For the purpose of carrying out its functions under this Act the Corporation shall have succession in its corporate name; may adopt and use a corporate seal, which shall be judicially noticed; may sue and be sued in its corporate name; may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised; may make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business, and may purchase, discount, rediscount, sell, and negotiate (with or without its endorsement or guarantee) and guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness in carrying out its functions under this Act; may appoint and fix the compensation of such officers and employees as may be necessary for the conduct of its business, without regard to the civil service laws or the Classification Act of 1949, define their authority and duties, delegate to them such powers vested in the Corporation as may be necessary, require bonds of such of them as may be desirable, and fix the penalties and pay the premiums of such bonds; may assign or sell at public or private sale, or otherwise dispose of for cash or credit, upon such terms and conditions as shall be determined reasonable, any evidence of debt, contract, claim, personal property, or security held by the Corporation in connection with the payment of loans or other obligations, and collect or compromise all obligations held by the Corporation; may set up or engage such subsidiary agencies in the United States or in underdeveloped countries as will facilitate the business of the Corporation and may enable such subsidiary agencies to sell class B stock or to sell their own stock for the purpose of buying class B stock; may acquire by purchase, lease, or donations such real property or any interest therein, and may sell, lease, or otherwise dispose of such real property, as may be necessary for the conduct of its business; shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this Act, and provisions of law specifically applicable to Government corporations; may pay dividends on class B stock out of profits or other earnings; shall be entitled to the use of the United States mails in the same manner and upon the same conditions as may be applicable to the executive departments of the United States Government until such time as it ceases to be an agency of the United States; and shall be subject to Federal taxation from the time that it ceases to be an agency of the United States. The foregoing enumeration of powers shall not be deemed to exclude other lawful powers necessary to the purposes of the Corporation.

(b) Notwithstanding the provisions of section 955 of title 18, United States Code, any person, including any individual, partnership, corporation, or association, may upon proper authorization act for or participate with the Corporation in any operation or transaction engaged in by the Corporation.

(c) Section 101 of the Government Corporation Control Act, as amended (31 U.S.C. 846), is amended by inserting after "Saint Lawrence Seaway Development Corporation" the words "World Development Corporation".

PENAL PROVISIONS

SEC. 8. (a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to the moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, makes false entry in any book of the Corporation, or makes false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

REPORTS AND STUDIES

SEC. 9. The Corporation shall submit to the President, for transmission to the Congress at the beginning of each regular session, a complete and detailed annual report of its operations under this Act.

SEC. 10. The Corporation, immediately upon its establishment, shall commence studies of additional measures, including tax measures, which would further promote the flow of private capital from the United States to underdeveloped areas of the world and be consistent with the economic and financial policies of the United States. Such studies shall be amplified in the light of the experience of the Corporation. As soon as practicable, and not later than three years after the establishment of the Corporation, it shall prepare for transmission to the Congress the initial results of such studies, including legislative recommendations.

CITATION

SEC. 11. This Act may be cited as the "Peace by Investment Corporation Act of 1965".

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

SECTION-BY-SECTION ANALYSIS OF PEACE BY INVESTMENT CORPORATION BILL

Section 1 sets forth the purposes of the bill which are to establish and expand people-to-people relationships in the economic field; to encourage an expanded flow of private capital investment from the United States into economically sound enterprises in underdeveloped areas of the world in the interest of world peace through mutual economic progress; to enlarge the number of private investors participating in this flow of capital so as to forge more direct links among the people of the world, and for other purposes.

Section 2 defines the basic functions of the Corporation which are (1) to serve as an equity investment agency which would make available funds of a private capital nature, to assist in the financing of economic development projects; (2) to act as an investment trust; (3) to establish an insurance system designed to protect all or part of the outstanding oversea investments of the Corporation against loss arising from any cause, including but not limited to political or military events; and (4) to establish a second insurance system to protect against loss for specific causes, not including mismanagement, all or part of the outstanding investments of private investors other than the Corporation in any oversea undertaking eligible for financial assisance by the Corporation.

Section 3 establishes basic criteria for the investment program of the Corporation. As a necessary condition for making such investments the Corporation would have to find that such project met sound economic criteria. The Corporation would also be required to obtain the views of the country in which the affected enterprise would be located. A further criterion of assistance would be that loan financing or equity assistance would not take the place of funds which would otherwise flow readily for the same purpose. Findings would also be necessary that the investment program in general was consistent with the policy of the United States to maintain maximum employment, production, and purchasing power within the domestic economy; that the program in general was consistent with the promotion of a satisfactory balance-of-payments position for the United States; and that the program in general was in accord with the general international economic and political policies of the United States.

Section 4 sets forth the means to provide basic financing of the Corporation. Subsection (a) states that to provide initial and temporary capital funds for its operations, the Corporation would be authorized to issue class A stock of 50 shares of par value of $1 million per share totaling $50 million. This class A stock would be subscribed to by the U.S. Government through the Secretary of the Treasury.

Subsection (b) authorizes the Corporation to offer for public sale 500 million shares of class B stock at par value of $5 a share provided that not more than 250 million shares of this class B stock in the aggregate, nor more than 75 million shares in any one year shall be sold so long as the Corporation remains an agency of the United States.

Subsection (c) authorizes the Corporation to issue from time to time, by purchase by the Secretary of the Treasury, its notes, debentures, bonds or other obligations provided that the issue of such obligation shall not exceed $60 million in any 1 year nor shall the aggregate amount of such obligations outstanding at any one time exceed $300 million, nor shall any such obligations be issued more than 6 years from the date of the first issue, nor shall any such obligations be issued except so long as the Corporation remains an agency of the United States. Such obligations would be interest bearing and would have varied maturities not in excess of 20 years, with provision for retirement before maturity.

Subsection (d) provides that one-fifth of the proceeds of the sale of the class B stock be earmarked in a special fund for the retirement of the class A stock which would have to be retired in full within 6 years or less from the date of original issue of class B stock.

Subsection (e) states that except as otherwise provided in section 4 of this bill, all funds available to the Corporation pursuant to this section, and as earnings from its operations, shall be available for its general purposes under the act.

Section 5 describes the form of initial management of the Corporation.

Subsection (a) provides that the Corporation shall be an independent agency of the United States, until the conditions set forth in section 6 of the act are fully met.

Subsection (b) states that the management of the Corporation during its existence as an agency of the United States would consist of a Board of Directors of 15 members consisting of a President, and Executive Vice President appointed by the President of the United States, and 5 members appointed from private life by the President of the United States, all with the advice and consent of the Senate; 4 members appointed by the President of the United States from various U.S. agencies concerned with international economic developments; and the Secretaries of State, Treasury, Commerce, and Labor, serving ex officio.

Subsections (c) through (i) provide for the election of a Chairman, designation of an Executive Committee, the compensation of the Board, the President of the Corporation, and the Executive Vice President and authorized the President of the United States to appoint an Advisory Committee to the Board.

Section 6 establishes a method of transfer of the Corporation to private ownership and management. "When the class A stock of the Corporation has been retired in full within the period of six years or less provided in section 4(d) of this Act, the Board shall transmit to the President of the United States, for submission to the Congress, recommendations for such legislation as may be necessary to provide for the orderly transition of the Corporation from an agency of the United States to a corporation under private ownership and management, including (1) appropriate provision for transfer to the owners of the outstanding class B stock of the Corporation, the assets and liabilities of the Corporation, (2) appropriate provision for vesting in such owners of class B stock the exclusive voting power of the Corporation originally vested in the owners of class A stock, with each owner of class B stock being thereupon entitled to one vote per share, and (3) such additional provisions as may be necessary to protect any outstanding investments in the Corporation by the United States: *Provided*, That the President, in connection with such submission to the Congress, shall also provide recommendations as to whether a sufficient portion of the obligations purchased by the Secretary of the Treasury pursuant to section 4(c) of this Act have been retired to justify the transfer of the Corporation from public to private ownership and management.

"(b) In connection with such transfer, a complete and final accounting shall be made by the Corporation and the Government, at which time the Government shall receive reasonable compensation for all Government services rendered the Corporation."

Section 7 establishes general corporate powers and duties for the Corporation.

Section 8 sets up penal provisions.

Section 9 calls for periodic reports to the Congress.

Section 10 authorizes the Corporation to make certain studies.

Section 11 provides that this act may be cited as the Peace by Investment Corporation Act of 1965.

NATIONAL MILK SANITATION ACT OF 1965

Mr. MONDALE. Mr. President, on behalf of myself and Mr. McCARTHY, Mr. PROXMIRE, and Mr. NELSON, I introduce the National Milk Sanitation Act of 1965. I ask unanimous consent that this bill be left at the desk for an additional 2 weeks, until the close of business on June 2, 1965, for additional cosponsors. In order that all the Senators might have an opportunity to study the provisions of this bill, I also ask unanimous consent that there be printed in the CONGRESSIONAL RECORD at this point a copy of the bill and a section-by-section analysis.

This bill is designed to promote full and free interstate commerce in fluid milk and fluid milk products meeting the high sanitation standards to be established by the U.S. Public Health Service.

At present, fluid milk cannot move freely between States because of the multiplicity of local milk sanitation standards that exist throughout the country. These local standards and regulations came about in the most natural way in the world. They were essential for the protection of the public. They were designed for use at a time when most milk was consumed close to the producing area, and when it was not possible to ship this perishable product for great distances. Times, however, have changed and so have transportation and handling facilities. Now practically all milk everywhere is produced and handled under up-to-date, safe, sanitary conditions, and regulations.

Advancements in dairy technology during the past quarter century have improved the quality and reduced the perishability of milk. With the introduction and universal use of proper methods of pasteurization, milk has almost wholly ceased to present a public health problem. Improvements in refrigeration and transportation permit the regular distribution of high-quality fluid milk in markets up to 2,000 miles from the point of production. The discovery of new and improved methods of marketing milk and other dairy products in forms which reduce handling and transportation costs promises to bring milk from production areas even closer to the large urban markets.

But the benefits of this technology and the benefits to consumers and producers ordinarily expected as one of the byproducts of research, are seriously threatened by an assortment of health regulations designed primarily today to protect the producers market rather than the public health.

Therefore, local milk sanitation standards have become, either by design or by the passage of time, weapons of economic warfare. They have been used and have the effect of economic barriers, confining the area of production for a given market. A comprehensive study made by the Department of Agriculture in 1955 concluded that "Sanitary regulations hinder or prevent the movement of milk into a substantial number of cities." That study found, in an analysis of the impact of sanitary requirements and State milk control laws, that the most commonly used devices of market exclusion by "sanitary laws" were: First, prohibitive or multiple license requirements; second, unique construction standards; third, grade A standards that limited the place of pasteurization; and fourth, refusal to inspect beyond a limited area.

We all recognize that regulation for sanitary purposes results in some hindrance to trade. Regulations that exclude from the channels of commerce unwholesome or adulterated or mislabeled foods are not called trade barriers, because they are reasonably designed to accomplish a legitimate end; namely, the protection either of the consumer's health or his pocketbook against fraud and deception. However, the barriers I speak of in relation to milk go far beyond the protection of the public health and clearly stand as trade barriers against importation of fluid milk and fluid milk products into the area in which they are effective.

Enactment into law of the bill under consideration would enable fluid milk and fluid milk products to move in interstate commerce with the same ease as do all other agricultural products. While local sanitary regulations do not per se constitute unlawful trade barriers, they can serve as major obstacles to the shipment of milk. Licensing provisions which impose multiple or discriminatory inspection fees, which limit the area of inspection, or permit the licensing authority to make economic decisions for the industry have been vulnerable to legal attack. The innumerable court cases on the books all show that these devices have been used, but this approach of court action has not been successful in opening up all market areas. The establishment of uniform Federal health standards would eliminate the restrictive effect of those regulations that have no public health significance.

Our bill proposes just such uniform standards, standards to be set up by the U.S. Public Health Service.

The bill would require the Surgeon General, by regulation, to establish a Federal uniform milk sanitation standard governing milk and milk products in interstate commerce. These regulations would provide minimum standards of sanitation and health, would provide for a system of rating, certification, and listing of State milk plants and their milk supplies.

The bill sets up an entirely voluntary program. No State is required to participate. However, once a State determines that it wishes to avail itself of the benefits of the act for its interstate milk shippers, fluid milk or fluid milk products from a plant in that State, complying with the Surgeon General's regulations, would be immune from seizure or exclusion by a receiving State or its political subdivisions by reason of failure of such fluid milk or fluid milk products to comply with health or sanitation laws of the receiving State or locality. On the other hand, such milk or milk products would be subject to local testing and local screening for failure to conform to the bacterial, temperature, composition standards, or other physical or chemical criteria of the Federal uniform regulations. Such milk and milk products would also, on arrival in the receiving State or locality, be subject to nondiscriminatory regulations or laws of the receiving State or locality as to first, pasteurization prior to delivery to retail establishments or before the processing; second, protection from contamination and deterioration during transportation and storage in the receiving State; and

third, the type of container in or from which milk or milk products may be served or sold at retail. These provisions adequately protect the right of the locality to insist upon safe and sanitary milk for its population. It does, however, prevent that State or locality from imposing requirements which have no other valid purpose than to operate as an exclusionary barrier or trade barrier.

This bill entrusts the responsibility for supervising Federal participation in this voluntary program to the Surgeon General of the U.S. Public Health Service. The activities of the Public Health Service in milk sanitation began at the turn of the century with studies on the role of milk in the spread of disease. This work led to the conclusion that effective public health control of milk-borne disease required the application of sanitation measures throughout the production, handling, pasteurization, and distribution of milk.

To assist States and municipalities in initiating and maintaining effective programs for prevention of milk-borne disease, the Public Health Service in 1924 developed a model regulation, known as the Standard Milk Ordinance for voluntary adoption by State and local milk sanitation authorities. The 1965 recommendations of the U.S. Public Health Service on their grade A pasteurized milk ordinance, were released only a short time ago. The prior version of the U.S. PHS milk ordinance and code, published in 1953, is currently the basis of the milk sanitation laws and regulations of 37 States. Its provisions have been voluntarily adopted by 1,435 municipalities and 512 counties located in 40 States. Included are 71 cities of over 100,000 population and 72 cities with populations between 50,000 and 100,000. Almost 110 million people live in this country in jurisdictions utilizing the provisions of the Public Health Milk Ordinance and Code.

The problem is that no State or locality is required to receive milk from areas which comply with the Public Health Service Milk Ordinance and Code. Thus, local sanitation standards can be used and are used to exclude milk from that area regardless of the fact that the milk meets all the standards and criteria of the Public Health Service Code, widely adopted and widely recognized as a very high standard for healthy and sanitary milk.

The existence of such a widely accepted and recognized milk code would be most helpful in implementing the provisions of the present legislation. I think it would be safe to say that the Surgeon General would draw heavily upon the provisions and procedures in the present voluntary code in fulfilling his obligation of promulgating regulations establishing Federal uniform milk sanitation standards.

I should like to point out, however, that this bill authorizes substantial and specific procedural and administrative safeguards against arbitrary or discriminatory action by the Surgeon General. Under the bill, proposals for regulations would be required to be published in the Federal Register, with opportunity for objections and public hearing on such objections and for the opportunity of submitting oral or written views by interested parties. It would also require the Surgeon General to make detailed findings on such objections, stating his reasons for his orders or rulings on such objections, and would also authorize judicial review on any final order or regulation by any interested person or State agency.

In addition, actions by the Surgeon General in excluding milk plants from the the list of interstate milk shippers, revocation of approval of State plans, or nonexclusion of milk plants upon complaint of an interested party would be subject to trial-type hearings, with orders to be based on substantial evidence on the record as a whole, and with further right of appeal to the U.S. Court of Appeals. In general, then, the approach of this bill is to require receiving States and localities to accept milk of high sanitary quality emanating from an out-of-State milk plant, if the sanitary condition of the milk on arrival complies with the minimum regulatory standards of the Surgeon General, and if the shipping plant and its milk supply is listed on the Surgeon General's then current interstate milk shippers list.

Participation in the system authorized to be established by this bill would be entirely voluntary so far as the exporting State and its milk shippers are concerned. The Surgeon General would have the power to assure the integrity and reliability of the system through approval of State plans, training and certification of State rating officers, inspection of plants and their milk supply, verification of compliance ratings, and exclusion or removal of a plant from approved status for failure to comply with the regulatory standards of the Surgeon General.

This would not essentially increase the responsibilities of the U.S. Public Health Service, since they are already fulfilling many of these functions under the voluntary program they have had underway since 1924.

In order that the States may retain their primary role in carrying out the responsibilities of this bill, the Surgeon General is authorized to furnish grants and technical aids to the States. Sections 811 and 812 of the act would authorize the Surgeon General, directly or through grants, to conduct appropriate studies and training, furnish technical assistance to State and local authorities, encourage uniform adoption and use of the Federal milk sanitation regulations, and cooperate with States, local governments, industries, and others in the development of improved milk sanitation programs.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 1993) to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Milk Sanitation Act".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE VIII—MILK SANITATION

"Congressional findings

"SEC. 801. The Congress hereby finds that a substantial quantity of milk and milk products are distributed in interstate commerce; that the sanitary control of the production, processing, and distribution of milk and milk products is necessary to protect the public health, and that the marketing of safe and wholesome milk and milk products in interstate commerce is affected with the public interest; that such sanitary control is primarily the responsibility of State and local governments, but that the existence of diverse or conflicting laws, ordinances, or regulations, may burden or obstruct the movement in interstate commerce of pure and wholesome milk and milk products; that the adoption by State and local governments of uniform standards governing the sanitary control of the production, processing and distribution of milk and milk products in interstate commerce will promote the interest of producers and consumers and is in the public interest.

"Definitions

"SEC. 802. For purposes of this title—

"(1) The term 'commerce' means commerce between any State, territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State or the District of Columbia, but through any place outside thereof; or within the District of Columbia.

"(2) The term 'Surgeon General' means the Surgeon General of the Public Health Service.

"(3) The term 'person' means any individual, partnership, corporation, association, or any other legal entity.

"(4) The term 'milk' means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows.

"(5) The term 'milk product' means (A) any human food product processed or manufactured from milk which the Surgeon General designates as a milk product by regulation promulgated in the manner hereinafter provided; (B) any fluid product made by the addition of any substance to milk or to a milk product, if the Surgeon General by regulation designates the products so made as a milk product for purposes of this title on the basis of the finding that such product is used for purposes similar to milk or milk products specified in clause (A) and is shipped in interstate commerce in sufficient quantity to be of public health importance and to warrant its control under this title; and (C) dry milk or dry milk products used or intended for use in the manufacture of any milk product specified in clause (A) or (B) as the Surgeon General may designate by regulation:

"*Provided,* That in the event there shall be established a definition and standard of identity for milk or any milk product under Section 401 of the Federal Food, Drug and Cosmetic Act, such definition and standard of identity shall govern to the extent of any inconsistency between it and any definition established by the Surgeon General under this or the preceding paragraph.

"(6) The term 'interstate milk plant' means any establishment or facility, as designated by the Surgeon General, used to collect, handle, process, store, pasteurize, or bottle or otherwise package or prepare for distribution milk or milk products in interstate commerce.

"(7) The term 'milk supply', when used with respect to an interstate milk plant, means the dairies, dairy farms, and plants directly or indirectly supplying the plant with milk or milk products.

"(8) The term 'State agency' means the person(s) or agency(ies) within any State having authority to supervise or control the sanitary conditions and establish sanitation ratings governing the production, processing, and distribution of milk and milk products within such State.

"(9) The term 'receiving State' means any State into which any milk or milk product is introduced or offered for introduction from an interstate milk plant; and the term 'receiving locality' means any municipality or other political subdivision of a State into which any milk or milk product emanating from an interstate milk plant in another State is introduced or offered for introduction.

"Uniform sanitation standards

"SEC. 803. For the purpose of achieving uniform sanitary standards and practices governing the production, processing and handling of milk and milk products, the Surgeon General shall promulgate, and from time to time amend, Federal Uniform Milk Sanitation Regulations setting forth sanitary standards and practices which, in his judgment, will result in the production and marketing of pure and wholesome milk in interstate commerce. Such regulations shall provide, in the manner hereinafter set forth, for a system or rating, certification, and listing of interstate milk plants and their milk supply.

"Compliance ratings

"SEC. 804. (a) The Surgeon General shall by regulation promulgate, and may from time to time amend, standard rating methods and criteria for determining through compliance ratings, with respect to milk and milk products, the degree to which interstate milk plants and their milk supply comply with the Federal Milk Sanitation Regulations.

"(b) The Surgeon General shall announce, by regulation, the minimum compliance rating (pursuant to such rating standards) which, in his judgment, are necessary to give satisfactory assurance that milk and milk products shipped from interstate milk plants receiving such ratings will have been produced, handled, transported, and processed in substantial conformity with the Federal Milk Sanitation Regulations.

"Submission of State plans

"SEC. 805. Any State agency desiring to obtain for its interstate milk shippers the benefits of this title shall submit to the Surgeon General for approval a State plan for periodically (but not less often than annually) rating interstate milk plants located in such State, and their milk supply, on the basis of standard rating methods and criteria established pursuant to section 804(a) and regulations issued thereunder. Such plan shall be accompanied or supplemented by such information concerning milk sanitation control activities of the State agency and of local official milk sanitation control agencies, and such other relevant information, as the Surgeon General may require.

"Approval, suspension, and revocation of State plans

"SEC. 806. (a) The Surgeon General shall approve a State plan submitted under section 805 if it meets such requirements as he determines to be necessary to obtain reliable ratings for the purpose of maintaining the list provided for by section 807, including a requirement that such ratings will be made only by State rating officials who are full-time employees of the State agency (or under interstate arrangements, by full-time employees employed by a sister State having an approved plan or by both States jointly) and who hold a currently valid certificate of qualification issued or renewed by the Surgeon General. Approval of a State plan shall be for such period (but not exceeding three years) as the Surgeon General may fix by regulation.

"(b) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State plan has been so changed that it complies with neither the requirements for State plan approval in effect at the time such plan was last approved, nor with the requirements for State plan approval as last amended, or

"(2) in the administration of the State plan there is a failure to comply substantially with any provision contained in such plan, the Surgeon General may, subject to the provisions of section 807(c)(1)(C), revoke his approval of such State plan. The Surgeon General may suspend his approval of a State plan at any time after giving the notice of hearing referred to above and pending such hearing and decision thereon if he finds and determines that the protection of the public health so requires; such findings and determinations, and his reasons in support thereof, shall be transmitted to the State agency affected by his order of suspension.

"Listing of certified interstate milk plants

"SEC. 807. (a) The Surgeon General shall establish and maintain a list of certified interstate milk plants, and shall publish such list, or revisions or amendments thereof, not less often than quarterly. Except as provided in subsection (b), an interstate milk plant shall be included on such list if such plant and its milk supply, by a certificate currently in effect at the time of such listing, has been certified to the Surgeon General by a State agency under an approved State plan as having compliance ratings at least equal to the minimum ratings established by the Surgeon General under section 804(b). Such list shall identify the interstate milk plant or plants involved in any such certification, the persons having legal ownership or control thereof, and the milk or milk products covered by the certification.

"(b) The Surgeon General shall not include or permit to remain on the list provided for under subsection (a) any interstate milk plant if—

"(1) the person having legal ownership or control thereof does not consent to the listing of the interstate milk plant, or

"(2) the last rating upon which the certification of the plant and its milk supply was based is more than one year old, or

"(3) the State agency gives written notice to the Surgeon General that the plant and its milk supply is no longer entitled to the minimum rating required for listing, or

"(4) the Surgeon General, after investigation made on his own initiative or upon complaint of a receiving State or locality, finds that the plant and its milk supply, though duly certified, is not entitled to the minimum rating required for such certification.

"(c)(1) Any decision of the Surgeon General—

"(A) to exclude or remove an interstate milk plant from the list pursuant to paragraphs 3 and 4 of subsection (b) of this section or pursuant to section 810(b), or

"(B) not to take such action upon complaint of a receiving State or locality under paragraph (4) of subsection (b), or

"(C) to revoke his approval of a State plan pursuant to subsection (b) of section 806, shall be made by order stating the findings and conclusions upon which such order is based. Notice of such order shall be given to the person having legal ownership or control of such plant, the State agency whose plan or rating of such plant is involved, and the complainant State or locality, if any, and such order shall, except as otherwise provided in paragraph (3) of this subsection, become effective on the date specified therein but in no event earlier than the thirtieth day after the date of its issuance.

"(2) At any time before an order pursuant to paragraph (1) or (3) of this subsection is issued or becomes effective, the Surgeon General may by order defer or suspend the listing of any plant if he finds and determines that an emergency exists requiring such action for the protection of the public health; provided that such findings and determinations, and the reasons in support thereof are set forth in a written statement and transmitted to the person or State agency affected by the order.

"(3) At any time before the effective date of an order issued pursuant to paragraph (1), any person or State agency (including any complainant receiving State or locality) adversely affected by such order and entitled to notice thereof, and the State agency (if any) whose rating of an interstate milk plant is involved, may file objections thereto with the Surgeon General (stating the grounds of such objections) and request a public hearing, and the filing of such objections and request shall operate to stay the effectiveness of such order, but shall not operate to stay any order of deferment or suspension under paragraph (2) of this subsection. As soon as practicable after such request for a public hearing, the Surgeon General, after due notice, shall hold such a hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. Any person or agency aggrieved or adversely affected by the order may be heard and may be represented by counsel. As soon as practicable after completion of the hearing, the Surgeon General shall publish his order and decision thereon, which order may confirm, modify, or set aside his prior order. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact and conclusions on which the order is based. The Surgeon General shall specify in the order the date, not less than thirty days after its issuance, on which the order entered after such hearing shall take effect.

"(d)(1) Any person or State agency (including any complainant receiving State or locality) adversely affected by an order of the Surgeon General issued pursuant to paragraph (3) of subsection (c) of this section and entitled to notice under paragraph (1) of subsection (c), and the State agency (if any) whose rating is involved, may appeal to the United States court of appeals for the circuit in which the State agency or interstate milk plant involved is located by filing with such court, not later than sixty days after the date of issuance of the order based upon the record of such hearing, a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice of appeal. A copy of such notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General or any officer designated by him for that purpose. The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.

"(2) The court shall have jurisdiction to enter, upon the basis of the record of the proceedings filed with it in accordance with

paragraph (1) of this subsection, a judgment affirming or setting aside, in whole or in part, the decision of the Surgeon General. The findings of the Surgeon General as to any fact, if supported by substantial evidence when considered on the record as a whole, shall be sustained, but the court may, on good cause shown, remand the case to the Surgeon General to take additional evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous order, and shall file with the court any such modified findings of fact and order, together with the record of the further proceedings. Such additional or modified findings of fact and order shall be reviewable only to the extent provided for review of the findings of fact and order originally filed with the court. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"Prohibition against discrimination against sanitary out-of-state milk and milk products

"SEC. 808. (a) Except as provided in subsection (b)—

"(1) no milk or milk product which emanates from an interstate milk plant in another State, while such plant is listed by the Surgeon General under section 807 with respect to the milk or milk product, as the case may be, shall be subject to seizure or condemnation in, or to exclusion from, a receiving state or locality, or from transportation, distribution, storage, processing, sale, or serving in such State or locality, and

"(2) no processor, producer, carrier, distributor, dealer, or other person handling such milk or milk product in compliance with the Federal Milk Sanitation Regulations shall be subject to punishment, or to denial of a required license or permit, by reason of the failure of such milk or milk product, or of the sealed container or vehicle in which such milk or milk product was brought into the State, or of an interstate milk plant in another State or its milk supply, or of any transportation or handling facility, in which such milk or milk product was produced, processed, carried, or handled, to comply with any prohibition, requirement, limitation, or condition (including official inspection requirements) relating to health or sanitation and imposed by or pursuant to any State or local law, regulation, or order of the receiving state or locality, or by any officer or employee thereof. In the event any milk or milk product emanating from a listed interstate milk plant in another State and complying with the Federal Milk Sanitation Regulations is commingled with milk or milk products from within the receiving State the provisions of the preceding sentence shall apply to the resulting mixture, except that nothing in this section shall be construed to prevent the application of such state or local laws, regulations, or orders to such mixture by reason of the failure of such milk or milk product of intrastate origin not emanating from an interstate milk plant in another State, to comply therewith immediately prior to such commingling.

"(b) Subsection (a) shall not be deemed to prohibit any receiving State or locality from—

"(1) subjecting any milk or milk product, upon its arrival from another State, to laboratory or screening tests in accordance with standard methods for the examination of dairy products provided for in the Federal Milk Sanitation Regulations, and rejecting the shipment if upon such examination it fails to comply with the bacterial and coliform count standards, temperature standards, composition standards, and other criteria of such regulations relating to the then physical condition of such milk or milk products, and

"(2) enforcing laws and regulations equally applicable to milk or milk products not coming from outside the State—

"(A) to require pasteurization of raw milk or raw milk products brought into the State before delivery to retail sale or consumer-serving establishments or before use in making milk products or other products.

"(B) to otherwise protect milk or milk products from contamination or deterioration after arrival through requirements as to temperature and sanitary handling, transportation, and storage: *Provided*, That the State or locality may not, except as provided in subparagraph (C), reject the sealed container or vehicle, as such, in which the milk or milk product arrived in the State, if it complies with the Federal Milk Sanitation Regulations, or

"(C) as to the type of container in or from which milk or milk products may be sold at retail or served to consumers.

"General administrative provisions

"Regulations and Hearings

"SEC. 809. (a) The authority to promulgate regulations for the efficient enforcement of this title is vested in the Surgeon General.

"(b) Hearings authorized or required by this title shall be conducted by the Surgeon General or such officer or employee as he may designate for the purpose.

"(c) The Federal Milk Sanitation Regulations, which the Surgeon General is authorized to adopt by this title shall be established and amended in accordance with the following procedures:

"(1) any action for the issuance, amendment, or repeal of any regulation under this title may be begun by a proposal made—

"(A) by the Surgeon General on his own initiative, or

"(B) by petition of any interested person or State agency, showing reasonable grounds therefor, filed with the Surgeon General. The Surgeon General shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Surgeon General shall by order act upon such proposal and shall make such order and the regulations proposed thereunder public by publication in the Federal Register. Except as provided in paragraph (2) of this subsection, the order, and the regulations proposed thereunder, shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

"(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person or State agency who will be adversely affected by such order or the provisions of any regulations issued thereunder, if placed in effect may file objections thereto with the Surgeon General, specifying with particularity the provisions of the order, or any regulations issued thereunder, deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Surgeon General under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Surgeon General shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

"(3) As soon as practicable after such request for a public hearing, the Surgeon General, after due notice, shall hold a public hearing for the purpose of receiving data, views, arguments, or hearing such other matters relevant and material to the issues raised by such objections. Such presentations may be made orally or in writing by any State agency, any interested person, or his representative. As soon as practicable after completion of the hearing, the Surgeon General shall by order act upon such objections and make such order public. Such order shall set forth, as part of the order, detailed findings and reasons upon which it is based, including a reference to such data, information, or other materials, not presented at the hearing, but which the Surgeon General may have used or consulted in making his order. The Surgeon General shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the thirtieth day after publication.

"(d) Any regulations, or any portions thereof, issued by the Surgeon General under the provisions of this title shall be subject to judicial review in the manner hereafter set forth.

"(1) Any State agency or person aggrieved or adversely affected by the provisions of any regulations issued under subsection (c) hereof may, at anytime prior to the sixtieth day after the issuance thereof, file a petition with the United States court of appeals for the circuit wherein such State agency is located or such person resides or has its principal place of business for judicial review of such regulations. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Surgeon General or other officer designated by him for that purpose. The Surgeon General thereupon shall file in the court the record of the proceedings on which the Surgeon General based his order, as provided in section 2112 of title 28.

"(2) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order and the regulations issued therewith, or to set it aside in whole or in part, temporarily or permanently. If the order of the Surgeon General refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court may by its judgment order the Surgeon General to take such action, with respect to such regulation, in accordance with law.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Surgeon General shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 346 and 347 of title 28.

"(4) Any action instituted under this subsection shall survive notwithstanding any change in the person occupying the office of the Surgeon General or any vacancy in such office.

"(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

"Inspection by Surgeon General

"SEC. 810. (a) The Surgeon General may make such inspections of interstate milk plants and plants proposing to become interstate milk plants, and of their milk supply, and such laboratory examinations, studies, investigations, and ratings, as he may deem necessary in order to carry out his functions under this title and to promote uniformity in the application of the Federal Milk Sanitation Regulations and the Surgeon General's standard rating methods and criteria.

"(b) The Surgeon General shall remove any interstate milk plant from the list provided for under section 807 if the State or any local milk sanitation authority or laboratory refuses to permit representatives of the Service to inspect and copy relevant records pertaining to State or local health and sanitary

supervision of such milk plant or any part thereof or facility connected therewith and its milk supply, or if the person in charge of such plant or of any part of the milk supply of such plant, or any person under his control, refuses to permit representatives of the Service, at all reasonable times, to—

"(1) enter such interstate milk plant or any establishment, premises, facility, or vehicle where milk or milk products intended for such interstate milk plant are produced, processed, packed, held, or transported,

"(2) inspect such plant, establishment, premises, facility, or vehicle, and all pertinent personnel, dairy animals, equipment and utensils, containers, and labeling, and milk and milk products, and

"(3) inspect and copy pertinent records.

"Research, studies and investigations concerning sanitary quality of milk

"SEC. 811. The Surgeon General may conduct research, studies, and investigations concerned with the sanitary quality of milk and milk products, and he is authorized to (1) support through grants, and otherwise aid in, the conduct of such investigations, studies, and research by State agencies and other public or private agencies, organizations, institutions, and individuals, and (2) make the results of such research, studies, and investigations available to State and local agencies, public or private organizations and institutions, the milk industry, and the general public.

"Training milk sanitation personnel

"SEC. 812. The Surgeon General is authorized to—

"(1) train State and local personnel in milk sanitation methods and procedures and in the application of the rating methods and criteria established in regulations pursuant to section 804,

"(2) provide technical assistance to State and local milk sanitation authorities on specific problems,

"(3) encourage, through publications and otherwise, the adoption and use, by State and local authorities throughout the United States, of the sanitation standards and sanitation practices specified in the Federal Milk Sanitation Regulations, and

"(4) otherwise cooperate with State milk sanitation authorities, other public and private organizations and institutions, and industry in the development of improved programs for the control of the sanitary quality of milk and milk products.

"Savings provisions—separability—miscellaneous

"SEC. 813. If any provision of this title is declared unconstitutional or the applicability thereof to any person or any circumstances is held invalid, the constitutionality of the remainder of this title and the applicability thereof to other persons and circumstances shall not be affected thereby.

"(a) The provisions of this title shall not apply to milk products (except as defined in section 802(5)) which are subject to the regulatory control or sanitary conditions authorized by other laws of the United States or regulations issued thereunder.

"(b) Nothing in this title shall be deemed to make lawful or authorize the application of any State or local law or requirement of any receiving State or locality discriminating against milk and milk products which would not be lawful or authorized if this title were not in effect.

"(c) Nothing in this title shall be deemed to supersede or modify any provision of the Federal Food, Drug, and Cosmetic Act, the Milk Import Act, or any powers or provisions of the Public Health Service Act (other than this title).

"Civil action to restrain interference with operation of title

"SEC. 814. The United States district courts shall, regardless of the amount in controversy, have jurisdiction of any civil action to restrain the application of any law, ordinance, regulation, or order of any State or political subdivision of a State, or to restrain any action of an officer or agency of a State or political subdivision of a State, which interferes or conflicts with, or violates any provision of this title. Such action may be brought by the United States, by any affected State agency, or by any interested person. Nothing in this section shall be deemed to deprive any court of a State or jurisdiction which it would otherwise have to restrain any such application or action which interferes, conflicts with, or violates any provision of this title.

"Appropriations

"SEC. 815. There are hereby authorized to be appropriated annually to the Service such sums as may be necessary to enable the Surgeon General to carry out his functions under this title."

SEC. 3. Section 2(f) of the Public Health Service Act is amended to read as follows:

"(f) The term 'State' means a State or the District of Columbia, Puerto Rico, or the Virgin Islands, except that, as used in section 361(d) and in title VIII, such term means a State or the District of Columbia;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"Short title

"SECTION 1. Titles I to VIII, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title VIII (as in effect prior to the enactment of this Act) as title IX, and by renumbering sections 801 through 814 (as in effect prior to the enactment of this Act), and references thereto, as sections 901 through 914, respectively.

SEC. 5. The amendments made by this Act shall become effective on the first day of the first fiscal year beginning more than one hundred and eighty days after the date of the enactment of this Act.

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

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL UNIFORM MILK SANITATION ACT OF 1965, INTRODUCED IN THE SENATE, WEDNESDAY, MAY 19, 1965, BY SENATOR WALTER F. MONDALE, OF MINNESOTA

This bill is designed to eliminate certain barriers to the interstate movement of milk and milk products of high sanitary quality resulting from a diversity of State and local sanitary regulations which have been used to exclude milk originating from out-of-State sources. While similar in purpose and design to bills introduced during previous sessions, this bill contains certain technical and procedural changes to overcome objections voiced during hearings on the earlier bills.

Essentially, the approach of this bill is to require receiving States and localities to accept milk of high sanitary quality emanating from an out-of-State plant, if the sanitary condition of the milk on arrival complies with the minimum regulatory standards of the Surgeon General, and if the shipping plant and its milk supply is listed on the Surgeon General's then current interstate milk shippers list.

Participation in the system authorized to be established by this bill would be entirely voluntary so far as the exporting State and its milk shippers are concerned. The Surgeon General would be empowered to assure the integrity and reliability of the system through approval of State rating plans, training and certification of State rating officers, inspection of plants and their milk supply, verification of compliance ratings, and exclusion or removal of a plant from approved status for failure to comply with the regulatory standards of the Surgeon General.

Section 801 states the congressional findings which give rise to the need for the legislation.

Section 802 sets forth the definitions of the key terms used in the act and, in addition, indicates that its coverage is limited to "milk" and "milk products" as the Surgeon General shall, by regulation, designate as having public health significance. This section also provides, expressly, that any definition or standard of identity for milk or any milk product adopted under section 401 of the Federal Food, Drug, and Cosmetic Act should govern to the extent of any inconsistency between it and any definition established by the Surgeon General under this title.

Section 803 would require the Surgeon General, by regulation, to establish "Federal uniform milk sanitation regulations" governing milk and milk products in interstate commerce. These regulations would provide for a system of rating, certification, and listing of State milk plants and their milk suppliers.

Section 804 would require the Surgeon General to promulgate rating methods and criteria to measure compliance with the Federal uniform regulations as well as the minimum compliance rating for milk and milk products, to be certified by producing States, that would be accepted as indicating compliance with the Surgeon General's regulatory standards.

Section 805 permits the appropriate State agency desiring to obtain the benefits of the Surgeon General's system for its milk shippers to submit for approval a State plan for rating its "interstate milk plants" and "milk supplies" in accordance with the rating methods and criteria established by the Surgeon General.

Section 806 describes the manner of approval of State plans submitted pursuant to section 805 and the procedure for suspension and revocation of such approval in the event that the Surgeon General finds and determines, after due notice and hearing, that the State rating methods do not comply with the requirements of the Federal regulations.

Section 807 provides that proper certification of its shipping plants and their milk supplies by a producing State under a State plan approved by the Surgeon General in conformity to regulations promulgated by him would make such plants eligible for inclusion in a periodically published Public Health Service list of certified interstate milk plants. This section also authorizes the Surgeon General to make such inspections, investigations, and laboratory examinations as he deems necessary to assure the validity of State certification, and empowers the Surgeon General to revoke the certification of shippers for cause upon his own initiative or upon a complaint of a receiving State or locality.

Careful procedural protections are included in this section, in accordance with the requirements for adjudication under the Administrative Procedure Act, to assure full opportunity for notice and hearing prior to decertification of a plant and its milk supplies or refusal by the Surgeon General to deny certification upon the complaint of a receiving locality.

This section also provides for judicial review—in the U.S. Court of Appeals for the circuit in which the State agency or interstate milk plant involved is located—of the Surgeon General's final order by any complainant or person aggrieved.

Section 808 is the key section of the bill. It provides that milk or milk products from a plant currently listed on the Surgeon General's approval would be immune from seizure or exclusion by a receiving State or its political subdivisions by reason of failure

of such milk or milk products to comply with health or sanitation laws, regulations, or orders of the receiving State or locality. However, upon receipt the milk or milk products would be subject to seizure or rejection if they failed to conform to the bacterial, temperature, composition standards, or other physical or chemical criteria of the Federal uniform regulations. Such milk or milk products would also, on arrival, be subject to nondiscriminatory regulations of the receiving State or locality as to (1) pasteurization prior to delivery to retail establishments or before processing; (2) protection from contamination and deterioration during transportation and storage in the receiving State; and (3) the type of container in or from which milk or milk products may be served or sold at retail.

Section 809 contains the general administrative provisions governing the Surgeon General's rulemaking powers under the bill. It constitutes a major departure from other Federal milk sanitation bills introduced during the current and prior sessions of Congress in expressly providing that the uniform sanitation regulations referred to in the bill shall be adopted by the Surgeon General in accordance with the procedures for informal rulemaking required by section 4 of the Administrative Procedure Act. The section provides that interested persons shall have an opportunity to participate in the rulemaking process through the submission of data, views, or arguments, orally or in writing.

The section (1) requires publication of proposed regulations in the Federal Register; (2) affords opportunity for filing objections thereto; (3) requires the holding of a public hearing on such objections and the opportunity for interested persons to be heard orally or in writing; (4) requires the Surgeon General to make detailed findings on such objections and to state his reasons for his orders or rulings on exceptions; and (5) authorizes judicial review of any final order or regulation by any interested person or State agency.

Section 810 authorizes the Surgeon General to make such inspections, investigations, and laboratory examinations as he deems necessary to assure the validity of State certification and compliance with his regulations, and to decertify interstate milk plants for cause.

Sections 811 and 812 would authorize the Surgeon General, directly or through grants, to conduct appropriate studies and training, furnish technical assistance to State and local authorities, encourage uniform adoption and use of the Federal milk sanitation regulations, and cooperate with States, local governments, industries, and others in the development of improved milk sanitation programs.

Section 813 contains savings provisions applicable in the event that any part of the bill should be declared invalid. It also provides that the provisions of the bill shall not apply to milk products (except as defined in the bill) which are subject to the regulatory control or sanitary requirements imposed by other laws or regulations of the United States.

Section 814 provides for injunctive relief at the suit of the United States or of any interested person to restrain actions by State or local officers in violation of the bill. However, no criminal sanctions are provided.

Section 815 authorizes the appropriation annually to the Public Health Service of such sums as may be necessary to enable the Surgeon General to administer the bill.

Mr. NELSON. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. NELSON. I am happy to join the Senator from Minnesota [Mr. MONDALE] as a cosponsor of the bill which he has introduced for the purpose of assuring the free movement of milk in interstate commerce without the imposition of irrational regulations that are designed to hamper the movement of milk.

The Senator from Minnesota represents, in part, one of the great dairy States in the Nation. He has established a national reputation, as attorney general of Minnesota, in fighting for this cause. I commend him for drafting what I think is the best of a long series of bills that have been introduced over the years to tackle this important problem.

Mr. MONDALE. I thank the Senator from Wisconsin for his kind remarks. He is somewhat modest, because he, too, has established a reputation as one of the leaders in the country in seeking fair and rational means for the marketing of milk and dairy products.

Coming as we do from the two major dairy States in the Union, States which produce the best milk at the lowest cost, we are desirous that our farmers may take full advantage of the economic benefits from which all other farmers of the Nation benefit.

SALARY INCREASE FOR CLASSIFIED AND POSTAL EMPLOYEES—ESTABLISHMENT OF FEDERAL SALARY REVIEW COMMISSION

Mr. MONRONEY. Mr. President, I send to the desk, for appropriate reference, two bills proposed by the President of the United States for the adjustment of classified and postal employees' salaries and for the establishment of a Federal Salary Review Commission to review at 4-year intervals the salary structure for Federal executives, justices, and Members of Congress.

The first of these proposals provides for an across-the-board increase of 3 percent for classified and postal employees. Since the enactment of the Federal Salary Reform Act in 1962, the Kennedy and Johnson administrations and Congress have attempted to fulfill the obligations owed the comparability principle in order to attract and retain civilian personnel of the highest possible quality. This bill is part of that fulfillment. Unlike the 1962 and 1964 salary statutes, this proposal does not seek to attain comparability with nongovernment salaries for upper-level career positions. It is designed to reflect increases in salaries which have been characteristic of the economy of the past 2 years. It has no effect on the Executive salary schedule or the salaries of members of the legislative and judicial branches of the Government.

The bill also would authorize the President to revise annually classified and postal salaries and recommend adjustments in accordance with the findings of the Bureau of Labor Statistics of salary levels for similar work in non-Federal employment. His recommendations would be acted upon by Congress through the procedure followed for Executive reorganization plans—that is, unless either House of Congress expresses its disapproval by resolution within 60 days, the proposed salary schedule would become law.

The President has reported that this bill would cost $406 million annually.

The second proposal would establish a Federal Salary Review Commission appointed by the President, the presiding officers of both Houses of Congress, and the Chief Justice of the United States. The Board's duty would be to review the compensation of Members of Congress, justices and judges of the United States, and Federal officers subject to the executive salary schedule. The Commission would meet and report to the President quadrennially. The first Commission would be appointed in 1966 and would report by January 1, 1967, and on January 1 of each 4th year thereafter. Its study would encompass the entire scope of the salary structure of these Federal officers. The President would report his recommendations to Congress for the revision of the salaries of these officers. His recommendations, again, would become law unless either House of Congress expressed its disapproval within 60 days after their submission.

I am in general agreement with the President's recommendation for an increase in the pay of civilian employees and hope that the Congress will act on this measure this year.

The Congress should also examine the President's proposals with respect to the establishment of new procedures for the review of salaries and for the making of periodic adjustments to maintain comparability of Government employees' salaries with those in private industry.

Because the procedures recommended by the President represent a radical departure from the traditions and historical prerogatives of the past, I believe they must undergo careful scrutiny, not only by Congress, but also by the employees affected. For these new procedures will automatically adjust salaries down as well as up.

Congress has met its responsibilities in regard to Federal Government compensation in the past. I believe, unless clear evidence is presented that Congress cannot continue to fulfill this responsibility, it must face up to the pay problem in the years ahead, yielding to no other entity the duty of preserving the doctrine of comparability or the responsibility for fixing the rates of compensation paid to its own members. For there is also the need for accountability—this being the task of seeing that Government and Government employees perform in a manner that merits positive action by the Congress to support fair and just pay rates.

I am aware of the strong interest in the Senate in these bills. The committee will act on them as promptly as possible.

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

The bills, introduced by Mr. MONRONEY, by request, were received, read twice by their titles, and referred to the Committee on Post Office and Civil Service, as follows:

S. 1997. A bill to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes; and

S. 1998. A bill to establish the Federal Salary Review Commission.

BACKDATING THE NEW SILVER DOLLARS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to provide that standard silver dollars hereafter minted shall bear the figure "1922" in lieu of the year of coinage, and shall bear no mark signifying the mint of coinage.

It was most gratifying to Senators from the West, and particularly to the junior Senator from Nevada, to learn last week of the President's decision to implement the action of the Congress last year with an Executive directive ordering the resumption of silver dollar coinage.

This action was made possible by the fact that the coin shortage has eased sufficiently to permit a portion of the mint's productive capacity to be devoted to the manufacture of the silver cartwheels which bear a great tradition and are highly honored in the historic and present-day commerce of the Western States.

We are all familiar, however, with the rapid disappearance last year of the Treasury's reserves of silver dollars, and, therefore, lest the new silver dollars become a target for speculators and hoarders, I am proposing that the date of the new silver dollars be backed up to the year 1922 and the mint mark be deleted.

The obvious purpose of this amendment, Mr. President, is to have the new coins become part of an earlier production of more than 90 million silver dollars rather than, because of their unique date, become the object of hoarding, speculation, and other noncommercial uses.

If this bill is acted upon expeditiously by the Congress, it may well serve to again bring into circulation a goodly share of the nearly $465 million that are now removed from everyday circulation.

I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 2000) to provide that standard silver dollars hereafter minted shall bear the figure "1922" in lieu of the year of coinage, and shall bear no mark signifying the mint of coinage, introduced by Mr. CANNON, was received, read twice by its title, referred to the Committee on Banking and Currency 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 notwithstanding any other provision of law, all standard silver dollars minted after the date of enactment of this Act (1) shall be inscribed with the figure "1922" in lieu of the year of the coinage, and (2) shall not bear any mark or inscription indicating the mint of coinage.

SEC. 2. The requirement of section 3550 of the Revised Statutes (31 U.S.C. 366) that the obverse working dies at each mint shall be destroyed at the end of each calendar year shall not be applicable to any such dies used for the minting of standard silver dollars after the date of enactment of this Act.

DISASTER OF BIENHOA SHOULD BE INVESTIGATED AND THE COMMITTEE FINDINGS REPORTED TO THE AMERICAN PEOPLE

Mr. YOUNG of Ohio. Mr. President, today I am introducing a Senate resolution for a complete investigation and a factfinding report to the American people of all the facts pertaining to the tragic explosions and loss of life at the Bienhoa Jet Air Force Base in South Vietnam. If the facts disclose that there was negligence on the part of the commanding general at his airbase and carelessness, inattention, and/or just ordinary stupidity on the part of those officers in charge of protecting the lives of men of our Armed Forces and Vietnamese soldiers and employees of this airbase, the American people are entitled to know all about this. We have an obligation to make a searching inquiry of this chain reaction bomb explosion last Sunday which killed some 28 men and wounded more than 100 and destroyed many millions of dollars worth of the latest type offensive jet bombers of the United States. In fact, this explosion destroyed, according to news accounts, 10 percent of our entire Vietnam-based force of this most modern type of jet bomber.

If the searching inquiry should disclose carelessness and negligence, if the planes were crowded wing to wing at a time and place when a dispersive formation was possible, and if they were in fact "sitting ducks" so that one lucky shot or unexpected explosion would likely start such a series of chain reaction explosions, let the people know the facts and let no guilty officer escape exposure and disciplinary action.

Mr. President, in the Washington Post of this morning there appeared an excellent editorial entitled "Again Bienhoa," which searchingly questions the conditions which resulted in the tragic accident at Bienhoa Airbase last Sunday. I commend this to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

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

AGAIN BIENHOA

It is tragic enough to die in war from enemy action. But to die in a war area within your own lines from your own weapons is doubly tragic. So it was at the Bienhoa jet airbase in South Vietnam where a chain-reaction bomb explosion on Sunday claimed the lives of some 28 Americans and Vietnamese and the injury of more than 100.

Accidents will happen, of course, but there is something morbidly marked about Bienhoa. Last November, the Vietcong, without apparently any trouble at all, managed to sneak right up to the base's edge and bombard it with mortars, killing six Americans and Vietnamese and destroying five of the huge B-57 bombers. At that time, the planes had been lined up on the runway without a mission since the attack from the north expected last August never came off.

After much inquiry, the United States decided that it no longer could rely on the base's Vietnamese guards and sent U.S. troops to Bienhoa with orders to make deep reconnaissance patrols in all directions to prevent future surprises. Revetments were ordered built around the planes so that, in a protected and dispersed formation, they no longer would be sitting ducks for one lucky shot starting off a chain-reaction explosion.

Now, more than 6 months later, the revetments reportedly are still being built. The same base colonel still is in charge. And the big planes were all lined up together Sunday when the delayed-action chemical fuse in one plane's bomb started off a chain reaction. Since there had been a several-day halt in bombing North Vietnam, it was explained that the planes were lined up preparing to bomb the Vietcong in the south.

It also has been explained that since there are only three jet airbases in South Vietnam—Bienhoa, Saigon, just south of it, and Danang, near the North Vietnamese border—it is necessary to crowd the U.S. planes onto what small base space exists. Maybe. But many U.S. planes are based on carriers at sea. And since the bombing is virtually without opposition, why the need for crowding so many bombers on these airstrips that they have to be lined up wingtip to wingtip?

All this is quarterbacking after the tragedy. But since Bienhoa seems to be prone to tragedy, perhaps it is time really to look into its security for the future.

Mr. YOUNG of Ohio. Mr. President, I send to the desk, for appropriate reference, a resolution authorizing the Committee on Armed Services, or any duly authorized subcommittee thereof, to make a comprehensive study and investigation of any and all matters relating to the explosion at Bienhoa which resulted in the tragic loss of American and South Vietnamese lives and the substantial loss of our military aircraft and other equipment. I ask unanimous consent that the resolution be printed in its entirety at this point.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 106) was referred to the Committee on Armed Services, as follows:

S. RES. 106

Resolved, That the Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a comprehensive study and investigation of any and all matters relating to the explosion and fire which occurred at the airbase at Bienhoa, South Vietnam, on May 16, 1965, and which resulted in the tragic loss of American and South Vietnamese lives and the substantial loss of United States military aircraft and other equipment. In carrying out such study and investigation the committee or subcommittee shall determine insofar as possible the cause or causes of such explosion and whether negligence on the part of United States military personnel contributed to the incident.

SEC. 2. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1966.

SEC. 3. For the purposes of this resolution the committee, through January 31, 1966, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,100 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $30,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

VOTING RIGHTS ACT OF 1965—AMENDMENTS

AMENDMENT NO. 192

Mr. HILL submitted amendments, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 195

Mr. MILLER. Mr. President, I submit an amendment to the pending substitute and ask that it be printed and also printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, will be printed in the RECORD.

The amendment (No. 195) was ordered to lie on the table, as follows:

On page 2, line 3, strike out the figure "3" and insert in lieu thereof the figure "4".

On page 2, line 8, strike out the figure "6" and insert in lieu thereof the figure "5".

On pages 6 and 7, strike out subsection 4(c) and insert the same after line 3 on page 21 as a new subsection 14(c)(3).

On pages 4 through 8 inclusive, strike out subsections 4(a), 4(b) and 4(d) and section 5 in their entirety.

On page 8, line 19, strike out the figures "3(a);" and insert in lieu thereof the figure "4" and strike out everything beginning with the word "or" on page 8, line 19 through the word "amendment" on page 9, line 8.

After page 2, line 2, add a new section 3 as follows:

"SEC. 3. (a) Whenever the Attorney General has determined that in any State or political subdivision of a State the rights of citizens to vote are being denied or abridged on account of race or color, he shall institute an action in the name of the United States in the District Court of the United States for the District of Columbia against such State or political subdivision alleging that it is engaging in denying or abridging the rights of citizens to vote on account of race or color. Upon demand of the Attorney General, such action shall be tried by a three-judge district court convened in the manner prescribed by section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

"(b) A presumption of denial or abridgement of the rights of citizens to vote on account of race or color will be raised upon proof by the Attorney General that the State or political subdivision (1) maintained on November 1, 1964, any test or device, and (2) the Director of the Census establishes (A) that less than 50 per centum of the persons, other than aliens and persons in active military service and their dependents, of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964, and (B) that according to the 1960 census, more than 20 per centum of the persons of voting age were nonwhite; or, (3) notwithstanding the foregoing (1) and (2), the Director of the Census establishes, by a survey made upon the request of the Attorney General that the total number of persons of any race or color who are registered to vote in such State or political subdivision is less than 25 per centum of the total number of all persons of such race or color of voting age residing in such State or political subdivision."

On page 17, line 8, strike out the figure "3(a)" and insert in lieu thereof the figure "4(a)".

On pages 19 and 20, strike out section 13 in its entirety and insert in lieu thereof the following:

"SEC. 13. Listing procedures shall be terminated in any political subdivision of any State upon order of the authorizing court."

On page 20, line 8, strike out the figure "8" and insert in lieu thereof the figure "7", and on page 20, lines 8 and 9, strike out the words "any declaratory judgment pursuant to section 4 or".

Renumber sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.

Mr. MILLER. Mr. President, I point out that the purpose of my amendment is to leave the bill exactly as it is now except for one thing, that under the bill, the triggering mechanism takes effect automatically. Under my amendment, the statistics and facts set forth in the bill's triggering mechanism constitute a performance for purposes of a court action. That is the only difference between my amendment and the triggering provision in the bill.

AMENDMENT NO. 197

Mr. ALLOTT submitted an amendment, intended to be proposed by him, to the amendment, in the nature of a substitute (No. 124) proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) to Senate bill 1564, supra, which was ordered to lie on the table and to be printed.

FINANCIAL ASSISTANCE FOR STUDENTS IN POSTSECONDARY AND HIGHER EDUCATION—AMENDMENTS

AMENDMENT NO. 193

Mr. KENNEDY of Massachusetts submitted amendments, intended to be proposed by him, to the bill (S. 600) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

AMENDMENT NO. 194

Mr. MORSE. Mr. President, the Education Subcommittee of the Senate Committee on Labor and Public Welfare this morning was privileged to receive excellent testimony from spokesmen representing the library profession. Under the panel chairmanship of the distinguished Librarian of Congress, testimony was received from representatives of the American Library Association, the Association of Research Libraries, and the Catholic Library Association.

The subcommittee in particular took note of the suggestions advanced with regard to the interaction between the Library of Congress and the university and college libraries with respect to a cataloging problem which currently exists. The solution to this problem which was advanced was argued so persuasively that Senator MCNAMARA, Senator CLARK, Senator RANDOLPH, Senator KENNEDY of New York, Senator YARBOROUGH, Senator PROUTY, Senator JAVITS, Senator DOMINICK, and I determined to introduce for reference an amendment to S. 600 which would carry out the intent of the proponents.

I am not unaware that there are many other Senators who may wish to join with us in the sponsorship of the amendment, and I therefore ask unanimous consent that the amendment lie at the desk until the close of business Monday next, to permit such Senators as may wish to join us on the amendment, to do so, and that the amendment be printed in the RECORD, and appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD and held at the desk, as requested by the Senator from Oregon.

The amendment (No. 194) was referred to the Committee on Labor and Public Welfare, as follows:

On page 26, after line 3, insert the following new part:

"PART C—CATALOGING OF LIBRARY MATERIALS

"SEC. 250. There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1966, and such sums for each of the four succeeding fiscal years as may be necessary to enable the Commissioner of Education to transfer funds to the Librarian of Congress for the purpose of:

"(1) Insuring, so far as possible, the acquisition by the Library of Congress of all library materials currently published throughout the world of value to scholarship;

"(2) Providing catalog information for these materials promptly after receipt, and distributing bibliographic information in printing catalog cards and by other means, and authorizing the Library of Congress to use for exchange and other purposes such of these materials not needed for its own collections."

Mr. MORSE. Mr. President, I ask unanimous consent that relevant portions of the testimony received this morning in support of the amendment be printed at this point in the RECORD.

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

STATEMENT BY WILLIAM S. DIX, LIBRARIAN, PRINCETON UNIVERSITY, REPRESENTING THE ASSOCIATION OF RESEARCH LIBRARIES, ON S. 600, BEFORE SUBCOMMITTEE ON EDUCATION, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, MARCH 31, 1965

Mr. Chairman and members of the subcommittee * * * title II of this bill as it is now drafted will go far in enabling college and university libraries to perform more effectively their essential task in higher education. However, we respectfully wish to suggest to this committee a related area of assistance in which the expenditure centrally of a relatively small sum will enable the colleges and universities which receive the $50 million proposed for acquisitions to meet more easily the heavy burden of staff costs which these acquisitions will demand. We suggest a program which will permit these purchase grants to have the full effect in developing national library resources which the legislation intends them to have. I must beg the indulgence of this committee for a few words of explanation.

Books and journals are of no value in a library until they can be found, unless some device is provided by which a reader can start with the name of the author, or the title of the book, or even the subject alone and end up with the book he needs. The card catalog is the conventional device for achieving this end, and every book acquired by a library must be cataloged before it can be placed on the shelves. This operation is considerably more complex than it might appear at first. It involves an exacting technical skill and intellectual effort which requires competence in all of the world's ancient and modern languages. Today the 74 members of the Association of Research Libraries are spending over $18 million a year on cataloging alone, and while these are the largest libraries, they are a small fraction of the total number.

Fortunately, the basic cataloging of a book, if it is done in a consistent and standard fashion, need not be repeated when a second library gets the same book—if it can also get a copy of the first library's catalog card promptly enough to use it. The most effective device for sharing cataloging began in 1901 when the Library of Congress began selling to other libraries copies of the catalog cards which it prepares for its own collections. In fiscal year 1964 it returned to the Treasury more than $3.8 million realized from the sale of more than 52.5 million cards to some 17,000 libraries.

Yet the university libraries of the country can still get Library of Congress catalog cards when they need them for only a little over half of the books they acquire each year. The Library of Congress actually acquires a higher percentage of these books, but lacks the necessary staff to catalog them quickly enough for copy to be useful to other libraries. If a method can be found to reduce this nearly 50 percent of original cataloging which is now required, much of it duplicated in libraries all over the country, the savings will be very substantial indeed, and the money released can be spent in strengthening the national pool of books and in providing better library service to students and scholars. After experimenting for many years with various plans for the exchange of cataloging information, we are now convinced that the best solution, and indeed the only effective solution, to the problem is the cataloging of as many books as possible by a central agency and the distribution of cataloging copy or cards to libraries as required for their own acquisitions. We believe also that the obvious central agency is the Library of Congress, which is already meeting over half of the need and which has already established the mechanisms of information and distribution. The Library of Congress is, in fact, already a national bibliographic center. To meet the national need the system must be perfected. The Librarian of Congress is in agreement with our objective and is present today to testify in support of our proposal.

Centralized cataloging will assist the development of a computer-based system of information storage and retrieval. The basic intellectual operation of cataloging, of describing and properly identifying each book, will always be necessary and is in fact the essential prerequisite of any automated library system. Furthermore, it seems clear that technological innovation as applied to the development of an integrated national network of libraries must move outward from the center. Before the total library resources of the country can be made fully and effectively available to the individual student and scholar by automation, a great mass of bibliographic information must be available in a national center, stored in machine-readable form and distributed by whatever improved methods can be devised to the local libraries where it will be available to users. Thus, not only can cataloging be done more efficiently at a central location but the resulting bibliographic information must in any event be gathered in one place to take full advantage of the promises of automation.

There is a nationwide shortage of trained librarians, especially of those with the specialized subject knowledge and the language skills required to catalog the kinds of books now required in university libraries. The worldwide commitments of the United States now demand that we train students in scores of fields almost unknown in our universities 30 years ago. To support these programs our libraries must make available books in Arabic, in Urdu, in Swahili, and in dozens of other languages. There are simply not enough catalogers in these areas for each library to provide its own. The case for centralization, either in Washington or elsewhere, is clear on the basis of effective utilization of scarce manpower alone.

There is one more element in the program which we propose. These newly published books from all over the world which are being added each year to American libraries cannot be cataloged by a central agency unless they are in the hands of the catalogers at that agency. It seems clear, therefore, that the Library of Congress should attempt to acquire comprehensively currently published materials of scholarly interest from all parts of the world. In this acquisition program and in the centralized cataloging the National Agricultural Library and the National Library of Medicine should probably be given certain responsibilities in their own special areas. Most of those books should probably be retained in the collections of the national agency, but some may be passed along to other labraries with special interests and national responsibilities after they have been cataloged and the cataloging copy made available through the national pool. We believe that not more than 100,000 currently published books per year are coming into American libraries which are not added now to the collections of the Library of Congress. We believe that if a substantial proportion of these publications were acquired by the Library of Congress and cataloged promptly, not only would the cataloging problem of all the major American libraries be essentially solved, but the Library of Congress would be enabled to fulfill much more effectively its mission as the greatest national library in the world, serving the daily needs of the Congress and the other branches of the Federal Government, of science and industry, and of the academic and scholarly community.

This, then, Mr. Chairman, is the program which we respectfully propose. It does not represent a narrow or selfish interest, for although it is of special importance to the large university and research libraries from coast to coast it will help solve a pressing problem of thousands of other libraries of all types. It is simply a national plan to improve what is now the most costly and inefficient element in library operations. It will not bring about the millennium, for all libraries will still need trained catalogers to adapt the basic cataloging to their own needs.

But this program will, we are convinced, greatly enrich and strengthen the resources of the Library of Congress as a National Library; utilize more effectively and rationally skilled manpower which is in very short supply; enable hundreds of libraries throughout the country to eliminate alarming backlogs of several million uncataloged and thus unusable books; provide basic elements required for a national system of automating bibliographic information; release for productive use in the support of teaching and research millions of dollars now spent unnecessarily in duplicative effort.

We respectfully suggest, therefore, that in order to make the provisions of title II more effective in developing library collections, the Office of Education should be authorized sufficient funds for transfer to the Library of Congress which should be authorized and directed to (1) acquire on the most comprehensive basis currently published library materials of scholarly value; (2) provide catalog copy for these accessions promptly after receipt, generally within 3 to 4 weeks; (3) process and forward to other designated libraries, by exchange or other methods, books which are not within the collecting scope of the central facility.

We estimate that first-year appropriations should not exceed $5 million.

In our opinion, the cost involved is small when compared with the benefits to be derived. This program will go far toward solving one of the most pressing problems faced by the Nation's libraries for the past 50 years.

TESTIMONY OF L. QUINCY MUMFORD, LIBRARIAN OF CONGRESS, ON THE HIGHER EDUCATION ACT OF 1965, BEFORE THE EDUCATION SUBCOMMITTEE, SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, MAY 19, 1965

Mr. Chairman and members of the subcommittee, * * * the shortage of trained librarians, as you have already heard, has become critical. We have felt this shortage at the Library of Congress. We are, of necessity, conducting our own training program for catalogers in which we teach cataloging theory and practice to college graduates with subject and language competence. This, of course, is time-consuming and expensive, but we shall have to continue the program until there are more graduates with master's degrees in library science available. The training provisions of title II, part B, would, I believe, help in recruiting for the library profession talented students who have not been able to go beyond the bachelor's degree because of inadequate financial resources. The limited number of accredited library schools—at present there are only 33 accredited in the United States by the American Library Association—and their geographical locations have hampered recruitment for the profession. The provisions outlined in S. 600 to provide financial assistance to institutions for training in librarianship would, I am confident, improve the picture considerably.

For over half a century, the Library of Congress has conducted research in library technology in an effort to find the most efficient and economical way to control and to service the materials in its collections. The results of this research have, of course, been made available to libraries and their users throughout the Nation. To give but a few examples: the Library of Congress develops

catalog codes and classification schedules; it developed, and utilized in its books-for-the-blind program, longplaying records long before they became available commercially and it continues to conduct experiments for the improvement of talking book records; and it published, among other reports, a study on the preservation of sound recordings in libraries. Many such programs are cooperative, with libraries contributing research and the products of research. Now with the advent of automation, new horizons, heretofore unknown, have opened before the library profession. The Library of Congress is currently carrying on studies leading to the application of computer technology to library operations, especially to the production of machine-readable catalog-card copy and to the automation of our entire bibliographic record. We need the advice and assistance of other libraries in this if we hope—as we do—to create a national library information system. These libraries also have their own problems in this and in other areas on which study is necessary. The availability of grants for research in library technology would, therefore, aid the library profession immeasurably in the difficult tasks that lie ahead.

Important as the foregoing aspects of title II are, I assume that this subcommittee is mainly interested in my views on the centralized cataloging proposal made here today by the Association of Research Libraries. I am in accord with the plan outlined, and I am glad to have this opportunity to comment on it in relation to the Library of Congress and the national needs.

As I understand it, the Association of Research Libraries is proposing that title II be amended in order that a sum of $5 million for the first year would be authorized to be appropriated to permit the Commissioner of Education to transfer funds to the Library of Congress for the purpose of acquiring at the Library of Congress, insofar as possible, all library materials of research value currently published throughout the world, and of enabling the Library to provide catalog information on these materials promptly enough to be useful to the libraries of the Nation. In addition, I hope that any such amendment would be so worded as to permit the Library to use for exchange and other purposes those materials acquired that might not be needed for its own collections.

This plan would obviously affect our acquisition program. At present, it is the policy of the Library of Congress to be comprehensive in its coverage, but not complete. Many years ago it became apparent that no one library could add to its collections everything that was printed. The major research libraries of the country therefore agreed to a cooperative acquisitions program, called the Farmington plan, under which each member assumed responsibility for acquiring all publications of research value from a particular geographical area or in a given subject. The Library has also acquired a large proportion of the material that is brought to the United States under this plan but, as I have said, it has not attempted to follow a policy of acquiring everything. For example, as you know, the National Library of Medicine and the National Agricultural Library collect technical publications in medicine and agriculture.

It would be impossible to give an exact figure on how many publications that are being received by research libraries are not received by the Library of Congress. The Association of Research Libraries has estimated that about 100,000 titles per year are at present either not being acquired by the Library of Congress or are not being cataloged promptly, that is, within 3 weeks from date of receipt. It has been estimated that the sum recommended by the Association of Research Libraries to be transferred to the Library of Congress would insure the acquisition, binding, and cataloging of about 75,000 titles during the first year of operation. We are assuming that any authorizing legislation would include the cost of printing catalog cards for these additional titles. Since the number of libraries interested in buying cards for these predominantly foreign-language materials would be limited, the volume of sales would not pay for the printing costs.

The Library's catalog-card distribution service has attempted to meet the needs of the greatest number of libraries throughout the country. Since English-language publications are the ones acquired by the majority of the libraries and are the titles most often used by the reader, we have given priority to them in our cataloging. Over 93 percent of the sale of catalog cards are for titles in the English language. With the cooperation of many American book publishers, who send us their new titles on or before their publication dates, we are able to supply printed cards on these books promptly. Generally, English-language books are cataloged and printed cards are available within 21 working days after receipt of the books in the Library.

It is true that the Library does not have printed cards available for most of its foreign-language titles within this period of time. In some instances, printed cards for foreign-language materials that we have never become available. This is not to say that the Library of Congress does not know what is has acquired in foreign titles. In order to serve our immediate needs—that is, to service the materials to the Congress, the Government, and our readers—we give what is called preliminary cataloging treatment to incoming foreign titles and thus we have control over them. This is, of course, not an ideal situation and it has penalized other research libraries, but we cannot, without additional staff and book-purchase funds, fulfill all the needs of the research libraries.

Looking to the future, the research libraries are hopeful—and I am too—that they will be able to tie into a national computer-based information system, whose main store of information will be located at the Library of Congress. It is expected that the bibliographic information in the Library, corresponding to our present card catalogs, will be produced in machine-readable form and will be made available to other libraries in various ways, possibly through tapes, and through a network of communications facilities. The value of such a record would be enhanced if the Library of Congress had bibliographic information about the holdings of the entire complex of research libraries. The proposal presented to you today by the Association of Research Libraries would make this possible in the future, and as a result, a much larger segment of the research community would be the beneficiary of such an information system.

In conclusion, the Library of Congress, recognizing its role as the national library, would be happy to accept this responsibility for the research libraries of the Nation, for the ARL plan is not directly designed for the primary benefit of the Library of Congress. Indirectly, we would benefit because we would be able to acquire more books, to catalog them more promptly, and to build a more complete centralized bibliographic record for the benefit of higher education and the scholarly community. In short, this plan would not only provide for a more economical and efficient national cataloging program, but would directly contribute to the improvement of research and reference libraries in the United States.

TESTIMONY BY JULIAN H. LEVI, BEFORE THE EDUCATION SUBCOMMITTEE OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, MAY 19, 1965

I am Julian H. Levi, professor of Urban Studies in the Division of Social Sciences at the University of Chicago.

President George W. Beadle, of the University of Chicago, has authorized enthusiastic support of the suggestions made by Mr. William S. Dix, librarian of Princeton University, on behalf of the Association of Research Libraries. I may tell you, in addition, that the content of Mr. Dix' suggestions has been discussed in meetings among many university groups within past weeks. More than 30 institutions have been involved. The reaction in each instance has been positive.

Three observations appear appropriate:

1. Amelioration of cataloging problems, achieved by shared effort, is important to the entire community of higher education. Current costs and delays inflict heavy penalties on university budgets and resources, on faculty time and effort, and on student opportunity and training.

The benefits of Mr. Dix' suggestions, therefore, go far beyond the university library itself. The economies and benefits derived from central cataloging effort will assist each of the institutions of higher education in the Nation.

2. Cataloging problems cannot be solved within any single institution, or section, or region of the Nation. No one university library, however large, can be all-inclusive. Effective service requires a common approach to the cataloging problem and on a national basis. Accordingly, only a national program will meet the need. Anything less will not have coverage sufficiently inclusive.

3. The benefits to be derived in avoiding duplicative, costly efforts are many times the costs involved.

No one privileged to appear before this committee on behalf of higher education can fail to acknowledge the giant contributions which this committee has made in the development and promulgation of a legislative record without parallel. This committee, under the inspired leadership of its chairman, supplemented and aided by an extraordinarily effective and interested staff, challenges us as we seek to meet our obligations, essential to the future of a free society.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AMENDMENT NO. 196

Mr. JAVITS. Mr. President, with respect to the pending bill to establish a Department of Housing and Urban Development I submit an amendment for appropriate reference.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, this is an amendment to S. 1599, the bill to establish a Department of Housing and Urban Development, to create in the Department, an Office of Urban Program Coordination to provide specific machinery for the coordination of the approximately 60 programs concerning urban development which are not under the jurisdiction of the Department of Housing and Urban Development, as the bill is presently drafted.

I am cosponsor of S. 1599, and support its objectives. However, while the bill provides generally that the Secretary shall have authority to coordinate Federal activity affecting housing and urban development, there is no machinery for the Secretary to utilize in coordinating the administration of the more than 60 Federal programs concerned with urban metropolitan areas. The Secretary's direct jurisdiction, it is expected, will cover

only the constituent units of the Housing and Home Finance Agency whose functions and powers will be transferred to the Department. There is an urgent need that the Secretary of the Department of Housing and Urban Development be the focal point for the many development programs having an impact on urban areas and that he have the machinery to coordinate these programs.

The amendment would, in addition, authorize the establishment of an Inter-Agency Coordinating Council, to be made up of distinguished citizens outside the Government appointed by the Secretary to provide the Secretary of the Department with their recommendations for developing proposals for improving programs of the various departments and agencies of the Government which have a major impact on urban development. The Council also would be composed of ex officio members including the Secretary of Housing and Urban Development and the Secretaries of Labor; Commerce; Health, Education, and Welfare; and Treasury; the Director; the Administrator of the Federal Aviation Agency; the Chairman of the Interstate Commerce Commission; and the Administrator of Veterans' Affairs and other designated officials.

I trust that the Executive Reorganization Subcommittee of the Government Operations Committee under the able chairmanship of Senator RIBICOFF and of which I am a member will consider the objectives of this amendment and evaluate how best these objectives may be carried out.

ADDITIONAL COSPONSORS OF BILL

Mr. AIKEN. Mr. President, I ask unanimous consent that the RECORD show that the following Senators have become cosponsors of S. 1766, a bill to amend the Farmers Home Administration Act: The Senator from Hawaii [Mr. INOUYE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Louisiana [Mr. LONG], and the Senator from Florida [Mr. SMATHERS].

The amendment is intended to establish water systems in rural areas with less than 5,000 population and to provide for Federal assistance in so doing.

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

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 1886, to prohibit opening of mail by the Internal Revenue Service, the name of the senior Senator from Illinois [Mr. DOUGLAS] be added as a cosponsor.

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

PROHIBITION OF OPENING OF MAIL BY INTERNAL REVENUE SERVICE—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 4, 1965, the names of Mr. ALLOTT, Mr. BARTLETT, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. CARLSON, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. CURTIS, Mr. DOMINICK, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. HARTKE, Mr. HRUSKA, Mr. INOUYE, Mr. LAUSCHE, Mr. MCCARTHY, Mr. MONTOYA, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. SALTONSTALL, Mr. SIMPSON, Mrs. SMITH, Mr. SPARKMAN, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota were added as additional cosponsors of the bill (S. 1886) to prohibit opening of mail by the Internal Revenue Service, introduced by Mr. LONG of Missouri on May 4, 1965.

NOTICE OF HEARINGS ON HOUSE BILLS RELATING TO THE JUDICIARY

Mr. TYDINGS. Mr. President, for myself, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce that hearings will be held by the subcommittee on H.R. 1763, to authorize the payment of witness fees in habeas corpus cases and in proceedings to vacate sentence. H.R. 3989, to extend the time for filing petitions for removal of civil action from State to Federal courts from 20 to 30 days. H.R. 3990, to increase the per diem and subsistence and limit mileage allowances of grand and petit jurors. H.R. 3992, to provide the payment of cost of transcripts furnished by court reporters. H.R. 3998, to increase the fees of jury commissioners in the U.S. district courts. H.R. 5283, to provide for the inclusion of years of service as judge of the U.S. District Court for the Territory of Alaska in the computation of the years of Federal judicial services for judges of the U.S. district courts for the District of Alaska. H.R. 5640 to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes.

The hearings are scheduled for May 27 at 10 a.m. in room 2228 of the New Senate Office Building.

Any person who wishes to testify or submit statements pertaining to these measures should communicate with the Subcommittee on Improvements in Judicial Machinery.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 800) to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RIVERS of South Carolina, Mr. PHILBIN, Mr. HÉBERT, Mr. PRICE, Mr. FISHER, Mr. HARDY, Mr. BATES, Mr. ARENDS, and Mr. O'KONSKI were appointed managers on the part of the House at the conference.

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

H.R. 1231. An act for the relief of Maria Mangano;

H.R. 1236. An act for the relief of Salvador Munoz-Tostado;

H.R. 1306. An act for the relief of Loretta Negrin;

H.R. 1314. An act for the relief of Foster Masahiko Gushard;

H.R. 1322. An act for the relief of Mrs. Ana Cristina Rainforth;

H.R. 1443. An act for the relief of Mrs. Olga Bernice Bramson Gilfillan;

H.R. 1987. An act for the relief of Nabhane M. Nickley (Nabhane M. Karam);

H.R. 1989. An act for the relief of Krystyna Stella Hancock;

H.R. 2012. An act for the relief of Dr. Ignace D. Liu;

H.R. 2305. An act for the relief of Zenaida Quijano Lazaro;

H.R. 2351. An act for the relief of Teresita Centeno Valdez;

H.R. 2360. An act for the relief of Dr. Antonio R. Perez;

H.R. 2499. An act for the relief of Remedios Ocampo;

H.R. 3625. An act for the relief of Alfred Estrada; and

H.R. 4131. An act for the relief of Mrs. Phoebe Thompson Neesham.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1231. An act for the relief of Maria Mangano;

H.R. 1236. An act for the relief of Salvador Munoz-Tostado;

H.R. 1306. An act for the relief of Loretta Negrin;

H.R. 1314. An act for the relief of Foster Masahiko Gushard;

H.R. 1322. An act for the relief of Mrs. Ana Cristina Rainforth;

H.R. 1443. An act for the relief of Mrs. Olga Bernice Bramson Gilfillan;

H.R. 1987. An act for the relief of Nabhane M. Nickley (Nabhane M. Karam);

H.R. 1989. An act for the relief of Krystyna Stella Hancock;

H.R. 2012. An act for the relief of Dr. Ignace D. Liu;

H.R. 2305. An act for the relief of Zenaida Quijano Lazaro;

H.R. 2351. An act for the relief of Teresita Centeno Valdez;

H.R. 2360. An act for the relief of Dr. Antonio R. Perez;

H.R. 2499. An act for the relief of Remedios Ocampo;

H.R. 3625. An act for the relief of Alfred Estrada; and

H.R. 4131. An act for the relief of Mrs. Phoebe Thompson Neesham.

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

Mr. WILLIAMS of Delaware. Mr. President, in the Chicago Tribune of March 18, 1965, there appeared an editorial entitled "A New Low."

This editorial points up just how desperate the administration is to stop the Baker investigation before it reaches any higher.

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

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

[From the Chicago (Ill.) Tribune, May 18, 1965]

A NEW LOW

Democrats on the Senate Rules Committee apparently have stooped to a new low in their

protracted efforts to cover up the Bobby Baker scandal. Reporters have learned that the committee's forthcoming report on the latest stage of its so-called investigations includes an ill-concealed and outrageous attack on the integrity of a fellow Senator, JOHN J. WILLIAMS of Delaware.

Senator WILLIAMS is the Republican whose initial evidence led to Baker's resignation as Secretary to the Senate majority on October 8, 1963, after piling up a $2 million fortune on a Government salary which never exceeded $19,600. And it is Senator WILLIAMS who has kept the investigation alive with one revelation after another.

The ripples of scandal reached the White House and the Democratic National Committee as well as any number of lesser individuals and agencies. In one previous committee report and in a series of statements and even more eloquent silences, Senate Democrats and the administration have tried to shake off the embarrassing evidence by evasion, by alibis, by diversionary tactics, by impugning the testimony of witnesses, by releasing derogatory material about them from supposedly secret files, and by crying politics.

None of this has allayed the public suspicion or stemmed the flow of incriminating evidence, gathered almost singlehandedly by Senator WILLIAMS. So the committee has now stooped to implying that Mr. WILLIAMS is a meddlesome liar who shouldn't concern himself with matters under the jurisdiction of the Rules Committee. According to one reporter, the document reads as if it were a brief in a libel suit against Mr. WILLIAMS instead of an examination of serious charges brought by him.

These are vengeful gutter tactics which merely demonstrate the committee's moral bankruptcy. It has exhausted its paltry supply of ammunition and has turned to name calling. If it persists in adopting this report, it will bring discredit on the whole Senate.

CODDLING OF CRIMINALS IN THE DISTRICT OF COLUMBIA

Mr. BASS. Mr. President, last night there appeared in the Washington Evening Star an editorial dealing with the commitment of a murderer to an institution of correction until he becomes of age—21 years. The editorial should be read by every American. I believe that it expresses the sentiment of many who are deeply concerned with the increase in the rate of crime, not only in the District of Columbia, but throughout the Nation. I did not read the news story when the crime was committed. The name of the person involved did not appear in the news story, so there can be no prejudice in the remarks that I am making. I have even forgotten the name of the judge. I did not bring the editorial with me because I did not wish to read the name into the RECORD.

But if the facts are as stated in the editorial, and if there were no extenuating circumstances, as the editorial stated, when the judge committed that young man for a period of only 4 or 5 years for the murder that he committed—and there apparently was no doubt that he was guilty. I have one comment to make about that judge. The judge said he went through some "mental anguish" in making his determination. His mental anguish should be studied by some professionals. That judge ought to have his head examined, because within a period of a few short years a full grown man, weighing 225 pounds, 6 feet 2 inches tall, will be turned loose to commit additional crimes, probably not only in the District of Columbia, but in other parts of the United States.

I continue to be disturbed about the coddling of criminals that is being practiced by the judiciary in the District of Columbia. I hope that Senators who serve on committees enacting laws dealing with criminal activities in the District will begin to take note of the type of justice that is going on here. It now appears that there is a sign out at the District line which reads: "An easy place for the criminal. Just come to the District of Columbia." I am of the opinion that our system of justice is extremely weak.

Criminals read that an act of murder has been committed. There was no doubt as to who committed the murder. Yet the culprit is sent to an institution of correction for a period of only 4 years. Men with that kind of mental attitude and that kind of mind will quickly migrate to the Nation's Capital.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be permitted to speak for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized for an additional 2 minutes.

Mr. BASS. I commend the editorial: I commend the attitude that the newspaper is taking in this particular instance. Something must be done to stop crime in the Nation's Capital.

DEATH OF MRS. MARY BRECKINRIDGE, OF KENTUCKY, FOUNDER OF FRONTIER NURSING SERVICE

Mr. MORTON. Mr. President, on Sunday last, Mrs. Mary Breckinridge died peacefully at her home at Wendover, Leslie County, Ky. She was without doubt the most illustrious lady in the long history of Kentucky. She was known as "The Angel of the Frontier." She was the founder and moving spirit of the Frontier Nursing Service, an organization which has not only rendered invaluable help to the people of Leslie, Perry, and Clay Counties, Ky., but has been a model for similar organizations throughout the world.

On Monday, May 17, the Louisville Courier Journal published an article entitled "Nurse and Angel of Frontier Dies," written by Allan M. Trout, one of the most eminent journalists in Kentucky. The article gives a résumé of the life and accomplishments of this remarkable woman and a history of the Frontier Nursing Service. My distinguished senior colleague from Kentucky [Mr. COOPER] placed this article in the RECORD yesterday, at page 10813. I commend it to all Senators.

Mr. President, I first knew Mrs. Breckinridge in the early 1920's. Whenever she visited Louisville, she stayed in our old family home in the country, near Louisville.

I made my first trip to Hyden in 1928. It was a long trip in those days. We took the overnight train from Louisville to Hazard, and rode horses or mules from Hazard to Hyden. At that time there was not one mile of paved road in Leslie County. It was an all-day trip and, as I recall, was in the rain. The occasion was the dedication of a wing of the hospital being built as a memorial to my mother.

I was long ago impressed with the great qualities which Mrs. Breckinridge possessed and the force, drive, and dynamism that she gave to the establishment of this great institution, the Frontier Nursing Service.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Mary Breckinridge Served Long and Well," which was published in the Louisville Courier Journal of Tuesday, May 18.

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

[From the Courier-Journal, Louisville (Ky.) May 18, 1965]

MARY BRECKINRIDGE SERVED LONG AND WELL

Mary Breckinridge bore proudly a name that has long been distinguished in Kentucky. Forty years ago she set out to sell an ideal—the provision of trained nursing and midwife service to Kentucky's mountain mothers. At her death the Frontier Nursing Service had become internationally known and its school for midwives has provided a model for others throughout the world.

She knew tragedy in her own life. She found fulfillment in the remote hollows around the FNS hospital at Wendover, which is in Leslie County, and in the problems of its people. As she told her story of the mountain people among the comfortable and moneyed inhabitants of our large cities, she touched consciences and loosened purse strings wherever she went.

Probably few of her donors ever visited the scenes she described, but something of the long heritage of pride and poverty which is native to the Kentucky hills stayed behind her to nag at the affluent. Today her hospital and nursing service is solidly based, well-financed and capable of a new role in the changing Appalachian picture. She served her chosen people long and well.

SENATOR DIRKSEN'S WELCOME TO A WORKINGMAN

Mr. MORTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter written by S. F. Danfield, of Chicago, to the Chicago Tribune, and published in that newspaper on May 9, 1965.

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

[From the Chicago (Ill.) Tribune, May 9, 1965]

WORKINGMAN'S WELCOME

CHICAGO, MAY, 6.—May an American workingman ask you to publish an incident that happened to him? This incident is a trip to Washington, D.C., last Wednesday.

I am just a union painter and I was an invited guest to a dinner in honor of Mr. DIRKSEN. As one of the supposedly despised union men (despised that is by the heads of the Republican Party), when it became known it was my first trip in a plane, Mr. Fetridge of Diamond T took it upon himself

to sit with me on takeoff to help a fellow American on his first trip. When we arrived in Washington, I met a lawyer who represents railroads, who personally took me on a tour of places and things of interest.

At the minority leader's offices I was personally escorted to Mr. DIRKSEN and introduced to him as a union man who as an American believes in the Republican Party. At the dinner I was seated beside a legislator who talked with me on an even level. At the airport to take off for home, Mr. Nixon was standing alone, I walked up to him and introduced myself. He shook my hand enthusiastically and said he wished there were more union men in the party so they could get a closer understanding of labor. The warmth and understanding accorded me certainly belies the statements of 32 years I have heard, that the Republican Party hates labor. I certainly wish that more rank and file union men could have the experience of my trip.

In addition, I wish to extend a warning to the Democratic Party. I had a dinner with the loser, but the heads up, bright eyes, and American ideas exhibited by so many so-called losers cannot be denied. The American party now known as the Republican Party soon will lead us back from socialism and big-brotherism to the freedom we all love and cherish.

S. F. DANFIELD,
Member of Local No. 147, Brotherhood of Painters, Decorators, and Paperhangers.

WORLD'S AIRLINES SET SAFETY MARK

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a newspaper article summarizing a report of the International Civil Aviation Organization on the safety record of the non-Communist world's airlines in 1964.

These airlines set a new record of 0.61 deaths per 100 million passenger-miles, which was 22½ percent below the figure for 1963.

This is a great achievement and I commend the airlines for their continued efforts to promote air safety. I am particularly happy with the record of the U.S. airlines, which was over twice as good as that of the other airlines in non-Communist countries. The rate achieved by U.S. airlines was only 0.26 deaths per 100 million passenger-miles flown.

This is a wonderful record and is further evidence that air travel is the safest mode of transportation today. It is also an indication that the continuing efforts of the airlines to achieve air safety are paying off.

Another interesting fact in the report is that the venerable old DC-3 is still the most popular commercial airplane in operation today. There are more DC-3's still in operation than all jet aircraft combined.

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

WORLD'S AIRLINES SET SAFETY MARK—FATALITY RATE AT A LOW, REPORT FOR 1964 NOTES

WASHINGTON, May 15.—The non-Communist world's airlines compiled the safest year on record in 1964, the International Civil Aviation Organization reported today.

It said its more than 100 member airlines, which include U.S. carriers, ended the year with the lowest fatality rate on record, 0.61 deaths to 100 million passenger-miles flown, 22.5 percent below 1963, the best previous year.

The figure for U.S. airlines last year was 0.26 percent.

The report said the passenger fatality rate had been cut by 50 percent in the last 4 years.

If the 1954 rate had been experienced in 1964, it said, "there would have been about 20 accidents instead of the actual 21 and about 1,500 fatalities instead of the actual 647."

LOW JET RATE CITED

The report also said that jets had only about half the fatal accident rate of older types of airliners. It said pure jets offered 72 percent of total seat capacity in 1964, although they represented only a fifth of the total planes in scheduled service.

The DC-3, however, the report noted, still was a busy little airliner after nearly three decades of flying. There were 1,052 DC-3's being operated at the end of 1964—15 more than the pure jet total.

The report said Aeroflot, the Soviet airline, continued to expand in 1964, although official figures were lacking. Aeroflot is estimated to have carried 38 million passengers last year, against 22 million in 1961, 27 million in 1962 and 32 million in 1963.

The report said Aeroflot hauled virtually no cargo over its passenger routes, which now extend to 33 capital cities in Europe, Africa, the Middle East, Asia, and Cuba.

Organization members, the report said, ended last year with combined operating profits of $600 million, double the figure for the previous year.

CONSERVATION AND PROTECTION OF PACIFIC SALMON OF NORTH AMERICAN ORIGIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 180.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1734) to conserve and protect Pacific salmon of North American origin.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 6, after the word "domestic", to insert "fishery"; and in line 7, after the word "programs", to strike out "of Pacific Salmon of North American origin,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the Secretary of the Interior determines that the fishing vessels of a country are being used in the conduct of fishing operations in a manner or in such circumstances which diminish the effectiveness of domestic fishery conservation programs, the President of the United States may increase the duty on any fishery product in any form from such country for such time as he deems necessary to a rate not more than 50 per centum above the rate existing on July 1, 1934.

Mr. MANSFIELD. Mr. President, this bill was reported by the committee unanimously. I ask unanimous consent to have printed in the RECORD at this point excerpts from the report (No. 194) explaining the purposes of the bill and reasons for its passage.

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

PURPOSE OF THE BILL

The purpose of this bill is to conserve and protect U.S. domestic fishery resources in coastal waters and on the high seas. This legislation would be particularly helpful to the United States in its continuing effort to conserve and protect the salmon resources of the North Pacific.

The bill provides that whenever the Secretary of Interior determines that fishing vessels of a foreign country are being operated to the detriment of the domestic fishery conservation programs, the President may increase duty—up to 50 percent of the July 1, 1934, level—on any fishery product in any form from the offending country.

GENERAL DISCUSSION

The United States is the acknowledged international leader in the conservation of fishery resources. This position of international eminence has been earned by the United States because of the exemplary fishery conservation programs undertaken by this Nation. One successful example is the conservation of the valuable Pacific salmon resources which have been conserved and sustained while salmon resources in other areas of the world, particularly those in Asia, have been either destroyed, as in Japan, or seriously depleted.

Numerous other examples demonstrate the wisdom of this national conservation policy. The successful halibut conservation program of the U.S.-Canadian International Halibut Commission serves as a model which other nations could emulate. The United States provided the leadership necessary to establish the convention for the conservation of tuna in the eastern tropical Pacific. At the United Nations Conference on the Law of the Sea, convened in Geneva in 1958, the United States led the successful efforts for adoption of the Convention of Fishing and Conservation of the Living Resources of the High Seas.

The United States has not deviated from this respected international fishery conservation policy. However, periodically, the will and determination of the United States to convince other nations of this sane and necessary conservation policy on the high seas has been severely tested. To meet these serious emergencies, Congress in recent years has given to the executive authority to institute necessary and proper economic sanctions against willful violators determined to destroy these renewable resources under the cloak of the international doctrine of freedom on the high seas. Congress added to the Trade Expansion Act of 1962 a provision specifically authorizing the President to increase duties on imported fishery products from any nation refusing to negotiate a fishery conservation program in good faith. Section 257 of the Trade Expansion Act of 1962 provides that:

"Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations in good faith relating to the use or conservation of such resources. If, after such efforts by the President and by other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries, has, in the judgment of the President, failed or refused to engage in such

negotiations in good faith, the President may if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish (in any form) which is the product of such country, for such time as he deems necessary, to a rate not more than 50 percent above the rate existing on July 1, 1934."

During the same year, at the request of the Department of State, Congress amended the law implementing the Inter-American Tropical Tuna Convention to give to the Secretary of the Interior authority to embargo certain fishery imports from nations which permitted their fishermen to engage in practices in contravention to conservation regulations of the Inter-American Tropical Tuna Commission.

Section 2 of Public Law 87-814, which amends the Tuna Conventions Act of 1950 (16 U.S.C. 951), provides:

"That upon the promulgation of any such regulations the Secretary of the Interior shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary of the Interior, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the Commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of the Interior is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry."

These congressional acts were necessary to encourage other nations to follow fishery conservation practices on the high seas.

S. 1734 is an extension and continuation of this well-established and recognized national policy.

The immediate circumstances leading to introduction of this legislation and to the favorable action taken by the committee on the bill were graphically detailed during the hearing on this bill.

COMMITTEE CONSIDERATION

Hearings were held on the bill on May 11 and 12. An impressive list of witnesses appeared in favor of the legislation and gave the committee an exhaustive review of the problem.

Since 1883 American fishermen have been fishing the Bristol Bay area of the North Pacific Ocean and there has been established the world's greatest red salmon fishery. The industry prospered and provided employment for native and other fishermen.

During the early years of the development of this fishery, U.S. scientists and fishermen realized the necessity of following strict fishery conservation practices. While Alaska was a territory and more recently since Alaska statehood, the Bristol Bay salmon fishermen have been subjected to extremely strict conservation regulations. These regulations are directed toward obtaining the necessary escapement of salmon into streams to assure the propagation of the salmon stock. In recent years Bristol Bay fishermen have been permitted to fish only a few hours each week during the short season.

The law for many years has prohibited American fishermen from engaging in high seas salmon net fishing. It has been clearly established by scientific evidence that high seas salmon fishing with nets is detrimental to the conservation of the resources and is shockingly wasteful. Despite this clear evidence, the Japanese high seas fishery has within the past several years engaged in the taking of salmon of American origin on the high seas with nets.

The wastefulness of high seas salmon fishing was emphasized by several witnesses during the hearings on the bill. Dr. William F. Royce, director of the Fisheries Research Institute at the University of Washington, said that the Japanese high seas fleets have caught about half as many Bristol Bay sockeye salmon as U.S. fishermen have caught during the period since 1956. Dr. Royce testified in favor of the bill and in doing so pointed out:

"The damage which the Japanese fleets can inflict is indicated by their catch in 1 year when they took 9.8 million or 45 percent of the entire Bristol Bay sockeye run. During this same year, 1957, the U.S. catch was only 6.6 million and the escapement to the spawning streams only 5.2 million. In addition to the 9.8 million Bristol Bay sockeye which the Japanese fleets took, they caught also in Aleutian waters another 10 million sockeye of Asian origin and 30 million salmon of other species, also of Asian origin."

The Honorable William A. Egan, Governor of the State of Alaska, in his testimony in support of the legislation also commented on the disastrous consequences of high seas fishing. The Governor said:

"The Japanes high seas fishery is a shameful biological waste. When 1 month's additional time results in a weight increase of as much as almost 21 percent on a fish which is 4 to 5 years old, I can view the facts in no other light.

"When we examine the Japanese high seas catch of immature Bristol Bay red salmon the problem becomes even more acute. In 1964 the Japanese took 1,837,000 immature Bristol Bay red salmon weighing 3.86 pounds each. One year later these fish returning to Bristol Bay as prime adult fish would have weighed over 5½ pounds each. Such a fishery predicated on harvesting prior to maximum yield violates every concept of fishery conservation and wise use. It cannot be condoned."

Congressman Lloyd Meeds summarized very succinctly in his testimony how high seas salmon fishing with nets violates sound conservation practices. The Congressman from Washington State pointed out that the Japanese take immature fish on the high seas, that the Japanese injure and destroy salmon with the use of hundreds of miles of high seas nets, and that the Japanese high seas fishing fleet ignores the necessary separation of stocks of salmon by individual streams for proper escapement.

The first reported incident of fishermen of a foreign nation intercepting on the high seas salmon spawned in the streams of North America occurred in the late 1930's. On November 22, 1937, Cordell Hull made a statement to the Japanese Government in connection with the Alaska salmon fishery. The Secretary made it quite clear that the United States would not permit a foreign nation to continue fishing practices destructive of this salmon resource which had been conserved by the United States and which was so important to Alaska. Cordell Hull stated:

"Having in mind the high importance of the Alaska salmon fisheries as an industry fostered and perpetuated through the efforts and economic sacrifices of the American people, the American Government believes that the safeguarding of these resources involves important principles of equity and justice. It must be taken as a sound principle of justice that an industry such as described which has been built up by the nationals of one country cannot in fairness be left to be destroyed by the nationals of other countries. The American Government believes that the right or obligation to protect the Alaska salmon fisheries is not only overwhelmingly sustained by conditions of their development and perpetuation but that it is a matter which must be regarded as important in the comity of the nations concerned."

After the Cordell Hull statement of 1937 and during and immediately after World War II Japan did not engage in taking salmon of North American origin. However, in the early 1950's the pressure for a high seas Japanese salmon fishery developed again. In an effort to meet this Japanese fishery expansion, the United States and Canada concluded with Japan in 1953 the Convention on High Seas Fisheries of the North Pacific Ocean, the purpose of which was to conserve the resources and prevent Japan from taking salmon of North American origin on the high seas. Despite the provisions of the treaty, Japan has taken millions of Bristol Bay red salmon during the last 10 years.

During the past 2 years, the United States has undertaken strenuous efforts to renegotiate this treaty in recognition of the importance of conserving and protecting this resource. On September 10, 1963, President John F. Kennedy issued a statement on the conservation of the salmon resources and the North Pacific fishery negotiations with Japan. In commenting on the meeting, the President said:

"The abstention principle, which calls for the fishing restrictions when certain criteria occur, will be the central issue in the new discussions. I believe this principle is sound and reasonable. Without restraints of this nature the nations of the world would run serious risks of depleting fisheries * * *.

"In dealing with the North Pacific fisheries problems we shall be mindful of our responsibility for the preservation of vital fishing resources * * *."

The need to conserve the Pacific salmon resource was also emphasized by President Johnson in a statement made by him on September 4 of last year, immediately preceding the third round of negotiations with Canada and Japan on the North Pacific fisheries problem. President Johnson said:

"The primary objective of the United States in these negotiations is to protect the interests of Alaska and the Pacific Northwest in the North Pacific fisheries, which consist principally of salmon and halibut. The economy of these regions is heavily dependent upon the U.S. fisheries supported by these resources. The interests of the United States in these fishery stocks have been advanced by the International Convention for the High Seas Fisheries of the North Pacific Ocean. Basic to that convention is the concept that in special situations, such as those exemplified by the North American salmon and halibut fisheries, where the countries participating in the fisheries have

built up and maintained the resources through major research and regulatory programs, other countries should exercise restraints on their fishing of the type provided for in that convention. This concept provides the incentives necessary to the establishment and continuation of the conservation measures essential to the attainment, both now and in the future, of the maximum harvest of food for mankind. This will insure the conservation of important marine resources and prevent irreparable damage to them through overexploitation. This is in the common interest of Japan, Canada, and the United States."

Despite these repeated attempts to work out a satisfactory solution to this conservation problem, the Japanese high seas salmon fishing effort on Bristol Bay red salmon stock has continued. During these same years the Bristol Bay salmon community has been declared a disaster area on three separate occasions because of an inadequate red salmon run returning to the local spawning streams.

This crisis requires that the President be given the authority to encourage high seas fishery conservation by the use of economic sanctions.

Mr. MAGNUSON. Mr. President, I thank the majority leader for myself and the senior Senator from Alaska [Mr. BARTLETT] for bringing up this very important bill. Time is pressing, because the salmon fishing season begins in about 2 weeks. I shall appreciate it if the bill will move along as rapidly as possible.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to conserve and protect domestic fishery resources."

Mr. MAGNUSON. I move to reconsider the vote by which the bill was passed.

Mr. BARTLETT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, this action by the Senate was necessary for the protection and conservation of the important salmon resources of the North Pacific. It will be of benefit also in the conservation of other fishery resources. The bill will permit the President to increase the duty on fishery imports from foreign nations which permit their nationals to engage in fishery practices which conflict with domestic fishery conservation programs. An excellent example of how effective this measure can be is clearly illustrated in a table showing Japanese fishery imports for 1963 which amounted to almost $100 million. Mr. President, I ask unanimous consent that the table be included in the RECORD at this point.

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

U.S. imports of fishery products from Japan, by commodity description, 1963 (quantity and value)

EDIBLE PRODUCTS

Item (brief description)	Pounds	Value [1]	Tariff, July 1, 1934	1964 tariff
Fresh-water trout, not elsewhere specified, fresh or frozen	2,311,246	$980,961	1¢ per pound	0.5¢ per pound.
Fresh-water fish, not elsewhere specified, fresh or frozen	2,200	564	do	Do.
Swordfish, frozen	30,000	7,402	2¢ per pound	0.75¢ per pound.
Albacore, yellowfin and skipjack, fresh or frozen [2]	102,970,180	16,715,733	Free	Free.
Albacore, loins and disks, not elsewhere specified, prepared	8,533,057	3,197,050	1.25¢ per pound	1¢ per pound.
Yellowfin, loins and disks, not elsewhere specified, prepared	3,314,392	1,122,972	do	Do.
Tuna, not elsewhere specified	13,500	271,356	do	Do.
Cod, haddock, hake, pollock, and cusk, fresh or frozen	407,771	28,973	do	0.5¢ per pound.
Halibut, fresh or frozen	35,724	4,523	2¢ per pound	Do.
Mackerel, frozen	77,500	10,223	do	0.75¢ per pound.
Salmon, fresh or frozen	369,122	261,384	do	0.5¢ per pound.
Sea herring and smelts, fresh or frozen	22,020	5,086	Free	Free.
Other fish, not elsewhere specified, fresh or frozen	1,467,477	230,016	1¢ per pound	1¢ per pound.
Ocean perch, cod, haddock, hake, etc., filleted, fresh, or frozen	60,135	13,237	2.5¢ per pound	1.875¢ per pound and 2.5¢ per pound.
Swordfish, halibut, and salmon, flounder, and fish filleted, etc., not elsewhere specified, fresh or frozen.	18,859,086	5,612,031	do	1.5¢ per pound.
Frozen blocks and slabs, uncooked, fish bits, etc	155,486	37,182	1.25¢ per pound	1¢ per pound.
Eels, mackerel, salmon, shad, totoaba, and sturgeon, filleted	14,981	9,251	2.5¢ per pound	1.5¢ per pound.
Crabmeat, fresh, chilled, or frozen	147,696	133,514	15% ad valorem	15% ad valorem.
Rock lobster tails and other fresh or frozen lobster	303,905	354,698	Free	Free.
Crabs, fresh, chilled and frozen, excluding crabmeat	6,645	3,854	do	Do.
Turtles	700	1,117	do	Do.
Frog legs, chilled or frozen	1,287,059	1,131,009	10% ad valorem	5% ad valorem.
Frog legs, prepared or preserved	11,625	12,623	20% ad valorem	12% ad valorem.
Shrimp, headless, peeled and deveined	2,863,635	2,442,702	Free	Free.
Clams, fresh, frozen, prepared, preserved, not in airtight containers	150,389	32,153	do	Do.
Oysters, fresh, frozen, and not elsewhere specified, not in airtight containers	7,697,720	828,579	do	Do.
Scallops, except in airtight containers	21,644	50,169	do	Do.
Other fish, prepared or preserved, not specifically provided for	213,310	172,264	1.25¢ per pound	1¢ per pound.
Bonito and yellowtail, in oil, in airtight containers	17,702	6,854	30% ad valorem	15% ad valorem.
Fish cakes, balls, and puddings, not in oil, in airtight containers	338,666	121,492	25% ad valorem	3% ad valorem.
Fish roe (excluding sturgeon), boiled and in airtight containers	186	143	30% ad valorem	5.5% ad valorem.
Fish roe (excluding sturgeon), not boiled	14,808	19,193	20¢ per pound	4¢ per pound.
Fish pastes and fish sauces	23,989	17,273	30% ad valorem	8% ad valorem.
Other fish in oil, canned	260,900	116,315	do	25.5% ad valorem.
Other fish, not oil, canned	147,334	163,220	25% ad valorem	12.5% ad valorem.
Salmon, in oil, canned	1,259	1,994	30% ad valorem	25.5% ad valorem.
Salmon, not in oil, canned	816,389	406,246	25% ad valorem	15% ad valorem.
Sardines, not in oil, canned, in airtight containers	2,592,702	445,370	do	6.25% ad valorem.
Albacore and other tuna, in oil, canned	130,089	58,243	45% ad valorem	25% ad valorem.
Albacore and other tuna, in brine	48,333,248	21,094,459	25% ad valorem	12.5% and 25% ad valorem.
Fish roe, not in oil, canned	16,820	49,268	20¢ per pound	4¢ per pound.
Crabmeat, canned	5,248,811	6,331,063	15% ad valorem	22.5% ad valorem.
Oysters, smoked, canned	2,941,335	1,396,077	8¢ per pound	4.5¢ per pound.
Other oysters, canned	4,855,000	1,249,202	do	6¢ per pound.
Clams, not elsewhere specified	1,359,766	809,646	35% ad valorem [3]	20% ad valorem.[3]
Lobsters, canned	275	454	Free	Free.
Shellfish pastes and sauces	75	162	do	Do.
Abalone	127,481	209,716	do	Do.
Scallops, canned in airtight containers	14,713	16,207	do	Do.
Shrimp, canned	695,136	583,195	do	Do.
Oyster juice, canned	10,554	6,060	8¢ per pound	6¢ per pound.
Salmon, smoked	639	839	25% ad valorem	10% ad valorem.
Herring, boned, smoked or prepared, eviscerated, split	180	155	3¢ per pound	0.9¢ per pound.
Shrimp, dried	45,575	34,409	Free	Free.
Cod, haddock, etc., dried and unsalted	780	453	2.5¢ per pound	0.2¢ per pound.
Shark fins, dried	56,474	76,939	1.25¢ per pound	0.53¢ per pound.
Fish, not elsewhere specified, dried	97,844	81,663	do	Do.
Salmon, salted, pickled	4,810	3,935	25% ad valorem	8.5% ad valorem.
Fish, not specifically provided for, pickled or salted	67,283	36,439	do	Do.
Macherel, pickled or salted	500	183	do	10% ad valorem.
Shellfish, not specifically provided for	1,282,573	543,510	Free	Free.
Total, edible products	220,852,401	67,551,003		

See footnotes at end of table.

U.S. imports of fishery products from Japan, by commodity description, 1963 (quantity and value)—Continued

NONEDIBLE PRODUCTS

Item	Unit	Quantity	Value	July 1, 1934	1964 tariff
Whale oil, sperm, refined or processed	Gallon	43,028	$42,522	1.87¢ per pound	0.47¢ per pound.
Whale oil, sperm, crude	do	14,748,794	1,776,409	0.67¢ per pound	0.065¢ per pound.
Cod liver oil, medicinal	do	105,592	389,092	Free	Free.
Halibut liver oil	Pound	9,171	18,914	3¢ per pound plus 10% ad valorem.	5% ad valorem.
Fish and fish liver oils	do	128,152	315,893	do	Do.
Dogfish and other shark oils	do	5,952	3,944	3¢ per pound plus 20% ad valorem.	0.85¢ per pound plus 4% ad valorem.
Marine shells, crude or unmanufactured	do	193,624	31,744	Free	Free.
Shells, etc., cut, engraved, ornamented, or otherwise manufactured	do		117,029	35% ad valorem	17.5% ad valorem.
Fish and sharkskin, raw			625,855	Free	Free.
Pearl essence	Pound	29,565	84,520	25% ad valorem	9% ad valorem.
Fish solubles	Short ton	571	21,666	Free	Free.
Pearls, cultured			17,276,705	10% ad valorem	5% ad valorem.
Pearls, natural			67,975	do	3% ad valorem.
Spermaceti wax	Pound	14,360	1,956	3.5¢ per pound	2.5¢ per pound.
Sponges, not elsewhere specified	do	393	6,249	15% ad valorem	7.5% ad valorem.
Moss, seaweeds, carrageen, and other marine animal products			346,954	Free	Free.
Other furs, dressed, not dyed, including seal	Piece	106	2,274	25% ad valorem	10% ad valorem.
Billfolds, leather cases and wearing apparel, and other articles, reptile			3,461	35% ad valorem	14% ad valorem.
Luggage bags and cases, not elsewhere specified, fitted or unfitted, reptile			12,517	do	17.5% ad vaolrem.
Purses, billfolds, handbags, women's, reptile			713	do	Do.
Cuttlefish bone	Pound	36,575	15,287	Free	Free.
Coral, uncut	do	1,113	1,048	do	Do.
Agar-agar	do	58,904	105,592	25% ad valorem	15% ad valorem.
Kelp	do	73,047	52,601	Free	Free.
Leather manufactures, not elsewhere specified			2,089	35% ad valorem	8.5% ad valorem.
Buttons, fresh water, pearl or shell	Gross line	34,871	25,840	1.75¢ per line per gross plus 25% ad valorem.	1.75¢ per line per gross plus 25% ad valorem.
Buttons, ocean pearl or shell and other	do		279,267	do	Do.
Canned fish and whalemeat	Pound	3,449,346	625,855	Free	Free.
Other fish and whalemeat not fit for human consumption	do	3,964	143,460	do	Do.
Aquarium fish and other fish or shellfish, live, not fit for human consumption			16,972	do	Do.
Other fish, inedible			1,532,447	do	Do.
Articles of shell not specifically provided for			36,070	35% ad valorem	17% ad valorem.
Reptilian and sharkskin leather, not elsewhere specified			16,281	25% ad valorem	10% ad valorem.
Buttons, blanks and molds			66,941	45% ad valorem	36% ad valorem.
Articles of bone, horn, hoof, and whalebone			5,343	25% ad valorem	10% ad valorem.
Imitation pearls, and pearl beads, not strung, not set			82,905	60% ad valorem	40% ad valorem.
Coral cameos, cut, not set			33,494	10% ad valorem	5% ad valorem.
Table cutlery, not elsewhere specified, knives with handles of bone, ivory, shell, or horn.			25,342	16¢ each plus 45% ad valorem.	4¢ each plus 12.5% ad valorem.
Hoof, horn, whalebone manufactures			3,976	25% ad valorem	10% ad valorem.
Jewelry and parts of precious stones, pearls			5,407	80% ad valorem	24% ad valorem.
Other miscellaneous products			3,582,081	Various	Various.
Total, inedible products			27,805,590		
Grand total			95,356,593		

[1] Value at foreign port of shipment.
[2] Does not include fresh or frozen fish, mostly tuna, caught by Japanese fishing vessels and transshipped through other countries.
[3] Dutiable on basis of American selling price.

Source: Compiled by the Bureau of Commercial Fisheries, Department of the Interior, from data collected by the Bureau of the Census, Department of Commerce

Mr. BARTLETT. Mr. President, today the Senate took action which will benefit the Nation's fishing industry. It did so by passing S. 1734, introduced by Senator MAGNUSON and cosponsored by me. Actually, I do not think it would be overstating the case to say that this bill will benefit worldwide fishing interests.

The bill seeks to encourage fisheries of all nations to observe sound conservation policies.

Obviously, conservation serves the interests of all parties except those who hunger for quick profits at the expense of future resources. Wasteful practices serve no one.

I think it would be proper at this time to reemphasize the intent of the bill. It is not our intent to strain relations with friendly nations. Rather, we are principally concerned with impressing foreign fisheries of our intent to protect our natural resources.

Hopefully, today's action will convince the representatives of nations whose ships are exploiting our fishing resources that the time has come to negotiate sound conservation policies.

Hopefully, the President will never have to implement the authority given him by the bill. We are not interested in hiking duties on fishing imports from nations violating our conservation policies. We are only interested in having those policies followed by all fishermen. If we cannot achieve this goal, our own fishermen, because they obey laws, will continue to operate under unfair competition.

More important, if we cannot achieve international agreements on conservation, fishing resources throughout the world will be decimated by unscrupulous individuals seeking short-range profits.

The bill has particular importance to the Alaska fishing industry, which has seen the number of Pacific salmon depleted because of wasteful high sea operations by the Japanese.

The Senate showed great wisdom in acting promptly, for this is a key year for the future of the salmon industry. We must reach sound conservation agreements soon to prevent another season of exploitation on the high seas.

Mr. President, the most frustrating aspect of the salmon controversy has been the refusal of Japanese officials to agree even to sit down and talk. This bill should show we mean business. Let us hope our intent is interpreted correctly.

Mr. HILL. 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. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE ATOM'S POWER FOR PEACE

Mr. HART. Mr. President, the Chairman of the Atomic Energy Commission delivered an address to the Economic Club of Detroit on May 10, 1965. His topic was "The Atom's Power for Peace."

In these times when we are preoccupied with problems of conflict, it is encouraging to note this constructive program of international cooperation in nuclear power. I believe Mr. Seaborg's remarks deserve a wide audience and I ask unanimous consent to have his remarks inserted at this point in the RECORD.

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

THE ATOM'S POWER FOR PEACE

(Remarks by Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission, at the Red Cross and Wolverine Frontiersmen Luncheon of the Economic Club of Detroit, Detroit, Mich., May 10, 1965)

I am doubly pleased to have this occasion to speak on "The Atom's Power for Peace" because it affords me an opportunity to talk, not only to the Economic Club of Detroit, but also to its distinguished guests, the

recipients of the Wolverine Frontiersmen Award—whom I heartily congratulate—and the outstanding leaders of the American Red Cross present today. As some of you may recall, I previously had the pleasure of receiving the Wolverine Frontiersmen Award in 1961. I know that the subject of peace—related to my talk today—is particularly significant to the Red Cross, an organization which has always been associated with the alleviation of man's suffering and his total betterment.

It is also a pleasure to be with you today in this city whose name is synonymous with one of America's—and the world's—great technological revolutions. I have come to speak to you about some aspects of a new technological revolution—the production of useful energy from the atom's nucleus. In its military application, this new technology has already had profound effects. We can never return to the less fateful days which vanished in the explosion on the New Mexico desert of the first atomic bomb one July morning of 1945, an event whose 20th anniversary is nearing. In its civil aspects, as well, I believe this new technology will have deep and far-reaching influence on men's lives.

The revolution which you and your predecessors in Detroit fashioned was, in one sense, total. The automobile displaced its forerunner. In today's complex industrial society, revolutions are more likely to supplement than to supplant. For some time to come, nuclear energy will add to our conventional energy resources rather than replace them. The fact is that the exponential growth in energy consumption here and abroad will require the efficient utilization of all forms of primary energy, and all our ingenuity, if the demands are to be met. I can specifically assure you that I see no prospect—despite occasional Sunday newspaper stories to the contrary—that nuclear power will directly propel any small land vehicle primarily intended for private use. In some respects I regret this—particularly because it is easy to visualize the field day the ingenious advertising staffs of the auto industry might have with the atomic automobile. Unfortunately, I foresee no "beta-ray Buick" (by General Motors), no "reactor-powered Rambler" (by American Motors), no "thermonuclear Thunderbird" (by Ford), nor any "plasma-propelled Plymouth" (by Chrysler). Considering our growing number of teenage drivers perhaps it is fortunate that our fastbacks will have to remain fashionable rather than fissionable, and that we will have to be content with a "tiger in our tank" rather than a radioisotope in our radiator.

The automobile has played a major role in our Nation's technological revolution, but today let us examine some of the international aspects of our newest revolution—that involving the nucleus of the atom.

Today I should like to tell you something about the uses of nuclear energy for peaceful purposes and the international implications of our program in this field of endeavor.

Before developing this point, it might be well to give a little background on the nature of nuclear energy, on the current U.S. nuclear power program, and on our international program. I do this with apologies to those of you in the audience who have had a long and intimate relationship with the use of nuclear energy for civilian electrical power.

Nuclear energy in the sense I use it here refers to the energy produced by the fissioning or splitting of certain isotopes of the heavy elements—uranium or plutonium. Most of this energy is recoverable in the form of heat, and it can be used to perform all the tasks that other sources of heat energy normally fulfill. A portion of the energy is released, either immediately or slowly from the radioactive fission products, in the form of penetrating radiations of great intensity. A wide variety of radioactive isotopes are also produced by the irradiation of materials placed in nuclear reactors. While the forms of radiation emitted by these isotopes were known and available before the advent of controlled nuclear fission, our supply of radiation today is so overwhelmingly larger and more varied than that previously available that we can truly say that in the field of utilization of radiation, it is possible to do things now which could never be done before. In basic scientific research, in the diagnosis and treatment of disease, and in the control of industrial processes, radioisotopes have already assumed an indispensable role. On the near horizon, the utilization of massive quantities of radioisotopes to preserve food, to create unique industrial products, and to power satellites is clearly in sight. Exciting as these facts and prospects are, my talk today is concerned primarily with the use of nuclear energy to produce power—primarily electric power—in large central station plants. It is this application which, at once, promises the greatest impact on our economy and poses the greatest problems to our policy of containing the further spread of nuclear weapons.

The Atomic Energy Commission has long been engaged, in partnership with industry, in an intensive effort to develop, demonstrate, and improve the technology of nuclear power. Power reactors under construction today, if they perform according to expectations, may produce electricity at prices which will be competitive with other means of power generation in extensive areas both in the United States and abroad. In most cases, such reactors also produce plutonium—a fissionable material suitable for use in nuclear weapons. The first nuclear device ever exploded—in the event which I mentioned just a moment ago—was made of plutonium. Generally speaking, the greater the power level of the power reactor the more plutonium it produces. Thus, as the world production of nuclear electric power increases, the world production of plutonium increases, making ever more urgent the need to assure ourselves that this material is not diverted to military purposes.

Thus the important problem of the proliferation of nuclear weapons—that is, the acquisition of nuclear weapons capability by additional nations—is related to the increasing development of nuclear electrical power throughout the world. However, the United States recognized early that such proliferation would not be prevented by a policy of withholding our aid from friendly countries so as to deliberately impede their progress in peaceful nuclear electric power. We knew that a number of such countries could independently achieve a nuclear power capability using their own uranium and, perhaps more importantly, their own scientists. We also realized that if we failed to cooperate in sharing our peaceful nuclear technology and nuclear materials, there would be other countries with nuclear capability which might be willing to provide nuclear materials and technology without a firm assurance as to their eventual peaceful end use. Thus a policy of noncooperation would decrease our influence with countries whose needs dictated the development of nuclear electric power and might actually contribute to, rather than impede, the proliferation of nuclear weapons.

An underlying concept of our program of international cooperation in nuclear energy was that, by sharing with our friends around the world our resources in nuclear energy—resources which were brought into being to meet domestic needs—we could advance their well-being by making this new source of energy available to them and at the same time serve our own best interests.

The resources to which I refer are basically of two kinds—our vast technology concerning the peaceful uses of nuclear energy and our capability for producing in large quantity and at low cost the materials—such as enriched uranium and heavy water—which are uniquely important to nuclear energy. Because our program has involved the sharing of these existing resources it has been undertaken at modest cost to the Government. The exchange of information involves only administrative expenses, and the materials are ordinarily supplied at their domestic prices which recover the Government's full cost of production. The atoms-for-peace program, with minor exceptions, has been a program of technical help and cooperation, not of financial grants and assistance.

Financial assistance to nuclear power, such as in the case of the Tarapur project in India, has been funded by the Agency for International Development within previously established ceilings for aid to the nation involved. Such projects are justified on the basis of the other country's need for power, and the demonstration that nuclear power is an economical means of meeting that need.

The objectives of the program, as we saw them at the beginning, included important, although intangible, political benefits. We felt then, as we do with even greater assurance today, that the peaceful uses of nuclear energy promised benefits to mankind of far-reaching importance. By making it possible for others to share these benefits along with us, we help eliminate the conditions of want around the world which contribute to instability and conflict.

In this respect, the atoms-for-peace program has closely paralleled in its objectives other U.S. programs for international cooperation undertaken since World War II. I submit, however, that there is a special significance and a special advantage, not normally present in other cooperative programs, in our willingness to share with our friends abroad our most up-to-date and sophisticated technology.

The deliberate and comprehensive sharing of unclassified information on peaceful uses of nuclear energy between nations has, so far as I know, no precedent in international scientific cooperation. At the Third International Conference on the Peaceful Uses of Atomic Energy held in Geneva last fall, this unique degree of cooperation was apparent. The success of this international collaboration, in my view, strengthens the thesis that science can serve as a common ground between nations of the world. The free flow of information not only in science but also at the technological level is the key to the most rapid progress for all people.

We have found that—aside from the mark of confidence and respect that cooperation in this field implies—modest programs in nuclear energy undertaken by developing countries can have a disproportionately beneficial effect in upgrading the entire educational, scientific, and industrial structure of the country concerned. In many countries, the peaceful nuclear energy programs established with our encouragement represent the first governmental support of science in the country's history. It has served to give new hope to the country's scientists and retard the "brain drain"—the emigration of a country's scientists and intellectuals—which is a problem faced by nearly every developing country.

I do not mean to suggest that every nation is ready today for nuclear energy—particularly nuclear power. In the case of many developing countries, the necessary foundation does not exist for scientific development at this level. But the differences in capabilities which separate the developing countries from each other are, in fact, greater than those which separate many of these countries from the United States and other highly industrialized nations. India, for example, has successfully undertaken a broad peace-

ful nuclear energy program of high quality. Alone among the countries not involved in military nuclear programs, it has developed the full range of capabilities and facilities required for producing and separating plutonium. It is a credit to the wisdom of India's leaders and people that this capability is devoted exclusively to peaceful purposes.

As our international program has progressed, new and important objectives have evolved. The supply of U.S. materials, particularly enriched uranium fuel for power reactors, has a good prospect of becoming a major positive item in the U.S. international balance of payments, which is so important to the proper functioning of the world's monetary system. The rapid growth of nuclear power development programs in other nations, particularly in Europe and Japan, is leading to the development of valuable technological information whose availability to us under cooperative arrangements should increase the pace and reduce the cost of development of economic nuclear power here and elsewhere.

These are tangible and impressive examples of the benefits which the United States is now deriving from its program of international cooperation in peaceful uses of nuclear energy. But standing alone, they do not answer the question of how we can assist in the worldwide application of nuclear power without contributing to the danger of proliferation of nuclear weapons, nor the question of why this assistance can actually deter such proliferation.

The answers to these questions can best be understood by explaining the special conditions under which U.S. assistance in the peaceful uses of nuclear energy is made available. The supply of U.S. nuclear fuel or U.S. nuclear reactors abroad can take place only under an intergovernmental agreement with the other nation, which we refer to as an Agreement for Cooperation. These agreements contain solemn guarantees by the recipient government that material or equipment it receives, and any resulting fissionable material which it produces, will be used exclusively for peaceful purposes. These agreements also contain provisions—and this is their unique feature—calling for the application of safeguards to insure that the guarantees are in fact observed. In simple terms, these safeguards consist of a series of far-reaching rights for outsiders to enter the territory of the recipient government and carry out the inspections necessary to ascertain that no material or equipment has been diverted to military purposes. The successful negotiation, beginning in 1955, of some 40 such agreements for cooperation containing provisions under which nations allow outside inspectors to enter their territory and make independent investigations represents, in my view, a breakthrough in international relations which has received far too little attention.

The question of who applies these safeguards is also of fundamental importance. At the outset, there was no alternative to having this function performed by the United States itself. Accordingly, the Atomic Energy Commission developed the necessary staff and techniques to undertake this responsibility. To date this inspection staff has carried out more than 400 inspections of 140 facilities located in 26 countries throughout Europe, Latin America, and the Middle and Far East.

But it was recognized from the start that the full advantages of safeguards could be realized only if they were carried out by an international organization of broad membership. In 1953, the United States proposed the creation of just such an organization and finally, in 1957, it came into being. This organization, the International Atomic Energy Agency (IAEA), with headquarters in Vienna, Austria, now has 91 member nations, largely paralleling those of the United Nations.

The advantages of international safeguards over those administered bilaterally such as we have done in the past are not always clearly understood. If the sole objective of safeguards were to assure us alone that assistance we have provided is not diverted to military purposes, then a good case could be made for the contention that nobody can provide us with a better assurance than our own inspectors. But the problem is far broader than that. It is important that the world at large be satisfied that the ostensibly peaceful nuclear assistance provided by us is not being used for military purposes. We must face the fact that in many countries, an assurance based on American inspection alone would not be acceptable. Of even greater importance is the fact—which I believe is central to the whole problem we are considering—that many nations besides the United States can and do now provide nuclear assistance.

If we relied on bilateral safeguards alone in this situation, we would find that some nations might apply effective controls, other nations—through indifference or inability—might apply controls of an inadequate nature, while still other countries might apply no controls at all. Because of the competitive commercial pressures that exist in the international nuclear power market, the end result of this would in all probability be a reduction to the lowest common denominator—no safeguards at all.

To meet this problem, the IAEA, under our urging, developed its own capability to apply safeguards to nuclear activities. The Agency's system is applicable automatically to nuclear projects which have been assisted by or through the Agency, and it is also applicable to any other project where the member states concerned request the Agency to apply its safeguards. Since most nuclear activities have been and would continue to be assisted—if at all—on a bilateral basis rather than through the IAEA, you can readily see our task is one of convincing all important suppliers of nuclear assistance that they should insist on the application of IAEA safeguards as a condition of making their help available.

Fortunately, we have found much common purpose and interest in the objective of applying safeguards—particularly those of the IAEA—to international trade in nuclear power. Other countries, notably the United Kingdom and Canada, have followed the policy of requiring safeguards on their nuclear energy assistance. Like ourselves, they prefer international safeguards but necessarily relied on bilateral safeguards prior to the time when the IAEA developed its own system and capability.

A development which I believe to be of the greatest significance is that during the later phases in the formulation of the IAEA safeguards system, there was unanimous support in the Agency's 25-member Board of Governors for the system—support from East and West, nuclear powers and nonnuclear powers alike. In particular, the Soviet Union supported the system and participated constructively in the debates which led to its development. I believe that the significance of this broad support is a widespread realization of the dangers of nuclear proliferation and acceptance of the need of the world community to develop practical measures to avoid it.

But the existence of an Agency safeguards system and a capability to apply it do not in themselves assure that all peaceful nuclear activities will be brought under it. This is true for several reasons. Despite support in principle for nonproliferation of nuclear weapons, many underdeveloped countries seek to avoid the application of safeguards to themselves on grounds such as that they are "discriminatory." Nuclear supplier nations, for their part, while again largely committed to the principle of nonproliferation, see different ways of achieving this objective, and are often under domestic political pressure to avoid following a tough line on safeguards because of commercial reasons.

Until international controls are universal in their application, the policies of individual suppliers and recipients will have an important bearing on the extent to which the growing use of nuclear power will carry with it a growing risk of proliferation of nuclear weapons. Each time that we can bring about the use of a U.S. reactor or U.S. fuel material, with their accompanying safeguards—while we await the universal application of these controls—we have contributed to a reduction in the risk that these nuclear facilities might some day be turned to other than peaceful purposes.

We are making every conceivable effort to bring about this universal application of international safeguards to peaceful nuclear activities. We have resolutely insisted upon the transfer of our own bilateral safeguards arrangements to IAEA administration. So far, 20 countries receiving U.S. fuel or reactors—either bilaterally or through the IAEA—have agreed to IAEA safeguards. Through discussions with other supplier nations, we seek adherence to the same principles. Finally, we have unilaterally placed under IAEA safeguards four of our civilian reactor facilities including one large commercial nuclear powerplant—the 175-megawatt electrical Yankee reactor at Rowe, Mass. We have done this not only to help the Agency develop and demonstrate its safeguards system and techniques, but also to demonstrate our own willingness to accept the same controls in our civilian nuclear power program that we urge upon others.

I have stressed the application of safeguards to projects built by one country with assistance from another. However, as I indicated earlier, some countries are able to proceed entirely on their own in building nuclear facilities for the production of nuclear weapons. While I believe the number of countries in this category at this moment is perhaps somewhat smaller than sometimes imagined, it is true that they exist and that their number will grow inevitably.

It is just as important that these independently undertaken nuclear projects be brought under effective international safeguards as it is that projects assisted from the outside be so controlled. The IAEA's charter permits it to apply its safeguards to projects undertaken by any member state on the member's request. This means that the Agency can give prompt effect not only to any voluntary submission of nuclear programs to its control but also to any international understandings which might be achieved to insure that nuclear programs are used exclusively for peaceful purposes. The United Nations Disarmament Commission is now meeting in New York, and there is no matter requiring its attention more important than efforts to halt the spread of nuclear weapons to nations not now controlling them.

In conclusion I should like to reaffirm my view that our program of international cooperation in nuclear power can be conducted in such a manner as to be an affirmative force for peace. I am sure that many of the points I have already made have suggested to you my reasons for this belief, but I would like to briefly outline this thesis for you. First, nuclear power can contribute to the economic development of other nations, thus helping to eradicate the causes of discontent and conflict. Second, the economic interdependence fostered by world trade in nuclear power equipment and materials is a force for peace. Third, since nuclear power development is inevitable in any case, we have a much better chance to

influence it in peaceful directions, and to bring individual projects under international safeguards by positive cooperation and help. Fourth, the atoms-for-peace program has already fostered the development of institutions, techniques, and attitudes regarding international controls which have great relevance to the broader questions of arms limitation and disarmament by the existing nuclear powers under effective controls, and, indeed, to the fundamental question of establishing a world rule of law.

The economic growth of developed and developing nations throughout the world, essential to a future world living in peace, depends upon the availability of abundant electrical power. The favorable characteristics of nuclear energy are such that it is inevitable that this electrical power will, in many countries, be provided to a rapidly increasing extent by a wide variety of nuclear power reactors. For the reasons I have stated here today, I believe that a properly conducted program of international cooperation will enable these needs to be met with maximum assurance of, and with positive contributions toward, the future world peace that we all so fervently desire.

NATIONAL SMALL BUSINESS WEEK

Mr. SALTONSTALL. Mr. President, it is fitting that the President has honored the small business community by designating the week of May 23 to 29, 1965, as National Small Business Week. This is due and proper recognition of the vital role played by small business in the economic growth and prosperity of the United States. No segment of our economy better represents the ideals and purpose of our free enterprise system than does small business.

The spirit of ingenuity and creativity which characterizes small business has served as the foundation upon which our economy has been built. The personal initiative and individuality of the small businessman have contributed substantially to the free, competitive society in which we live; these qualities will insure a strong, viable, and expanding economy in the future.

There are many benefits to be derived from a healthy and prosperous business community. Small business constitutes a large and diversified source of business expansion and employment opportunities. It serves to help competition and insure maximum economic efficiency and reasonableness of price for the consumer, and decreases risks of economic concentration.

Figures show that there are, at present, approximately 4.7 million small businesses comprising 95 percent of all business concerns in the United States.

These figures illustrate the importance of small business to the economic well-being of our country. One cannot imagine any business or industry which is not supported by the efforts of small business.

Small business will continue to have a marked impact upon the economy of our Nation for through the initiative and individuality of the small businessman will come those new ideas and innovations so essential to our future growth and development. It should be remembered that many of the fundamental advances of our society have been achieved through individual genius, a quality which serves as the backbone of small business.

Congress has long recognized the importance of small business. Tangible expression of this is found in the small business committees of the Senate and House of Representatives, as well as the existence of the Small Business Administration, an agency created solely to assist the small business community. It has been my privilege to serve on the Senate Select Committee on Small Business since its inception, for the past 6 years as ranking minority member.

Small business is, then, a complement to the American ideal of free enterprise. So long as small business remains a cornerstone of our economic system, this country will continue to prosper.

THOUGHTFUL STATEMENT BY THE GENERAL PRESIDENT OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY

Mr. NELSON. Mr. President, the April 1965 United Association Journal contains a report from the general president of the United Association, Mr. Peter T. Schoemann. Mr. Schoemann is a labor statesman with a long and distinguished record as both a labor leader and leader in civic affairs. Wisconsin is his home State and we are proud of his great contribution to the national welfare. The subject of the report is the Civil Rights Act of 1964 and its relationship to union membership and activities. Mr. Schoemann, who, I am proud to say comes from Wisconsin, is a hardheaded, clear thinking and creative union leader. His report is thoughtful and well written. It does his union honor and I believe it deserves serious study by others. For this reason I ask unanimous consent that the report be printed in the CONGRESSIONAL RECORD at this point.

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

HOW ABOUT IT?

(By Peter T. Schoemann)

This month my report takes up once again the subject of equal employment opportunity, or the question of racial justice in employment and union membership.

Many of you, I am sure, are weary of hearing and reading about it, and yet I hope that every member of the United Association will read this report through to the end. I hope every member, whether he agrees with everything in this report or not, will think it over and discuss it frequently with other UA members, at the union meeting and on the job.

For the fact is, brothers, we have a problem. Despite significant actions taken in some locals, this problem in too many cases has not yet been solved, and the sands of time are running out.

Furthermore, it cannot be solved by your international union officers alone, for we have in our craft union movement a tradition called "local union autonomy." It is a good and necessary tradition, for a large majority of our members work in the construction industry which, because of its economic characteristics, is a highly localized industry. Also, racial discrimination and racial equality have their own local characteristics, and so the initiative called for must be local initiative.

Likewise, brothers, your local union officers cannot solve this problem alone. True, union officers are expected to lead, but they need your encouragement and support. We were a democratic organization long before Landrum-Griffin tried to make us one, and the reason your elected officers cannot go it alone on racial justice or any other issue is that they are not the dictators that the enemies of labor would like you to believe they are.

AND THE LAW

Nor can title VII of the Civil Rights Act solve this problem alone. Some have said that when that title becomes effective, July 2, 1965, our people will take care of keeping out of trouble with the law, and so, no sweat. Now this can be a very dangerous attitude.

First of all, the Civil Rights Act does not supersede or render void the rules on nondiscrimination in apprenticeship and training of the U.S. Bureau of Apprenticeship and Training (so-called title 29, part 30) which became effective January 17, 1964. Our present stand on these rules will be explained later in this article.

An attitude of mere compliance with law can mean simply, "don't get caught," and this is no good. Title VII of the Civil Rights Act is almost wholly negative in character. That is, it remedies discrimination after it has occurred, without attempting affirmative control of hiring practices or apprentice selection procedures. The history of such legislation seems to be that it is chiefly good for turning up wrongs and rumors of wrongs, and creating a demand for stricter legislation. This could lead to affirmative control by law.

It is hoped, of course, that no case will ever arise under title VII involving any of the building trades or metal trades.

Let's do some hard thinking about the gradual change in American public opinion not only regarding civil rights, but also civil rights legislation. The American majority appears ready to support full racial equality in voting, public accommodations, and—what concerns us—employment and union membership. Do you think title VII will be the end of equal employment opportunity legislation? It could be more like the beginning.

So, brothers, let's not blind ourselves to the signs of the times.

AMONG US, TOO

This gradual change in public opinion has not been without effect among our own number, old as well as young, for we are part of that public and subject to the same influences, as our neighbors. On this issue at least, it is not true that "you can't teach old dogs new tricks." I have heard veteran building tradesmen, union officers and journeymen, saying some mighty strange things about this issue lately.

There are many reasons for this. It might be conscience, for it has been apparent for a long time that many have had an uneasy conscience about discrimination, but might not know how to go about changing things. Our major religions—Protestant, Catholic, Orthodox and Jewish—have recently thrown greater weight into the equal rights struggle. Most of our members are adherents of one or other of these faiths. I would also like to think our own efforts in the building trades and in the United Association have produced some results.

Someone might ask: Why have the building trades been singled out for special treatment? And someone might answer: Because construction jobs are out in the open where the minority groups can see everybody working.

Well, maybe. And again, maybe not. I'm not so sure we have been too much singled

out. The civil rights movement came to Government employment long ago, and to such things as department stores, transit companies and professional sports, where the minorities are consumers and have economic leverage.

This issue has come to our doorstep mostly because of public contracts, of which construction is a minor part. A much larger part is defense spending.

And here there is a difference. Suppose a big corporation gets a fat defense contract. Into the plant manager's office walks a Federal agency representative, suggesting that nondiscrimination might be better demonstrated if that plant, while hiring mathematicians to work on that contract, would hire (say) nine or so Negro mathematicians. The plant manager is a businessman, so a nationwide personnel department is pressed into service to recruit nine Negro mathematicians. It does recruit them, and if others in the plant are unhappy, they can seek employment elsewhere.

Now, a Federal building job is in progress and this representative calls on our business agent, suggesting that he doesn't see enough nonwhites among the pipefitters, plumbers, and sprinkler fitters. Our business agent says he has no closed shop, only a 7-day union shop, the contractor does the hiring, so he had better see the contractor. So the representative sees the contractor, who tells him that he can't hire anybody except through the union hiring hall. Back goes the Federal man to our business agent. Now the business agent—as his title implies—is a kind of businessman and he has his ideas about what would be best for the local. Then he wonders whether his membership will agree. After all, he has spent all his working life in this local. He knows this local—or so he thinks. Or does he? Sentiments of racial bias he has heard, but maybe not too much on the other side. And so begins trouble.

This, brothers, is why I write these articles in our monthly Journal, not so high Government officials or civil rights leaders will read nice words and go easy on us, but so UA members will read these words—hard words for some—and do something. Do you think your general president has gone over to the other side? I tell you I am a member of the United Association and very much on your side. So let's see what we have to do.

TITLE VII

As to the new title VII of the Civil Rights Act, it outlaws discrimination of every kind. Avoid discrimination of every kind and you will comply with the law.

The law forbids discrimination not only in employment and apprentice training, but also in union membership. Some have asked, "How can the law force us to admit anyone to membership?" The law does not tell us whom we have to admit as members. It says that we cannot deny membership to anyone for reasons of race, creed, color, sex or national origin. No court will order you to admit anyone under the Civil Rights Act unless it finds that you have kept him out for one of these reasons.

There is a requirement that you keep a record of applications received from anyone who expresses interest in apprenticeship training. This is to be done according to regulations which have not yet been promulgated. When they are, we will keep local unions and apprentice committees informed.

One special kind of legal action under the act deserves mention. This pertains to the so-called pattern or practice cases. Whenever the Attorney General has reasonable cause to believe that your local union or apprentice committee, or your local together with your employers, is engaged in a pattern or practice of discrimination, he may take you into court on his own motion without waiting for formal complaints from other persons. Now a pattern or a practice of discrimination means a series of repeated acts, or a habit of discrimination, which evidences the intention to deny the full exercise of rights guaranteed by title VII. It does not consist in a given sociological fact of a certain racial percentage in your local.

On the other hand, we ought to be aware that such sociological facts do sometimes lead others to suspect a pattern or practice of discrimination. Their suspicions are not always quieted by an equal opportunity pledge. This type of situation is usually found in large cities of 100,000 or more population, with a large Negro or other minority, in which our local union might have several hundred members, and either no minority members or at most two or three. This is the sort of situation which could bring the Attorney General knocking at your door in search of a pattern or practice of discrimination.

BAT RULES

Now, for the regulations on nondiscrimination promulgated last year by the U.S. Bureau of Apprenticeship and Training (BAT). Since that time, they have been substantially adopted by the President's Committee on Equal Employment Opportunity, and made to apply to all apprenticeship programs (registered or not) during the time that a participating employer has a contract for Federal or federally assisted work.

Where no Federal work is involved, then the BAT regulations apply directly only to registered programs in 21 States which have no state apprenticeship council or agency of their own. In the other 32 SAC States or jurisdictions, the councils or agencies have all been required to adopt their own nondiscrimination programs. Most have adopted the Federal regulations practically verbatim. A few of the larger States have adopted different rules.

Let us first consider the regulatory scheme in the 21 BAT jurisdictions and those SAC jurisdictions having substantially the same rules.

You may recall that in this very column about a year and a half ago, some very hard things were said about early drafts of those regulations. Our objections were directed mainly at attempts to impose affirmative regulation on apprentice selection procedures. We opposed the quota system, the civil service merit or "comparative qualifications alone" system, and also a forced choice between those two methods.

In the rules as finally adopted, however, some very important and salutary changes were made. The population quotas were ruled out. Because allowance was made for alternate plans, we now have a whole range of options rather than only two. If your program was already registered when the rules were adopted, you are free to come up with your own equal opportunity plan, but it must be approved by the BAT administrator.

The United Association therefore advises local unions and apprentice committee members to take these regulations at their face value, and avail themselves of all the latitude which they permit. As thus interpreted, the regulations do afford substantial protection for private programs, and require nothing more than what we should have been doing all along in the absence of regulation, and what both the Government and the American public have a right to expect of us in this period of history.

We did not get everything we wanted. We would rather not be regulated at all, of course. The general philosophy of this regulation, however, is fair and reasonable.

We read the "alternate plan" provisions as carrying out assurances given at various times by Labor Secretary Willard Wirtz, that compromise is possible between the custom of giving preference to sons and others, and the legitimate aspirations of the minority groups to end discrimination.

Throughout the discrimination argument, the United Association has not tried to conceal or apologize for the system of preferring sons in the building trades. We have campaigned openly for the right of our programs to select apprentices in the same way that any private business might select employees, or that an elected public official selects his political appointees. This extends all the way to a pure patronage system for those local programs that desire it.

So now the regulations appear to say: "If you want to run a patronage system, then go ahead, but show us what patronage you are reserving for members of the minority groups." For those desiring to choose some apprentices on a noncompetitive basis, the price will be to take in some minority group applicants on the same basis. The question arises: How many? Some basic guidelines would be: more than a mere token number, without respect to quotas based on population, and including no one who fails to meet fair minimum standards universally applied to all candidates. For the rest, the right answer will be determined by all relevant factors in your own local situation, and we sitting here in Washington cannot give you that answer. But a right answer, or a range of possible right answers, there must be. Social justice is a quality, not a quantity.

We think the criterion should be: whether in the opinion of unbiased persons of prudent judgment and sound commonsense, the selections made would themselves demonstrate that there is equality of opportunity.

Some minor disputes may arise as to administrative details, but this presupposes that a good faith effort has been made to comply.

For those who do not like the exchanges involved in noncompetitive plans, there is also available the comparative qualifications, or strictly competitive, plan. But remember, those who elect this plan with other options available do so freely, and we expect it to be followed to the letter. This means no point chiseling and no loophole hunting in favor of the member's son, the contractor's nephew, the mayor's brother-in-law, or anyone else. If you choose this method, by all means respect its spirit.

This method usually implies a numerical grading system. Some internationals have circulated their own recommended point schemes. The UA has not. Local committees will have to develop their own.

Of course, under favorable conditions, the civil service type of selection can be a very fair method of affording equal opportunity. This would be where the union and employers have already decided on this method for reasons unrelated to the racial issue or in addition to it; and where the local already has minority members or there is no significant internal opposition to admitting them. Then the method will be aboveboard. For these reasons, we suggest that wherever the strictly competitive method is used, it might be supplemented by an affirmative search for minority applicants.

DISSEMINATION OF INFORMATION

That brings us to another requirement in the regulations—dissemination of information concerning opportunities to enter your program.

We have been assured that dissemination of information to your BAT representative or information center (where such exists) will satisfy the regulations. And so we urge local programs to keep BAT fully informed as to the dates when applications will be received, when examinations will be administered, and the basic requirements for entrance.

I can appreciate the difficulty of those who complain that such dissemination might result in hundreds of additional applications when the committee already has ten times too many for the openings available. But I would point out that governments and businesses generally will accept employment applications from anyone who wishes to apply, and less can hardly be expected of us. We may say that the small number of minority group members in our ranks is not attributable to secrecy of information about apprentice openings, but what can we answer when it turns out that such secrecy is indeed attempted in some places? Good faith about racial justice requires an end to such secrecy, and if this results in additional burdens of work for committee members, they will just have to take out a few evenings to sift through the applications for those who meet the minimum requirements and are entitled to be examined.

OTHER STATES

We turn now to those States which have adopted regulations which do not allow the same latitude as the Federal regulations, or which impose the civil service type of selection procedure.

The outstanding example is New York, which last year imposed this method by law. In certain other States, this method was agreed to by a UA or other craft union representative sitting on the State apprenticeship council; and what we agreed to, that we must do. The same goes for those States where UA locals and State associations raised no objection, for there was more than ample warning.

In those States where our locals fought the good fight and lost, I would only advise that you do your best. The heart of the matter is racial justice. Practice that, and in time it may be possible to bring the regulations back to reason and commonsense.

UA PROGRAM

Many have asked whether the UA has a preferred plan or program. Yes, we have. It consists of three words: Take them in.

It should be added: "provided they are qualified, according to standards applied to all, for apprentice training or journeyman membership as the case may be." This proviso is necessary, and no one has asked that it be otherwise. But let's not pay so much attention to the provisio that we forget the all-important three words. This is our plan; the details are up to you at the local level.

We are dealing with a problem which will not be cured by pledges and procedures and magic formulas. The first Federal Fair Employment Practice Committee was established back in 1941, which was 24 years ago. Since that time, the various Federal committees have accomplished some things, it is true, but with how many pledges, papers, reports, plans, and procedures. Papers and words. Words on paper. Another word beginning with "p" is prejudice. We ought to train our guns on that one for awhile, and we can practically forget about the pledges and procedures and all the rest.

This is exactly what the BAT regulations provide, for your plan is subject to no further review "where the composition of the program demonstrates that there is equality of opportunity."

SPECIAL PROBLEMS

Now, what are some of the special problems we encounter in connection with racial equality?

A serious one is journeyman unemployment, whenever and wherever it occurs, for then no one wants to take in any new members of any race, creed or color. On the other hand, local unions do take in some new members even in bad seasons, to replace others who die, retire or leave the trade. So there is almost always some opportunity to add members from the minorities. This particular year of 1965 promises to be a good construction year in most localities, a good time to increase apprentice members.

At this point a dispute arises between two opposing camps. Some say the minority populations are so large that if we begin to take them in, we will soon be overwhelmed. Others say there are so few qualified that we can't find any.

The truth, as usual, lies somewhere in the middle.

We won't be overwhelmed if we maintain our standards and qualifications. There are eight times as many whites as nonwhites in America and so far we have done a fairly good job of not getting overwhelmed by anyone. If there are too many qualified applicants for the work available, then the thing to do is to make a selection through competition or some other fair method.

We ought to have a love and esteem for our trade. It is truly skilled, not semiskilled or unskilled. It is more skilled than most people realize. There are many white people who haven't the God-given talent and ability to work at this trade. There are some from the racial minorities who have.

One difficulty, of course, is that we building tradesmen and metal tradesmen love a good fight. Everybody who can be our friend today—other craft unions, industrial unions, employers, politicians, Government agencies—can be our enemy tomorrow. We really love to fight for what is ours.

Well, the race advancement groups can be our friends today, and often are. It might be a political campaign or a piece of legislation. Labor won the right-to-work fight in Oklahoma last year because the Negro vote was almost 100 percent on our side. Had it gone the other way, Oklahoma would be a right-to-work State today. Let's never forget that.

Then when these groups come around and want to get some of their number in an apprenticeship program, our first reaction sometimes is to get our backs up. Our precious privilege is under attack and we're ready for battle.

We don't belong in this kind of battle, against disadvantaged people trying to gain equality. We may have some minor differences as to details, but substantially, justice and right are on their side.

THE REAL FIGHT

If we are looking for a fight, we have plenty of things worth fighting for, so let's concentrate on those.

Our real fight is for the welfare, long range as well as short range, of all our members.

Our fight is for the private, free enterprise character, as well as the progress for prosperity, of the construction industry and the other industries in which UA members are employed.

Our fight is for the excellence of apprenticeship training, financed by private funds, operated and guided by joint labor-management committees.

Our fight is for the right of a craft to be a craft in the modern world, even the modern desegregated world.

We would like to influence our Federal Government to return apprenticeship to the high official favor it once enjoyed, and to forget about less-than-apprenticeship training in the apprenticeable crafts. The best way I know of to fight that battle right now is to fight discrimination. This isn't the only issue, of course. Let's get this albatross off our necks and we will get a hearing on the other issues. We do have many friends at the Federal level of government, but they are all antidiscrimination.

WHAT WE COULD LOSE

We stand to lose a great deal indeed. Neither the old labor injunctions nor the American plan of the 1920's nor Taft-Hartley nor right-to-work laws, nor anything else I can think of, can inflict such injury on us as clumsy regulation of apprenticeship and hiring practices enacted in the name of equal opportunity. When all is said and done, our old enemies haven't hurt us too much. Let's not hurt ourselves.

It is possible to pass a fair employment practice law and punish or remedy provable acts of discrimination after they have occurred. Such as title VII. Such legislation typically has not done much to remedy the stubborn, deep-rooted, crystallized institution of social discrimination. It can't do much about racial exclusion as a way of life.

For a law to do much about that, it has to take over the whole process.

Take voting registration, for example. Despite the Civil Rights Act, registrars in certain Alabama counties were not registering very many Negroes. So now the Federal Government is going to register them, according to Federal standards and with Federal registrars.

The construction industry is very complex. Any industrial hiring process is complex. There simply is no neat, incisive way by which any law or regulation can slice into that complex process to prevent discrimination before the fact, at the same time preserving and respecting the traditional rights of private enterprise. Discrimination wears too many faces, employs too many dodges. All law can do is, by one means or other, take over the entire process.

Then it is too late to cry "socialism." The fact is that we are not contending with a question of social justice, and it is the same old story. The history of every piece of social legislation ever passed by the Congress of the United States is the same old drama in three acts:

1. There is a need arising in social justice.
2. Private persons or groups, plus the States, are either unwilling or unable to do anything about it.
3. So Congress enacts a law.

What a wonderful thing it would be, brothers, if the construction industry, if the skilled crafts generally, could themselves solve this social justice question, the racial question. What a great thing for our Nation. What an example for the rest of the world. A major problem in social justice solved by private initiative—solved by free, democratic trade unions cooperating with employers—without further prodding from the Government.

Probably nobody in his right mind would lay any money we can do it. Privileged groups never give up their "privileges" voluntarily, and if the attitude prevails among us that the skilled crafts are the white man's privilege, then we won't get the job done.

Besides, we are called lots of names. We are supposed to be medieval, archconservative, selfish, narrow, the "States righters" of the labor movement. If all this is true, then men like George Meany and Senator PAT MCNAMARA must have grown like roses from weed plants. Bad trees don't bring forth good fruit.

The construction industry has, if anything, a world of initiative and purpose and drive. It has built every tangible structure across the length and breadth of this land—modern factories, modern shopping centers, modern atomic energy installations. And I would ask: Are we really so medieval? We can also build a structure of racial justice if we want to.

Our craft union tradition teaches us to care about the rights of our brothers, to assist them in need. We support charity projects. On occasion, we might even donate time to build something like a summer camp for orphans. Why, I have known men in this union of ours who were generous to a fault. I ask: Are we really so narrow and selfish?

Brothers, take a good look at these millions of people, marked by varying degrees of color, and for that reason consigned to a kind of low-grade serfdom by other men who know

freedom. They now seek jobs and careers worthy of the talents their Creator has given them, not to take away our freedom, but to share in it. Hear them asking whether we at least—at least we in the United Association—would still treat them as subhuman servants and peons, or whether we are ready to treat them—according to their individual abilities—as full-fledged craftsmen or candidates for craft training, and our trade union brothers. And I ask you, 255,000 members of the United Association: How about it?

SOME UNRESOLVED REAPPORTIONMENT ISSUES

Mr. JAVITS. Mr. President, an article written by Prof. Robert G. Dixon, Jr., of George Washington University Law School, and published in a recent issue of the American Bar Association Journal, points up some of the still unanswered questions about the reapportionment of State legislatures. Since the article may be of interest to Senators in their considerations of the various constitutional amendment proposals, now pending before the Senate Judiciary Committee, I ask unanimous consent that the article be printed in the RECORD.

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

[From the American Bar Association Journal, April 1965]

REAPPORTIONMENT PERSPECTIVES: WHAT IS FAIR REPRESENTATION?

(NOTE.—Taking what might be described as a middle-ground position, Professor Dixon asserts that the common reactions of either rapture or horror to the Supreme Court's legislative apportionment decisions preclude a reasoned dialog on what fair representation in a legislative body should encompass. The Court's one-man, one-vote approach has obfuscated the search for basic principles of fair representation, he states, as he points out some stubborn issues that remain unresolved.)

(By Robert G. Dixon, Jr., professor of law at George Washington University Law School)

The continuing flow of legislative reapportionment decisions has been hailed as a shimmering symbol of equality and democratic virtue in the election process. The decisions also have been damned as an unconscionable assertion of judicial overlordship over the basic politics of the Nation. Neither of these common reactions contributes to a reasoned dialog on principles of fair representation—a dialog sorely needed if our constitutional crisis in reapportionment is not to degenerate into a perpetual numbers game. That there is an intelligible middle position is the theme of this essay.

A declaration of faith is in order at the outset—and it is sincerely intended even though such declarations are the traditional starting point for many an apostate. The Tennessee legislative reapportionment case in 1962, *Baker* v. *Carr*, 369 U.S. 186, was correctly decided, although for the wrong reasons. By 1962 much legislative reapportionment was long overdue in many States and at least some reapportionment was needed in all States. The reapportionment decisions[1] of June 15, 1964, were correctly decided as a natural extension of the meaning implicit in *Baker* v. *Carr*, with the exception of the Colorado case, *Lucas* v. *Forty-fourth General Assembly*, but again for the wrong reasons.

THE NATURE OF THE REPRESENTATION PROBLEM

This odd combination of generally acceptable Supreme Court decisions and unacceptable rationale stems from a basic mistake in the way the conceded malapportionment problem has been approached. The mistake, caused in part by the ineptness of defendants' counsel and in part by the narrow approach of plaintiffs' counsel, including the Solicitor General, lies in mischaracterizing the issue in Baker and in placing Baker and the succeeding cases on too narrow a ground. The missing word, the missing basic concept in all of this reapportionment litigation, is representation.

These are not right-to-vote cases, even though voting is involved. They are representation cases, i.e., they are cases concerning the most interesting, the most complex, the most baffling aspect of any democratic political system; namely, the ascertainment of public feeling on innumerable public policy issues through the medium of periodic, partisan selection of district delegates to a multimembered representative assembly.

The guarantee of "republican form of government" clause of the Federal Constitution is responsive to the difficult issue of indirect democracy and fair representation with which the Western World has been grapplnig ever since it abandoned the direct, or referendum, democracy of the ancient Greeks. The due process clause would also be responsive to the complexity of the representation issue, because of its focus on overall fairness and reasonableness. Either would be an adequate safeguard for preservation of what Justice Stewart referred to in his Maryland opinion as "ultimate effective majority rule."[2] Either would be responsive also to the issue of adequate representation of minority interests and to the correlative issue of gerrymandering to maximize the voting strength of one group of partisans.

But in Baker the Court chose neither the guaranty clause nor the due process clause as its suit of armor for entry into the political thicket. It donned instead the equal protection clause.

The equal protection clause is not responsive to large questions concerning the structure of government—which is what reapportionment involves, ultimately—or concerning the fairness with which variegated popular feeling and shifting popular groupings on various issues are expressed through a district system. Within any district the winner-take-all rule necessarily prevails. The majority, no matter how narrow, gets 100 percent representation for the term of office being filled; the minority, no matter how large, gets zero representation.

Even the Supreme Court's selection of the equal protection clause as the instrument for political revolution in apportionment and districting practices would not have been so unsettling to the cause of political realism if the Court had taken the same flexible approach to equal protection when applied to reapportionment as it has taken when applying this clause to almost all issues other than racial equality. Examples include the State tax cases, the State regulatory power cases and the Sunday closing case, *McGowan* v. *Maryland*, 366 U.S. 420 (1961). In these cases equal protection emerges as an empirical rule of reasonableness, a rule of fairness in the methods used to achieve a legitimate end.[3] In the race cases, which are unique, equality has emerged as a constitutional absolute and may now be in the process of shifting to a concept of constitutional preference.

It is a long jump from *Baker* v. *Carr* to the 1964 reapportionment decisions requiring that both houses of bicameral State legislatures be based on districts of substantially equal population. The gap is not bridged either by the Georgia County unit case, *Gray* v. *Sanders*, 372 U.S. 368 (1963), which did not involve representation at all, or by the congressional districting case, *Westberry* v. *Sanders*, 376 U.S. 1 (1964), which did not involve bicameralism. Nor is it bridged by the frequent but incorrect assertion that thirty-six of the fifty original State constitutions provided for apportionment based completely or predominantly on population. Tested by the relatively strict population principle now embraced by the Supreme Court, the more accurate figure is 21, not 36.[4]

REAPPORTIONMENT DECISIONS—ONE MAN, ONE VOTE

The logic of the reapportionment decisions of June 1964, is simple and straightforward. The Court, pursuing its long and in the main quite proper romance with egalitarianism and trapped in its own semantics, defined all of the difficult problems out of existence. In regard to reapportionment, as in regard to race, equal protection is to be a constitutional absolute, in this instance virtually a mathematical absolute. The Court focused on two things, and two things only: one was bare population, with all political allegiances and group interests eliminated; the other was the individual voter, viewed only as a faceless census statistic, and the voter's supposed right to an abstract mathematically equal vote.

In short, the Court does not view these cases as representation cases, or as representative democracy cases at all. It views them as being simply one more round of civil rights cases—but its supposed "civil right of voters" is really only a "civil right of census statistics." This approach explains two other important elements in the Court's reasoning.

First, with the constitutional spotlight focused solely on the abstract "voter" rather than on the group dynamics of American

---

[1] The cases decided with full opinions after oral argument were the Alabama cases, *Reynolds* v. *Sims*, *Vann* v. *Baggett* and *McConnell* v. *Baggett*, 377 U.S. 533; the New York case, *WMCA, Inc.* v. *Lomenzo*, 377 U.S. 633; the Maryland case, *Maryland Committee for Fair Representation* v. *Tawes*, 377 U.S. 656; the Virginia case, *Davis* v. *Mann*, 377 U.S. 678; the Delaware case, *Roman* v. *Sincock*, 377 U.S. 695; and the Colorado case, *Lucas* v. *Forty-fourth General Assembly of Colorado*, 377 U.S. 713.

The following week the Court used the same principles to dispose of reapportionment cases from the following States in memorandum decisions: the Michigan cases, *Beadle* v. *Scholle*, 377 U.S. 990, and *Marshall* v. *Hare*, 378 U.S. 561; the Washington case, *Meyers* v. *Thigpen*, 378 U.S. 554; the Oklahoma case, *Williams* v. *Moss*, 378 U.S. 558; the Illinois case, *Germano* v. *Kerner*, 378 U.S. 560; the Idaho case, *Hearne* v. *Smylie*, 378 U.S. 563; the Connecticut case, *Pinney* v. *Butterworth*, 378 U.S. 564; the Florida case, *Swann* v. *Adams*, 378 U.S. 553; the Ohio case, *Nolan* v. *Rhodes*, 378 U.S. 556; and the Iowa case, *Hill* v. *Davis*, 378 U.S. 565.

[2] *Maryland Committee for Fair Representation* v. *Tawes*, 377 U.S. 656 at 677 (1964).

[3] I have developed this thought further in "Apportionment Standards and Judicial Power," 38 Notre Dame Law. 367, 376–380 (1963), and "Legislative Apportionment and the Federal Constitution," 27 Law and Contemp. Prob. 327, 360–366 (1962).

[4] See my detailed, State-by-State tabulation in "Reapportionment in the Supreme Court and Congress: Constitutional Struggle for Fair Representation," 63 Michigan Law Revised 209, 239–242 (1964). The U.S. Advisory Commission on Intergovernmental Relations Commission report, "Apportionment of State Legislatures," 10–11 (1962), is the source always cited for the "thirty-six" figure, but this report reveals no sources, makes no detailed tabulation and will not square with a rule of substantial equality consistently applied.

politics, there is no basis for treating his interest in one house of the legislature differently from his interest in the other house. Thus bicameralism, despite the Court's protestations about the possibility of varying the length of terms and sizes of districts in the two houses, becomes a political vermiform appendix rather than an instrument for tempering majoritarianism with requirements of broad consensus.

One must remember that there are three instruments of representation and legislative leadership in our separation of powers system, not two. They are the upper house of the legislature, the lower house and the Governor. The Governor proposes and vetoes and normally has an even greater legislative role in State government than the President has in our National Government because of the infrequent meetings and low seniority of State legislators. The governorship has always been on a one-man, one-vote basis and everyone seems to agree that placing at least one house clearly on that basis was overdue. But with two-thirds of the legislative process on that basis, should not considerations of minority representation and consensus permit some deviation from abstract mathematical equality of districts in one house?

The second element of the Court's reasoning which flows from its simplistic approach is the irrelevance of the results of statewide popular referendums, even though these are concededly mass exercises in "one man, one vote," like early Grecian direct democracy. On this basis the Colorado voter-approved reapportionment was nullified by the Supreme Court. The Court asked only the question: Can a popular majority override a constitutional civil right? Phrased thus, the answer obviously is "No." But the answer would not have been so easy had the Court asked the more appropriate question, in terms of representative democracy: Is it constitutionally unfair for a State with one large metropolitan center, in which 8 percent of the voters can initiate further change, to place one-third of its lawmaking process on some basis other than straight population?

REMAINING "ONE-MAN, ONE-VOTE" ISSUES

In effecting much-needed change, *Baker* v. *Carr* also should have been the beginning of a fresh analysis of the theoretical and practical problems in effecting fair representation through a district system and of such related issues as the following: Bicameralism; single-member districts as opposed to multimember districts and the special inequities associated with each; the validity of such devices to hear from the minority as cumulative voting, limited voting, and proportional representation; the role of the Governor as legislative leader; and the institutional, geographic, and population bases of political parties.

Baker invited or should have invited inquiry concerning the weight to be given traditional patterns of thought and action keyed to political subdivisions as representation units, and to the political artificiality of arithmetically equal but frequently changing districts. Can the new one-man, one-vote principle, if it is to have meaning in terms of functionally effective representation, be confined to apportionment and districting or will it affect the internal arrangements in legislatures, including their committee structures and procedures? If giving some political security to groups through disproportionate representation in one house is now improper, will it become equally improper to use extraordinary majority requirements to achieve the same protection?

The political thicket is no less political because the courts are in it. We may find that a partial penetration of the political thicket is as impossible as a partial pregnancy. Even if possible it would be inadvisable—and this is the critical point—because it would leave us with pseudo simplicity and with a bare mathematical equality concept which actually could impede the development of devices for fair representation and political balance.

To date the Court has chosen to avoid the broader representative Government issues to which a concern for political realism and political philosophy would lead it. However, some stubborn issues remain unresolved even under the supposedly objective, clear, equal-population standard for districts.

1. Single member versus multimember districts

One example of a problem of fairness not responsive to a simple census-tract-equality approach is the question of single-member districts as opposed to multimember districts. Chief Justice Warren in his reapportionment opinions[5] intimated that the States had discretion in this regard, but he was not ruling on representational fairness. The question is still open, so far as the Supreme Court is concerned, whether there may be a constitutional right, in some situations at least, to have a county or city subdistricted, rather than to have its slate of 2, 10, or 20 State legislators elected at large in the county or city.

A Federal district court in Pennsylvania in *Drew* v. *Scranton*,[6] found there was such a constitutional right, in order to heighten the prospect of some representation for minorities, and thereafter the Pennsylvania Supreme Court seemed to agree that there was at least a constitutional preference for single-member districts.[7] There may be further litigation if the legislature persists in using some multimember districts. The U.S. Supreme Court ducked the matter by vacating the Federal district court judgment (379 U.S. 40) in November, 1964, after the State supreme court had become active.

But the Court did hear oral argument in a Georgia subdistricting case, *Fortson* v. *Dorsey*.[8] A Federal district court had held unconstitutional a multimember district system in Atlanta (Fulton County) in which the seven-man delegation to the State senate was elected at large in the county on a winner-take-all basis, even though each legislator technically was assigned to a subdistrict in the county. Under this system a subdistrict might be represented by a man the subdistrict voters had repudiated, if he was popular in the county as a whole. More important, the county-at-large system of election might make it more difficult for Republican or Negro minorities, although substantial, to elect legislators in proportion to their strength on a regular basis.

The Supreme Court reversed the district court in *Fortson* v. *Dorsey* for lack of proof of inequity. But in a provocative dictum it seemed to move away from its previous, narrow mathematical approach and to suggest a new constitutional right of racial and political party equity in apportionment and districting arrangements. Justice Brennan, speaking for the Court said: "* * * It might well be that, designedly or otherwise, a multimember constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political elements of the voting population. When this is demonstrated it will be time enough to consider whether the system still passes constitutional muster."[9]

Regardless of how the constitutional issue is decided, strong arguments on policy grounds can be made in favor of single-member districts or of keeping multimember districts small and infrequent. Subdistricting requires more effort, but is a small price to pay for achieving better representation. Subdistricting (1) keeps the representative closer to the people; (2) heightens the prospect for some representation of divergent viewpoints and minority views; and (3) strengthens the two-party system by avoiding the winner-take-all result of multimember district election.

2. Weighted votes and fractional votes

Another range of additional issues on the frontier of equal protection concerns the constitutionality of weighted vote or fractional vote plans. The New Jersey Supreme Court in December 1964 voided that State's attempt to use a weighted vote plan for the State senate under which each senator was to receive a vote proportional to the population of his county, starting with a unit of one in the least populous county.[10] Under this plan the senator from populous Essex County was entitled to 19.1 votes. The New Jersey court did not reach the constitutional issue, but held that a change of this sort required a constitutional amendment and could not be effected merely by changing the rules of the senate.

If and when the constitutional question is reached, weighted voting may be nullified for several reasons. One of the most important reasons would be the consideration that one man casting 19 votes is not as effective in terms of representation as 19 separate voices (or lobbyists). Another would be that 19 men separately elected would provide more opportunity for expression of divergent views. It is noteworthy that both of these arguments involve going beyond the simple mathematical tenor of the Supreme Court's one-man, one-vote decisions. They involve putting reapportionment in the context of the actual complexities of representation—and the difficulties in determining what is fair and effective representation.

Fractional voting is on a firmer ground, both functionally and constitutionally. If applied to one house, as attempted in New York,[11] it would give each small county a live voice in one house at least, even though his vote is only a fraction. The slight exaggeration of rural influence which may flow from ballooning a fractional vote into a whole lobbyist and from giving the small county legislator a whole vote in committee (where it would be almost impossible to operate on a fractional basis) may be viewed as de minimus. The counterargument is that a fractional-vote man who was a committee chairman obviously would not be "de minimus." Fractional voting is really a misnomer. The essence of the idea is minority representation through spokesmen, not through exaggerated votes.

---

[5] *Reynolds* v. *Sims*, 377 U.S. 533 at 579.

[6] 229 F. Supp. 310 (M.d. Pa. 1964), vacated and remanded, 379 U.S. 40 (1964).

[7] *Butcher* v. *Bloom*, 415 Pa. 438, 203 A. 2d 556 (1964).

[8] 379 U.S. 433 (1965), reversing 228 F. Supp. 259 (N.D. Ga. 1964).

[9] 379 U.S. 439. The natural implications of this language are that certain aspects of gerrymandering raise a mixed Federal-State issue. The language casts doubt on the ruling of the Federal district court in the New York case that the gerrymandering allegations raised solely State law issues. See *WMCA, Inc.* v. *Lomenzo*, infra, note 11.

[10] Unreported decision. See New York Times, Dec. 16, 1964, p. 1, col. 2.

[11] *WMCA, Inc.* v. *Lomenzo*, 23 U.S.L. Week 2417 (S.D. N.Y., Feb. 1, 1965), upholding 1 population-based plan but rejecting 3 other plans and the fractional voting concept. The Supreme Court has yet to speak on the issue.

At the level of county board reapportionment, where committee operation is not so important, fractional voting or even weighted voting may have special relevance. Weighted voting has been used in Nassau County, N.Y. See Weinstein, "The Effect of the Federal Reapportionment Decisions on Counties and Other Forms of Municipal Government," 65 Col. L., Rev. 21, 44 (1965).

3. Gerrymandering

Still another range of unresolved issues is encompassed by the term "gerrymandering," a term of no agreed-upon meaning but which always connotes apportionment and districting arrangements designed to transmute one party's actual voter strength into the maximum of legislative seats and to transmute the other party's actual voter strength into the minimum of legislative seats.

Too few persons realize or are willing to admit that gerrymandering in the sense of transmutation of party voter strength is a virtually unavoidable concomitant of any system of election of a multimembered assembly, either from districts or at large, unless some device of proportional representation is used. The reason for the intrinsic inequity of all systems short of proportional representation is that party affiliation is not, like sex, spread fairly evenly through the population. Because of the wild-card factor of party member location, it is impossible to devise a politically neutral apportionment and districting system.

Now that *Baker* v. *Carr* has told us that apportionment and districting is a justiciable question, it will be incumbent on the Court, sooner or later, to lay down some guidelines for representational equity. "One man, one vote" obviously dictates much change. But it is not a guideline to representational and political equity because it is based only on bare census data—or "sixth grade arithmetic," as Justice Stewart put it [12]—and not the group dynamics of American politics.

One guideline could be a limitation on use of large multimember districts, because of their winner-take-all characteristic. Another would be to view a district system as suspect—and perhaps shift the burden of proof as was done for the plaintiffs after *Baker* v. *Carr*—whenever it is shown that the system consistently magnifies the legislative strength of one party far beyond its actual statewide voter strength.

4. Political subdivisions and districting

Related to the gerrymandering problem, but transcending it, is the critical need to follow political subdivision lines, particularly county lines, in arranging legislative districts. The reasons are two.

First, if the reapportioners do not follow existing county and political subdivision lines, an infinite range of districting discretion and gerrymandering freedom arises. If county lines are tossed out, the reapportioners have before them only the outer boundary of the State, the State's population by census tracts and the number of seats in each house of the legislature. A remaining large issue in several reapportionment cases is the extent to which the Federal one-man, one-vote mandate overrides explicit State law calling for following county lines in apportionment and districting. Our constitutional law tradition of Federal-State relationships supports the proposition that a Federal overriding of State law is to be narrowly construed. Displacement is to occur only insofar as necessary to achieve identifiable Federal purposes.[13] Hence, some clarification of the degree of rigidity of the Federal population standard is necessary in order to determine whether political subdivision lines still may be given major weight, or must be crossed promiscuously in pursuit of an overriding goal of equal-population clusters.

The second and more compelling reason for following political subdivision lines is the consideration of effective representation—a consideration which theoretically at least is central to the entire reapportionment struggle. Counties are the building blocks of American political life, thought, and action In addition to the obvious virtues of stability and continuity, and indeed as a result of them, counties are the basic units for political party organization, for State administration, for planning, zoning and regional arrangements, for civic federation organization, for social organization and for business and industrial organization in most instances. In their own right counties provide an increasingly broad range of services and controls. In mid-20th century America they no longer are the "dark continent of American government." To disregard our natural political units in pursuit of "one man, one vote" would be to cut the vitals out of the American political process.

5. Hearing from the minority

Still another closely related problem which may come to the fore in the next few years is the creation of devices to hear more effectively from the minority. Proportional representation, which I am not advocating, would enable us to hear from all parties, large and small, in proportion to their actual voter strength. But proportional representation is feared because of its tendency to break down the two-party system and to result in legislative majorities resting only on unstable coalitions of minor parties. However, a mixed proportional representation and single-member district system might be considered. In postwar Western occupied Germany the Anglo-American concept of districts and the continental concept of proportional representation collided. The result was to produce for the Federal Republic of Germany a mixed proportional representation and single-member district system which so far has proved to be a very healthy mongrel.[14] Part of the legislature is elected from single-member districts; this ensures intimacy of representation, minimizes party bossism and counteracts the splintering tendency of proportional representation. The other part is elected under a proportional representation list system, thus avoiding the minority party freeze-out, which is a tendency of the pure district system and substituting representational equity.

Short of a mixed proportional representation and single-member district system, there are other devices to enable hearing from the minority in closer proportion to their numbers than may occur in a pure district system. One is the cumulative vote system under which legislators are elected from three-man districts, each voter having three votes which he may distribute among the candidates equally, or two-one, or three for one. As practiced in Illinois for the lower house since 1870, this has meant that the stronger party got two legislators from each district and the weaker party one.[15] Another device is limited voting, which is now in force for a portion of New York's City Council.[16]

6. How "equal" is "equal"?

A question on which many other questions depend is how "equal" is "equal" in regard to the equal-population districts rule. Logically, this could have been mentioned first, but the ramifications are better perceived if one has in mind such other issues as gerrymandering and preserving political subdivisions. Although the Supreme Court did mention the traditional importance of political subdivisions, Chief Justice Warren made it quite clear that population was to be the essential guide when he said: "But neither history alone, nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation."

And a few lines further on he said: "[I]f, even as a result of a clearly rational State policy of according some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired." [17]

The deviations which have been permitted in the litigated cases since this ruling provide an interesting contrast.

In Colorado the Federal district court approved, as permissible under the 14th amendment for the 1964 election, a reapportionment plan under which the maximum percentage deviations from the mean or "ideal" district were 21.13 percent in the senate and 30.16 percent in the house.[18]

The Michigan Supreme Court rejected all reapportionment plans submitted by a bipartisan reapportionment commisison except one Democratic Party plan under which the maximum percentage deviation is 0.58 percent in the senate and 2.8 percent in the house, and which naturally involves extensive crossing of county lines, contrary to the State constitution.[19]

In New York the Federal district court approved, as permissible under the 14th amendment, a Republican Party plan under which the maximum percentage deviations are 7.9 percent for the senate and 10.8 percent for the house, and which also involves extensive crossing of county lines, contrary to the State constitution.[20]

Two observations need to be made. First, if a strict population standard is to be the

---

[12] 377 U.S. at 750.

[13] A Federal district court in New York recently endorsed this view in a decision validating under the 14th amendment one of New York's reapportionment plans of December 1964, and leaving a gerrymandering issues for the State court. *WMCA, Inc.* v. *Lomenzo*, supra, note 11. The court relied on the following comment in *Reynolds* v. *Sims*, 377 U.S. at 584: "[S]tate constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of State constitutions insofar as is possible."

Equally important is the original proceeding in the Michigan Supreme Court (in the matter of apportionment of the Michigan Legislature, No. 50999, now scheduled for oral argument on May 11, 1965) to review the rigid equality and extensive cutting of county lines in the reapportionment plan ordered into effect by the Michigan court in June, 1964 (128 N.W. 2d 722).

[14] This statement is based partially on an interview in Washington, D.C., in November of 1964 with Hartmut Jäckel of the Free University of Berlin. See also Pollock, "The Electoral System of the Federal Republic of Germany—A Study in Representative Government," 46 American Political Science Review, 1056 (1952).

[15] See Blair, "Cumulative Voting: An Effective Electoral Device in Illinois Politics" (1960).

[16] *Blaikie* v. *Power*, 13 N.Y. 2d 134, 243 N.Y. S. 2d 185, 143 N.E. 2d 55 (1963), appeal dismissed, 375 U.S. 439 (1964).

[17] 377 U.S. at 581.

[18] *Lucas* v. *Forty-fourth General Assembly*, 232 F. Supp. 797 (1964). The figures, not given in the opinion, are derived from a staff memorandum of the Colorado Legislative Council. July 14, 1964.

[19] *In the Matter of Apportionment of the Michigan Legislature*, 128 N.W. 2d 722 (1964). The figures, not given in the opinion, are derived from are apportionment report published by the Michigan secretary of state, June 23, 1964.

[20] *WMCA, Inc.* v. *Lomenzo, supra* note 11. The figures, not given in the opinion, are derived from the Joint Legislative Committee on Reapportionment's "Supplemental Report," Dec. 30, 1964, pp. 10, 15.

only consideration and other representation issues are to be ignored, there is no rational basis for stopping short of a 1-to-1 ratio for all districts, and a population deviation of less than a miniscule 1 or 2 percent. In many States population concentrations will make it necessary to cut some political subdivision lines in districting even if the maximum allowable deviation is as high as 10 or 15 percent. If some units must be cut, why not cut enough to get down to a 1-percent deviation?

Nothing in the Supreme Court decisions so far provides much guidance on this question. Indeed, the constant stress on population equality (even under a census now 5 years old) encourages reapportioners to ignore preexisting political subdivisions in order to get new districts of minimal deviaton, safe from reversal. An unavoidable by-product is to maximize gerrymandering freedom.

The second observation is that the Court not only has tended to focus too narrowly on arithmetic as a virtually exclusive guide to proper reapportionment, but also has approached its reapportionment arithmetic too narrowly. The Court has placed stress on the population variance ratio between the one largest and the one smallest district and on the minimum population which theoretically could elect a majority of the legislature. The Court will take note occasionally of the maximum percentage deviation from the mean or "ideal" district.

If arithmetic is to be the guide, and concededly it must have a major role, the focus should be on the average deviation. It is not at all clear why some isolated, extreme ratios between the largest and smallest districts should be deemed "unfair" or "unconstitutional," provided the average deviation is slight. An occasional extreme ratio or percentage deviation has no adverse impact on majority rule; it may be the best way, if not the only way, to provide effective minority representation along with majority rule. The Court has yet to address itself to this question on a precise factual record.

Forgoing some additional matters, I close with this thought. "One man, one vote" is the symbol of an aspiration for fairness, for avoidance of complexity, and for intelligibility in our representational processes in our mass democracy. This is why all Gallup polls show general public support for the Supreme Court's decisions—although this may be the classic example of the uninformed interviewer asking the uncomprehending interviewee a question which is unavoidably loaded because so oversimplified. But, Gallup polls aside, these aspirations for fairness and for intelligibility are quite proper. The task of honoring them has only begun and will require much refinement of the "one man, one vote" slogan if something approaching political equity is to be achieved.

AUTHOR'S NOTE.—While this article was in galley proof a State court in New York voided under the State constitution the reapportionment plan which the Federal court on February 1, 1965, had approved under the 14th amendment (the New York Times, Mar. 16, 1964, p. 1). The State court did not rule on the gerrymandering issues which the Federal court had left for State resolution. It placed its declaration of unconstitutionality on the ground that the U.S. Supreme Court's voiding of the prior reapportionment system fixed in the New York constitution did not open the way for the New York legislature to increase the size of the lower house from the State constitutional figure of 150 to 165.

On the face of it, this ruling is difficult to reconcile with the action in Maryland where the legislature, complying with a judicial reapportionment mandate based on the Federal Constitution, assumed power to change by statute the size of the legislature as part of the reapportionment process. Nineteen urban seats were added to the lower house in 1962 without constitutional amendment (see *Maryland Committee* v. *Tawes*, 228 Md. 412, 180 A. 2d 656 and 229 Md. 406, 184 A. 2d 715 (1962)). The Supreme Court spoke of interim reapportionment powers of legislatures in its reapportionment decisions of June, 1964: "With the Maryland constitutional provisions relating to legislative apportionment hereby held unconstitutional, the Maryland Legislature presumably has the inherent power to enact at least temporary reapportionment legislation pending adoption of State constitutional provisions relating to legislative apportionment which comport with Federal constitutional requirements." (*Maryland Committee* v. *Tawes*, 377 U.S. 656, 675–676).

SERIOUS TRAGEDY AVERTED

Mr. LAUSCHE. Mr. President, on Tuesday, May 11, 1965, a potential serious tragedy was averted at Chillicothe, Ohio, by the prompt and efficient action of an Army Ordnance detachment located at Clinton County Air Force Base and the Army Ordnance Command at Fort George G. Meade, Md., both responding to an emergency call by the Honorable Charles H. Fair, mayor of Chillicothe, Ohio.

Cause for the great alarm and concern over the safety of the citizens of the area was the discovery that a metallic item located in a scrap dealer's yard and about to be cut prior to disposal was an active Tiny Tim Rocket.

Mr. President, Mayor Fair describes the incident well in a letter of commendation addressed to the Command General, 2d Army, Fort George Meade, Md., and which I ask be printed at this point in the RECORD.

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

MAY 14, 1965.

COMMAND GENERAL, 2D ARMY,
Fort George Meade, Md.

DEAR GENERAL: This letter is addressed to you in an effort to express appreciation and commendation for members of your command.

On Tuesday, May 11, 1965, an active Tiny Tim rocket was identified by our police department in a scrap metal dealer's yard, located within three blocks of Chillicothe, Ohio, a city of 26,000. At the time of discovery, a workman was in the process of cutting the rocket and disposing of it on a freight car.

An Army Ordnance detachment located at Clinton County Air Force Base, was notified and they arrived with dispatch.

Two members of this detachment arrived and determined the rocket was active. They were: 1st Lt. Michael Ryan, O522093, and Sp6 Donald Brown, RA13262263, assigned to the 71st Ordnance Detachment.

These men demonstrated a high degree of professional skill, and, in addition, an awareness of good public relations.

Due to requirements of Army regulations, Lieutenant Ryan was not able to immediately remove the rocket from the populated area. However, by his calm approach to the problem, fears of the citizens did not become acute. He explained the military service requirements in a highly intelligent manner to the persons concerned.

Upon my arrival at the scene, Lieutenant Ryan and Specialist Sixth Class Brown gave me an excellent estimate of the situation and the problems to be faced. When I telephoned the Army Ordnance at Fort Meade and explained our situation, I received the utmost courtesy and assistance. Within an hour, the rocket was removed from the populated area to a remote section of our local airport. Due to the efforts of your staff, the Air Force at Wright-Patterson Air Force Base removed the rocket the following day.

For the citizens of this city, I wish to express our sincere appreciation to all 2d Army personnel who assisted us in removing this very real danger from our community.

I wish to commend Lieutenant Ryan, and Specialist Sixth Class Brown, for a superior performance of duty.

Respectfully,

CHARLES H. FAIR,
Mayor.

Copies to Senator FRANK J. LAUSCHE and Senator STEPHEN YOUNG.

WELCOME TO PRESIDENT PARK, OF KOREA

Mr. YARBOROUGH. Mr. President, the peoples of Korea and the United States, although they dwell in lands which are thousands of miles apart physically, and although they are the products of profoundly different cultural heritages, nevertheless share a common bond which was forged on the bloody slopes of Heartbreak Ridge and in the steel and fire of the Chosen Reservoir. That fight for the freedom of Korea forever links together our peoples, who fought and, for long years, died together, side by side.

The termination of the Korean conflict was a beginning, rather than an end; and all Americans watch the progress of the Korean Republic, not alone with hope, but also with real physical help. Thus, I commend President Johnson for his statement, on yesterday, assuring President Chung Hee Park, of Korea, that "the United States would work steadfastly with you to better the lot and lives of your people."

I join in the welcome extended to President Park, and I hope his visit has been a pleasant one. Last December, I was his guest in his country; and I can only say that if the people of Washington, D.C., have been as kind and generous as those of Seoul, President Park's sojourn here was happy, indeed.

I ask unanimous consent to have printed in the RECORD an article entitled "General Park Praises Johnson on Asia." The article was published in the New York Times of May 19.

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

[From the New York (N.Y.) Times, May 19, 1965]

GENERAL PARK PRAISES JOHNSON ON ASIA—KOREA'S PRESIDENT SUPPORTS FIRMNESS IN VIETNAM

WASHINGTON, May 18.—President Chung Hee Park of South Korea commended the United States today for having taken a firm stand against Communist aggression in Vietnam. He warned that any softening of U.S. policy would be "an irrevocable mistake."

"We cannot and should not budge even an inch from our position of defending freedom by force until the Communists give up their scheme of conquering the world by sanguinary revolution," he said at a National Press Club luncheon.

General Park, who is here for talks with President Johnson, said that his own country was "a living victim of Communist aggression." He said the Communists were now trying in Vietnam what they tried in Korea.

"What the free nations should do at this stage is self-evident," he said. "They have no alternative, I am convinced, but to take such decisive action as the United States and other nations of the free world demonstrated in Korea in 1950."

JOHNSON PRAISED ON BOMBINGS

General Park praised President Johnson for his "wisdom and courage" in handling the Vietnam crisis, and said that the President's "resolute action" in ordering U.S. planes to bomb Communist bases in North Vietnam "could prevent the flames of trouble in that country from spreading farther and wider."

The Korean President was the second Asian statesman to suggest in recent days that the bombing of North Vietnam may have headed off a widening of the war. Foreign Minister Thanat Khoman of Thailand expressed similar views during a visit here last week.

General Park was sharply critical of "some free nations"—not identified—that he said believed "naively that they will be able to maintain their own security through negotiations" with the Communists rather than by fighting against aggression.

"What is meant by negotiation in Communist parlance," he said, "is merely a means to enable the Communists to proceed with their aggression."

General Park arrived yesterday. His schedule today included a breakfast session with Secretary of Defense Robert S. McNamara and a White House conference with Mr. Johnson.

PUBLIC RIGHTS AND PRIVATE INTERESTS IN TAXPAYERS' RESEARCH MONEY

Mr. YARBOROUGH. Mr. President, it was with a feeling of indignation that I read the revelations which the distinguished majority whip [Mr. LONG] disclosed on Monday on the floor of the Senate. The speech appears on page 10715 of the CONGRESSIONAL RECORD for Monday, May 17, 1965; and I commend its reading to every Member of Congress and, indeed, to every American citizen, so that they may become informed of the seriousness of the public-policy crisis which confronts this Government in the field of private exploitation of public research funds.

At the same time that we receive a soothing daily mental message from the public relations departments of various organizations, telling us that all is well, behind our backs, and unknown to the public, are shenanigans such as those which the Senator from Louisiana made public yesterday:

A test for phenylketonuria, an infant disease that leads to mental retardation, was largely developed by governmental funds. The Public Health Service granted $251,700, and the Children's Bureau contributed $492,000 for its development. Senator LONG's speech details how Miles Laboratories tried to obtain, and almost succeeded in getting, an exclusive licensing agreement for the life of the patent. If it had gotten the exclusive license, Miles would have marketed a testing kit for a price in excess of $262. The same kit was already being produced by hospitals for $6.

With an exclusive licensing agreement, only Miles Laboratories would have been allowed to produce the kit; so a test device which had been developed largely by the use of public funds, and which could be produced for $6, would have been assigned, on a monopoly basis, to a private company, to be sold for $262. At the same time that the country and Congress are showing so much concern over mental retardation, as evidenced by passage of the Mental Health and Mental Retardation Act of 1963, a private company was trying to secure a private monopoly, so that it could exploit the unfortunate victims of mental retardation.

This is only one example of the behind the scenes wheeling and dealing which greedy interests are carrying on, in an effort to get their hands on bigger and bigger pieces of the Government-financed research pie. With great amounts of money to spend on high-priced legal and public relations talent, they pour out a steady stream of sugar-coated words cynically designed to convince what they consider to be a gullible public that it is in the public interest to assign the public's rights to private concerns, because this allegedly encourages research and development. This argument is clearly a subterfuge which the American public is going to realize is a subterfuge; and the people are going to hand certain greedy interests a big surprise by rejecting their argument outright.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "How Bar to Retardation Was Opened to the Many," written by Morton Mintz, and published in the Washington Post on May 19, 1965.

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

[From the Washington (D.C.) Post, May 19, 1965]

HOW BAR TO RETARDATION WAS OPENED TO THE MANY—TEST COST CUT TO ONE-FORTIETH

(By Morton Mintz)

This is the story of why a test used to prevent a severe form of mental retardation costs 1.2 cents per baby instead of 40 times as much.

It did cost 50 cents per baby for a time. Had that price prevailed, says the U.S. Children's Bureau, certain States would not have begun mass testing programs and many children who now will be normal would have been irreversibly retarded.

Exclusive rights were originally assigned to a private firm that charged $262 for a test kit that the inventor manufactured for $6. The Government has now obtained uncontested rights in the pending patent application and any qualified organization can make the kits without paying royalties.

The story was pieced together from interviews and from Government files obtained by Senator RUSSELL B. LONG, Democrat, of Louisiana, as chairman of the Senate Small Business Committee's Monopoly Subcommittee. LONG discussed the story in the Senate Monday.

Since 1959, LONG has been working to give the Government property rights in inventions developed with the help of the $15 billion a year that the Government spends with research and development contractors. The mental retardation test was developed largely with Government funds.

STORY'S LEADING FIGURE

The leading figure in the story is the inventor of the test, Dr. Robert Guthrie, of Buffalo, a brilliant scientist and himself the parent of a retarded child.

"I had always assumed," he said, "that the price would be reasonable." But he termed himself naive about such matters.

The simple, reliable test he developed detects the metabolic disorder phenylketonuria, usually called PKU.

A few drops of blood are taken from the heel of an infant in the first few days after birth. If the disorder is found, a special diet will prevent retardation.

The incidence of PKU had been believed to be 1 in 20,000 to 40,000 births, but a mass screening of 400,000 infants in 1962–63 established a rate of at least 1 in 10,000. That indicates a nationwide potential of about 400 PKU-retarded infants a year, including roughly 3 in the District, 7 in Maryland, and 9 in Virginia.

MANDATORY IN MARYLAND

The test is now being performed regularly in 90 to 100 percent of the hospitals with maternity services in 14 States and in a total of 2,600 hospitals in all States except Alaska. Some States, including Maryland, have made the test mandatory for hospital births.

In Massachusetts, the test has detected 33 PKU cases. Dr. Guthrie said this was done with mass screening that cost State taxpayers about as much as lifetime custodial care for one person in a public institution.

Dr. Guthrie, a 48-year-old microbiologist and physician, attributed his special interest in developing the test to the PKU retardation of a relative in Minneapolis. A member of the pediatrics department of the School of Medicine of the State University of New York, Dr. Guthrie in 1958 received his first grants—$25,000 each, for 5 years—from the National Association for Retarded Children and the Association for Aid for Crippled Children. Later, he received a total of $75,672 from three other nongovernment sources.

But starting in 1959, the Public Health Service gave $251,700. Chiefly for the subsequent mass screening, the U.S. Children's Bureau granted $492,000.

FIRM IS NOMINATED

Long before the Bureau got into the picture, but after the test was perfected, Dr. Guthrie and the NARC agreed that a swift way to bring the test into the widest possible use would be to enlist a pharmaceutical firm with a worldwide organization.

The Ames Co., a subsidiary of Miles Laboratories of Elkhart, Ind., was nominated by Dr. Guthrie because it had been marketing a urine test for PKU. That test, however, is not well suited for mass use.

A lawyer friend of Dr. Guthrie, Raymond K. Kuhns of New York City, who was donating his legal services, advised that a patent on the invention be sought. He was concerned with the possibility that the plan for mass use of the test could be jeopardized by another patent only with costly, protracted litigation.

Almost a year had gone by since Dr. Guthrie had published articles about the test. This meant that unless a patent application were filed quickly, Dr. Guthrie's claim automatically would be denied.

Kuhns said that Miles Laboratories, which had accepted an invitation to participate, agreed with him in emphasizing to Dr. Guthrie that any proposed patent agreement would have to be approved by the Public Health Service.

BARS ROYALTIES FOR SELF

This is the kind of thing—questionnaires, red tape—that Dr. Guthrie scorns. His scientific work preoccupies him. Not until almost a year after the PHS began pressing him with letters and phone calls did he get around to filing the required reports.

The patent application and licensing agreement, which meanwhile had been drawn up by an associate of Kuhns on a nonprofit basis, put title in the name of Dr. Guthrie, but at his request barred him from getting a cent in royalties.

Instead, Miles, which was made the exclusive licensee, agreed to pay 5 percent of the

net proceeds of sales to the NARC. Ultimately, that association got $1,100.

During the discussions, no one thought to ask what price Miles intended to charge.

In 1962, the patent application was filed and the licensing agreement signed. At about that time, the Children's Bureau announced its plans to screen the 400,000 infants. A great many test kits had to be produced, and quickly.

TURNS PRODUCTION MAN

Miles was unable to gear up fast enough for this job because of what Vice President G. W. Orr, Jr., told me were severe production problems. So Dr. Guthrie, who was not, as Kuhns put it, "in any remote sense a businessman," became a production man.

With Bureau funds, he rented a house, and in it, in a year's time, turned out 10,000 kits, enough for a million tests. Packaging was done by retarded young adults.

Ames, the Miles subsidiary, "took what we had done and repackaged it," Dr. Guthrie said. "The big price then particularly made no sense."

The "big price" was $262 for a 500-test kit that the scientist produced for $6. He had not known what the price would be until June 1963, when he visited Miles. "I was horrified," he said.

He pointed out that since the Government made his invention freely available, commercial laboratories—including Miles—have offered the kit for a fraction of its original price.

The Miles official, Orr, suggested that one reason for the $262 price was the need to use only the highest quality sterile materials. However, he acknowledged that he did not intend to imply that his firm's test kit was superior in that regard to Dr. Guthrie's. He did, however, fault the scientist's definition of costs.

NULLIFICATION BEGINS

In the Department of Health, Education, and Welfare, a drive began to nullify the agreement with Miles. One who urged this was Herschel F. Clesner, inventions coordinator for the PHS.

On November 5, 1963, the chief of the Children's Bureau, Katherine B. Oettinger, wrote Clesner "that the granting of exclusive commercial rights to Miles Laboratories would prevent Massachusetts and some of the larger States now contemplating setting up this screening from carrying out their plans."

"None of these States could afford to institute a program if they had to purchase the kits commercially at the contemplated ($262) price, or if they had to pay royalties on the materials they would manufacture themselves," she said.

A year ago, the Acting Surgeon General of the PHS, Dr. David E. Price, officially determined that the contract should be canceled because "the best interests of the public will not be served by * * * an exclusive license. * * * Insofar as the invention may be patentable, the equitable ownership of all rights, both domestic and foreign, shall be in the United States."

REAPPORTIONMENT OF STATE LEGISLATURE

Mr. TYDINGS. Mr. President, I am delighted to note that the issue of reapportionment of State legislatures is receiving increasing attention in our newspapers and periodicals. I am confident that once the American public understands what is at stake, the proposed constitutional amendments to overrule the Supreme Court's decisions guaranteeing one man, one vote will be rejected.

I was, therefore, pleased to find a most thoughtful and comprehensive study, by Peter Irons, in the May issue of the Progressive magazine. He points out that the drive to preserve the rotten borough system, with all of its associated privileges, prerogatives, and powers, is in full swing. I ask unanimous consent that Mr. Irons' article be printed in the RECORD.

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

[From the Progressive, May 1965]

THE RACE TO CONTROL THE STATES

(By Peter Irons)

(NOTE.—Peter Irons, who did social science research at Harvard and Howard Universities, is associate editor of the United Automobile Workers legislative newsweekly.)

"The people in our big cities are unfit for citizenship. It's to the rural areas that we must look for citizens of greater intellect."

Thus spoke a defender of agrarian virtue at New York State's constitutional convention in 1894, which took heed and drafted an apportionment plan firmly establishing rural domination of the State legislature. Seven decades later, a vast migration has depopulated our rural areas and crowded millions of people into our cities and suburbs. But the ruralists, whose iron grip on the State legislatures has been loosened by the Supreme Court, still preach the same fear of the cities that the 19th century New Yorker did. "Beware the city," is their battle cry as they fight to hold back the urban revolution.

A massive rural counterrevolution is being waged today. Its goal is to change the Constitution so that rural control of many State legislatures and county governments will be preserved. Its target is a series of landmark decisions of the Supreme Court; the bullseye is the *Reynolds* v. *Sims* decision, June 15, 1964, in which the Court ruled that the Constitution requires that "the seats in both houses of a bicameral State legislature must be apportioned on a population basis."

The stakes in this battle are high—control of State and county governments—and it is being waged on two fronts, one in the Congress and one in the States.

In its *Reynolds* v. *Sims* decision, the Supreme Court held that Alabama's failure to reapportion its legislature for more than 60 years had produced "a minority stranglehold" on that body. The Court ordered that new districts be drawn on the basis of population alone. The Court was responding, as it had through its historic *Baker* v. *Carr* decision in 1962, to the fact that the equality of representation principle has been so grossly violated by the States that in 39 of them minorities as small as 8 percent could elect a majority of the members in either one or both houses of the legislature. In *Baker* v. *Carr* the Supreme Court had ruled that the Federal judiciary could enter the field of legislative apportionment and that when legislatures failed to correct serious malapportionment, the courts could make such corrections themselves.

By last year the impact of that decision had been felt across the land. During 1964 alone, legislatures reapportioned themselves in 10 States, and the courts redistricted legislatures in 4 others. In the same period, State and Federal courts declared that the redistricting plans of 32 States did not meet constitutional requirements. And by the opening months of 1965, 24 States were under court orders to reapportion before the next legislative election.

While the rural power in State legislatures grudgingly gave up some seats in the lower houses of State legislatures under the pressure of the courts, it continues to fight against reapportionment of the upper houses. If the ruralists can maintain their grip on State senates, they can block progressive legislation or any measures that will benefit the cities and suburbs. Since State senates also hold the power to approve or disapprove appointments to State regulatory bodies, wherever ruralists dominate State senates they can tip the balance toward the appointment of reactionaries who favor the big utilities and the major manufacturing interests. It is these economic groups that back the ruralists in preserving the legislative status quo.

But the Supreme Court's decision in *Reynolds* v. *Sims*—if not wiped out by one of the proposed amendments to the Federal Constitution—threatens to reduce or end rural dominance of State senates. In this case the Supreme Court held that the equal protection clause of the 14th amendment dictates the principle of "one man, one vote," and ruled out any apportionment scheme of either house of a legislature that is not based strictly on population. "Legislators represent people, not trees or acres," wrote Chief Justice Warren. "A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm."

The Court's decision was greeted by a collective howl of protest from rural interests in both the States and the Congress. Typical of the reaction was the cry of Representative WILLIAM JENNINGS BRYAN DORN, a South Carolina Democrat, that the Reynolds decision meant "a long step toward Federal dictatorship by the Supreme Court." Rural Congressmen and State legislators rose in anger by the hundreds as they foresaw the erosion of their entrenched citadels of power. Within a period of days, a new coalition of powerful forces was organizing a rural counterrevolution to block and overturn the "one man, one vote" principle enunciated by the Court.

Who are the leaders of the rural counterrevolution, and what is their strategy to nullify the Reynolds decision? Before taking a look at these men and their methods, it is helpful to scan the map of political power across the country.

All but a handful of our State constitutions are written to perpetuate rural control of State legislative bodies, usually by guarantees that in at least one house of the legislature, each county or township shall be represented, regardless of population. Thus, the eight people living in New Hampshire's smallest house district cast ballots worth 222 times as much as those in the largest district. In California, where legislators elected by 10.7 percent of the population control the State senate, a voter in a small county in the Sierras wields 422 times the elective power of his Los Angeles brother. Similar examples of the dilution of the urban and suburban vote abound, and the result is obvious; the cities and many suburbs have been shortchanged in State aid for education and welfare.

The Reynolds decision and companion rulings, and the fact that 70 percent of all Americans now live in urban areas, should have sounded the death knell for rural domination of the States. Instead, the ruralists dug in and began planning strategy to nullify the "one man, one vote" rulings. Four days after the Supreme Court decisions, the Southern Conference of the Council of State Governments met in Sarasota, Fla., and issued a statement that "these decisions strike at the very heart of representative government." The membership of the nationwide Council of State Governments reads like a rollcall of the power structure of the State legislatures.

Irate rural Congressmen were not long in joining the bandwagon. Leading the agrarian forces in Congress is WILLIAM TUCK of southern Virginia. Representative TUCK, a

portly stereotype in the "Senator Claghorn" tradition, is a former State legislator and Virginia Governor, and a cog in Senator HARRY BYRD's machine which rules Virginia as a fiefdom. A Democratic member of both the House Judiciary and Un-American Activities Committees, TUCK led a maneuver which forced Judiciary Committee Chairman EMANUEL CELLER, of Brooklyn, to hold hearings last July on the more than 70 anti-reapportionment bills hastily drafted by rural Congressmen.

At the hearings, Representative TUCK urged passage of his bill to bar Federal courts from jurisdiction over State reapportionment cases. Representative WILLIAM MCCULLOCH, a smalltown Ohio Republican and ranking GOP member of the committee, took another tack and backed a constitutional amendment to allow any State with a two-house legislature (Nebraska has the only unicameral legislature) to apportion one house "on factors other than population."

As Congressmen paraded before the committee to denounce the Reynolds decision, more than 20 powerful State legislators sat quietly in the hearing room. Members of the newly organized National Commission on Constitutional Government, this contingent included such men as Thomas Graham, speaker of the Missouri house; former Florida House Speaker William V. Chappell, Jr.; Solomon Blatt, in his 25th year as speaker of the South Carolina house; and Byron Tunnell, then speaker of the Texas house and now Texas railroad commissioner.

The National Commission on Constitutional Government is the new spearhead of the rural counterrevolution. In early 1964, 49 legislators from various States met in Lincoln, Nebr., to organize the NCCG. Most of these delegates were also active in the Council of State Governments and in the general assembly of the States, a biennial conclave of delegates sent by State legislatures at which the Federal Government is ritually roasted. With the Federal courts pressing for reapportionment and posing an imminent threat to their bastions of power, the ruralists decided to band together and coordinate their opposition to redistricting.

As president of the NCCG, the delegates to the Lincoln meeting elected Hal Bridenbaugh, a 73-year-old Nebraska State senator. A farmer and businessman from Dakota City, he had been a member of the Nebraska legislature for 16 years. Last fall he retired from the legislature to devote full time to the NCCG effort. Bridenbaugh says bluntly that its guiding principle is "We fear urban domination." Various State chambers of commerce have donated funds to the NCCG war chest.

The first congressional floor skirmish in the battle against reapportionment was fought last fall. Although Judiciary Committee Chairman CELLER opposed the Tuck and McCulloch bills and tried to drag the hearings out to the end of the session, Representative TUCK executed an end play around CELLER by having his Virginia cohort, Rules Committee Chairman HOWARD W. SMITH, lift his bill from the Judiciary Committee and send it straight to the House floor. CELLER was enraged at this move, but Judge SMITH calmly ignored his protestations, and the TUCK bill to evict Federal courts from the reapportionment field breezed through the House by a vote of 218 to 175.

Over on the other side of the Capitol, liberal Senators led by PAUL DOUGLAS, of Illinois, frustrated the ruralists and Dixiecrats by conducting a "baby filibuster" against a proposal of Republican Minority Leader EVERETT DIRKSEN to prevent Federal courts from ordering any legislative redistricting until January 1966. The mellifluous DIRKSEN wanted to give the ruralists time to develop their campaign for a constitutional amendment. But Senators DOUGLAS, WILLIAM PROXMIRE, GAYLORD NELSON, JOSEPH CLARK, and other liberals succeeded in watering down the Dirksen proposal to the degree that when adopted by the Senate it was unacceptable to a House-Senate conference. The 88th Congress adjourned without passing any reapportionment legislation.

This congressional setback did not abate the determination of the rural forces. A race is now on to amend the Constitution, as the ruralists fight to stave off the rapid pace of court-ordered reapportionment. Plans for the last-ditch assault were approved last December at meetings in Chicago of the Council of State Governments and the general assembly of the States. In Chicago, rural leaders mapped out a two-pronged strategy to enact a constitutional amendment that would keep the Supreme Court's "one man, one vote" principle from working against rural control of State senates. One prong of the attack would be through Congress, and the other would be through State action.

Although the Chicago meeting was firmly in the hands of a coalition of northern ruralists and Dixie segregationists, two State legislators who supported the Supreme Court decisions tried futilely to put the general assembly on record as favoring the "one-man-one-vote" principle. The two were State Senators Gloria Schaffer, of Connecticut, and Charles Weiner, of Pennsylvania. Mrs. Schaffer, a Democrat and a member of the U.S. Commission on UNESCO, complained later that "many States, had they been adequately represented, would have voted for our resolution." But instead, the rural-dominated States had packed the meeting.

Last December's conclave was reminiscent of the one held 2 years earlier, which was determined to block the surge toward reapportionment by nullifying the *Baker* v. *Carr* decision handed down by the Supreme Court in March 1962. Then, as now, a coalition of ruralists and Dixiecrats was backed by powerful business interests. With the aid and blessing of the Council of State Governments, and its executive director, Brevard Crihfield, the 1962 general assembly launched the program to win legislative approval for the notorious disunity amendments.

One of the amendments launched at the 1962 meeting would change the Constitution to bar the Supreme Court from any jurisdiction over apportionment. It has been adopted by 16 State legislatures. The immediate ancestor of the present amendment proposal on apportionment now being rushed through legislatures, it is also the forebear of the Dirksen amendment.

The new version which has replaced the old one under the strategy approved by the 1964 general assembly and the coalition, has surpassed its predecessor in winning legislative approvals. By early March 1965, 17 States had approved identical versions, and California's legislature adopted a variation.

The resolution approved by these legislatures with astounding speed, and with the public—and sometimes the press—scarcely aware of what had happened, requests Congress to call a convention to amend the Constitution. The proposed amendment would permit any State which has a two-house legislature to apportion "the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment has been submitted to and approved by a vote of the electorate of that State." Completely overlooked in the sparse comment by the press is the fact that the amendment also provides that "Nothing in this Constitution shall restrict a State in its determination of how membership of governing bodies of its subordinate States shall be apportioned." This would freeze, in perpetuity, present rural overrepresentation on county boards and similar local units of government.

The strategy of the rural bloc has been outlined by Crihfield, the seasoned executive head of the Council of State Governments. The first step, says Crihfield, is to secure passage by as many States as possible of this new resolution for a constitutional convention. Never in the history of the Federal Union has this strategy been successful. It requires that 34 States, two-thirds of the total, must pass the resolution before Congress is compelled to call a convention. But the coalition is convinced that if 25 to 30 States approve it, Congress will act on its own accord in behalf of ruralists to avoid a convention, which many Congressmen fear would open a Pandora's box of Constitution gutting.

Will the rural strategy succeed? Crihfield and Bridenbaugh think so. "Remember," Crihfield says, "there are 47 States in regular session this year. Already, more than 20 States have passed memorials and the number could well reach 34. It's going to be tight, but if Congress doesn't want a convention it has the Dirksen bill before it." The Dirksen bill, Senate Joint Resolution 2, would allow apportionment of one house of a legislature on the basis of "factors other than population," if the State's voters approve in a referendum.

When the Dirksen resolution—with the names of every Republican Senator but one, and eight Democrats, as cosponsors—was presented for hearings before a Senate Judiciary subcommittee weighted with a ruralist majority, it was endorsed by a parade of Senators and conservative lobbyists. Senators DOUGLAS and PROXMIRE, and the mayors of Chicago and St. Petersburg, Fla., were among the few who denounced it.

"The Dirksen amendment may be considered the 'stalking horse' of those who wish to preserve the rotten borough system in the State legislatures of the United States," said Senator DOUGLAS.

In their battle against fair apportionment, the ruralists have forged an effective coalition of powerful allies. Organizations cracking a potent political whip have been flocking before Senate and House hearings to denounce the Reynolds decision. The National Association of Manufacturers, the U.S. Chamber of Commerce, the Liberty Lobby, and the American Farm Bureau Federation have lined up like a Greek chorus to trumpet their fears of urban control. Even the liberal National Farmers Union, with its history of populism, voted by a narrow margin at its recent convention to support the amendment drive.

Last February, the coalition enlisted its most prestigious ally when the House of Delegates of the American Bar Association voted in New Orleans to support the Dirksen amendment. The author of the ABA resolution was Jonathan C. Gibson, chairman of the ABA's Jurisprudence Committee, an old hand in the antiunion right-to-work campaign and the legal vice president of the Atchison, Topeka & Santa Fe Railroad. But the opponents of the resolution saw a stealthier hand behind its drafting. Herbert Johnson, an Atlanta lawyer who led the floor fight against the resoultion, says that the real force behind it was John C. Satterfield, the Yazoo City, Miss., lawyer who directed the lobbying drive last year against the civil rights bill. Satterfield, an attorney for former Mississippi Governor Ross Barnett, was the secretary of the Coordinating Committee for Fundamental American Freedoms which poured $120,000 of Mississippi tax money into the fight against the civil rights bill. Satterfield is a member of Gibson's ABA committee and worked behind the scenes in New Orleans to secure the 115-to-94 vote for the resolution. "It looks like Satterfield wrote it," said Johnson. Another house of delegates member at New Orleans, Virginia lawyer Edmund Campbell, also saw the resolution endorsing DIRKSEN's proposal as Satterfield's handiwork and felt it was designed to "freeze the present racial imbalance" in southern legislatures.

Organized resistance to the rural coalition has only recently come to the surface. A liberal coalition, composed mostly of groups active in the civil rights lobbying effort last year, was formed several months ago under the title of the National Committee for Fair Representation. A loosely organized group, the NCFR is made up of labor unions, church groups, the NAACP, and Americans for Democratic Action. Marvin Caplan of the industrial union department of the AFL–CIO, who is also director of the Leadership Conference on Civil Rights, has donned another hat to coordinate the NCFR effort.

At a strategy meeting with representatives from the offices of liberal Senators, the outlook was gloomy. "Unless labor makes a major fight on this, we're dead," said one representative from Capitol Hill.

If Congress takes the initiative, it will require a two-thirds vote in each house to send the Dirksen amendment, or some version of it, to the States for ratification. A preliminary nose-count in Congress by the National Committee for Fair Representation supports the forecast of Brevard Crihfield of the Council of State Governments: "It's going to be tight." Any amendment approved, whether by Congress or by a convention called through petitions from 34 legislatures, would have to be ratified by 38 States within a 7-year period to become part of the Constitution. The race between the courts forcing reapportionment, and the States striving to fend it off, could go down to the wire.

The stakes in the battle over reapportionment are tremendous. If the *Reynolds* v. *Sims* "one man, one vote" decision withstands the current assault on it, America's political map will be completely redrawn with the political balance of power decisively shifting to the ever more populous cities and suburbs.

Crihfield sees "another plate of worms" behind the Reynolds decision as its impact reaches down to the 100,000 smaller units of government across the country. Courts in Wisconsin and Michigan have ruled that county boards of supervisors must meet the "one man, one vote" criterion. Eight days after the Reynolds decision, five voters in Grand Rapids, Mich., filed a suit to reapportion the Kent County Board of Supervisors. The Michigan court, noting that a supervisor from the township of Plainfield represented only 925 voters, while it took 8,429 people from Grand Rapids to merit the same representation, ordered reapportionment.

Seventy years ago, when the rural New York legislator claimed that urban citizens were "unfit for citizenship," only one out of three Americans lived in an urban area. Today, that proportion has been reversed, but our legislative bodies still fail to reflect that massive change. Voters in the cities and suburbs complain that State legislators ignore their growing needs for better schools, health, and welfare facilities, and other public services, and refuse to appropriate enough money to stem the growing deterioration of urban communities. Atlanta lawyer Herbert Johnson fears that passage of a constitutional amendment returning legislative control to rural areas "would put them in such strong control that the cities will never get their fair share."

Reynolds v. *Sims* loosened the iron grip of those who represent "trees and acres" rather than people. Those legislators representing trees and acres, rather than a proper number of voters, too often are—or become—the voices and votes of reaction on behalf of powerful private interests. The preservation of these special interests, along with the rural fear of the ethnic minorities in the cities, and the southern fear of a larger Negro vote, spur the rural counterrevolution. "Legislators are elected by voters," said Chief Justice Warren in the Reynolds decision, "not [by] farms or cities or economic interests. To the extent that a citizen's right to vote is debased, he is that much less a citizen."

It is this concept of voting equality, with its vast power to reshape our society in more liberal form, that the old establishment seeks to destroy at all costs.

INCLUSION OF HOSPITAL-BASED SPECIALISTS IN HOSPITAL SERVICES UNDER CARE OF THE AGED

Mrs. NEUBERGER. Mr. President, support for the amendment submitted by the Senator from Illinois [Mr. DOUGLAS], of which I am a cosponsor, to include as a hospital cost the specialty services of radiologists, anesthesiologists, pathologists, and physiatrists, if this is the voluntary arrangement between the hospital and such specialists, has been gaining momentum. The administration, through testimony by Secretary Anthony Celebrezze, urged modification of House bill 6675, so as to restore the provisions for covering these services. Secretary Celebrezze also predicted that "substantial changes in the way these services are now paid for" would be required if the hospital-related services of these specialists were excluded from coverage under the basic hospital plan. Representatives of a number of prominent organizations testifying before the Senate Finance Committee have indicated support for the inclusion of these hospital-related services as a hospital cost. To name a few: the American Hospital Association, the American Nurses' Association, the Group Health Association of America, the American Public Welfare Association, the Blue Cross, the National Farmers Union, the AFL–CIO, the Physicians Forum, and the National Council of Senior Citizens.

One of the foremost physicians and experts in hospital administration in America is Dr. Albert W. Snoke, executive director of the Yale-New Haven Hospital, and past president of the American Hospital Association. That association recently bestowed on Dr. Snoke its highest honor, by presenting to him the "1965 Distinguished Service Award." The May 1 issue of Hospitals, the journal of the American Hospital Association, included some comments by Dr. Snoke on the issue of exclusion from hospital billing of the costs of services rendered by hospital-based specialists. In the article, he warned that the exclusion of these services as a hospital cost would represent taking a "step backward." Such a step, he predicts, would "change drastically a very basic philosophical, formal, and administrative relationship" between hospitals and radiologists, and it "should not be taken except as an open covenant, openly arrived at."

I commend to the attention of Senators, Dr. Snoke's written testimony to the Senate Finance Committee, which not only is an articulate appraisal of the problems that would arise should the hospital-based specialists' services be billed separately from other hospital costs, but also expresses a sincere concern over the financial hardships which the elderly would have to endure should the bill in its present form be enacted. I ask unanimous consent to have printed at this point in the RECORD the cover article on Dr. Snoke, which was published in the May 1 issue of Hospitals.

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

ON THE PROPOSED EXCLUSION OF HOSPITAL-BASED SPECIALISTS FROM HOSPITAL SERVICES INCLUDED IN THE LEGISLATION ON FINANCING HEALTH CARE OF THE AGED

I think this is a step backward. It is not in keeping with what hospital service should be or what it has become. The hospital was originally just a place for the dying. It was where you would lie in bed and where someone would feed you and you would have some nursing care. The modern hospital is far more than this. I think you cannot draw any sharp line between what is hospital care, nursing care, or medical care. Those things that I did as an intern or a resident are now being done by nurses, dietitians, or technicians. There is a perfect example in this shifting of roles both in psychiatry and in radiology. In psychiatry, the patient is cared for—and, hopefully, cured—in an environment in which the social worker plays a role, the psychologist plays a role, the nurse plays a role, and actually the sweeper of the floors plays a role. It isn't just the psychiatrist.

Now let's discuss radiology. The technicians can generally do a far better job of taking pictures than radiologists can. In linear accelerator and high voltage therapy installations, radiologists have the assistance of physicists. At present, the hospital charges for this total service. If the radiologist charges for it or for part of it, what is he charging for? The physicist? And where does the physicist's role start and stop? What I am trying to point out is that health care in a hospital is so complicated, so interrelated, and so interdependent that we just can't make these arbitrary distinctions.

Look at what has happened in inhalation therapy. Inhalation therapy has increased in utilization at a spectacular rate. This is a service which requires competent professional supervision and we offer it as a hospital service. The average doctor is still pretty innocent of this new and exciting specialty. We would have been unable to attract an expert physician to our staff to direct this program on a fee-for-service basis for his professional component, no matter how widely the explanation was circulated. Staff physicians would not have understood. The patient wouldn't have understood. The inhalation specialist would either have starved or he wouldn't have come.

Another thing that disturbs me greatly about this proposal to exclude from hospital services the professional fee of hospital-based specialists is the fact that this was proposed and voted in executive session of the House Ways and Means Committee. Previously, the debate was on whether there should be a medicare bill, whether it should be under social security, whether there should be an income test, who is going to administer it, and so forth. There was no fundamental change proposed affecting hospital-physician relationships. And now into the national arena we have thrown a proposal to change drastically a very basic philosophical, financial, and administrative relationship. This change would have fundamental effects on the financial relationships of physician specialists in hospitals. It would have fundamental effects on the very life of Blue Cross. Such a step should not be taken except as an open covenant openly arrived at. When you have something of this importance proposed for adoption without debate and without hearings, it is almost unbelievable.

KEENE, N.H.—ALL AMERICA CITY

Mr. McINTYRE. Mr. President, 2 weeks ago I had the very great pleasure of taking part in the ceremonies at which the city of Keene, N.H., became the first New Hampshire city ever to receive the coveted designation of an All America City.

The annual All America Cities competition, sponsored by the National Municipal League and Look magazine, made a very wise choice in selecting the city of Keene. Those of us who are active in New Hampshire affairs know that the citizens of Keene are truly outstanding in their responsible efforts to better their community.

Although Keene's outstanding accomplishments which have brought glory to both the city and the State of New Hampshire are the results of the work of many citizens, I feel that special recognition should be given to its mayor, the Honorable Robert Mallat, Jr. Bob Mallat is truly representative of the many Keene citizens who take their citizenship seriously, and who have earned for Keene the designation of All America City.

I ask unanimous consent to have printed in the RECORD an article which describes Keene's success. The article was published in the New Englander magazine, published by the New England Council.

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

KEENE: FIRST IN NEW HAMPSHIRE TO EARN AWARD AS RESULT OF ALL-OUT CITIZEN EFFORT

(By Lois Henning)

KEENE, N.H., situated in the heart of New England and boasting the region's widest paved Main Street, can add to its credits a citizen interest which ranks among the best in the Nation. Chosen as an All America City (and the first from New Hampshire) by project sponsors Look magazine and the National Municipal League, the town of 18,000 shares the honor with 10 other cities in the United States.

Keene residents, in addition to interest and initiative, readily admit to error. In the 1950's these citizens voted out a bicameral council-manager government. They presently realized the merit of such a system, began a campaign, and reinstated a nonpartisan mayor-council-manager system that is in effect today.

Next the citizens turned to the problem of the town's economy, and in 1952 established the Keene Regional Industrial Foundation. Dedicated to the aid, expansion, and diversification of local industry, the foundation was aided 1 year later with the establishment of the Greater Keene Chamber of Commerce. This 300-member organization and the foundation worked together until today they provide one of the finest industrial parks in the region. In addition, the town has one of the lowest unemployment rates in the State despite a 10-percent growth in population per decade.

To maintain this industry and to provide for themselves, the town sought improvement of its transportation facilities. Like many northern New England towns, the decline of the railroad threatened to isolate Keene. The chamber of commerce and the industrial foundation set about to improve the existing town airport until today it is the only airport north of Boston to be served by two airlines. Both Mohawk and Northeast Airlines serve Keene, one of the three regional airports in the State of New Hampshire.

"Operation Discover" was also sponsored by the chamber of commerce. Organized to investigate community needs, the 151 members assisted in bringing about the first zoning ordinance in the State and a comprehensive housing code. As a result of this code, dilapidated, substandard buildings in the downtown area were removed. In their place a 1,700 parking space area was provided within a 2-minute walking distance to the central business district.

In examining recreational needs town citizens instigated the building of 5 Little League baseball fields which serve 16 teams and 240 boys. In addition, the town hosted the 1964 national finals of the American Legion Little World Series. Similarly, horseshoe enthusiasts brought to the town the largest number, 24, of horseshoe courts at 1 site in the world. These courts will host the 1965 national horseshoe tournaments.

Recreational swimming in the area was limited by pollution of all natural facilities. Through the help of the Lions Club, 300 citizens raised $65,000 or half the cost of the 2 town pools now available.

These public pools, located on either side of the town, were augmented when the first recreational facilities built in conjunction with a flood control project were opened. The flood control dams, located in three areas, and built between 1960 and 1964, were constructed to overcome frequent flooding in the region.

Keene residents often turn their endeavors inward to the aid and benefit of their own town. This introspection has led to the establishment, in, 1957, of the town senior citizens center. To aid the poor, Keene residents formed the Greater Keene area program. Their work was recognized by President Lyndon B. Johnson who said, in a telegram to the citizens, "Keene's Task Force Poverty is a particularly gratifying acceptance of my challenge."

In 1958, the town, under the direction of 200 citizens, raised $700,000 for a new YMCA. Three-hundred teens use this facility each weekend for dancing without having rumbles or riots. For the postteens the chamber of commerce and the Industrial Foundation worked for the conversion of Keene Teachers College to Keene State College, a division of the State University system established in 1963. Keene State, with an enrollment of approximately 1,200 students, also provides extension courses for nearby residents and industry personnel.

LEADING LIBRARY

To supplement the college, the town has established one of the leading libraries in the State. In the last years the library has recorded the highest circulation on a per capita basis in the State.

Activities outside the boundaries of their own town also interest Keene residents. A local newspaper campaign examining the care given foster children by the State resulted in a statewide investigation of the welfare department. National interest is extended annually when 150 town residents invite 100 children from New York City to spend the summer in Keene.

International interest is also apparent in Keene. An experiment in international living, a model community ambassador program which sends Keene's young people abroad, and an exchange program with the people of Bolivia are part of this international program.

Since its charter in 1753 and the formation of a city in 1874, Keene has grown in population, industry, education, and recreation. Said Robert L. Mallat, Jr., in his presentation before the judges of the All-America City program, "this is a community of people working for people." Faced with the remaining tasks of low cost housing and housing for the elderly, Keene, N.H., citizens have nevertheless taken significant strides to bring their town the rating of an all-America city.

RESTRICTIONS ON MAIL FROM RUSSIA

Mr. LONG of Missouri. Mr. President, today's "Big Brother" item is a letter from Prof. Theodore Harrison, of Cambridge, Mass. He complains about the harassment practiced upon him by the Post Office Department, in the form of daily postcards which he must return to the Post Office Department in order to obtain his mail from the U.S.S.R.

In my view, it is ridiculous that Congress has given the Department the power to screen and delay the reading matter of American citizens which is labeled "political propaganda." Americans should be able to read what they like, without governmental interference. It is hoped that the Supreme Court will rid us of this law, as violative of the first amendment to the Constitution.

Yet, as long as it is on the books, it is the job of the Post Office Department to enforce it. However, the Department can enforce it in such a way as to minimize, not maximize, the harassment of our citizens.

By burning the records of the Post Office Department on who wants the foreign mail and who does not, the Post Office Department has maximized the harassment. If someone such as Professor Harrison has a daily subscription to a foreign paper or magazine labeled "political propaganda," he will receive from, and must return to, the Post Office Department 365 postcards a year. Under any standard whatever, this is absurd. The Postmaster General should stop it at once.

I ask unanimous consent to have Professor Harrison's letter printed in the RECORD.

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

CAMBRIDGE, MASS.,
April 15, 1965.

Senator EDWARD V. LONG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LONG: I was delighted to hear you express the conviction that the Post Office Department should confine its activities to delivering the mail. While you are legislating on this important subject I hope that you will also turn your attention to the way in which Communist propaganda is handled upon entry into the United States, because it seems to me that this raises serious constitutional issues both of freedom of information and of confiscation of private property without due process of law.

I am a college instructor and graduate student writing a thesis on Soviet foreign policy at the Fletcher School of Law and Diplomacy. I have for some time subscribed to Peiping Review, International Affairs, and New Times because they are cheap and because it is often convenient to mutilate copies in the process of writing which one cannot do at a library. It outrages me to have to keep returning postcards saying that I want the stuff that I have paid for, and most infuriating of all was my experience last summer when I was away and thus failed to return a postcard in time to meet

an arbitrary deadline so that some of my copies were destroyed and my files are incomplete.

It seems to me that anyone who doesn't want such material as this can easily throw it away, and I frankly doubt that the Communists waste their money trying to send it to very many people who don't want it. What this really amounts to is harassment of the academic community; and it seems inane for the Federal Government with one hand to spend huge sums to make this kind of material available to scholars in English, and with the other hand to make things difficult for them when they do the same kind of thing on their own initiative.

This type of postcard can easily be lost, and today I have received in my mail the very same postcard which I attempted to return to the postmaster in New York yesterday. Since it is not at all clear whether he or I is the addressee (although the postage is prepaid) this silly routine could go on indefinitely wasting both my time and energy and that of the post office.

Once again, I think that the important issues here are the inadvertent but frequent confiscation of private property which results from this system and the impairment of freedom of information.

Yours sincerely,

THEODORE HARRISON.

SUPPLEMENTAL FARM LABOR FOR CALIFORNIA

Mr. MURPHY. Mr. President, Mr. William Shea, publisher of the San Diego Union, a tireless spokesman for California agriculture, cogently makes the case for supplemental labor to rescue California farmers from a deep and serious crisis.

I am wondering how long it will take the "stubborn executive" to comprehend, what has been apparent to everyone with experience in the field, that supplemental labor must be approved quickly.

I ask unanimous consent that this editorial, entitled "Stubborn Executive," be inserted in the RECORD.

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

STUBBORN EXECUTIVE

The rotting crops in California stand as a monument to the incomprehensible stubbornness of a single executive—Secretary of Labor Willard Wirtz.

In the face of ample evidence to the contrary, Mr. Wirtz has insisted dictatorially that enough domestic help can be recruited to fill the needs of California farmers.

Since expiration of the bracero program not only the farmers but State and Federal officials have done their utmost to find the domestic help. They have failed and are asking Mr. Wirtz to reverse his decision and let adequate foreign labor into the fields. He refuses adamantly.

As a result, the farm labor problem in California has reached crisis proportions. Farmers are beginning to plow under ripe field crops and are curtailing plans for next year's plantings.

Major processing firms are making plans to relocate plants in Mexico, which will be the new source of supply for them. And the effects of Mr. Wirtz' dictatorship have spread to supplementary industries.

It is a serious matter that strikes to the heart of California's economy. Agriculture contributes $3.5 billion directly to the State's economy. Related services such as transportation, processing, and services to the farmer, account for another $12 billion a year. A total of 1,750,000 jobs are involved.

If Mr. Wirtz is not overruled, the result of his obstinacy will be tragic. It is time for the people of California and their representatives to go over Mr. Wirtz' head and appeal directly to the President for help.

CRISIS IN CALIFORNIA AGRICULTURE

Mr. MURPHY. Mr. President, Mr. David M. Sacks, general manager and eloquent spokesman of KGO-TV, channel 7, in San Francisco, in a most timely editorial, entitled "Ostrich in the Strawberries," points out that Secretary Wirtz must soon open his eyes to the facts or the entire economy of the State of California will be endangered.

Channel 7 has always been a leading influence in the bay area and here the editorial shows the station's understanding of those subjects which are most urgent for the citizens of the bay area.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

OSTRICH IN THE STRAWBERRIES

(Presented by David M. Sacks, general manager KGO-TV)

U.S. Secretary of Labor Willard Wirtz is playing the ostrich these days, burying his head in the sand and refusing to face the realities of a growing crisis in California agriculture.

While the Secretary stubbornly hides from facts, our State's multi-million-dollar crop of strawberries is rotting on the plant: There are not enough workers to harvest it.

According to Mr. Wirtz, at his desk in Washington, there is no crisis. He has approved the importation of 1,500 braceros and this, he says, should be sufficient.

But the workers he has approved aren't on the strawberry fields yet—and, as things stand now, when they do arrive there won't be enough of them.

Apparently, there's little hope for the strawberry crop this year, no matter what Mr. Wirtz' informants tell him. California growers are going to lose hundreds of thousands of dollars on the crop. And their loss will cost you and me.

Ahead now are other crops, also threatened by a shortage of labor. Something must be done to prevent their loss too. Without its agricultural income, California's economy could be seriously damaged.

Our fields need harvest workers. We are not going to get them this year from our domestic labor forces. They will have to come, as in the past, from Mexico. Steps to get them here must be taken now.

Channel 7 urges Governor Brown, Senators KUCHEL and MURPHY and our Congressmen to shake Secretary Wirtz' head loose from the sand. He must be set straight. He must be told his sources of information are unreliable. He must be made aware of a crisis that threatens our California pocketbook and the dinner table of a whole nation.

UNFRIGHTENED CRUSADER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD at this point an item entitled "Unfrightened Crusader," which appeared in the April 16, 1965, issue of Time. The article relates to the viewpoint expressed by Mrs. Juanita Kidd Stout, the first elected Negro woman judge in the United States, with reference to welfare.

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

UNFRIGHTENED CRUSADER

In Philadelphia last month, seven Negro boys dragged a white girl off a subway platform and tried to rape her on the tracks before they were driven off by a U.S. sailor who went to her rescue. Angry police called for 1,000 more men; cops with dogs began riding the subways. But of all incensed citizens, none acted faster than Juvenile Court Judge Juanita Kidd Stout, who warned that 27 active juvenile gangs threaten to take over the city.

To prevent a repetition of last summer's Negro riots, Judge Stout immediately set herself a personal goal: the jailing of 1,000 delinquents, most of whom, police said, were Negroes. As a result, the judge has already been threatened with death three times. All the more remarkable is the fact that she herself is a Negro—the first elected Negro woman judge in the United States.

LAZY HOMES

A stern moralist of 46, Judge Stout totally embodies her mother's motto: "Make yourself useful." Raised in Oklahoma, she whipped into third grade at the age of six, later taught school and then earned law degrees at Indiana University. In Philadelphia, she practiced criminal law, became an assistant district attorney, and in 1959 overwhelmingly won election to a 10-year term on the county court. Barely 5 feet tall, she peers from the bench atop three extra cusions and often keeps no-lunch court hours that make attendants mutter, "She's made of steel."

Her pet hate is the welfare system: "The tragedy of relief is that it has taken away from people the drive to work. I deplore a system that regards the indiscriminate handing out of checks as its prime function, that subsidizes the lazy and immoral home with the taxpayer's dollar." To stem Philadelphia's juvenile crime (up 27 percent last year), Judge Stout, who is married but childless, advocates taking children away from relief homes and raising them in public dormitories where they can be urged to buckle down to schoolwork.

KNIVES AND CHAINS

The trouble is that Pennsylvania is woefully short of facilities for problem children on the scale she envisions. By tossing the kids in jail Judge Stout has now so dramatized the problem that the State legislature may soon relieve Philadelphia by opening up an old prison and building a new detention center for delinquents. To officials who lament the cost, Judge Stout snaps: "Let them raise taxes. Which is more important: rehabilitation or continued high crime rates?"

The American Civil Liberites Union is not happy with Judge Stout's self-styled "swift justice," which may overlook constitutional niceties. She is also in continuing physical danger; one spectator shakedown in her courtroom recently produced 22 weapons, ranging from knives to scissors to an 18-inch dog chain. Armed with round-the-clock bodyguards, however, the judge goes serenely on her way. "If they can frighten the courts," she says, "they will just take over. I don't intend to be frightened."

SUPPORT OF THE PRESIDENT'S ACTION IN REGARD TO THE DOMINICAN REPUBLIC

Mr. TOWER. Mr. President, I ask that there be printed in the RECORD, for the information of other Senators, a strong and important resolution recently adopted by Huaco Tribe No. 48, Improved Order of Red Men, of Waco, Tex.

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

A RESOLUTION

Whereas the Improved Order of Red Men had its origin in America in 1765; and

Whereas this fraternal organization believes that eternal vigilance is the price of liberty. As the oldest fraternity of American origin and teachings, we oppose communism in any form. We pledge anew our wholehearted support to preserve our American way of life; and

Whereas in keeping with the above-named principles we heartily endorse the action of the President of the United States in the handling of the current crisis in Vietnam. We believe that only by continued offensive action against the North Vietnamese is our Government likely to bring an end to Communist aggression and terror in that war-torn country: Therefore be it

Resolved, That the prompt and decisive action taken by the President of the United States to halt the spread of communism and uphold the principles of the Monroe Doctrine in the current crisis in the Dominican Republic is in keeping with the highest ideals of freedom and democracy For those who condemn such hasty steps, let them remember the gallant band of minutemen who stood fast at Lexington and Concord ready to defend their sacred love for freedom. The President has clearly shown the world by his prompt action that we intend to maintain our hard-won freedom at any price. In his words, "We don't want to bury anyone, but we don't intend to be buried ourselves"; be it further

Resolved, That a copy of this resolution be sent to the President with our most sincere wish and prayer that the Government continue to use its best judgment and discretion in problems involving the expansion of communism.

This resolution was adopted by Huaco Tribe No. 48, Improved Order of Red Men at its meeting held in Waco, Tex., Tuesday, May 4, 1965.

FRANK MOSELEY,
Sachem.
CARL R. LEMKE,
Chief of Records.

OPPOSITION TO THE PROPOSED CHANGE IN COTTON PLANTING REGULATIONS

Mr. TOWER. Mr. President, the commissioners court of Childress County, in my State, recently adopted a most important resolution expressing opposition to a proposal of the Department of Agriculture to revise the regulations governing skip-row cotton planting. In order that other Senators may be advised of the views of the commissioners, I ask that the resolution be printed in the RECORD.

I share their view that there is very little reason for the Department to change its regulations. Past cotton rulings of the Department have not, in my view, contributed much to solution of the problems facing the cotton industry. I certainly hope this one is not needlessly implemented.

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

A RESOLUTION

Whereas it has come to the attention of the Commissioners Court of Childress County, Tex., that the U.S. Department of Agriculture is proposing to discontinue the practice of skip-row planting of cotton for next year; and

Whereas Childress County is situated in an area of low rainfall, and the discontinuance of skip-row planting will result in an estimated loss of $1 million to the farmers and business interests of this county and will create economic hardships on the great majority of cotton producers of this county: Therefore, be it

Resolved by the Commissioners' Court of Childress County, Tex., That communications be sent to U.S. Senators RALPH YARBOROUGH and JOHN TOWER and Congressmen WALTER ROGERS, BOB POAGE, and GRAHAM PURCELL urging Congress to use its power to prevent a discontinuance of the skip-row practice of planting cotton for next year.

Commissioner Ralph Sides moved the adoption of this resolution and Commissioner Wilmer Rutledge seconded the motion.

The motion was put to a vote and carried unanimously this 10th day of May A.D. 1965.

LEONARD KING,
County Judge.
ODIS SMOTHERMON,
Commissioner, Precinct No. 1.
RALPH SIDES,
Commissioner, Precinct No. 2.
WILMER R. RUTLEDGE,
Commissioner, Precinct No. 3.
CLIFF CAMPBELL,
Commissioner, Precinct No. 4.

Mr. TOWER. Mr. President, I ask that there be printed in the RECORD a forceful and important resolution recently adopted by the Big Spring, Tex., Chamber of Commerce. The resolution sets forth the concern of the citizens of that area about proposed rulings of the Department of Agriculture dealing with skip-row cotton planting. I commend to the Senate the reading of this resolution.

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

Hon. ORVILLE FREEMAN,
U.S. Department of Agriculture,
Washington, D.C.:

We * * * wish to respectfully bring to your attention the inevitable and widespread ramifications which will be brought about if the present regulations allowing the skip-row planting of cotton are abolished.

To emphasize the fallacy of the projected changes we wish to point out the following pertinent facts:

1. A curtailment of skip-row patterns in cotton planting would result in a tremendous increase in grain sorghum plantings, thereby creating larger, undesirable surpluses of that commodity.

2. Reliable reports from researchers conducting tests on cotton fiber indicate that skip-row produced cotton is of superior quality and therefore preferred by textile mills.

3. The cotton producer has suffered recent, sharply felt disadvantages due to reduced price supports, rising costs and the curtailment of an available labor supply. To take away the advantage of skip-row planting of cotton would result in a more rapid approach toward economic disaster.

In summation: We strongly urge that you reconsider the proposed changes relating to cotton planting patterns and allow the cotton producer the option of skip-row planting thereby enabling him to utilize the only real economic advantage remaining at his disposal.

CARLTON J. CHAPMAN,
Board Coordinator.

NURSING HOMES IN CONNECTICUT

Mr. RIBICOFF. Mr. President, we in Connecticut are very proud of the high caliber of our nursing homes. In numerous institutions for the care of the elderly, the physical and mental needs of senior citizens are met with competence and imagination. Their recreational needs are filled by interesting programs of cultural and social activities.

An outstanding residence for the elderly is St. Joseph's Manor, in Trumbull, Conn. Mother M. Bernadette de Lourdes is an able woman of great foresight, who exudes energy and imagination. These traits make themselves felt in every aspect of her work as the Manor's administrator.

In a recent edition of the Bridgeport Post, one of Connecticut's outstanding newspapers, there was an interesting story about St. Joseph's Manor and other nursing homes in my State.

I ask unanimous consent that this article about nursing homes, which was published on May 9, be printed in the RECORD.

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

CARE OF ELDERLY DESCRIBED AS PROFICIENT: NURSING HOMES IN STATE RANK HIGH

(By Cecelia Vanauken)

The morning that I visited St. Joseph's Manor, situated on a high Trumbull hilltop, I joined Mother M. Bernadette de Lourdes, administrator of this beautiful residence for the elderly, which it seemed to me had rightly been described as offering "a bit of heaven" to its elderly residents.

She was attending a lecture. The subject was astronomy and it was being given by Phillip Stern, enthusiastic director of the Bridgeport Museum of Art, Science, and Industry Planetarium. His talk was a feature of a pilot 6-month course being given at St. Joseph's, supported by a Department of Health, Education, and Welfare grant, to train a group of 21 young women from the community to undertake therapeutic activity programing for we older citizens.

"Are many older people interested in astronomy?" I asked Mother Bernadette when Mr. Stern offered to arrange an astronomy session, with telescopes, some evening on St. Joseph's roof, and also extended an invitation for a busload of St. Joseph's residents to visit the planetarium.

"Oh, my yes," the petite, energetic, and much-loved Mother Bernadette replied. "Older people are interested in all sorts of subjects, and they particularly like to learn new things. It's a fallacy that anyone ever becomes too old to learn."

The full program of cultural and social events, as well as instruction in all sorts of crafts, directed by Sister Jacenta Mary, head of St. Joseph's activities program, apparently keeps St. Joseph's residents happily occupied and interested. The days need never drag.

Connecticut, in fact, has been a pioneer in establishing professionally directed recreation and cultural programs for the elderly in its nursing homes. St. Joseph's is outstandingly furthering this important work by providing interesting and worthwhile activities for its residents.

When the time comes, as it often does sooner or later in many families, that it is necessary to place an elderly relative in a nursing home, it therefore need not necessarily be regarded as a tragedy—not if such a home is chosen with care.

After my visit to St. Joseph's Manor, I felt that an elderly person could not spend his declining years in a more interesting, thoroughly attractive and happy place than there, where there is always some event going on, and where the Carmelite sisters and the

nurses are dedicated to serving its residents' every comfort.

But unfortunately not all the applicants to this fine institution, built in 1960, can gain admission. It has a capacity for 285 residents, and a long waiting list.

There are, however, many other Connecticut institutions for the care of the elderly that you need not feel sad about placing an aging relative in, and where his physical, mental, and recreational needs will be met in such a way that he or she will have contentment. Conditions in the majority of Connecticut's nursing homes are far from being as grim as those depicted in an article by Alfred Balk which appeared in a recent issue of the Woman's Home Companion. He described the nursing home situation in the United States as our national shame.

It is necessary, however, for you to make your selection of a nursing home with the greatest care. I visited a home in this State, for instance, where all of its residents were huddled in one small living room, chairs against the walls, and who in boredom were awaiting the passage of time. There was not even a television set to divert them.

"I just have no privacy, and there is no place in this house to walk," said one welfare resident, who was supposed to have walking exercise to benefit an arthritic condition.

But Mr. Balk's condemnation of nursing homes seems far too general, especially in Connecticut where a concerted effort has been made for more than three decades to raise the standards of nursing home care. This work has been carried on outstandingly by the Connecticut Department of Health and by the Connecticut Chronic and Convalescent Hospital Association.

In Connecticut, however, as across the Nation, a serious problem faces the private patient who must become a resident of a nursing home. This problem is finances. A protracted stay of 2 or 3 years may exhaust a lifetime's savings. The majority of today's elderly persons cherish financial independence. They are loath to call upon their children for funds, and hate to accept charity.

Dr. Geraldine Novotny, specialist in gerontology at the Institute of Gerontology at the University of Connecticut, wrote me:

"Most of the elderly cannot pay the costs of a prolonged stay at a nursing home without outside help. Insurance coverage at prices they can afford, for the most part, is not very adequate. There are costs that make a realistic medicare program important to senior citizens."

It is predicted that a medicare program will be passed in 1965 by the 89th Congress.

The passage of the Kerr-Mills law in 1960 was aimed at improving methods of financing medical care costs for persons over 65. Its payments today range from $7.50 to $9.75 a day, according to the type of nursing home to which payments are made.

But M.A.A. (Medical Assistance for the Aged) as Kerr-Mills is called, amounts to considerably less than the sums paid by private patients at nursing homes, whose tab in most proprietary institutions ranges from $12 to $16 per day, or from $4,380 to $5,840 annually.

There are now some 5,300 nursing home residents in Connecticut who receive some form of State and Federal assistance, and this number, with the ever-increasing longevity of the elderly, is being stepped up each year at the rate of 300 to 500 patients.

Dr. Edwin R. Connors, medical director of the State welfare department, reports that payments to convalescent hospitals for the fiscal year, June 1, 1964 to May 30, 1965, will total $12 million. This equals more than half of the State's overall medical budget of $22 million, and makes Connecticut the only State where payments to convalescent hospitals exceed those made to general hospitals.

Connecticut was one of the first States to accept the provisions of the Kerr-Mills law after its passage 5 years ago. In 1963, only 27 other States had voted to accept its benefits by matching funds, and today 8 States still remain which have not adopted it. To be eligible to receive M.A.A., a patient must have used up all but $900 of his private capital.

Residents receiving State and Federal aid get the same sort of care and attention as do private patients, and whatever the resident's financial status, it is kept confidential.

As Mrs. Eleanor B. Baird, administrator of Twin Pines Convalescent home and treasurer of the Connecticut Chronic and Convalescent Hospital Association, told me when I visited her comfortable and well run hospital in New Milford: "When a Twin Pines resident's funds run out and he must resort to M.A.A., he has the same accommodations and receives exactly the same sort of care that he has as a private patient. No one is aware of his change of status."

Dedicated to her work of helping the elderly, Mrs. Baird has long labored to improve nursing home standards. She was a founder and the first chairman of the National Council on Accreditation of Nursing Homes and Related Facilities. This council is cosponsored by the American Medical Association and the American Nursing Home Association, with which the Connecticut Chronic and Convalescent Hosptial Association is affiliated. Mrs. Baird is a former social worker and her husband is a physician.

A bright aspect of present-day care for the indigent elderly is that drab old town farms and city poor houses have been done away with, at least in the State of Connecticut. There are in the State six municipally run chronic and convalescent hospitals, such as Bridgeport's outstanding Hillside Home. These establishments, however, are a far cry from the former old-time charity institutions which were city-managed. This change has come about because now welfare cases are accepted in many of the State's proprietary chronic and convalescent hospitals and homes with nursing care, in its municipal hospitals, its church-affiliated facilities for the aged, and its other affiliated facilities which are supported by eleemosynary organizations. The Masonic Home in Wallingford is an example of the latter category.

The first step toward the promotion of adequate nursing care for the elderly in Connecticut was taken in 1873, when the State Board of Charities was established. It was set up in an effort to abolish the practice of farming out of aged and indigent persons to the lowest bidder and to provide more humane treatment of State wards. In those days care of the aged poor was indeed "Connecticut's shame."

A scandal in 1917 further awakened the State Board of Charities' concern about the kind of care Connecticut's impoverished senior citizens were then receiving. At that time Mrs. Amy Gilligan of Windsor, who operated a boarding home for elderly men, was arrested on suspicion of murder following the death of several of her boarders. She was convicted of slowly administering poison to some of her boarders in order to collect their insurance. She was sentenced to life imprisonment.

The Windsor woman's "Arsenic and Old Lace" crime led to the passage of a law requiring homes caring for two or more persons over 60 to be licensed by the Board of Charities.

Ten years later in 1927 the licensure law for chronic and convalescent hospitals was passed, and a year later the first of these institutions were licensed by doctors in the Bureau of Preventable Diseases of the Connecticut State Department of Health.

The depression opened the public's eyes to the needs of the ever-increasing number of chronically ill geriatric patients. The Social Security Act was passed in 1935, and the following year public assistance grants of $7 a week were made. In 1939, this amount was raised to $9 a week and in 1940 to $40 a month. These rates, however, were far from attractive to nursing home administrators because they did not begin to meet expenses.

Another increment came in 1943, and in 1949 rates for welfare patients were upped to $5 a day, while in 1961 the State Welfare department authorized payment for medical patients in municipal institutions, so that today they are far more pleasant for patients in every way than they were formerly.

Nursing homes in Connecticut have steadily increased in numbers since back in 1920 when one of the earliest homes in the State was started by Mrs. Susan Griggs in Norwich.

She was asked by a Norwich city official to take an 89-year-old woman into her home and care for her. She proved so competent that the Backus Hospital sent her two more patients. She was paid $15 a week for each patient.

Mrs. Griggs subsequently moved to Pomfret, taking her patients with her. Her home, called the Haven, is in operation today and is managed by her son.

Fire and safety regulations came slowly. A calamitous fire which occurred on Christmas Eve of 1945 and caused the death of 20 ill and aged patients at the Niles Street Convalescent Hospital in Hartford led at last to a statewide investigation of fire prevention equipment in private convalescent hospitals and nursing homes. This resulted in the revoking of licenses in a number of homes.

In 1957, a strict fire safety code was adopted which required that nursing homes be of noncombustible construction and have automatic sprinklers, and that homes with 15 or fewer patients have at least 1 attendant on duty at all times. That same year a sanitary code also was adopted with detailed provisions relating to the construction and maintenance of buildings and the housing, care, and safety of patients.

There are several types of nursing homes in Connecticut, which vary in their services. There are the chronic and convalescent hospitals, as this type of nursing home is called in Connecticut, homes with nursing care and boarding homes, as well as chronic disease hospitals, three of which are State operated, Cedarcrest in Newington, Uncason-Thames in Norwich, and Laurel Heights in Shelton.

Homes with nursing care differ from chronic and convalescent hospitals in that the former are allowed to admit only ambulatory cases and therefore may have smaller nursing staffs. If residents in this type of home come down with other than minor illnesses, they must be transferred to an institution licensed to take care of them until their recovery.

All nursing homes, however, are required to have either a resident or consulting physician licensed in Connecticut, who is a member or eligible for membership on the medical staff of a general hospital, who will be available in an emergency and who will assume responsibility for the general adequacy of medical and nursing care rendered in the institution in question. A registered or licensed practical nurse must be on around-the-clock duty.

How is there any guarantee that all of Connecticut's laws and regulations pertaining to nursing homes will be enforced? The hospital division of the State department of health keeps a close check on all of these institutions. It employs a staff of consultants, all of whom are registered nurses, who regularly inspect institutions in their territories. When an infraction of a regulation is discovered, the nursing home administrator is given an opportunity to correct the infraction before any action is taken. Administrators almost always comply.

Another incentive to maintaining high standards is that an accreditation system

has been adopted for all nursing homes in the chronic and convalescent hospital category. Connecticut was one of the first States to adopt such a classification system.

By writing to the State department of health in Hartford, you can obtain a directory of all the licensed chronic and convalescent nursing homes in the State. Each chronic and convalescent hospital in this directory is rated. "A" and "B" are the highest with the most services available. "E" is the lowest and offers only minimal services. "C" and "D" are intermediary classes. No matter what the rating, however, all must comply with the requirements of State regulations, or else they wouldn't be in business.

It is not the supervision of the State department of health alone which accounts for Connecticut's generally high level of nursing home operation. It is the dedication also of a great many nursing home administrators themselves which has brought about improved health care for the elderly regardless of their economic status.

More than half of Connecticut's chronic and convalescent hospitals, represented by their administrators, belong to the Connecticut Chronic and Convalescent Hospital Association.

This voluntary association is a member of the Joint Council to Improve the Care of the Aged, a council composed of the American Dental, the American Hospital, the American Medical and the American Nursing Home Association. It works to identify and analyze health needs of the aged, and to develop programs to promote such aims.

Said Francis Dellafera, president of the CCCHA, who is administrator of the well-run and beautiful private Crestfield Convalescent Hospital in Manchester, "Members of the CCCHA are deeply aware of the part their institutions must play in serving the physical, social, and mental needs of the elderly who are assigned to their care. They make every effort to keep abreast with new developments in geriatrics, and this association helps them to do so."

So how are you to determine which one of the State's many nursing homes will be the right one for you or for one of your relatives to enter? It takes a lot of planning ahead, for all of the homes in Connecticut are not of the same desirability.

As Dr. A. J. Tutles, chief of medical services for the Connecticut State Department of Health, who before his present appointment was for many years administrator of the Hillside Home in Bridgeport, said:

"The thinking of the family and the community in regard to the placement of the chronically ill and aged person should be along lines of a two-way traffic flow. Facilities should be affiliated with a patient's home and family life. The placement of the individual should be geared to his needs and always depend upon his functional capacity and not alone on his age and medical diagnosis. It has been said that the true measure of the cultural level of a society is the extent of care which infants and the aged receive. We still have a long way to go before care from the middle to the end of the lifespan is satisfactory."

The family must look for a facility which offers services appropriate to the patient's condition and provides the degree of service he needs.

One of the important things to look for in choosing a nursing home is its location and environment. Are the rooms sunny and attractively furnished? Hillside Home in Bridgeport, for example, has been colorfully decorated with a different pastel shade for each floor.

"You'd be surprised how much cheerful colors mean to our patients," said Mrs. Dorothy French, R.N., who is supervisor of nurses at Hillside and has been a staff member there for the last 35 years.

"Conditions have changed greatly during the long period that I have been at Hillside," she added. "Our residents are more happy and contented than they used to be since so many changes have been inaugurated."

Hillside has an intensive recreational program, and under the direction of Mrs. Elizabeth Farrace, director of the patient activities program, patients learn all sorts of handicrafts.

It is also important to find out what is done about recreation and whether there are handicraft programs at whatever nursing home you may be considering. Will the resident have to sit around in idleness, or will he have an opportunity to attend interesting events and will he have creative work to engage in?

It is wise to plan ahead by finding out just what sort of facilities are available in your community, the cost, and how far in advance you must apply for admission to the home of your choice.

Consult your physician for advice and in evaluation of any nursing home you may be considering, and ascertain whether satisfactory medical services will be available, and whether special diets will be prepared if necessary.

To find out what the food is like, it is a good idea to partake of one of the meals served at the home in question.

It is also wise to check on space, and make sure that each floor has adequate provision for recreational and other activities of patients. Are the lounges inviting? Some nursing homes, formerly private residences, are so small that scant space of this sort is provided.

Also check toilet facilities and be certain that one lavatory is not used by an excessive number of persons.

When entering a relative into a home with nursing care, check as to what provision will be made for his transfer in case of illness. Does the home you are considering make satisfactory provision for such contingencies?

It is heartening to know that while some of the homes you investigate will not prove to be the haven you have in mind, nevertheless you have every chance of finding just the place which will be to the liking of the prospective resident you are trying to place.

For example, my next-door neighbor was faced with the necessity of placing her elderly husband, who was suffering from an arteriosclerosis condition which caused loss of memory. The Eagle Rest in New Preston, a rest home with nursing care, was recommended. He lived in this home happily for 3 months until he died of a heart attack.

There is nothing posh about Eagle Rest, but the coziness of this home, which is near Lake Waramaug and once was a small summer hotel, the tender and devoted care of its administrator, Mrs. Mildred Stocker, and all the members of her staff, make up for any lack of fancy furnishings. Her life is one of dedication to each and every one of her patients, and what could count more to an elderly person than such loving attention?

It is indeed important in all your investigations of nursing homes to try to detect how genuinely interested the owner and the staff are in the welfare and happiness of those in their charge. Make sure that the administrator is not just out to make a fast buck to the neglect of the patients' welfare. You may be able to sense the attitude of the management by observing patients as you make your visits. Do they look happy, well groomed, and well cared for, or do they seem neglected and depressed?

Individual concern for and interest in patients cannot be legislated by the State department of health, but it is encouraging to know that a very great many of Connecticut's nursing homes have dedicated personnel.

In the past three decades, it is aparent that Connecticut's nursing homes have made remarkable advances in the care of the elderly, and that further improvements are constantly being made. They have become an important adjunct to the State's general hospitals, and are playing a vital role in Connecticut's health care.

EDITORIAL COMMENT ON PROPOSED GUIDELINES FOR INTEGRATING PUBLIC SCHOOLS

Mr. THURMOND. Mr. President, I call to the attention of Senators, and especially to the attention of the White House and the Department of Health, Education, and Welfare, three editorials from two South Carolina newspapers, which express concern and alarm over the proposed guidelines by the Office of Education for integrating public schools until title VI of the so-called Civil Rights Act of 1964. One editorial, entitled "'Big Brother' To Run the Schools," is from the May 17, 1965, edition of the Greenville News, of Greenville, S.C. The other two editorials, entitled, respectively, "The White House and HEW" and "Desegregation of Faculties," are from the May 11 and May 12 issues of the Columbia Record, of Columbia, S.C. I ask unanimous consent that these three editorials be printed in the RECORD at the conclusion of these remarks.

These editorials show how far bureaucrats will stretch whatever delegation of authority is given to the executive branch by Congress; and they illustrate clearly the point that where there is Federal aid, there will also follow Federal control, no matter how impractical, unwise, or unwanted.

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

[From the Greenville (S.C.) News, May 17, 1965]

"BIG BROTHER" TO RUN THE SCHOOLS

Under the pending Federal aid to education plan, Greenville County would receive directly from the Department of Health, Education, and Welfare or through State agencies about 10 percent, or at the most 15 to 20 percent, of the funds necessary to operate its public schools.

Other counties and districts in this and other States would receive more or less, depending on local circumstances and the Federal programs in which they chose to participate.

But in order to get this money, which has been taken from them in taxes and is offered back with the usual Federal deductions for administrative costs and shrinkage, the educators and the public must pay too high prices. They are being told they must comply with a totally unreasonable and almost incomprehensible set of regulations called guidelines set forth by HEW's Office of Education headed by Commissioner Francis Keppel.

Mr. Keppel seems to be the captive of the most extreme faction of the "liberal establishment" in Washington. In fact, writings on the subject in leftwing publications indicate that this faction can claim primary credit for the requirements and the wording of the guidelines.

At the very least, the guidelines establish as the price of Federal aid total integration of the public schools to an extent and in a manner never contemplated by the most extreme order yet handed down by a Federal court. They seem designed to use Federal

aid as a device not to help education, but to mix the races in the public schools regardless of the damage done to the majority welfare and the learning process.

At the worst, application of the regulations would result in chaos, quickly in some instances and more gradually in others.

In the first place, the regulations are so written that it would be almost impossible for a school administrator to draw up a "desegregation" plan that would be both possible to put into effect and acceptable to Mr. Keppel and his bird dogs.

It already has been revealed as futile for a school district to submit a plan offering to go as far and rapidly as it can with "desegregation" which really means forced wholesale integration. HEW will come back and either ask for more or write a letter of approval in which agreement on much more is implied.

Moreover, since the regulations are mere guidelines set up by HEW bureaucrats, they can be altered and made more stringent at anytime and with respect to any school district at the whim of those bureaucrats.

In fact, the Office of Education already has shown itself to be capricious in its rulings and negotiations, for it is asking more of some districts than of others. It seems anxious to get a few districts in a State into the Federal aid trap and, then, gradually drag the others in.

"Divide and conquer" seems to be the strategy—that and a combination of enticement and coercion with the taxpayers' money serving as the carrot and the threat of court action as the stick.

A number of school districts in South Carolina, which are under direct court orders not to discriminate or to assign or refuse to transfer pupils on the grounds of race, have offered to HEW the orders, rules and regulations adopted to conform with those orders and proof that they have complied with the court decrees as evidence of good faith compliance.

HEW officials at one time or another have indicated that this showing would be sufficient. A number of other school districts have attempted to show willingness to abide by those same court decrees and have adopted similar rules and regulations governing assignment and transfer.

These they have submitted to HEW's Office of Education and Commissioner Keppel.

But, as of this writing, none of these have been approved. Nor have the districts been notified that their plans are unacceptable, with one possible exception. In that instance, the school district went further than it later found practicable, but HEW promptly wrote back that the plan was substantially acceptable, but more would have to be done. The district is now in a quandry.

After studying the guidelines, we hardly see how any school district in South Carolina could prepare a plan that HEW would approve; and if it could get a plan approved, it couldn't put it into effect without completely disrupting its school system.

To comply, the district would have to artificially integrate pupils in the schools in order to achieve something called racial balance without knowing just what ratio of whites and Negroes would be considered "balanced."

It would have to do the same thing with administrators, principals, teachers, and "services," whatever that means.

The burden of proof now, or in the event of a later protest or inspection by an HEW bureaucrat, would rest on the school officials. Apparently, it is not enough for the districts to agree to transfer qualified Negro students to the schools of their choice if they apply for transfer. They may have to go out and seek pupils to transfer from one school to another to achieve full "desegregation."

It should be remembered in this connection that the Federal courts, thus far, have ruled that the schools cannot discriminate against any child because of race. But they have not yet said in any clearcut manner that the schools must discriminate against all other children to accommodate members of the "disadvantaged" race.

However, just as the courts rewrote the Constitution to bring about partial or gradual integration, HEW apparently is rewriting the court decrees and extending the Civil Rights Act to bring about total integration at any cost.

The Commissioner of Education has brushed aside evidence of compliance offered by school districts which are attempting to follow to the letter far-reaching court decrees. His office also is keeping in a state of uncertainty other districts which are seeking to comply with the same set of rules—while the deadline for compliance draws near.

Last Sunday a group of southern Governors, some of them hard-line Lyndon Johnson supporters and all Democrats, and some of them "moderates" or "left of center" on the race issue met and discussed the "guidelines." They issued a strong statement of concern and disapproval. It was all the more forceful for what it didn't say in so many words.

This has led to a conference in Washington Tuesday among the Governors and certain U.S. Senators and Representatives. The purpose is to seek modification of the HEW regulations. This seems to be the only hope—short of refusal of Federal aid. And even that may not work, for the Office of Education and the Attorney General would still have the power to force compliance one way or another.

In arguing against Federal aid to education for years, we repeatedly warned that with it would come Federal control. But none of our sources of information led us to believe it would be so far reaching when it came.

Even now, integration is but the beginning. As the program continues and grows, the Federal bureaucracy will reach out and take ever greater power and more complete control over the public schools of the States and local communities.

Ten years ago the general assembly made the school districts of South Carolina almost completely autonomous. That autonomy is now threatened by Washington. "Big Brother" is taking over in a big way.

[From the Columbia (S.C.) Record, May 11, 1965]

THE WHITE HOUSE AND HEW

In administering citizens' funds channeled to them through the Congress and in accordance with the Civil Rights Act of 1964, some Federal bureaucracies seem to be exceeding their legal authority. Indeed, some directives and actions of the Office of Economic Opportunity and the Department of Health, Education, and Welfare appear to be in direct violation of the letter of the law.

Consider HEW's general statement of policies under title VI of the Civil Rights Act of 1964 respecting desegregation of elementary and secondary schools for a starter. Here is a governmental agency's set of rules and regulations that already is being enforced as a "general statement of policies."

Has it received the approval of the President? There has been no indication that White House clearance has been obtained. The Civil Rights Act specifically provides that Federal departments and agencies may guarantee nondiscriminatory behavior "with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute."

The educational "policies" constitute a set of rules, regulations and orders, as any educational official or State officer well knows by this time.

Yet, the following sentence of the Civil Rights Act clearly provides that "no such rule, regulation, or order shall become effective unless and until approved by the President."

There has been no indication anywhere, to our knowledge, that the body of administrative law currently being enforced by HEW has cleared the President's desk.

Additionally, HEW cannot, under section 602 of the Civil Rights Act refuse to approve portions of a State's or community's program—under the dictates of section 601—just because there may be noncompliance in some other portion of the program. Termination or refusal, section 602 clearly states, "shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been found."

Thus, for example, a community's school system desiring a completely nondiscriminatory Headstart program could not be refused its Federal funds until other aspects of the educational system were desegregated to the satisfaction of the bureaucracy.

Yet, contrary decisions have been made and are being made by HEW.

Provisions are made in section 602, additionally, for methods by which compliance or noncompliance can be ascertained, including filing with committees of the House and Senate, and provision is made for judicial review in section 603.

Ignoring the explicit provisions of section 602, HEW is attempting to secure unreasonable, illegal total compliance by holding "for review" whole programs of communities.

Since it is clear that "no such rule, regulation, or order" relating to enforcement of nondiscrimination under title VI "shall become effective unless and until approved by the President," the White House should busy itself, quickly, in enforcing the Civil Rights Act of 1964 within the Department of Health, Education, and Welfare.

[From the Columbia (S.C.) Record, May 12, 1965]

DESEGREGATION OF FACULTIES

Has the Department of Health, Education, and Welfare exceeded its authority under the Civil Rights Act of 1964 by requiring faculty and staff desegregation for local schools to receive Federal financial assistance?

Perhaps so.

There can be no quarrel over the right of HEW to write rules and regulations to carry out the nondiscriminatory assignment of children to schools, but there may be a legal basis for complaint on staff.

HEW's new guidelines declare in section 5B that faculty and staff desegregation shall be carried out through initial assignment and through elimination of prior segregation of personnel.

The threat of HEW is that, unless this is done, Federal funds will be withheld from the offending school.

Yet, section 604 of title VI patently states: "Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment."

In the face of this prohibition and despite title VII on equal employment opportunity, HEW has made "employment practice" a condition of approval for Federal funds to schools.

Could this be direct abuse of the Civil Rights Act?

SUMMARY OF MEDICARE TESTIMONY, MAY 19

Mr. HARTKE. Mr. President, the final witnesses were heard today on the medicare bill, H.R. 6675. I ask unanimous consent that a brief summary of their testimony, similar to that which I have presented throughout the course of the hearings, may appear in the CONGRESSIONAL RECORD. These have appeared on each day of the testimony by public witnesses, with exception of the first day, which I intend to offer tomorrow in order to make the record complete.

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

NATIONAL ASSOCIATION OF STATE MENTAL HEALTH PROGRAM DIRECTORS

DR. WILLIAM CAMP

Commissioner of mental health, Pennsylvania Department of Public Welfare.

1. For the mentally ill and retarded this is a landmark bill, especially for removing exclusion of public mental hospitals as recipients of Federal old age assistance benefits for treatment of the aged.

2. Recommended deletion of the exclusion in definition of "hospital" of one which is primarily for treatment of mental diseases. There is limited coverage in the voluntary section of the bill, but the basic hospital protection is discriminatory without mental hospital inclusion.

3. The mentally ill aged can be successfully treated and restored to families, often quickly. Experience of Louisiana, Oklahoma, North Carolina, and Missouri was cited.

4. Needed intensive treatment in State mental hospital programs can be provided for $17 per day. There are 27,000 new admissions annually to State mental hospitals among the over-65. At average 44-day stay, total cost would be $20 million, but because of the "accredited" hospital requirement (covering 85 public mental hospitals), this would be closer to $10 million, "not an excessive addition to the hospital insurance program."

VINCENT W. ARCHER, M.D.

Radiologist, Charlottesville, Va.; former president, American College of Radiology; speaking as an individual. Retired chairman, radiology, University of Virginia.

1. Radiology is a medical specialty of increasing complexity.

2. Profession is increasing by only about 300 per year, less than the need. To make the specialty less desirable will deter new recruitment.

3. Radiologists should not be included under hospital services but retained with other doctors in the voluntary portion of the bill.

INTERNATIONAL ASSOCIATION OF INDUSTRIAL ACCIDENT BOARDS AND COMMISSIONS

WILLIAM A. CALLAHAN, PRESIDENT

Association of State, Canadian, and other workmen's compensation boards and commissions.

1. Association by membership vote has opposed the encroachment of social security into the field of workmen's compensation.

2. Asks deletion of section 303 portion redefining disability; or amendment to eliminate application of provisions to workmen's compensation claimants.

3. There is already overlap in payments of workmen's compensation and social security disability benefits. This section will increase it, will nullify rehabilitation efforts, will decrease safety program incentives by requiring level payments of all employers rather than reduced rates as reward for good experience.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

FRANK BANE, CHAIRMAN

Commission of 26 members (bipartisan) created by 86th Congress.

1. Commission report, May 1964, made five recommendations in public assistance titles; first two are in the bill. Urge their retention.

2. Urge also incorporation of the other three, embodied in H.R. 6241: (1) permitting waiver of the "single State agency" requirement; (2) giving Secretary discretion to withhold payments "only for those parts of a State plan not in conformity"; (3) establishing a permanent Public Assistance Advisory Council.

3. Judicial review provisions are desirable.

4. Recommend removal of restrictions preventing Federal matching for mental and tubercular patients, in special hospitals rather than only up to 42 days in general hospitals.

E. PAUL BARNHART

Independent health insurance actuary, St. Louis, Mo.

1. Amendment should be made because of bill's attack on legal rights and contractual equities in insurance contracts now in force.

2. Supplementary plan should be deleted; instead, should provide option of continuing voluntary plan in lieu of Federal benefit coverage—still paying the tax, but receiving a subsidy toward premium payments after age 65, equivalent to the value of the benefits under the Federal plan.

RALPH P. COLEMAN

President, Review Publishing Co. (financial periodicals) and of Review Management Corp., (investment trust manager).

1. Cost components are utterly incalculable, a situation laden with the seeds of financial disaster.

2. Too much power is concentrated in the Secretary of Health, Education, and Welfare. The Health Insurance Benefits Advisory Council and National Medical Review Committee should have automatic membership from such groups as American Medical Association and American Hospital Association.

DANGER OF MISCALCULATION IN VIETNAM

Mr. PROXMIRE. Mr. President, the administration has made every effort to end the fighting in Vietnam and lay the groundwork for negotiations leading to a peaceful settlement. Each of President Johnson's efforts has been rebuffed, including the recent cessation of bombing raids on North Vietnam.

The fact that President Johnson has shown a genuine desire to implement a cease-fire so that negotiations can begin should not be interpreted as a sign of weakness or lack of will to continue in the defense of South Vietnam, however.

The danger of such a miscalculation is spelled out vividly in an article by James Reston, which appeared in today's New York Times. Mr. Reston details the President's efforts to end the fighting in Vietnam, then warns that such efforts should not be mistaken for weakness on the part of the administration. And he aptly points out that because Hanoi failed to take advantage of the pause in the bombings, the battle will probably get worse before the President will consider another such pause.

I ask for unanimous consent to insert the article at this point in the RECORD.

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

WASHINGTON: THE DANGER OF MISCALCULATION IN VIETNAM

(By James Reston)

WASHINGTON.—The danger now in Vietnam is that the Communists will miscalculate the character and psychology of President Johnson.

The pro-Chinese elements, who are now reported to have the greatest influence over the North Vietnamese Government, have let the pause in the bombing go by without responding to President Johnson's public and private efforts to start negotiations. And they are apparently operating on the assumption that the strategy and tactics they used to defeat the French there in 1954 will succeed again against the United States.

It is a risky assumption. They may be able to bring the war to a critical battle on the ground, as their same general, Vo Nguyen Giap, did in the conquest of the French at Dienbienphu in 1954, but the balance and location of power are now quite different.

THE FALSE ANALOGIES

The American forces are not trapped in the encircling hills of a Dienbienphu. They are concentrated on the coast with easy access to the sea. Even if the American land airfields were knocked out, as the French airfields were neutralized at Dienbienphu, the United States has more power on its aircraft carriers off the coast than both sides could command in the decisive battle against the French 11 years ago.

The Communist hope of a quick and decisive victory during the period of the monsoon rains requires the destruction of the American command, and nothing could be further removed from Lyndon Johnson's Texas frontier psychology than to tolerate such a disaster, no matter what weapons he had to employ to avoid it. This is the danger of any such Communist miscalculation.

It is conceivable that the United States could be invited out by the South Vietnamese, or negotiated out at an international conference, or even worn out in a protracted war, but to be thrown out is the one thing that is least likely under Johnson, and any attempt to throw him out of Vietnam would only unify the Nation behind him.

JOHNSON'S INITIATIVES

He believes he has now tried to meet every honorable proposal for a negotiated accommodation, and every military restraint short of nonresistance or ineffective resistance.

He tried to hold the line with a few thousand noncombatant advisers. It didn't work. He let the advisers fire when they were fired on. He tried limited retaliatory force for attacks on American ships in the Gulf of Tonkin, then retaliation for attacks only on American bases on land, and then retaliatory attacks for Vietcong raids on the South Vietnamese.

He tried not going beyond the 17th parallel into North Vietnam. Then he tried going north, first to hit military targets and then subsidiary transportation targets; and at the private urging of the Russians, the British, the Japanese and influential citizens at home, he stopped the bombing temporarily and at the same time urged negotiations both publicly and privately, through the Canadians.

The lack of any positive response from Hanoi does not mean that Washington will now order any dramatic increase in the severity of the bombing, but it will go on for a time, and there will then probably be another pause and another call for negotiations.

Meanwhile, the North Vietnamese apparently believe they are still winning and will probably have a go at the U.S. forces on

the ground, and this is their dilemma. For every success they have on the ground will cost them at least double in retaliatory strikes from the air until they agree to talk.

This is the policy of the U.S. Government, so far as it can be ascertained. It does not aim at the destruction of North Vietnam or at any change in the social or political structure of the North Vietnamese regime.

SELF-DETERMINATION

It implies the right of self-determination for the South Vietnamese, even the right to create a coalition government with the Communists if they so desire, though Washington certainly does not desire this.

In the view of this Government, this suggests concessions of free elections that previous U.S. Governments were not prepared to risk, but the silence of Hanoi and the savage opposition of Peiping to any talks have only convinced the Johnson administration that these offers plus the pause in the bombing were merely interpreted in Hanoi as signs of weakness in Washington.

Accordingly, the bombing has started again, and the battle will probably get worse before the President decides on another pause and another opportunity to talk about peace.

GOVERNMENT PROPERTY RIGHTS

Mr. METCALF. Mr. President, there has been some discussion during the past couple of years about the President's patent memorandum of October 1963. One Member of the other body has even attempted to substitute it for the Long amendment in the Appalachian bill. Fortunately, this attempt was frustrated by the good sense of the House.

The Long amendment is clear and definite, and its widespread adoption will result in the type of policy which would strengthen our economy by insuring that the fruits of publicly financed research and development are made available not to just one company but to all of industry. It would mean that an enterprising citizen in Montana, Alabama, Mississippi, or Arkansas would be able to use a process or produce a commodity developed with the public's money without paying tribute in the form of royalties to those who have acquired property rights as a result of securing a Government contract.

The patent memorandum of October 1963, on the other hand, is vague, indefinite, and can be interpreted in any way desired. It was designed to please everybody. The memorandum is so confusing that an official interpretation had to be formulated. And who were the official interpreters? Representatives from certain Government agencies got together and tried to figure out what it meant. This group, the Patent Advisory Panel, was under the chairmanship of Dr. William Eaton, Deputy Assistant Secretary for Science and Technology in the Commerce Department, which, as one of its former high officials stated: "represents the point of view of business in the administration"—statement by Commissioner Ladd in Patents, Trademark, and Copyright Journal of Research and Education, volume 5, 1961, conference No. 49. Not to be outdone by anyone in his solicitude for special interest groups, Dr. Eaton announced "that he is receptive to industry's views in interpreting the memorandum—letter from Pharmaceutical Manufacturing Association to Dr. Donald Hornig, March 5, 1964, reprinted in hearings on Drug Safety, part 1, page 322, hearings before a subcommittee of Committee on Government Operations, House of Representatives, 64.

One of the leading lights of this group is Mr. David Z. Beckler, assistant to Dr. Hornig, who wrote the memorandum and who is now running around, falling all over himself, trying to find cases which might justify giving away the Government's rights. Not only is he anxious to give away the public's property rights but he wants to do it before the Government even knows what it is giving away—interoffice memorandum from D. Beckler to Dr. Hornig, March 24, 1965. This is what industry wants and this is, of course, what the Commerce Department wants to do and has been doing for years.

During the course of its labors the Patent Advisory Panel found the memorandum so confusing that it came up with eight drafts. The first seven were so distorted and were such a blatant violation of the interests of the public that they could not stand the light of day. The eighth one met such vociferous opposition from the Department of Justice, the Department of Health, Education, and Welfare, and the Federal Aviation Agency that the Federal Council for Science and Technology turned this one down, also. In spite of this, the Patent Advisory Panel issued it, anyhow.

The Justice Department stated that the so-called interpretation "is a distorted interpretation of the President's policy," and that "this Department can neither permit itself to comment on those aspects of the proposed interpretation that it believes depart from or unjustifiedly expand the language and intent of the policy"—letter from Nicholas deB. Katzenbach to Dr. Donald F. Hornig, dated November 13, 1964.

The Department of Health, Education, and Welfare stated:

Our general objection to the proposed interpretation is founded upon its orientation in favor of the so-called license policy. We, in this Department, have not regarded the President's statement as one which is so favorably disposed toward a license policy. On the contrary, the thrust of the statement, and the President's memorandum transmitting it, in our opinion, is in the direction of the title policy. This view, incidentally, is also consistent with and is supported by congressional policy as expressed in the statutory patent provisions for the taking of title to inventions contained in the Atomic Energy Act, the NASA Act, the Water Desalinization Act, and the Coal Research and Development Act.[1]

What the Department of Health, Education, and Welfare is saying here is that it believes that the memorandum provides that the Government should normally acquire title on behalf of the American people to those inventions and discoveries which have been financed by public funds. The interpretation, on the other hand, takes the opposite view.

[1] Memorandum from Department of Health, Education, and Welfare to Dr. Hornig, chairman, Federal Council for Science and Technology, dated Oct. 26, 1964.

In addition, the Department of Health, Education, and Welfare made 30 recommendations, which they considered a minimum effort, to make the interpretation more realistically consistent with the President's statement, but, I am sorry to say, not a single one—not a single one—was accepted by the Patent Advisory Board.

It seems pretty clear, Mr. President, that there is a group in the executive branch of the Government, unknown to the public, unknown even to Congress, that is working day and night, trying to conjure up all kinds of reasons for giving away the public's property to special interest groups. This attempt has been going on for a long time. As far back as 1962 the Bureau of the Budget was circulating a draft of proposed legislation to accomplish this, but it became apparent that there was no agreement among the executive agencies. The Council of Economic Advisors protested. The Department of Justice and the Federal Trade Commission wrote strong letters of protest. The attempt to get legislation was finally abandoned because of expected opposition in the Congress, and the strategy was shifted to an Executive order, which was in turn changed to an executive memorandum.

The drafters of the memorandum wished to promulgate a policy which would encompass the whole Government, but they were warned by the Department of Justice that it was not legal and would fly in the face of congressional policy. Mr. Katzenbach, who was then the Deputy Attorney General, stated:

As you know, there are existing statutes controlling Government patent policy in specific fields of scientific endeavor, such as atomic energy, or the contracts let by specific agencies, such as NASA, which do not, in our view, permit such agencies or any agency contracting in such fields to grant exclusive rights to the research contractor, at the time of contracting in inventions produced by the contract. For this reason it is not legally possible to make the patent policy you describe a uniform one as to all Government agencies and all scientific fields, by Executive action. Moreover, I believe it would be inadvisable to attempt to reverse by such action the policies of administrative agencies which, pursuant to flexible statutory authority are presently retaining greater rights in such inventions than those contemplated by the proposed policy. Some agencies, such as the Post Office Department, presently retain title for the Government as to all research contracts; others, such as the National Science Foundation retain title to all contracts in a particular field; others such as HEW, require public dedication of certain inventions; and FAA has a unique policy of using invention rights to recover research costs.

We are not prepared to say, on the basis of any evidence brought to our attention, that such deviations from the proposed policy in the direction of greater rights for the general public, presently followed by numerous agencies, are unsound. This is particularly true where an agency has evolved such a practice in response to its own public service responsibilities. Since the Defense Department has no comparable responsibility it would be unfortunate to suggest that the proposed standards provide appropriate criteria for public service agencies.

It should also be borne in mind that the ultimate power in this field clearly resides in

Congress and Congress has repeatedly chosen to exercise this power by acting upon principles sharply opposed to some of those embodied in the proposed policy.

As you know, this Department is on record with Congress as opposed to any legislative solution of this problem which would permit the granting of exclusive rights to the contractor when the contract is made. We have not been persuaded that this position is unsound.[2]

Senator RIBICOFF, who was at that time, Secretary of Health, Education, and Welfare, vigorously protested, in May 1962, against the proposed policy. He pointed out that—

The statement of policy considerations seems to be unduly weighted in the direction of a consideration of the interests of industry in this entire matter. It would seem more appropriate for the emphasis in such statement to be cast more heavily upon the rights of the public to inventions derived from activities supported or paid for by public funds. The question of rights to inventions, at least in the field of health or welfare, should not be determined by considerations of factors pertinent to the contractor rather than the public interest.

It is noted that provision is made whereby greater rights may also be acquired by a contractor after the invention has been identified where the invention constitutes an improvement in a product or process of a contractor and the making of such improvement is not a primary object of the contract. It can be anticipated that where, for example, inventions of nonhealth nature derive from health research, that the contractor would consistently claim greater rights in the invention. This provision would provide him with significant support for his contention and the result would, in a sense, ignore the rights of the public to inventions flowing from research financed by public funds. The fact that the invention may not be health-or-welfare related or may have commercial value does not appear to be, in itself, either an equitable or moral justification for requiring the public to pay twice for that invention.[3]

Mr. RIBICOFF, aware of the pressures exerted on public officials warned about the danger in the use of the phrase "exceptional circumstances":

The phrase in "exceptional circumstances," is relatively vague and indefinite and, in the absence of any indicated criteria in the policy itself would appear to leave considerable latitude to each agency head to determine what constitutes such circumstances. While this does have the advantage of providing flexibility, it does have the disadvantage of exposing agency heads to the pressures of those contractors who would urge that each circumstance of hardship, however slight, represents an exceptional circumstance calling for more generous allocation of invention rights.[4]

Mr. RIBICOFF sums up by saying that—

If there is any single criticism of the draft statement that I would make, it would be that it lacks a forthright statement of what the public interest is or requires in connection with inventions, deriving from Government support, particularly in the fields of health, education, and welfare. It would also strengthen the statement to include some reference to the responsibilities of the sponsoring Government agencies to insure the widespread availability of knowledge, developed with public funds, for the broadest possible public use.[5]

The Administrator of the Small Business Administration, in his comments, complained:

That large concerns received the great bulk of the Government procurement expenditures and an even larger share of the Government's research and development expenditures. Thus, under present Defense Department policies, they are the ones who can and do accumulate patent portfolios which may dominate future commercial business. In our opinion, perpetuation of this situation is both unwise and unsound.[6]

Now, what conclusion can we arrive at after reading the comments of the Department of Justice, the Department of Health, Education, and Welfare, and others?

I can come to only one conclusion, and that is that the entire public interest aspects are being ignored in efforts to protect special interests.

I expect the U.S. Chamber of Commerce, the National Association of Manufacturers, and other trade and industry groups to represent their business constituents, and they do so very ably and legitimately. I do not expect Government officials, who are paid by the public, however, to act as lobbyists on behalf of special interest groups. If the public officials feel that their predispositions or their philosophies do not permit them to protect and advance the interests of the public as a whole, then they should join the special interest groups openly. This applies to Mr. Beckler, Mr. Eaton, and the General Electric Co.'s alumnus in Government, J. Herbert Holloman, now Assistant Secretary of Commerce for Science and Technology.

The President's memorandum of October 1963 was an attempted compromise of conflicting interests, with the Council of Economic Advisers, the Department of Justice, and the Federal Trade Commission opposing the giveaway aspects. The memorandum, which by its very nature, was unsatisfactory from a public policy point of view, did appear to protect the public in a few instances and in a very minor way. But the so-called official interpretation of the memorandum prepared by representatives of special interests is basically a widening and expansion of the exceptions in the memorandum. Very little, if anything, is left for the public.

Mr. President, this is not a patent problem. We are not dealing with the patent system nor with the administration of the Patent Office. This is a question of property rights and the issuance of the so-called interpretation should be a lesson to all of us. It shows how necessary it is to make it entirely clear that when the public's money is being used to create property—tangible or intangible—that property must belong to the public, and only the Congress of the United States, according to article IV of the Constitution, has the power to dispose of it.

Mr. President, in order to acquaint the American people with these matters which vitally concern them, I ask unanimous consent that some of the more recent documents to which I have referred be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., September 30, 1964.

To: Members of Patent Advisory Panel.

From: Ernest S. Cohen, Assistant Solicitor, Branch of Patents, Department of the Interior.

Subject: Implementation Bulletin No. 1, Interpretation of the President's Memorandum and Statement of Government Patent Policy.

The memorandum from the chairman concerning this meeting did not, it is believed, accurately state the net results achieved by the Planning Subcommittee. While there was a considerable degree of accommodation of views, there were significant areas where there was not real agreement, and only a surface unity at best was attained. Also, in the case of many agencies represented, the delegates were not authorized to bind the agencies. Hence, the statement that the document has the "general concurrence" of the agencies is incorrect.

The statement that the document "in its present form is generally satisfactory to the Government agencies having the most pressing need for such interpretation" when considered with the last paragraph on page 19 and the first full paragraph on page 20, means that it is satisfactory to the agencies which had a license orientation. As will be discussed more fully below, these paragraphs are an apologia for the license policy and cannot be accepted by other agencies with differing policies unless they are willing to concede that acquiring title for the Government results in research of lower quality.

In the interpretation proper; page 4, item (5), it is not clear how this would operate, nor is this guideline expressly found in the President's statement. If it is intended to foreshadow the paragraphs on pages 19 and 20, then it should be specifically repudiated. If something other is intended, then this is not apparent.

Pages 11 and 12; the definition, examples and discussion of public health and welfare leave gray areas which could be confusing to a contracting officer. The statement that public welfare is that which directly contributes to man's continued existence would appear to apply more immediately to an anti-missile missile which unerringly seeks out approaching nuclear missiles than to a new seat belt. The reason for excluding the anti-missile missile from the scope of public welfare is not made clear in the bulletin. Clothing is excluded from the list of examples given, although warm clothing in the Arctic is as much a necessity as food.

It is suggested that the following criteria should be met in order to have a contract placed in a 1(a) 2 category.

1. The benefit must flow to the individual directly, and not through the intermediary of the Government. Thus, in anti-missile missile, the individual benefits through the constitutional duty of the Government to maintain armed forces to provide for the national defense. However, in developing an antitoxin for a disease, the individual benefits directly.

2. The contract must concern necessities of life, not luxuries.

Contracts meeting these criteria would be in the fields of (a) public welfare: the staple

[2] Comments of Department of Justice on proposed statement of Government patent policy (May 29, 1962, draft).

[3] Staff Technical Comments on Proposed Statement of Government Policy (May 29, 1962, draft).

[4] Ibid.

[5] Ibid.

[6] Comments by SBA on proposed statement of Government patent policy (May 29, 1962, draft).

foods, water, air, weather modification, special clothing for severe climatic conditions, residential housing; (b) under public health: medicines, medical equipment, instruments, methods, and processes for treatment of disease; (c) public safety needs of nonmilitary nature; seat belts, road safety devices.

Page 17, first paragraph, more than one example of exceptional circumstances should be given to avoid the danger of a too literal copying by contracting officers.

Arrangements other than the Government paying a contractor for performing a designated piece of research are possible and have been entered into. These may create exceptional circumstances due to the contractor's substantial contributions, which would justify granting the contractor greater rights. The following are examples of such contract arrangements:

1. Cooperative research, where the Government furnishes personnel, know-how and facilities, and the cooperator contributes to the Government either a sum agreed upon, personnel, or equipment, or any combination thereof.

2. Joint research, where the contractor does the work and the Government and contractor share the cost.

Pages 19 and 20, bridging paragraph:

The statements here are completely unacceptable. To hold "that the purposes of this section are to encourage the contractor to direct, completely and without restraint, his best personnel and his total knowledge and know-how to the solution of the Government's research program * * *" is to imply that in the absence of the grant of such greater rights, the contractor would be lax in his efforts. This impugns the integrity of American industry and is an unwarranted blanket charge. Furthermore, for the Interior Department and others to agree to this statement would amount to an admission that its general policy is in error.

It is not seen that this portion adds anything which aids a contracting officer in interpreting the President's statement. On the contrary it merely stirs up needless controversy and should be deleted.

Page 20, first full paragraph, this paragraph would be clearer if it stated that the contractor was held to have technical competence in the field and hence was held to be entitled to have the principal rights in any inventions under the contracts.

Page 24, the difficulty with this definition of "governmental purpose" is that it attempts to change by administrative interpretation a term which has been part of the patent statutes since at least 1883 in the Free-Fee Act, now 35 U.S.C. 266, wherein the Government could obtain a patent for a government employee provided it received a license for "governmental purposes." It is believed accurate to state the the term in the statute has never been given this breadth of interpretation. To do so now would adversely affect employees' rights under Executive Order No. 10096. It would be better to delete the phrase in the first parentheses in the definition and achieve the same results intended by defining Government as "the Government of the United States (including any agency thereof, State or domestic municipal government)". If in a contract only the U.S. Government is intended, suitable phrasing is readily available.

ERNEST S. COHEN.

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY, PATENT ADVISORY PANEL, U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., October 9, 1964.

To: Dr. Donald F. Hornig, Chairman, Federal Council for Science and Technology.

From: Dr. William W. Eaton, Chairman, FCST Patent Advisory Panel.

Subject: Patent Advisory Panel recommendation for a published interpretation of the President's memorandum and statement of Government patent policy dated October 10, 1963.

The Patent Advisory Panel's progress report to the Federal Council dated June 1964 reported that the working experience of the panel and its subcommittees had revealed that various agencies had placed different interpretations on certain key phrases found within the policy statement. The report also stated that it was believed that unless additional guidance was given, the problem of proper interpretation would only become exaggerated if left to the unguided judgment of the hundreds of contracting officers throughout the Government. Our further experience has confirmed this belief. In order to effectuate the purposes of the President's policy statement in establishing a governmentwide patent policy, and before the practices of the agencies pursuant to the policy can be recorded and evaluated, it is mandatory that the policy statement be uniformly interpreted and consistently applied.

The Patent Advisory Panel has therefore attempted to arrive at a more detailed interpretation of the President's policy statement. The results of this attempt were indicative of the need for such an interpretation, as unanimity of opinion could not be obtained, particularly as to the purpose and scope that was intended by the wording of particular sections.

However, a large majority of the Patent Advisory Panel members gave their general approval to the publication of the enclosed interpretation. Although this interpretation does not in every respect represent a unanimous opinion of all Panel members, it does have the approval of the Panel members who represent those agencies having by far the largest research and development programs, and, hence, the largest responsibility in the distribution of resulting invention rights. In addition, no member of the Panel was of the opinion that this interpretation would prevent his agency from operating under the policy statement in a manner deemed to be consistent with his agency's mission, nor would this interpretation impose any serious administrative problems on his agency in operating under the policy statement as interpreted.

As Panel chairman, I strongly recommend that this interpretation be approved by the Council and published at the earliest possible date since there is an urgent need to assist contracting officers throughout the Government in achieving a consistent application of the President's policy statement. Unless the Patent Advisory Panel establishes a uniform interpretation of the policy statement, at least the larger agencies will be forced to design and publish individual agency interpretations which, in my opinion, would defeat the purpose of the President's policy statement.

I have requested those members of the Panel whose agencies are represented on the Federal Council to present any dissent they may have to the proposed interpretation through their Council representative. Those members of the Panel whose agencies are not represented on the Federal Council have been requested to submit any dissent they may wish to express either through a written memorandum addressed to the Federal Council or, if they desire, by requesting that a policy level representative from their agency attend the Federal Council meeting in person in order to present their agency's opinion.

The Department of Justice representative on the Patent Advisory Panel stated that he could not give his agency's approval to the enclosed interpretation, and it appeared that his disagreement was based on major policy differences which could not be overcome without substantially rewriting the interpretation. For this reason, and for the reason that section 3 of the policy statement refers to consultation between the Federal Council and the Department of Justice, it is recommended that the Department of Justice be invited to attend the portion of the Council's meeting on October 27 which will be devoted to the interpretation. As Mr. Katzenbach was instrumental in obtaining the Justice Department's approval in the issuance of the President's policy statement, it is recommended that his personal attendance be invited to this meeting.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, October 26, 1964.

To: Dr. Donald F. Hornig, Chairman, Federal Council for Science and Technology.

From: Dr. Edward W. Dempsey, Special Assistant to the Secretary (Health and Medical Affairs).

Subject: Patent Advisory Panel recommendation for a published interpretation of the President's memorandum and statement of Government patent policy dated October 10, 1963.

Responding to the request of Dr. Eaton in his memorandum of October 9, that agencies represented on the Federal Council present any dissent which they may have to the proposed interpretation through their Council representatives, the following observations are made on behalf of this Department.

At the outset, I should like to correct the impression created by the statement contained in Dr. Eaton's transmittal memorandum, at the top of page 2, that the proposed interpretation "does have the approval of the panel members who represent those agencies having by far the largest research and development programs, and, hence, the largest responsibility in the distribution of resulting invention rights." This Department does not wholly approve of the proposed interpretation; yet its financial support of research and development in the fields of public health, education, and welfare is of such magnitude that it has a substantial share in responsibility for research and development and in the distribution of invention rights.

Our general objection to the proposed interpretation is founded upon its orientation in favor of the so-called licensed policy. We, in this Department, have not regarded the President's statement as one which is so favorably disposed toward a license policy. On the contrary, the thrust of the statement, and the President's memorandum transmitting it, in our opinion, is in the direction of the title policy. This view, incidentally, is also consistent wtih and is supported by congressional policy as expressed in the statutory patent provisions for the taking of title to inventions contained in the Atomic Energy Act, the National Aeronautics and Space Administration Act, the Water Desalinization Act, and the Coal Research and Development Act. While the following specific recommendations will not completely overcome this major difficulty, we urge that they be adopted as a minimal effort to make the interpretation more realistically consistent with the President's statement:

1. The paragraph commencing at the bottom of page 20 and carrying over to page 21 of the proposed interpretation should be completely deleted. It clearly implies that in those situations in which the Government would retain title or the right to acquire title under a contract for research, the Government receives from the contractor something considerably less than his best efforts, the services of his most highly qualified personnel, or his total technical know-how with which to do the job called for by the con-

tract. Such a concept cannot be supported by any demonstrable facts that we are aware of, and only serves to undermine the title policy of any Government agency by damning its contracts as productive of only second-class work or competence. We question whether such agencies could long adhere to a title policy in the fact of a pronouncement to such effect carrying official endorsement of the Federal Council.

2. The interpretation does not clearly reflect what we regard to be the firm intent of the President's statement, i.e., that sections 1(a), 1(b), and 1(c) of the statement be applied to contract situations sequentially. We believe that a contract which falls within the criteria of section 1(a) of the President's statement must, except for what might be regarded as "exceptional circumstances," require the application of the principles set forth in section 1(a). We do not read the President's statement as permitting the evaluation of such a contract situation under sections 1(b) or 1(c) once it is determined that the contract falls within 1(a). The failure of the interpretive bulletin to explicitly articulate this method of applying the statement dilutes the force and effect of the statement insofar as it seeks to encourage Government agencies to apply a title policy to situations falling within section 1(a).

3. Bearing in mind that a major objective of the statement is to achieve greater consistency among Government agencies in patent policy and practices, the statement appearing at the top of page 10, interpretive of subsection 1(a)(1), "Therefore, the particular mission of the agency involved becomes important in interpreting this section," should be deleted. It hinders the achievement of such greater consistency among Government agencies engaged in support of research in the same or similar fields.

We urge the Council to adopt these recommendations and thereby shift, at least in part, the present emphasis of the interpretation.

FEDERAL AVIATION AGENCY,
Washington, D.C., October 26, 1964.

To: Dr. Donald F. Hornig, Chairman, Federal Council for Science and Technology.

From: N. E. Halaby, Administrator, Federal Aviation Agency.

Subject: Proposed interpretation of the President's patent policy statement.

The Federal Aviation Agency recommends against adoption and publication of the proposed interpretation of the President's statement of Government patent policy recommended by the Chairman of the Patent Advisory Panel. As written, it will require us to continue our present practice of acquiring title to patents under our contracts, but at the same time it will weaken our ability to function effectively while following that practice, because: (1) The philosophy expressed in the paper, contrary to the public declarations of the Attorney General of the United States and the spokesmen for the majority in the Congress, constitutes a strong defense of the "license" policy, and a damning, through faint praise, of the "title" policy; and (2) where we are obliged to take title to patents, the paper will require other agencies to leave title to patents with their contractors when they buy identical products, from the same contractors, under identical circumstances, where the only difference is in the mission of the Agency which lets the contract. (This is, of course, contrary to the basic purpose of the President's patent policy statement which was to achieve consistency among Government agencies in this respect.) The result can be resistance to the terms FAA is required to demand, by companies which would be treated more generously by other agencies under the proposed interpretation.

We feel, in addition, that the paper was too hastily presented to the Council. In order to meet the deadlines necessary to get the paper before the October 27 meeting, there was no discussion or consideration by the Patent Advisory Panel of written requests for amendments offered by several members of the panel; these amendments are, for the most part, not included in the draft before the Council; and some amendments were made without discussion or consideration by the panel.

Finally, we feel that the paper should not be published without first soliciting the views of the congressional leaders in the field. Congress has shown considerable interest in Government patent policy, and there is every evidence that this interest will continue.

It was the general consensus of a majority of the Patent Advisory Panel that the paper now under consideration reflected a bias in favor of the "license" policy. This, it seems likely, will provoke strong opposition by Congress, which has generally shown a disposition to favor the "title" policy. The extent, and probable result of this opposition should be carefully assessed before the Council considers adopting or publishing the paper recommended by the Chairman of the Patent Advisory Panel.

We renew our requests for amendments to the proposed interpretation which were presented to the Patent Advisory Panel; we support the amendments proposed to the panel by the Departments of Health, Education, and Welfare, Interior, and Agriculture; and we support the position of the Attorney General in opposition to the proposed interpretation.

HAROLD W. GRANT,
(For N. E. Halaby, Administrator).

NOVEMBER 5, 1964.

To: David Z. Beckler, OST; Howard C. H. Williamson, DOD; Manuel B. Hiller, HEW; D. L. Siegel, FAA; Miles F. Ryan, Justice.

From: James E. Denny, Executive Secretary FCST Patent Advisory Panel.

Subject: Ad hoc committee meeting of November 10, 1964.

In accordance with the recommendations made by the Planning Subcommittee during its meeting of November 2, 1964, the ad hoc committee, formed to prepare an initial redraft of the interpretation of the President's policy statement, will meet at 2 p.m. on November 10, 1964, in room 5683 of the Department of Commerce Building. The enclosed redraft of the interpretation will be considered at this meeting.

Primarily, the redraft consists of Implementation Bulletin No. 1 in the form of an interpretative statement, rather than a bulletin, with the background and general philosophy of the President's patent policy deleted wherever possible. An attempt has also been made to modify those sections on which there is known disagreement, and to soften the language throughout the statement to help overcome the objection that the statement is biased in favor of a license policy.

It is hoped that the member from the Department of Justice will be prepared with his department's comments in regard to removing the bias from the language of the Implementation Bulletin No. 1.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., November 13, 1964.

Dr. DONALD F. HORNIG,
Chairman, Federal Council for Science and Technology, Executive Office Building, Washington, D.C.

DEAR DR. HORNIG: This will acknowledge receipt of your letter of October 30, 1964, requesting the Department of Justice to provide specific comments on those aspects of the present draft interpretation of the President's statement on Government patent policy wherein the Department believes the draft departs from the President's policy, and to supply alternative language to correct the existing unwarranted emphasis upon the license policy.

I regret that the Council apparently misunderstood my position expressed at the meeting of October 27. While, indeed, I am of the firm conviction that the proposed draft Implementation Bulletin No. 1 is a distorted interpretation of the President's policy, the point I urged upon the Council is that no valid and defensible interpretation can be issued unless based upon a study of empirical data accumulated under the presidential policy. While to some extent the panel may have set in motion machinery for the collection of pertinent factual information, I know of no showing that the proposed interpretation is based upon analysis of such data.

Accordingly, this Department can neither permit itself to comment on those aspects of the proposed interpretation that it believes depart from or unjustifiedly expand the language and intent of the policy, nor to supply language to establish proper balance in the proposed interpretation. However, in line with my remarks to the Federal Council, this Department is presently preparing for submission to the Patent Advisory Panel a statement of position covering data which we believe must be acquired and employed by the panel in support of any interpretation for the latter to be valid and meaningful.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Acting Attorney General.

MEMORANDUM FOR THE PATENT ADVISORY PANEL ON THE POSITION AND RECOMMENDATIONS OF DEPARTMENT OF JUSTICE ON INTERPRETATION OF THE OCTOBER 1963 STATEMENT ON GOVERMENT PATENT POLICY

As you know the October 1963 statement on Government patent policy allows the taking of patent titles by contractors in many situations where the Department of Justice believes that a license would be more appropriate. We did not object to the issuance of the statement because we regarded it as an experiment that would yield the data needed for any reevaluation of the Department's long established position in favor of a Government title policy for the bulk of the Government's research and development work. Our position is subject to change in the light of evidence that a license policy will adequately protect the Government but the Panel has not as yet supplied such evidence.

We believe the agencies themselves recognized that there was insufficient data available to permit an intelligent administrative resolution of the title versus license policy conflict when the statement was issued. The statement therefore included a sufficient variety of standards to permit each agency to follow a policy it regarded as best suited to its own special needs and the resulting ambiguity cannot be corrected by any "interpretation" of these standards. This ambiguity may only be resolved by rewriting the standards themselves to achieve either a uniform license or title policy.

In the meantime we believe each agency should be allowed to issue whatever "interpretation" it believes its own staff needs. In our view, some appraisal of the actual results obtained by application of the present standards is essential before any further effort is made to determine whether a title or license policy is more desirable. At a minimum the Panel should obtain from each agency a statement as to the number and character of the inventions reported by each contractor who has been permitted to retain title, the name of the contractor and the provision of the statement which was thought to justify retention of title in each

case. A similar statement could easily be prepared to cover the invention titles taken by the Government. With this kind of summary in hand for the first year's operation under the statement some meaningful comparisons may be made of the way in which the various agencies now interpret the statement. This data will permit at least a tentative conclusion as to the scope and importance of the contraditions in present agency action. Without such data we do not believe that intelligent progress may be made in unifying the contradictory policies that are now reflected in the existing statement and that must continue to be reflected in any "interpretation" of that statement.

U.S. DEPARTMENT OF JUSTICE,
December 4, 1964.

To: Dr. William W. Eaton, Chairman, Patent Advisory Panel, Federal Council for Science and Technology.

From: Miles Ryan, representative, Department of Justice.

Subject: Patent Advisory Panel Annual Report to the Federal Council for Science and Technology.

The Department of Justice dissents from the annual report of the panel drafted for 1964 on the following grounds:

1. The quantitative data so far collected is insufficient for any report as to effectiveness. Only after the panel has the data showing who got what patents and why, can it report on the effectiveness of the Presidential policy;

2. The statement of the report as to how the effectiveness of the policy is to be determined is considerably too narrow. The report equates "greatest benefit to the Government and the general public" with "expeditious development" of inventions resulting from the Government contracts. The critical question of who gets the commercial rewards from such development is ignored. This question is of greatest concern to the Department of Justice. Admittedly, it will take years to determine the speed and extent of commercial development of these inventions. However, it can be learned fairly quickly who is going to have the exclusive commercial rights in the development, and determined with considerable accuracy, once the nature of the inventions and the position in the technical fields involved are known, whether the public or the owners are to be the principal beneficiary of the development;

3. The report assumes that any commercial development of any invention by anyone is, per se, a public benefit. The Department of Justice disagrees with such an assumption. When inventions are used to extend and consolidate commercial monopolies which go far beyond the scope of any invention or group of inventions, we regard the public interest as having been seriously injured.

In accord with this position of dissent, the Department's panel representative is foreclosed from further participation in discussion on the language of the report.

FEDERAL COUNCIL FOR
SCIENCE AND TECHNOLOGY,
Washington, D.C., December 23, 1964.

Hon. NICHOLAS KATZENBACH,
Acting Attorney General,
Washington, D.C.

DEAR MR. KATZENBACH: At its meeting on December 22, the Federal Council for Science and Technology considered a revised statement of interpretation of the President's statement on Government patent policy prepared by its Patent Advisory Panel.

The Council was mindful of your views expressed at its meeting last October, your letter to Dr. Hornig of November 13, and the memorandum accompanying your letter.

In drafting the interpretive statement, the Patent Advisory Panel was responding to the Presidential directive "to develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide overall guidance as to the disposition of inventions in which the Government has any right or interest." The enclosed revised interpretation in our view is consistent with the policy statement.

We agree with you on the need to acquire additional data to determine whether changes in the policy itself are indicated. Meanwhile, the panel's agreed interpretation of ambiguities in the language of the existing policy should facilitate the accumulation of data that are reasonably consistent and capable of intercomparison and evaluation. It will also assist in furthering an objective of the President's memorandum accompanying the policy statement: "to avoid difficulties caused by different approaches by the agencies when dealing with the same class of organizations in comparable patent situations."

At its meeting on December 22, the Federal Council merely noted the contents of the proposed statement and permitted the panel to provide it to the agencies as an interpretive statement which reflects a general agreement reached among the agencies supporting research and development on common guidelines for use in implementing the President's policy statement. This action by the Council would appear to be in accord with the memorandum of the Department of Justice that each agency should be allowed to issue whatever "interpretation" it believes its own staff needs. In this instance the Patent Advisory Panel has served as a means for interagency consultation. The agreed interpretation has no validity outside of wishes of the agencies themselves. In noting the panel's interpretive statement, the Council went on record in recognizing that the detailed administration and interpretation of the President's statement of Government patent policy are the individual responsibility of each department and agency.

I am writing to you at some length to explain the action of the Federal Council in view of your expressed concern about this matter.

Sincerely yours,
COLIN M. MACLEOD,
Acting Chairman.

JANUARY 7, 1965.

Mr. COLIN M. MACLEOD,
Acting Chairman, Federal Council for Science and Technology, Executive Office Building, Washington, D.C.

DEAR MR. MACLEOD: Thank you for your letter of December 23, 1964, relative to the revised interpretation of the President's statement on Government patent policy prepared by the Patent Advisory Panel. I appreciate your explanation of the action taken by the Federal Council with respect to the Panel's interpretative statement.

This Department is unable to agree that the revised interpretation is consistent with the President's policy statement.

In our view the interpretation of the statement can come only from an assessment of results achieved by the various agencies operating pursuant to the guidelines of the statement. I believe that where those guidelines are indistinct or where ambiguity prevails, the remedy lies in a redrafting of the Presidential statement itself, rather than in an interpretation attempted by the Patent Advisory Panel.

Sincerely,
NICHOLAS DEB. KATZENBACH,
Acting Attorney General.

ORDER OF BUSINESS

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

Mr. HART. 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, due to the fact that time is fleeting, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER. The Chair lays before the Senate, in accordance with the unanimous-consent agreement, the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 187), offered by the Senator from Montana [Mr. MANSFIELD] for himself and the Senator from Illinois [Mr. DIRKSEN], to the amendment in the nature of a substitute, as amended and modified (No. 124), offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

The Chair announces that all time on amendment No. 187 is to be equally divided, under the control of the Senator from Montana [Mr. MANSFIELD] and the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I yield 30 minutes to the Senator from Virginia [Mr. ROBERTSON].

REQUEST FOR COMMITTEE ON RULES AND ADMINISTRATION TO MEET DURING THE SESSION OF THE SENATE TODAY

Mr. MANSFIELD. Mr. President, if the Senator will yield, before he begins his statement, I ask the Senator from Michigan to yield me one-half a minute.

Mr. HART. Mr. President, I yield such time to the majority leader as he may need.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall, by request, object—let me state that the minority members of the committee will be available to meet with the committee on Tuesday, May 25.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERTSON. Mr. President——

Mr. MANSFIELD. Mr. President, if the Senator will yield me half a minute, rather than create a misunderstanding, I have been informed that the original request had been canceled. I was in error in making it. That, I believe, will clear the air.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. ROBERTSON. Mr. President, only about a week ago the leaders of both parties convinced a majority of this body that the Senate should not attempt to repeal State poll taxes by act of Congress because such action would be of doubtful constitutionality.

On that day, May 11, the leaders were standing firmly beside the Attorney General, who also had expressed doubts about the constitutionality of an anti-poll-tax amendment. When the Senate agreed with the leadership by a vote of 49 to 45, I thought that issue was settled.

But today we find those same leaders suddenly asking the Senate to join them in marching down the hill again. They have offered a new poll-tax amendment which is less forthright than the one they succeeded in defeating on May 11.

The defeated amendment was a straightforward repeal of State poll taxes. The new amendment is more devious. It seeks to place Congress on record as believing and declaring that the poll tax is abridging the voting rights of citizens in certain States.

If this amendment is adopted, the Attorney General will take a new poll-tax test case to the Supreme Court, and when he stands up to make his argument he will point to this language and say, "You see, the Congress has solemnly declared that these taxes abridge the constitutional rights of voters."

This is an 11th-hour effort to have the Senate address an appeal to the Supreme Court to do what this same Senate, itself, refused to do on May 11.

Mr. President, if the Justices of the Supreme Court read the record of this debate, I wonder what they will think of this Senate when they note that on one day we were torn with doubts about the right of Congress to repeal State poll taxes, and a few days later had no doubts whatever that these taxes are an unconstitutional abridgment of voting rights.

I will have to let the authors of this amendment explain what has happened to suddenly clear away their doubts. To me, nothing has changed since last week. We are still living under the same Constitution, and the same past decisions of the Supreme Court which upheld State poll taxes.

But, Mr. President, this attempt to invite the Supreme Court to do something we refused to do only a few days ago is mild in comparison to another step the sponsors of this substitute voting bill took yesterday.

They modified their bill to provide that while new test cases are pending, and even if the courts again hold State poll taxes constitutional, Congress nevertheless will attempt to tell the States how much of a tax they may collect from some voters, and when it may be paid.

As the bill now reads, even if the Supreme Court again upholds the poll tax, no political subdivision affected by the formulas which bring Federal examiners into that area could collect more than the current year poll tax from new registrants.

This language attempts to rewrite the laws of several States, including Virginia, and States that the rewriting shall take place even if the courts uphold the existing law. By what stretch of the imagination can this Congress claim the right to amend a State law which the courts have upheld?

Mr. President, we are stripping the States of their sovereignty so fast that State boundaries soon will be little more than dark lines on the map, indicating to cross-country travelers which time zone they are passing through.

If this process of nibbling away at the rights of the States continues, the time may come when it will be more appropriate to call this the Federated Republic of America instead of the United States of America.

This bill has been revised so many times since it was introduced 2 months ago that one cannot escape the conclusion that day-to-day expediency is the guiding rule under which legislation in this field is written.

In Virginia, the law requires that a voter must have paid his poll tax for 3 years, unless he or she has just reached voting age, or has been a resident of the State for only 1 year.

The bill provides that in any political subdivision in Virginia into which Federal examiners could go under the formulas in the bill, no citizen, during the first year he becomes otherwise entitled to vote by reason of registration by local officials or by the Federal examiner shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner at least 45 days prior to election, "whether or not such tender would be timely or adequate under State law."

As I pointed out recently, the formulas in this bill would apply to nearly half the political subdivisions in my State merely because we have a simple requirement of ability to read and write and because in some areas many people did not bother to register or vote. Virginia is not using either the literacy test or the poll tax for the purpose of discriminating. But it will be subject to this bill because the formulas have been designed to apply to all or portions of the Southern States.

While the Federal examiner system for registering voters would be centered on the South, the Senator from Vermont [Mr. AIKEN] expressed concern last week that the Kennedy amendment for the outright repeal of poll taxes would have applied to the town meetings of New England.

The Senator from Vermont pointed out that the town meeting is the oldest and truest form of democracy in the world, and that in Vermont anyone—even an ex-criminal—can take part in the town meeting by complying with two simple requirments: He must take the freeman's oath, a sort of loyalty oath to the State, and he must pay a small poll tax.

In the new poll tax amendment now pending, the leaders apparently have tried to avoid interfering with the poll tax for New England town meetings by directing the Attorney General to bring suits only where evidence has been presented to Congress that the tax has been used to abridge or deny voting rights.

But if the New England town meetings have been exempted by this new language, Mr. President, I have no fault to find with that concession, for I see nothing wrong with the State of Vermont asking its people to pay a small town meeting tax to show that they are responsible citizens.

Neither do I see anything wrong with the State of Virginia asking its citizens to pay a poll tax to help support their educational system, so long as it is applied equally to all citizens.

Before we declare flatly, as this amendment would have us do, that State poll taxes are abridging the constitutional rights of citizens, I ask Senators to remember that it was only 3 years ago that Congress decided it had to amend the Constitution to get ride of the poll tax in Federal elections. Now we are asked to declare that we can go further in attacking the validity of the poll tax in local elections then we were willing to go in Federal elections.

I opposed the constitutional amendment in 1962, although I concede Congress had a right to pursue that course, because I did not believe that Congress should encroach any further on the control which the Founding Fathers reserved to the States to fix the qualifications of voters.

If Congress had to amend the Constitution to ban the poll tax in Federal elections, it certainly has no authority to ban that tax in local elections. What we are attempting to do by the pending amendment is to persuade the Supreme Court to amend the Constitution for us.

Efforts to repeal State poll tax laws by statute have been made periodically for a quarter of a century. Up to now, Congress has resisted these efforts. But in the past few years we have invaded the jurisdiction of the States so repeatedly in the three previous civil rights laws that I am fearful we will not stop now.

The backers of this bill are attempting to justify it by basing it on the 15th amendment, which reads:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In *United States* v. *Reese*, 92 U.S. 214 (1875), the court construed a statute passed under Congress power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite the following statement is made:

> Rights and immunities created by our dependent upon the Constitution of the United States can be protected by Congress.
>
> The 15th amendment does not confer the right of suffrage upon anyone. It prevents

the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

See also *Guinn and Beal* v. *United States*, 238, U.S. 347, 362 (1915), where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, except of course as to the subject with which the amendment (15th) deals and to the extent that obedience to its command is necessary.

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler* v. *Thompson*, D.C.E.D., Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders* v. *Wilkins*, 152 F. 2d 235, 237, as follows:

The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1, of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove* v. *Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

Then followed the quotation from Breedlove against Suttles, which I quoted earlier.

The latter part of Butler against Thompson discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo* v. *Hopkins*, 118 U.S. 356, or under the 15th amendment as in *Lane* v. *Wilson*, 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2, of the Constitution of the United States.

The right of a sovereign State to fix nondiscriminatory prerequisites for voting as decided in the Butler case was fully confirmed no later than March 1 of this year, when, in the case of Carrington against Rash, the Supreme Court held:

There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, "the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution."

Mr. President, I do not profess to know what prompted the sponsors of this substitute voting bill to reverse their field and come in with a new attack on State poll taxes, after leading a successful fight a few days ago against outright repeal.

But I suspect they have been influenced, at least in part, by developments at the other end of the Capitol. After the Senate voted 49 to 45 against an outright ban on poll taxes, a committee in the other body adopted an anti-poll-tax amendment to its bill. Then one of the most influential leaders in the other body announced he would support the committee's action.

The House Judiciary Committee also adopted a declaration of policy even stronger than the one we are now considering. The House provision would constitute a finding by Congress that, historically, the poll tax has been one of the methods used to circumvent the guarantees of the 14th and 15th amendments.

Mr. President, I do not believe the Senate should shape this or any other bill in anticipation of what the other body may do. If there are differences between the two branches the place to settle them is in conference and not by the adoption of hastily drawn amendments before the bill passes.

For that reason I hope the pending amendment will be rejected.

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

The PRESIDING OFFICER. Will the Senator state to whose time the quorum call shall be charged?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. STENNIS. Mr. President, I yield myself 15 minutes. First, I compliment the Senator from Virginia for the very fine presentation he has made on this vital point.

In the course of advocating civil rights legislation, it has become the rule rather than the exception to propose bills and amendments which are beyond the power of Congress to enact under the Constitution. Within the past year it has been pointed out time and time again on the floor of the Senate that the proposed legislation then under active and serious consideration was by all law and precedent unconstitutional. Yet, under the pressures of the political situation, many unsound and unconstitutional proposals, in my view, have become law.

An amendment to abolish the poll tax by statute was defeated within the past 10 days. The Senate went on record for the third time in 5 years as affirming the constitutional authority of a State to require the payment of a poll tax as a prerequisite for voting.

Again I wish to state with the greatest emphasis possible that the real issue in this debate on the poll tax is not the poll tax itself but whether Congress has authority to deal with a matter in any fashion except by a proposal to amend the Constitution of the United States.

That has been the solid, firm position of Congress many times, including the outstanding instance of about 2 years ago, when the Senate had before it a joint resolution proposing a constitutional amendment which would abolish the poll tax in Federal elections. The Senator from New York offered an amendment providing for the repeal of the poll tax by statutory enactment, by a plain act of Congress. Not once, but twice, that idea was rejected by a yea-and-nay vote. I do not remember the figures, but one of the votes was almost 2 to 1 against the statutory proposal, and the other was a decisive vote.

There is no authority for a direct assault on the poll tax except by proposing a constitutional amendment. Yet assaults are still being made on the constitutional right of a State to continue the poll tax. At this moment, in this instance, the weapon is pending amendment No. 124, which would be used as a real meat ax to bludgeon down the poll tax in every State, and thus deal a mortal blow to another constitutional principle.

This broad approach is not only unconstitutional, in my opinion, but also unreasonable. There is also a serious question as to whether or not it violates the spirit if not the letter of legal ethics. It is unconstitutional, in my opinion, for the additional reason that it makes no distinction whatever with reference to discrimination on the ground of race, and is therefore without the constitutional foundation that could be claimed for it under the 15th amendment.

It is unreasonable in that it attempts to "find" facts by proclamation and then to compel the court to render a directed verdict declaring the poll tax unconstitutional.

In effect, Mr. President, this amendment says to the court, "Congress cannot abolish the poll tax by statute; a constitutional amendment is not acceptable; therefore, you strike down the poll tax." Should the U.S. Senate affirmatively and knowingly ask that its legislative responsibility be assumed by the courts, it will have taken another step toward pronouncing the death sentence for constitutional government in America. Such an action would mark one of the most tragic days in the history of the U.S. Senate.

This amendment violates the spirit, if not the letter of legal ethics, because it directs the U.S. Attorney General to take an action which, if taken by a practicing attorney, would constitute grounds for disbarment.

There is a great difference in a declaratory judgment as provided for in this amendment, and an advisory opinion. Since the days of President George Washington, the Supreme Court

has held firm to the principle that it is without jurisdiction to render advisory opinions or to review determinations which are simply ancillary or advisory and are not the final and indisputable basis of action between the parties.

Under the terms of this amendment, it is not merely an advisory opinion that the Attorney General is directed to seek. He must institute an action for a declaratory judgment and therefore must present an actual case or controversy that meets every requirement of a justiciable case. The requirements for a justiciable case here are no less strict than in any other type suit. This declaratory judgment which the Attorney General is directed to seek cannot be merely a vehicle for presenting and securing decisions of constitutional matters solely upon the pleading in highly abstract or premature hypothetical states of fact en masse.

What the Attorney General must do, then, is search for some person who claims requirement to pay poll tax as a prerequisite to vote has caused him or her to be denied the right to vote and therefore discriminated against. Although he might file suit in the name of the United States, he must nevertheless prove discrimination in an actual case involving an individual who claims discrimination.

In short, what the Attorney General must do is solicit or seek out a client with a possible cause of action and encourage litigation of that cause. To do that is a violation of Canon 28 of the American Bar Association.

If in his search for a litigant the Attorney General finds it necessary to advertise by personal communication, interview, or by touters, he would also violate Canon 27 of the American Bar Association.

Should the Senate pass this amendment, it will be taking the absurd position of ordering the Attorney General to violate the spirit, if not the letter of two of the highest and most essential principles of the legal profession. The violation of these standards of conduct is so serious that an ordinary lawyer found guilty of violating them would be prohibited from practicing law.

There are other aspects just as serious and ridiculous. This amendment states flatly that on the basis of the evidence, Congress finds the constitutional right of citizens is denied or abridged by the requirement of the payment of poll tax as a condition of voting. The most charitable thing that could be said of this provision is that it makes of Congress a very poor jury.

Congress, through appropriate committees, took testimony of the Attorney General Mr. Katzenbach. He is head of the Nation's chief investigative office. All the resources of the FBI are at his command. He and his organization spend thousands and thousands of man-days investigating voting rights violations. He has a score of attorneys who specialize in the field of voting rights. He is one of the authors and main supporters of the voting rights bill. He was the principal witness in support of it, both in the Senate and in the other body, but he testified:

> My difficulty on this, on the elimination of poll taxes, is that I do not believe I have the facts to make a record that poll taxes have been abused in violation of the 15th amendment. (P. 94, voting rights hearings, U.S. Senate, pt. I.)

This star witness for the proponents was very emphatic on this point. He went on to say:

> I want to make it clear—I think Congress can abolish poll taxes under the 15th amendment, if there is evidence before Congress that the poll taxes in any given areas have been used to violate the 15th amendment; Congress could make that finding and if that was a reasonable way of, as I think it is here, with respect to literacy tests, Congress could do it. I think it is a tougher congressional argument to make because I have not got enough facts." (P. 95, voting rights hearings, U.S. Senate pt. I.)

Mr. President, it is ridiculous to ask the Senate to adopt an amendment which has in it a finding of fact exactly opposite of what the Attorney General testified. The Attorney General is the chief law enforcement officer and investigator for the U.S. Government. Only a few days ago he told the Senate, "I do not have enough facts to proceed in this matter." If Senators can swallow that statement and turn around 180 degrees and act contrary to what the chief investigator said, they are doing more than I care to do. I do not see how we can honestly take such a position. I do not see how we can base a constitutional question merely on some small fragments of alledged fact in one isolated case, or as a result of some accusation of a party not known to any Senator, or some old statement which was made more than 20 years ago during World War II and which appears somewhere in a report of the Judiciary Committee.

That course makes me believe that we are in a purely political expedition, in an attempt to search out some ground to stand on merely for political reasons.

Mr. President, we are dealing with the Constitution of the United States. We are dealing with fundamental principles of that Constitution. The proponents of the amendment have never yet outlined their case particularly in that regard. I do not know what evidence they would cite. But, as I said yesterday on my responsibility as a Member of this body, and based upon many years of public service and officeholding in my own State, including the practice of law, my service as district attorney, and my service for more than 10 years as a trial judge, holding court in many counties and, of course, being in close contact with happenings there since coming to the Senate, I say that I never heard of such a question arising. I never heard of an incident of the nature charged here. I never heard any county official or any other person mention it. In areas with which I am familiar it has not happened, or I would have known something about it—unless it was an isolated case in which some tax collecter in some one county during one term of office transgressed along that line.

Yesterday I heard the Senator from Alabama [Mr. SPARKMAN], who has had a long career as a lawyer and a public official in Alabama, say that he had never heard in that great State a charge of any facts upon which the proponents could try to base the amendment.

The Attorney General of the United States is helping to write the bill. He is also helping to sponsor it through the committees. He was the chief witness. He has all the information of the FBI at his command, and all the resources of the Attorney General's office. We want him to have plenty of resources. He has looked into the question and has said, "I cannot sustain the proposal on a factual basis because I have not enough facts."

So I stand on his testimony, not my own. I merely mention mine to show that my experience is certainly consistent with what he learned.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The 15 minutes yielded to himself by the Senator from Mississippi have expired.

Mr. STENNIS. I yield myself 3 more minutes.

Mr. President, these unqualified, unequivocal statements of the Attorney General notwithstanding, Congress is nevertheless asked to disregard that testimony and find that there is evidence and that there are sufficient facts to support the contention that poll taxes are used to deny the right to vote. This finding is so contrary to the testimony of the principal witness—the Attorney General—that it appears the Senate is asked to reject it entirely. At least, it is asked not to rely on it.

If we pass this bill, we ought to pass another bill, explaining that we do not mean to brand the Attorney General as a purveyer of falsehood.

I do not question the testimony of the Attorney General on this point. I agree that there is no evidence that the poll tax is used as a means of denying the right to vote.

But the amendment goes further. We are asked to conclude that there is an established pattern whereby the poll tax is used to deny the right to vote to such an extent that all poll taxes should be abolished. The fact is that no such pattern exists.

Great issue has been made of one Mississippi case in which a sheriff refused to accept payment of poll tax from a Negro. One incident in Mississippi does not establish a pattern of discrimination any more than one killing on a subway establishes a pattern of murder in New York.

This amendment downgrades voting requirements at a time when we should be upgrading them.

Great emphasis is placed on preserving the rights of those who are allegedly denied the right to vote. There are other rights involved here that we have a duty to protect also. We have a duty to protect the fiscal integrity of our cities, counties, and States from the irresponsible ballot of those who would destroy that integrity by unlimited bond issues.

We have the duty to protect our citizens who by personal initiative have earned their own way from the selfish

ballot of those who would levy unlimited taxes and live off public welfare.

I say that with all deference. Instead of trying to tear down, break down, and abolish every possible reasonable safeguard that the experience of the American people has found is necessary to protect the ballot, we ought to try to make the ballot more secure and more protected, and the integrity of the voter higher and higher.

Unless we change our course, we are paving the way for the destruction of self-government by the mad, emotional rush to destroy standards, whether literacy or any other, that the experience of the American people has proved not only wise, but essential in protecting the ballot box.

It would be sheer folly to destroy these rights under the guise of protecting the right to vote.

If we destroy the constitutional prerogatives of the States to set voting qualifications for their citizens, we expose all the citizens to the possibility of being burdened with debts that would encumber not only public property, but private property, as well. The debt created by bond issues is a debt of all the people, secured by the property of its citizens. There is no limit to the chaos and destruction that could be rendered by an irresponsible ballot.

So this proposal cuts all ways. It is not merely a question of the poll tax. Congress will be going beyond its just powers, will be going beyond reason, will be going contrary to the evidence, by saying, "Yes; we are going to break down and abolish all restrictions, including literacy, that have been built to protect the ballot. Furthermore, we are going to provide that States shall not have any power in that field hereafter. We are going to arrogate this power to ourselves and will use it on an emotional basis."

Mr. President, I thank the Senator from Michigan for yielding some of his time. I return to him whatever time I may not have used.

The PRESIDING OFFICER. The Senator from Mississippi has 34 minutes remaining.

Mr. STENNIS. I had yielded myself 15 minutes and then used 2 additional minutes yielded to me by the Senator from Michigan. If there is any of his time that I have not used, I return it to him.

The PRESIDING OFFICER. The Senator from Mississippi has 34 minutes remaining.

Mr. HART. Mr. President, I yield myself 5 minutes.

The Senate now must decide on the proposal of the joint leadership for a strong declaration against the use of the poll tax as a prerequisite for voting. There is an impressive degree of official support for accomplishing in this legislation the elimination of this tax wherever it stands as a barrier to the constitutionally guaranteed exercise of the franchise.

The President of the United States is in favor of abolishing the poll tax. He said on April 27:

> I have always opposed the poll tax. I am opposed to it now. I have asked the Attorney General to meet with the various Members of the House and Senate who are interested in this phase of it, and if possible, take every step that he can within constitutional bounds to see that the poll tax is not used as a discrimination against any voter anywhere.

The Supreme Court of the United States, as recently as April 27, in its decision of Marmon against Forssenious, took notice of the discriminatory intent of the early poll taxes, and of congressional recognition of the discriminatory effects of the tax in the numerous congressional actions attempting to reach the poll tax and abolish it. The Court said:

> The Virginia poll tax was born of a desire to disenfranchise the Negro. At the Virginia Constitutional Convention of 1902, the sponsor of the suffrage plan of which the poll tax was an integral part frankly expressed the purpose of the suffrage proposal: "Discrimination? Why, that is precisely what we propose; that, exactly, is what this convention was elected for."

The U.S. Commission on Civil Rights, created by Congress in 1957 to keep the Congress informed of problems arising primarily in the field of voter discrimination, as a part of its 1965 voting report on May 5 of this year reported:

> The requirement of any poll tax payment as a prerequisite to voting in any election should be abolished, in view of the fact that poll taxes have been intended and utilized as a means of discrimination in violation of the 15th amendment. In the opinion of the Commission, there can be no reasonable doubt of the power of Congress to enact such a provision as an exercise of the power expressly granted to Congress to enforce the 15th amendment.

The Speaker of the House of Representatives very recently stated his hope that the Congress will abolish the poll tax requirement in this legislation.

The Judiciary Committee of the House of Representatives, through a majority of its membership, has reported a bill which contains a provision to abolish the poll tax.

The Judiciary Committee of the U.S. Senate, through a majority of its members, reported to the Senate its action in support of a provision to abolish the poll tax.

Forty-eight Members of the U.S. Senate recently supported action to include in this legislation a ban on the poll tax.

In my book, this is an impressive list of official expression of support and intent with which we approach the pending amendment to put the Senate of the United States clearly on the record that this particular discrimination must be reached by the most expeditious action.

By voice and vote I preferred an explicit ban in this legislation. At this time, this does not seem practicable. It is still a desirable objective.

But if that objective cannot be achieved as of this moment, then, as is done in the pending leadership amendment, the Senate should make it explicit that wherever the use of the poll tax stands against the rights guaranteed in the Constitution—particularly those contained in the 14th and 15th amendments—this Senate declares this to be wrong, and establishes the most expeditious machinery and procedures possible to remove this additional barrier.

Mr. President, in the debates that have preceded today—and remember we are now in the fifth week of debate—and in the record made before congressional committees this year and in years past, there is full, ample, and solid evidence on which to base the declaration which the pending leadership amendment represents. One example of the persuasive reasons for this declaration is the evidence developed in the speeches of the junior Senator from Massachusetts [Mr. KENNEDY].

Mr. President, on my own time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HILL. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. HILL. Mr. President, on May 11, just 1 week ago, the Senate of the United States again refused to abolish the poll tax by legislation and to amend the Constitution by statute. The action taken by the Senate on that day was consistent with the action the Senate has taken on previous occasions when it witnessed an attempt to abolish the poll tax by legislation.

In 1960, the Senate rejected this procedure by a vote of 50 to 37. In 1962, it rejected this procedure by a vote of 59 to 34. Later in the same year, when the poll tax question was presented in the proper procedural manner—that is, as a proposed amendment to the Constitution—it was adopted by the Senate and by Congress and, as we know, is now part of the Constitution of the United States.

So, as we see, Mr. President, the Senate has made clear, again and again, the procedure that must be followed in amending the Constitution regarding the abolishment of the poll tax as a prerequisite for voting. In its wisdom the Senate on the question of poll taxes has repeatedly and consistently refused to abandon this procedure and the constitutional requirement for the procedure.

As fundamental as the right to vote is to a democracy, Mr. President, is the will of the majority to a democratic system. In a representative democracy, such as ours, this is expressed by a majority vote. The question of whether Congress can by legislation regulate a poll tax requirement in four States of the Union was answered a week ago when, by the will of the majority, the Senate declared its opinion to be that it could not and should not do so. And now, Mr. President, we find those who throughout this debate have been most vocal in espousing the democratic way of life back with the same proposition that was rejected by the majority of this Senate, but now the proposition is disguised in different clothing. The proponents of the anti-poll-tax measures ask the Senate to declare by legislative fiat that the right to vote is

being denied in four States of our country because they collect a poll tax as a prerequisite to voting.

They ask that the Senate sit as judge and jury on this question and render a verdict of guilty to satisfy the clamor of the day and to expedite an early vote.

They ask that this Senate set itself above the Supreme Court of the United States, that it completely disregard the separation of powers and the theory of checks and balances by legislating that, if the constitutionality of poll taxes is sustained in the courts, Congress shall then be empowered to override that decision and proceed to regulate, contrary to court decisions, the payment of poll taxes in the four States involved.

They ask that this Senate abandon the principles of government the framers of the Constitution gave us and that by enactment of these anti-poll-tax measures we declare our wisdom to be greater than that of Madison, Washington, Hamilton, Jefferson, and the other great minds that conceived our democracy, framed our Constitution, and brought this Nation into being.

Mr. President, the issue involved here is not primarily the payment or the nonpayment of a poll tax in connection with voting in State and local elections; the question is primarily and fundamentally whether the Senate has the power to destroy by legislation the constitutionally established right on the part of the States to levy a poll tax or whether it is rightfully an action requiring an amendment to the Constitution of the United States. The second question is whether the Senate has the power to enact legislation to overrule a decision of a court in anticipation of disagreement with that court ruling.

As I have said, Mr. President, the Senate in its wisdom has many times answered these questions. But the democratic way no longer has appeal to those who would destroy or rewrite the Constitution overnight to meet the expediency of the day, or those who declare that they will obey only those laws they want to obey.

The President of the United States publicly stated that the recent poll tax proposals in connection with the voting bill before us created serious constitutional problems. The Attorney General of the United States publicly stated that, in his opinion, any such proposal is invalid. Previously, the distinguished majority and minority leaders expressed their opposition to the anti-poll-tax proposals.

I contend, Mr. President, that the underlying principles in the present poll tax proposals are no different than those in the proposal we rejected here in the Senate a week ago—just 7 days ago. In fact, to a student of law, the present proposals would probably be more objectionable. At best, there is only a matter of degree between the present proposals and the proposals referred to by the President of the United States, the Attorney General of the United States, and both the majority and minority leaders of the U.S. Senate. But the principle remains the same; that is, an unconstitutional and unwarranted interference with the individual State's right to require the payment of a poll tax as a prerequisite to voting in State and local elections.

In my previous arguments against proposals that would abolish the poll tax by legislation, I cited the case of Breedlove against Suttles, a 1937 Supreme Court case, which made the law on the subject abundantly clear and which has been cited by the Supreme Court in more recent cases. It is just as valid today.

In Breedlove against Suttles, it was contended that the poll tax of Georgia was unconstitutional. The Supreme Court said this at the time—and, as I say, has since that time cited the Breedlove case in opinions having to do with the poll tax—the Court said:

> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State, and save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources.

To those, Mr. President, who contend that the right to vote is denied or abridged in certain States by the collection of poll taxes as a prerequisite to voting, let me say that, in fact, the poll tax is a diminishing phenomenon. It is levied in only 4 of the 50 States. The returns are uniformly moderate and, as a practical matter, I contend and submit that its influence on the size of the electorate is too insignificant—too small—to be measured.

In my home State of Alabama, for example, the poll tax is only $1.50 a year, and it cannot go back for more than 1 year. In other words, the full amount that anyone might have to pay to vote would be, at the maximum $3. Even if a person were in default for many years, the most he would ever have to pay, the absolute maximum, is $3. All persons who are 45 years of age or over are exempt from payment of the poll tax. All war veterans—the veterans of World War I, World War II, and the Korean war—are exempt from the poll tax.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HILL. I yield myself an additional 5 minutes.

Mr. President, every dollar received from the poll tax in Alabama goes to the public schools in our State and is wholly devoted to educational purposes.

In Mississippi the poll tax is only $2 a year, and two payments are required for voting eligibility. The full amount that anyone would have to pay is $4. All war veterans are exempt from payment of the poll tax as are all persons who are deaf, blind or maimed with loss of hand or foot.

In Virginia the poll tax is the same as Alabama, only $1.50 a year. It cannot go back for more than two years, and the total amount anyone could possibly be required to pay would be $4.50.

Even if there had been a default for many years, for as many as twenty years, the maximum that would have to be paid would be $4.50.

Members of the armed services are exempted from paying the poll tax in Virginia.

In Texas, the fourth of the States having a poll tax, the rate is $1.50 a year. This is collected at the same time as annual registration and, therefore, at any given time the maximum amount would be $1.50. Exempted from payment of the poll tax in Texas are Indians, the blind, the deaf, those who have lost hand or foot, anyone permanently disabled, or disabled veterans of foreign wars.

So as we see, Mr. President, the incidence of burden of the poll tax in the four States that require it are so minute that, as a practical matter, it is difficult to imagine that it has any significant effect on who votes and who does not, and the facts certainly do not sustain any declaration by the U.S. Senate that the right to vote is denied in these States because a poll tax is collected as a condition of voting.

There has been much said about the poll tax and about its use as a means of denying suffrage. I take sharp issue with those who in this debate have asserted that the poll tax came into being as a means of denying suffrage. I commend them to the history books for, actually, the poll tax has quite a glorious history and those who look with disgrace upon it will be interested to find that it was supported by England's greatest liberal, John Stuart Mill.

In this country, we find that at the time the Constitution was being written in 1787, most of the States, at least 9 of the 13, had fixed by their own constitutions, the qualifications of those who vote for members of their own legislatures.

In the early days of this Republic, Mr. President, and for many years in the history of our country, many of our States required the payment of poll taxes as a prerequisite for voting. Practically all of the States had some such qualifications.

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

Mr. HILL. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 additional minutes.

Mr. HILL. Mr. President, some of the States had a much more stringent and burdensome qualification; namely, the owning or holding of property.

Actually, the poll tax came into being not to restrict or to deny suffrage, but rather as a measure to relieve some of the then existing burdens imposed on suffrage and to increase the number of eligible voters by substituting the poll tax for these other stringent requirements.

So we see, Mr. President, the poll tax came into being as a means of increasing the electorate, not of restricting it.

Judge Thomas M. Cooley, one of the greatest authorities on the Constitution

in the history of our country, said in his work on constitutional law:

Many of the States admit no one to the privilege of suffrage unless he is a taxpayer. * * * To require the payment of a capitation (poll) tax is no denial of suffrage; it is demanding only the preliminary performance of public duty, and may be classed as may also presence at the polls, with registration, or the observance of any other preliminary to insure fairness and protect against fraud.

Mr. President, during my more than 40 years in Congress, I have seen no proposal more cancerous to this body, to this Nation, or to our system of government than the proposals now before us.

I say this with firm and deliberate conviction.

I say this as one who believes that more than ever in these troublesome times does this Nation need a strong and steady rudder to its ship of state, and as one who fears that an emotional hysteria is about to destroy this rudder and send our ship of state foundering in uncharted seas.

I call upon this Senate to show the same wisdom it did in disposing of previous questions on poll tax legislation, in insisting on legal and orderly procedure, and in rejecting efforts to amend the Constitution by legislative fiat.

I call upon this Senate to join in stopping this head-on rush to destroy the remaining vestiges of our charter for democracy—our Constitution—the bedrock of our strength, the anchor of our faith.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, my understanding is that the Senator from Mississippi [Mr. STENNIS] is going to yield me 10 or 15 minutes—I do not know which.

Mr. HART. Mr. President, in view of the time limitation which affects both opponents and proponents, and in view of the fact that I believe the proponents will be able to reserve more time than the opponents of the amendment, I am glad—inasmuch as the Senator from Mississippi [Mr. STENNIS] is not in the Chamber at the moment—to yield 15 minutes to the Senator from Colorado.

Mr. HILL. Mr. President, may I inquire of the chair how much time remains to both sides?

The PRESIDING OFFICER. Fifteen minutes is left to the opponents of the amendment and 60 minutes is left to the proponents.

Mr. HILL. I thank the Chair.

Mr. HART. Mr. President, I yield 15 minutes to the Senator from Colorado [Mr. DOMINICK].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. I appreciate the courtesy of the Senator from Michigan.

Mr. President, it is with some reluctance that I rise to speak on this very important amendment, but in the process of debate on the Prouty amendment, which the Senate considered a short time ago, I raised an issue which was not dealt with satisfactorily at that time and which still may be an issue in the pending amendment.

For the sake of the record I believe that we should try to make the issue as clear as possible.

In order to place it in plain context, I invite the attention of the Senator from Montana [Mr. MANSFIELD] and the Senator from Michigan [Mr. HART] to the provisions of section 14 of the substitute amendment which defines the term "vote." It reads:

The term "vote" shall include all action necessary to make a vote effective in any primary, special, or general election including but not limited to—

Then it goes through a series of items and at the end provides:

* * * and propositions for which votes are received in an election.

The usual situation in which we deal with propositions for which votes are received in an election is a general election in which, by initiative or referendum, a particular proposal has been placed on the ballot in a special election which deals with subpolitical districts and bonded indebtedness. For example, suppose there is a school bond election, and at that time the question of whether a school district shall be subject to the indebtedness or not is put up to a vote. The same thing would be true in an irrigation district, a sewage district—in all kinds of special improvement districts. In each of those elections in a special improvement district, there are a number of States where the only citizens entitled to vote for or against a proposition are those who have paid a property tax in the preceding year.

The question then becomes one of interpretation because it seems apparent to me that the qualification is included by State law in such States as Michigan, Colorado, Montana, and Wyoming—in a total of 20 or 21 States, so far as I know.

There is no doubt whatever that this qualification has the effect and purpose of denying and abridging the right to vote on that special proposition in that special election.

We come now to the pending amendment. I have read it carefully. It is a substantial improvement, on this point, over what was originally contained in section 9 of the substitute. However, section 9(a), as now proposed, has no definition of "poll tax." It is not restricted to a poll tax which has the effect of abridging or denying the right to vote on account of race or color.

We had that debate and that argument over the Prouty amendment. The Senate chose to reject the Prouty amendment, which would have limited it to the 15th amendment. We are now dealing with any provision of the Constitution of the United States which might be held by any court to declare illegal a poll tax which has the effect or purpose of denying or abridging the right to vote.

The question in my mind, then, occurred as to whether or not these provisions in the States which have such provisions in effect, namely, in school bond elections, irrigation districts, sewage districts, and so on, might be considered to be poll taxes.

In order to be completely clear on this point, I talked to a bond expert by telephone. He is with a firm of famous lawyers in this field, all experts in this field, located in Chicago. He told me that they did not think that, even if a ruling were obtained by the Attorney General from a court that a poll tax was unconstitutional, it would have the effect of outlawing any past bond issue which had already been voted in; and would have no effect. That was one point.

The second point was that although he had done no research in that connection, he did not really believe that the poll tax, within the terms of the bill, would include the type of tax provision that I had referred to in connection with the special improvement district elections.

In addition to that we did some work—and it was a very brief amount of work—in "Words and Phrases" in Corpus Juris Secundum, and examined a few cases. We found a definition on this point, which I believe occurred in a North Carolina case. It is the case of *Dixon* v. *The Board of County Commissioners*, found at 156 Southeast 852. It was decided in 1931. The quotation in the headnote reads:

A poll tax is defined as a capitation tax, a tax of a specific sum levied upon each person within the jurisdiction of the taxing power and within a certain class, without reference to his property or lack of it.

That is the same definition that occurs in "Black's Law Dictionary," at page 911. It is the same definition which is found in a number of cases.

This, then, would be the definition that a court might apply if a specific attack were made on a poll tax in the normal sense of the word. However, in the bill with which we are now dealing, there is no definition of a poll tax and no effort of any kind to try to tie a poll tax into the normal definition; the only place where it is defined at all is in the proposed substitute amendment.

I ask the Senator from Montana and the Senator from Michigan, or either of them, if they would be kind enough to answer the question of whether there is any thought in any Senator's mind who is pressing for the adoption of the pending amendment that the request for the Attorney General to initiate a constitutional test of the poll tax would include qualifications of the type that are mentioned, which are necessary before one can vote in a special improvement election.

Mr. MANSFIELD. The answer is absolutely and unequivocally "no."

Mr. DOMINICK. I give my thanks to the Senator from Montana, because I wanted to make a perfectly clear record on this point.

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

Mr. DOMINICK. I yield.

Mr. MANSFIELD. The Senator realizes, of course, as he has already indicated, that the same situation applies to my own State of Montana and to 19 or

20 other States. I believe the Senator referred to 21 States. I have been interested in this question and it is without any doubt whatever that I can answer unequivocally "no."

Mr. DOMINICK. I appreciate the Senator's statement. It constitutes a clear, historical record for the benefit of anyone who might later decide to challenge some of these elections on the basis of any bill we might pass dealing with the poll tax.

Mr. MANSFIELD. I believe the Senator from Colorado has performed a service in raising this question and pinpointing the intent of the sponsors of the amendment. I believe that the record made as a result of this discussion would be given great weight in any court of law.

Mr. DOMINICK. I appreciate the comments of the Senator from Montana. Going a little further—and I believe I still have a little time remaining—despite the clear record, I feel that the inclusion in section 14(c) of the words "for which votes are received in an election" expands the scope of the so-called voting rights bill to an extent which I doubt many Senators realize.

I have the fundamental feeling that the bill, if passed in its present form—and I emphasize this, because I support the whole concept of the bill—could do a great deal of damage to the fundamental rights specified in our Constitution, of States to establish the qualifications of their own voters in their own State and local elections.

If we are to take the position that the constitutionality of any proposal which is submitted to vote in an election can be challenged under this type of act, we are going far beyond the scope of the original bill as most of us considered it.

Second, with regard to the pending amendment, we have now decided in the Senate, in this session, in connection with the pending bill, that we would not declare a poll tax, imposed without reference to discrimination on the ground of race or color in State and local elections, illegal by legislation; that we had already done this prior to this time with respect to Federal elections by constitutional amendment; and that the Senate in its wisdom did not wish to do indirectly what it had done directly in its own field.

The pending amendment provides that the "constitutional rights of citizens of the United States to vote is denied or abridged in certain States by the requirement of the payment of a poll tax as a condition of voting."

No statement is made anywhere as to what States are involved. There has been presented before Congress the statement that in the State of Virginia, for example, which imposes a poll tax, there is no evidence that the imposition of the poll tax in Virginia has created any discrimination on the ground of race or color. That statement was made by the U.S. Civil Rights Commission.

The same situation exists in Vermont. However, section 9(a) is not limited to the 15th amendment. It goes into the 14th amendment or whatever provision in the Constitution can be found; so if the Attorney General, under the direction of Congress, should find any poll tax anywhere to be unconstitutional, it would apply equally to all the States involved—Vermont and every other State—regardless of whether or not there had been discrimination on the basis of race or color.

I do not like poll taxes. There is no poll tax in Colorado. I do not believe we should have one. However, I do not feel that I should set the qualifications of voters in the State of Vermont, for example, and I do not believe I should do it in the State of Virginia, if Federal elections are not affected.

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

Mr. DOMINICK. May I have an additional 5 minutes?

Mr. HART. Mr. President, I yield to the Senator from Colorado 5 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 additional minutes.

Mr. DOMINICK. We are now asked by the majority leader to make a finding of fact that the constitutional right of citizens of the United States to vote has been denied or abridged in certain States, without naming them, where the requirement of a poll tax as a condition of voting exists. I do not wish to go before my constituents and say that I have made a finding that the constitutional right of the people of Vermont, so ably represented by the distinguished senior Senator from Vermont [Mr. AIKEN], who is present in the Chamber, and the distinguished junior Senator from Vermont [Mr. PROUTY], who has been present, has been denied or abridged for all of these years, that the two Senators from that State have not been taking issue with the proposal, and are letting go any kind of right that a person in that State has under the Constitution to vote. It seems to me that is wrong. I should be glad to have the comment of the Senator from Montana on that point.

Mr. MANSFIELD. Mr. President, I believe that the distinguished senior Senator from Vermont [Mr. AIKEN] made the record crystal clear in his colloquy with the junior Senator from Massachusetts [Mr. KENNEDY] several days ago. Again I wish to say for the record that there was and is no evidence submitted with respect to the Vermont situation other than the fact of its tax in local elections. For example, there was absolutely no evidence that a poll tax was adopted in Vermont for the purpose, or that it has been used for the purpose, of discrimination by race or color.

Mr. DOMINICK. But that very issue was before the Senate when the junior Senator from Vermont tried to restrict section 9(a) to the 15th amendment. The distinguished Senator from New York [Mr. JAVITS], who sits in front of me, rose and said, "We do not want to restrict it to the 15th amendment. We will base it on all of these points." The question of discrimination on the grounds of race or color is not involved in the question of whether the poll tax is or is not an unconstitutional denial or abridgement of the right to vote as far as this particular section of the amendment in the nature of a substitute is concerned. It strikes me that this is the great problem in relation to that particular subsection of the bill.

Mr. MANSFIELD. On the basis of the knowledge which I have—and I have gone into the question quite thoroughly for a number of reasons—it would appear to me that there is absolutely no evidence which could be attributed to Vermont to indicate violation of any provision of the Constitution with respect to voting.

Mr. DOMINICK. I absolutely agree that there is no evidence in Vermont of any discrimination on account of race or color. But every Senator knows that if a citizen is required to pay a tax before he is entitled to vote, the very necessity of paying a tax constitutes an abridgement of the right to vote, because if one does not have the necessary money, he cannot vote.

Mr. MANSFIELD. The Senator from Colorado ought to keep in mind the points brought out by the distinguished senior Senator from Vermont to the effect that people receiving social security checks and people who are poor or indigent are excluded from the requirement of payment of the tax in order to vote at the town meetings which are held from time to time.

Mr. DOMINICK. I understand that. That is most helpful in the case of Vermont. Though I do not have very much more time—and I know the distinguished Senator from Vermont can get some time on the question—I should be glad to yield to him.

Mr. AIKEN. If I have the time, I should like to ask the majority leader, or any other Senator who could answer, the following question: There is no provision in the Mansfield-Dirksen amendment in the nature of a substitute which would prevent the Attorney General from bringing suit against the State of Vermont any time he so desired, but if he does so, he will not be doing it with the consent or the instructions of the Congress.

Mr. MANSFIELD. The Attorney General could bring a suit in any State, as the Senator well knows. But on the basis of the record made during the course of the debate, I am of the opinion that the intent of the Congress has been very clearly established with respect to Vermont.

Mr. AIKEN. I hope so.

Mr. MANSFIELD. I would go far beyond hope. We have gone about as far as we can for any court to be able to have a very good idea as to what the intent of the Congress was during the course of the debate as it affects Vermont.

Mr. AIKEN. Does the Senator feel that the Senate has gone as far as it can in advising the Attorney General to let Vermont alone?

Mr. MANSFIELD. Just about as far as it can go.

Mr. DOMINICK. I would hope that perhaps in the statements of the distinguished Senator from Montana we could obtain specific reference to the States he has in mind when he refers to "certain States" in the amendment.

Mr. MANSFIELD. Oh, yes. The "certain states" are Alabama, Mississippi, Virginia and Texas. That has been brought up several times.

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

Mr. DOMINICK. I appreciate the courtesy of the Senator from Michigan. That is all I have at the moment.

VISIT TO THE SENATE BY LEBANESE PARLIAMENTARY DELEGATION

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Alabama [Mr. SPARKMAN].

The PRESIDING OFFICER (Mr. BASS in the chair). The Senator from Alabama [Mr. SPARKMAN] is recognized for 5 minutes.

Mr. SPARKMAN. Mr. President, we have the privilege to have visiting in the Senate at this hour a distinguished group of members of the Parliament of Lebanon. They are in this country for a couple of weeks visiting various parts of the country. Some Senators have had the pleasure of having had luncheon with them and talking to them about some things of interest between their country and ours. We are pleased that they expressed a desire to visit the floor of the Senate. I am glad to present them at this time.

They are:

The Honorable Mamdouh Al-Abdallah, Deputy from Marjayoun.

The Honorable Sheikh Habib Keyrouz, Deputy from Becharre.

The Honorable Emile Moukarzel, Deputy from Aley.

The Honorable Bashir Osman, Deputy from Akkar.

The Honorable Fadlallah Talhouk, Deputy from Aley.

The PRESIDING OFFICER. The Chair extends a hearty welcome to our distinguished visitors, and hopes that their visit will be rewarding. [Applause, Senators rising.]

Mr. SPARKMAN. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a very brief biographical sketch of each of the members of the parliamentary delegation.

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

MAMDOUH AL-ABDALLAH, DEPUTY FROM MARJAYOUN

Mr. Abdallah was born in 1932 in the Marjayoun District of South Lebanon. He is a Shi'a Moslem, is married, and has two sons and a daughter. He attended the Friar's School, Sidon, from 1943 to 1949, El-Hikmat School, Beirut, 1949–51, and the École Supérieure des Lettres, Beirut, 1951–52. He speaks Arabic, French, and English.

SHEIKH HABIB KEYROUZ, DEPUTY FROM BECHARRE

Deputy Keyrouz was born in 1916 in Becharre, North Lebanon. He is a Maronite Christian, is married, and has two sons and two daughters. He was educated at the School of Christian Brothers in Tripoli from 1924 to 1936 and at the French Law School in Beirut from 1936 to 1938, where he obtained a License in Political Science. He was elected Deputy from Becharre in 1960 and reelected in 1964. He is chairman of the Parliamentary Economic Committee. He speaks Arabic, French, and English.

EMILE MOUKARZEL, DEPUTY FROM ALEY

Deputy Moukarzel was born in 1917 in Kahalah, Mount Lebanon. After finishing his secondary education at the Jesuit Collège de la Sagesse, he went to France and earned his degree in Architectural Engineering from the University of Paris in 1945. He then returned to Lebanon where he was in private business until 1960. He was elected Deputy from Kahalah in June 1960 and reelected in 1964 from the larger neighboring town of Aley. He is a Maronite Christian, is married and has two children. He speaks Arabic and French.

BASHIR OSMAN, DEPUTY FROM AKKAR

Deputy Osman was born in Bebnine, Akkar District of North Lebanon, in 1914. He is a Sunni Moslem, is married, and has three sons and three daughters. He attended the Teaching and Education College of Tripoli from 1922 to 1933. He has been active in politics for many years. During the 1964 parliamentary elections he was reelected Deputy from Akkar. He speaks Arabic, French, and a little English.

FADLALLAH TALHOUK, DEPUTY FROM ALEY

Deputy Talhouk was born in Aley, Lebanon, in 1915. After graduating from the Aley National College in 1935, he went to work for the Arabian-American Oil Co., where he rose to the position of director of personnel in the Trans-Arabian pipeline (Tapline) division. He was elected Deputy in 1960. He has visited the United States twice before, once for a 2-month Aramco training program and in July 1961 as a member of the parliamentary delegation. He is a Druze by religion. He speaks fluent English and French as well as Arabic.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 187) offered by the Senator from Montana [Mr. MANSFIELD] for himself and the Senator from Illinois [Mr. DIRKSEN], to the amendment in the nature of a substitute, as amended and modified, (No. 124) offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. HILL. Mr. President, I yield 15 minutes to the distinguished senior Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate be in recess for about 5 minutes, in order that Senators may have an opportunity to speak to the gentlemen from Lebanon, the time to be charged to neither side.

Mr. MANSFIELD. Mr. President, I do not believe that can be done, because under the order the vote will take place at 3 o'clock, and therefore there is a time limitation.

The PRESIDING OFFICER. The Chair advises the Senator from South Carolina that, by unanimous consent, the time for all debate is limited, and will end at a given time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time necessary for the call to be charged to the Senator from Michigan [Mr. HART].

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THURMOND. Mr. President, the poll tax provision of the pending bill is the section which has commanded the spotlight in the Senate so far. The controversy surrounding this section has produced the pinnacle of emotional pitch witnessed in this body, and its continued attraction threatens to keep it in the headlines, almost to the exclusion of the real heart of this proposal. Make no mistake, the poll tax provision constitutes a serious matter, but it is no more ultra vires than the numerous other features of the measure and its impact will not be nearly so widespread as will the other sections.

Placing a legislative or judicial ban on the poll tax as a condition of voting would fly in the face of the Constitution to the same extent as would the provisions of the bill which deprive the States of the right to establish a nondiscriminatory literacy test as a method of judging the qualifications of voters. However, it would be infinitely more unwise to take away from some selected States the right to establish other nondiscriminatory voter qualifications, such as literacy tests, than to require a court determination of the constitutionality of the poll tax. The provisions of the bill dealing with the literacy tests would have a more immediate and more drastic effect upon the voting procedures of the States concerned than would the poll tax provisions.

This section of the bill has drawn so much attention and has been in the headlines so continuously that it needs to be placed in its proper perspective, both as to its own demerits and as to its relation with the remainder of the bill.

The present wording of section 9(a) of the Mansfield-Dirksen substitute contains the statement that evidence has been presented to Congress that the requirement of the payment of a poll tax as a condition of voting denies or abridges the constitutional right of citizens to vote in some States. In this section, the Attorney General is directed to institute court action to determine if the abridgment or denial because of the poll tax requirement is in violation of the Constitution of the United States. Mr. President, it would be an easy task to find evidence that the requirement of the payment of a poll tax as a prerequisite to voting has the effect of denying or abridging the right to vote. I personally found that to be the case when I was Governor of the State of South Carolina. I recommended to the State legislature that a constitutional amendment to do

away with the poll tax as a prerequisite to voting be submitted to the people. The legislature concurred in my request, and the poll tax as a prerequisite to voting was abolished in South Carolina during my term as Governor. It was a gratifying experience for me to be instrumental in the abolition of the poll tax as a prerequisite to voting in South Carolina because it was proved to be an unproductive restriction on the voting privilege.

A different question is presented to Congress so far as the poll tax is concerned. Neither Congress nor the courts of the United States have the constitutional authority to do away with the poll tax in any State simply because it places a restriction upon the exercise of the voting privilege. The Constitution does not give anyone the right to vote. The Constitution protects the privilege of voting from infringement by the States on only two counts: First, the privilege of voting cannot be infringed because of race or color; and second, the privilege of voting cannot be infringed because of sex.

In order to hold the requirement of the payment of a poll tax as a condition to voting unconstitutional, it would be necessary to produce evidence which shows that the tax made a distinction because of race, color, or sex. This cannot be done. The poll tax applies across the board to all citizens who would exercise the privilege of the ballot, white as well as black, male as well as female. The evidence mentioned in section 9(a) of the bill does not prove, or even tend to prove, otherwise. All that it proves or can prove is that some individuals fail to tender timely payment of the tax and are therefore prevented from voting. This is a matter which affects the individual and not a particular class determined by race or sex, which would be the only basis for congressional or Federal court action.

The few States which now require the payment of a poll tax as a condition of voting may well have reached the conclusion that conditions in their State, which do not exist in other States, make such a tax desirable. For instance, it may have been determined that the timely payment of the poll tax is necessary to distinguish between those individuals who have a continuing interest in the affairs of government and those individuals who do not show the same amount of interest in the affairs of government. While I may differ with the officials of these States on such a point, as is apparent from the stand I took as Governor of South Carolina, I am in no position to question their constitutional authority to make such a determination. The only distinction which is drawn in this case is between those who have paid the tax and those who have not paid the tax. This distinction does not violate any section of the Constitution of the United States and is therefore a valid exercise of State authority.

The present wording of section 9(a) of the bill states that evidence of this nature has been presented to Congress, but no congressional finding concerning the validity of such evidence is expressed in the bill. The bill directs the Attorney General to bring suit and thereby assure a court determination of the sufficiency of the evidence presented to Congress and to determine whether the restriction of the voting privilege represented by the poll tax is an unconstitutional denial or abridgement. In truth, it is hardly necessary for Congress to direct the Attorney General to take such a course of action in order to have a valid court determination of the matter. Any private citizen would bring a suit of this nature and the judgment of the court would be just as valid as it would be if the Attorney General brought suit on behalf of the United States.

The substitute language now proposed by the majority leader and the minority leader for section 9(a) differs in one important respect from that contained in the substitute at the present time. The new proposal contains a congressional declaration "that the constitutional right of citizens of the United States to vote is denied or abridged in such States by the requirement of the payment of a poll tax as a condition of voting." This declaration goes beyond the competence of Congress and is not founded on any valid evidence. First, the Constitution gives no one the right to vote, as I have previously pointed out. Second, there is no proof that the poll tax applies unequally to any one race or sex.

It would be within the competence of Congress to declare that the requirement of the payment of a poll tax as a condition of voting restricts the franchise in those States which have such a requirement. There is evidence to sustain such a finding by Congress, but it would be a hollow exercise in futility, because this, in itself, would raise no issue within the jurisdiction of the Congress or the Federal courts. Yesterday's edition of the Washington Evening Star contained an editorial entitled "Show in the Senate." This editorial relates specifically to the point which I have just made, and it bears out the accuracy of my observation. I ask unanimous consent that this thought-provoking and well written 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 Washington (D.C.) Evening Star, May 18, 1965]

SHOW IN THE SENATE

The Senate is putting on an interesting demonstration of the fine art of tilting at windmills in the debate on the voting rights bill.

The leadership wanted to adopt an amendment limited to a congressional declaration that poll taxes in the four States which still retain them "may" have been used to deny citizens their voting rights. This did not satisfy the anti-poll-tax Senators, whose effort last week to write a specific ban on poll taxes into the bill was defeated, 49 to 45. These Senators were not satisfied with the leadership proposal, however, and held out for a congressional finding that poll taxes have been used for purposes of discrimination. Minority Leader DIRKSEN objected to this on the sensible ground that Congress had virtually no evidence of discrimination. But now a "compromise" has been worked out which would insert in the bill a congressional declaration that the right to vote is denied or abridged in certain States where payment of poll taxes is a prerequisite to voting.

Of course the poll tax abridges or lays a restraint on the right to vote. So does the requirement that a person must be 21 years old in order to vote. An even heavier restraint is imposed by the insistence in some non-Southern States upon reregistration every 2 years as opposed to permament registration which is provided by Virginia law. What the 15th amendment forbids, however, is denial or abridgment of the right to vote "on account of race, color, or previous condition of servitude." This has generally been taken to mean that there must be proof, in order to establish a violation, that the poll tax is used to discriminate against Negro voters. And on this score, the Senate's undocumented and unsupported declaration is meaningless. It may appease the Senators who were beaten last week. And it may help induce the House to accept the Senate bill. But when the Attorney General undertakes to attack the poll tax on constitutional grounds, as the Senate bill directs him to do, he most certainly would rather have specific proof of discrimination than a congressional declaration which amounts to nothing more than an exercise in semantics.

Mr. THURMOND. Mr. President, in order to make the proposed new wording accurate and in line with the power of Congress, the word "constitutional" should be stricken in both places it appears in the first line, and the phrase "on account of race, color, or sex" should be added at the end of the section. These changes would make the proposed new section read as follows:

In view of the evidence presented to the Congress that the right of citizens of the United States to vote is denied or abridged in certain States by the requirement of the payment of a poll tax as a condition of voting, Congress declares that the right of citizens of the United States to vote is denied or abridged in such States by the requirement of the payment of a poll tax as a condition of voting. To assure that such right is not denied or abridged in violation of the Constitution, the Attorney General shall forthwith institute in such States in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or substitute therefor enacted after November 1, 1964, which, as a condition of voting, has the purpose or effect of denying or abridging the right to vote on account of race, color, or sex.

Changed in this method, the wording of this section would then be accurate, based on the available facts at hand, but constitutionally irrelevant. It would, nevertheless, be an almost totally unprecedented move on the part of the Congress to direct the Attorney General to challenge the constitutionality of a State law. In other areas, the Attorney General, and other agencies of the Government, as well as private individuals, have both the authority and the duty to challenge the constitutionality of State and local enactments. This is a common practice, and hardly merits mention. But to direct the Attorney General to challenge the constitutionality of a specific State law could establish a precedent which may well be regretted in future years.

As I stated at the outset, the poll tax section of the bill has been blown all out of proportion to its importance in relation to the other provisions of S. 1564. If the poll tax were banned by

either legislative or judicial fiat, it would be negated in all the States which have such a requirement, including Vermont. However, the ban on the application of other voter qualifications, specifically the literacy test, would apply in only certain select States. Aside from its obvious unconstitutionality, such an action by Congress is unjustly discriminatory to the States which fall victim to the ban. The States of the Union, although coming into the Union as coequal partners, would now have a distinction drawn between them. Some States would be left with all the powers granted or reserved to them by the Constitution, while others would be forbidden from exercising their constitutional authority. The result would be that an illiterate could vote by virtue of Federal law and contrary to the State law in some States, but still be unable to vote in a Northern or Western State, not covered by the bill, if that State required its voters to give proof of the ability to read and write.

There is further evidence of the discrimination which would be brought about by passage of the bill. The procedures established by the bill for registration of voters by Federal examiners will apply only to Negroes. Thus, Negroes will be registered to vote even though some of them may be unable to read and write, as is required by State law. However, the State law requiring proof of the ability to read and write would still apply to prospective white applicants. Undoubtedly, white people will not be allowed to register under the procedure established by the bill. The result would be that an illiterate Negro would be entitled to register and vote in the States which fall prey to the statistical formula of the bill, but an illiterate white person would still be unable to register and vote. For this reason, I consider the literacy test feature far more serious in terms of its total impact than the poll tax provision of S. 1564.

Mr. HART. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, I am glad that the distinguished majority leader, in a colloquy with the junior Senator from Colorado [Mr. DOMINICK] made it clear that the requirement that a person must be assessed for or have paid a property tax before being permitted to vote on a bond issue or special assessment. Section 9 and the pending amendment is intended to deal with the poll tax as such, a head tax to be paid as a prerequisite of registering or voting. The right to challenge——

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

Mr. HART. Mr. President, I ask unanimous consent that I may be recognized for 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. HART. Mr. President, it is clear that the bill cannot immunize any election, State, Federal, or local, with regard to a 14th amendment violation. However, there is not a scintilla of evidence that there is any such violation before Congress in any local school or drainage district bond issue before Congress.

Mr. President, I yield 10 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I shall first address myself to the essence of what we are trying to do and why, and then deal with the specialized interest of certain Senators who feel that their States are peripherally affected by the proceedings contained in this record and by the poll tax provisions of the bill.

First, on the essence of the matter, let us remember that we were defeated in our effort to ban the poll tax. If we were to ban the poll tax, States which have a beneficient poll tax, such as Vermont and perhaps Colorado—although I do not believe that Colorado would come within that definition—would then change their laws in order to collect the same tax, except that the right to vote would not be conditioned on prepayment of the tax.

In Vermont, for example, payment of the tax could be a precondition to obtaining an automobile license. In that case, we would be dealing with a revenue situation. I have always had grave doubts as to whether revenue situations in States such as Colorado and 18 other States—as has been mentioned—would even come within the meaning of the term "poll tax." However, be that as it may, our amendment banning the poll tax was rejected. We are now talking about a different proposition, and it is that matter that I wanted to develop.

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

Mr. JAVITS. I yield.

Mr. DOMINICK. Mr. President, in States such as Colorado, the only qualification in general and State elections is that one must be 21 years old or older. It is only in special policy elections that we believe, if we are to have an indebtedness placed on the property, we ought to be permitted to decide that issue.

Mr. JAVITS. Mr. President, I stated then and I state now that I do not believe that was encompassed within the meaning of the term "poll tax."

In Vermont, the situation is different. I thoroughly agree with the majority leader. As one who has been active in connection with the pending measure, I join in the statement that the poll tax concept excludes the kind of situation to which the Senator from Colorado has reference.

There are some aspects of the question that I believe apply, even in my State, when the authorities undertake to install some kind of sewer or sanitation project in which the neighboring owner must join.

It may very well be that they must agree to pay their part of the cost. I believe that we get into permutations which are quite apart from the poll tax issue. I believe that the words "poll tax" are used as words of art.

The question of whether Congress shall make a finding of fact with regard to the ban of poll tax is now under consideration. In order to make a finding of fact, we must have some basis of fact. It seems to me that the basis of fact is established by a composite of pending cases and findings which have been made before the origin of the poll tax. The purposes were frankly stated in States which adopted the poll tax.

If we needed a declaration, we have one in the following statement issued by the Civil Rights Commission prior to its definitive report on the results of its hearings on voting in the State of Mississippi:

> The requirement of any poll tax payment as a prerequisite to voting in any election should be abolished, in view of the fact that poll taxes have been intended and utilized as a means of discrimination in violation of the 15th amendment. In the opinion of the Commission, there can be no reasonable doubt of the power of Congress to enact such a provision as an exercise of the power expressly granted to Congress to enforce the 15th amendment.

Reference can be made to the debate as shown in the RECORD for May 7, 1965, at page 9920, and those that follow, in which case after case was cited in which allegations were made that the poll tax was being used to discriminate in voting because local officials do not have to take the tax, and if they do not, a Negro trying to pay it is denied the right to vote.

I mention also the findings of the Judiciary Committee going back to 1953 to which reference was made in this debate in which it was found as a fact, after hearings, that the poll tax was used as a means of discrimination.

I refer also to the citations made by the Senator from Massachusetts [Mr. KENNEDY], the sponsor of the banning amendment, showing how the poll tax was endemically built into a situation which, based on economics, was discriminatory.

In addition, I quote from the 1959 report of the U.S. Commission on Civil Rights, which I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks, but first I quote from it:

> Between 1889 and 1908, the former Confederate States passed laws or amended their constitutions to erect new barriers around the ballot box. The most popular were (1) the poll tax—

And so forth.

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

> The U.S. Commission on Civil Rights in its 1959 report summarizes these events:
>
> Between 1889 and 1908, the former Confederate States passed laws or amended their constitutions to erect new barriers around the ballot box. The most popular were (1) the poll tax; (2) the literacy test; (3) the grandfather clause, which provided an alternative to passing a literacy test for those who had voted in 1867 (or some year when Negroes could not vote) and to their descendants. Other measures included stricter residence requirements, new criminal disqualifications, and property qualifications as an alternative to the literacy test.
>
> These barriers often kept poor whites from voting—and were sometimes openly so intended. But their sponsors made little or no attempt to disguise their chief objective, which was to disfranchise Negroes in flat de-

fiance of the 15th amendment. The chairman of the suffrage subcommittee in the 1902 Virginia constitutional convention declared of the new literacy test:

"I expect the examination with which the black men will be confronted to be inspired by the same spirit that inspires every man upon this floor and in the convention. I do not expect an impartial administration of this clause."

The president of the 1898 Louisiana constitutional convention, which adopted the first grandfather clause, summarized as follows:

"We have not drafted the exact constitution that we should like to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this State, universal white manhood suffrage, and the exclusion from the suffrage of every man with a trace of African blood in his veins. What care I whether the test we have put be a new or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet that case? Doesn't it let the white man vote, and doesn't it stop the Negro from voting, and isn't that what we came here for?" (pp. 30–32).

Mr. JAVITS. Mr. President, it seems to me that, based on that record, we come within the qualifications which was made in the case of Katzenbach against McClung, decided in 1964, which reads:

Where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce—

Commerce in that case—

our investigation is at an end.

I pointed out that if we inserted the words "voting right" in that finding in the place of the word "commerce," it is indeed as sacred a constitutional right as is the regulation of commerce under the Constitution.

One other factor which has also been developed in great detail is the disparity in income in poll tax States, in that the median income of Negroes is between one-half to one-third that of whites in Mississippi, Alabama, Virginia, and Texas, which makes such an economic burden on the right to vote an unequal burden. That proof is in the record.

I refer now to the fact that many questions have been raised about bringing in the argument of the 14th as well as the 15th amendment. The reason is that we are entitled to sustain our objections to the poll tax as they will be put forward in court on the basis of the Constitution in totality. It seems to me that the argument on the 14th amendment does not displace the argument on the 15th amendment; it buttresses that argument. In other words, the equal-protection-of-the-laws question goes to the point whether or not the right is denied or abridged under the 15th or 14th amendments.

As I pointed out before, we were beaten on the ban, and we are now debating the question of the declaration.

Having lost on the ban on the poll tax, it seems to me the purpose of the amendment is to preserve the constitutional right to act against discrimination, denial, or abridgment, but it can no longer be by a flat ban against the poll tax. That is where the case of Vermont comes in. In this statement we are dealing with abridgment under the 15th amendment, but we have the right to employ the concept of the equal protection of the laws doctrine in order to prove our case under the 15th amendment.

I do not see why we cannot use both the 14th and 15th amendments in order to accomplish the congressional purpose, which is to relieve the right to vote of the discrimination which is now shown, and which the poll tax is used as a means of perpetuating. This is the essential element, as I see it, of our argument. That is why the amendment we shall be voting on soon is so completely different from what we tried to do before. There is no gainsaying or coloring of that fact. So we go next to a statement that it is a finding of fact, zeroed in on situations where the poll tax is being used as a means of denying the voting right.

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

Mr. HART. Mr. President, I yield an additional 5 minutes to the Senator from New York.

Mr. JAVITS. That is the basic legal background which bears on this finding of fact.

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

Mr. JAVITS. I yield.

Mr. DOMINICK. The finding of fact which the Senator is asking Congress to make is based on reports of the Civil Rights Commission which show that the poll tax in certain States—specifically Mississippi—has been used to deny or abridge the right to vote on account of race or color—which is based on the 15th amendment; but here the Senator is asking not to restrict it to the 15th amendment, but to refer to a poll tax which denies or restricts the right to vote. Any poll tax does that, because if one does not have the money to pay a poll tax, he cannot vote, regardless of whether it is $1.50 or $2.50. So it is a bar to his voting, regardless of whether it is on the basis of color or race.

I cannot find any evidence which would support a finding by Congress that the 14th amendment has been violated.

Mr. JAVITS. The reason for using the figures for median income is that it buttresses that finding of fact, because where there is not that disparity in certain States, on economic grounds, the poll tax does not work to abridge the right to vote. But the very clause the Senator referred to deals with denial or abridgment of the right to vote in certain States by reason of that fact. That gives the court a clue as to our selectivity. We were running across the board. Now we are dealing with a finding of fact which has been made with respect to States where there is that disparity and where the original record of the purpose of having adopted the poll tax shows that it was for the purpose of restricting the right to vote.

It seems to me that the finding of fact is so clearly selective that the courts will be selective, as we call upon them to be, especially because we have lost on our earlier attempt for a complete ban. I do not believe we can color that at all. We have lost on the basic proposition of a ban across the board. I therefore conclude that the finding of fact will enable the courts to act in situations in which basis the right to vote is being actually abridged or denied by virtue of the utilization of the poll tax and it will not—as was the intent of the ban upon which we lost—result in poll taxes across the board being banned.

It may very well be that in some other State, other than in the four States to which I have referred in this discussion, the courts will find in fact that the poll tax does work as an abridgment of the right to vote in an unequal way. If it does, then the result will follow, but the result will follow anyhow, whether we said so here or not; hence, the finding of fact buttresses the capability of the courts to act, but does not, as would the ban, compel the courts to act. We have given sufficient evidence of our desire to be selective so that, in my judgment, the courts which pass upon the matter will be selective.

I close by pointing out that this proposed amendment is not the optimum for me. Perhaps that is why I am in the best position to speak. I believe and still believe that the poll tax should have been banned, that it is an anachronism in American life and an improper burden upon the right to vote.

But I lost. So, Mr. President, I am proud to interpret what is before the Senate, and what is before the Senate is selective in its character and quality. That is the way I understand it.

Mr. HART. Mr. President, I yield 4 minutes to the Senator from Massachusetts [Mr. KENNEDY] who, I understand, desires to address himself to this question.

The PRESIDING OFFICER. To whom does the Senator from Michigan yield time?

Mr. HART. I yield 4 minutes to the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. President, we have been considering an amendment offered by the distinguished majority and minority leaders to section 9(a) of their substitute bill. Their amendment is quite similar to the existing language, except for the addition of a declaration by Congress that the right of citizens to vote is denied or abridged in certain States by the presence of a poll tax as a condition for voting.

I will vote for the inclusion of this amendment. I will vote for it, because it does strengthen the poll tax section of the bill. To the extent that the amendment makes more clear the position of Congress in this matter, it will make the task of the Attorney General that much easier in the suits he is directed to bring.

Mr. President, there is no doubt in my mind that the presence of a poll tax as a condition for voting stands in violation of the 14th and 15th amendment rights of citizens. Anything that will give greater assurances that such taxes will be removed deserves our support. I am hopeful that the addition of a congressional declaration as found in this amendment will move us closer to the elimination of such taxes. On that basis, I am in favor of such language being included in the Senate bill.

Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, before the Senator yields back the remainder of his time, I should like to express once more to the Senator from Massachusetts the thanks of all of us who have felt so strongly through the course of debate the desirability of a ban on poll tax.

I believe that history—which is given to noting only few of the events, really, which take place daily in the Senate—will, nonetheless, take explicit notice of the dramatic leadership the Senator from Massachusetts [Mr. KENNEDY] has given throughout this debate in focusing attention on the desirability of expressing our strong disapproval of the poll tax.

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the remarks of the Senator from Michigan. To all of us as members of the Committee on the Judiciary, he has been our true leader in this undertaking.

I appreciate his remarks, and I applaud his efforts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HART. Mr. President, I yield 10 minutes to the distinguished majority leader the Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. MANSFIELD. Mr. President, the poll tax issue has been no small question in this body. In some measure it has been a symbolic issue. Monday I introduced, on behalf of myself and the distinguished minority leader, an amendment which we both hope will fully and finally cope with this important issue.

The pending amendment is not, in my opinion, a significant change from the language it replaces in the substitute. The original language directed the Attorney General to bring suits to enjoin the use of a poll tax as a condition of voting where the poll tax has the purpose or effect of abridging or denying the right to vote. The amendment does not change this provision.

The only real change is that the amendment adds a new phrase expressly declaring a congressional view with respect to the right which the Attorney General shall seek to protect in these suits.

I said on this floor on May 7, 1965, that in section 9(a) there was an implied congressional finding that poll taxes used as a precondition to voting in some States constituted a denial or abridgment of the right to vote. The Attorney General agreed with me.

But many able Senators, also fine lawyers, disagreed and contended that the language could be misunderstood and interpreted as other than an implied finding.

Mr. President, the amendment to section 9(a) which I have introduced on my own behalf and that of the distinguished minority leader is intended simply to say expressly what we intended to imply. It is an express declaration that poll taxes used as a condition of voting in certain States violate the constitutionally guaranteed right of all citizens to vote. This change removes any doubt—the intention of our original language is now manifestly clear.

It expresses our contention based upon the evidence before us that certain States have poll taxes that have an inherent capability for discrimination.

In view of the Attorney General's previous statements on this matter, I asked him to evaluate the language of the amendment presently before us in the hope that he would corroborate my interpretation. The Attorney General has responded by letter dated today in which he confirms my statement with respect to the pending amendment. I ask that the Attorney General's letter be placed in the RECORD at this point in my remarks.

With these factors in mind, I urge the adoption of the pending amendment.

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

MAY 19, 1965.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MANSFIELD: This is in response to your inquiry as to my views concerning the revised poll tax provision which you and Senator DIRKSEN have proposed as an amendment (No. 187) to the Mansfield-Dirksen substitute voting rights bill. Specifically, you have asked whether the revisions alter my judgment, previously expressed in my letter to you of May 7, 1965, that the provision to be amended directs the Attorney General to bring suit to challenge the poll tax as a violation of both the 14th and 15th amendments to the Constitution.

I have reviewed amendment No. 187, and I find it to be a clear expression of the judgment of the Congress that, on the evidence presented, the requirement of the payment of a poll tax as a condition of voting constitutes a denial or abridgment of the constitutional right of citizens of the United States to vote. Without question, this declaration and the direction to bring suit encompass the 14th and 15th amendments as well as any other provisions of the Constitution which might be relevant to an adjudication of the constitutionality of the poll tax. This solemn declaration of the Congress should be very important in guiding the courts to a resolution of the ultimate constitutional question.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. MANSFIELD. Mr. President, certain questions have been raised about the situation in the State of Vermont. I am in receipt of a letter from the Attorney General of the United States with respect to these questions, which reads as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 19, 1965.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MANSFIELD: On May 17, 1965, I responded to Senator WINSTON L. PROUTY who had inquired whether the poll tax collected by the State of Vermont would be affected by section 9 of the Mansfield-Dirksen substitute voting rights bill. I advised Senator PROUTY that section 9 would require the Attorney General to institute actions for declaratory judgment or injunctive relief against the enforcement of any poll tax which as a condition of voting in State or local elections has the purpose or effect of denying or abridging the right to vote. I stated further that without a more extensive examination of the circumstances surrounding the Vermont poll tax, I could not forecast the result of a test against the standard set forth in section 9 but that the provision would leave Vermont free to enforce the poll tax as a precondition to voting until a court had held the tax unconstitutional.

You have asked that I make a further review of the circumstances surrounding the Vermont tax. In response to your request I can advise you that the statutes of the State of Vermont require that persons over 21 years of age pay a $1 tax as a precondition of voting in town meetings and municipal meetings. Annual town meetings are to be held the first Tuesday in March and the tax must be paid prior to January 1 of each year. The statutes provide a number of exemptions from the tax requirement, including "Persons actually poor" and "Persons receiving old-age assistance." Vermont Statute Annotated, 1958, title 24, section 701; title 32, sections 3601, 3802.

My review indicates further that except for the fact of the requirement of the tax as a precondition of voting, there is no present evidence before the Congress that the Vermont provision was initially adopted or has been administered in violation of the Constitution. I understand the declaration which is a part of the proposed amendment to the substitute (No. 187) to reflect this state of the evidence as to Vermont and, without additional evidence of discrimination would not be prepared to bring an action directly against the Vermont provision.

You recognize, I am sure, that one of the issues in the pending *Harper* case in the Supreme Court and in each case of a poll tax is whether such a tax constitutes a denial of due process because there is no reasonable relationship between its payment and an individual's qualification as a voter and, because such revenue as may accrue from the tax may be raised by alternative means which are not a clog upon the franchise. Should the Court accept this position, it would be largely determinative of any issues with respect to the constitutionality of the Vermont tax as well as any other poll tax required as a precondition of voting.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. HART. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes remain of the Senator's time.

Mr. HART. I yield myself such time as I may require.

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

Mr. HART. I yield.

Mr. PROUTY. Is it the Senator's view that in the letter the Attorney General has expressed the opinion that the constitutional rights of citizens of the United States to vote is not denied or abridged in the State of Vermont by the payment of the poll tax as a condition of voting?

Mr. HART. It is my understanding, based on all the evidence available to him and to us, that the Attorney General has advised us that he would be in no position to undertake an action. I feel certain if he felt the evidence did indicate

a denial or abridgment, he would be compelled to take action. I reply to the question of the Senator from Vermont by saying that there is no indication of a denial or abridgment in the case of Vermont.

Mr. PROUTY. Indeed Vermont's situation is unique. Even if the Supreme Court should one day hold that a poll tax may result in economic discrimination, as some are contending, Vermont's tax would quite probably still be upheld because in my State the poor, the people on old age assistance, and others upon whom the tax might work a hardship are excused from paying it.

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

Mr. HART. I yield.

Mr. MANSFIELD. I should like to say again what I have already said to the distinguished senior Senator from Vermont [Mr. AIKEN]. No evidence was submitted with respect to the Vermont situation other than the fact of their tax in local elections, and there was absolutely no evidence, for instance, that a poll tax was adopted in Vermont for the purpose or that it has been used for the purpose of discrimination by race or color.

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

Mr. HART. I yield. How much time have I remaining?

The PRESIDING OFFICER. Three minutes.

Mr. MILLER. I merely wish to ask the Senator, for the record, what his understanding is of the status of the finding by Congress, set forth in the pending amendment, in so far as its evidentiary value in a court case brought by the Attorney General is concerned.

Mr. HART. It ought be an extremely persuasive factor with the court. Indeed, I believe cases have already been cited which indicate that if there is commonsense or good reason for such a finding the court will accept it.

Mr. MILLER. Except we do not spell out what States are involved; so it would require a separate direction for each State. Therefore, might we say that this is not conclusive evidence but that it might constitute a presumption in that respect?

Mr. HART. First, States have explicitly been named and identified as those which the evidence points to and with respect to which we are making this finding: Alabama, Louisiana, Mississippi, and Texas.

Second——

Mr. MILLER. But the States are not spelled out in the amendment.

Mr. HART. No. There is clear indication, however, in the legislative history on which we make our finding with respect to them, and I believe the court would accept the finding, which I believe is substantial and persuasive.

Mr. MILLER. Not conclusive.

Mr. HART. I would not like to speak for the court. It is my feeling that the evidence is overwhelming, but it would be a matter for the court to decide.

Mr. MILLER. But the Senator certainly does not intend to have Congress tie the hands of the court in making a finding, does it?

Mr. HART. We would not be in a position to do it even if we intended it. I am sure the court gives us credit for good faith and sound judgment in making such a finding.

I yield the remaining time to the Senator from Mississippi.

Mr. STENNIS. Mr. President, in my opinion the pending amendment is a spurious political move, intended to coerce, and is an insult to the Supreme Court of the United States. If it is an attempt to interpret, on the part of the legislative branch, what the decision should be, it is out of order. If it is in the nature of an order, a mandate, or is a coercion, or an attempt to put the Court on the spot, it is a downright insult. If the Court passes on this question, I hope it will ignore this amendment which I believe the Court would do. If it does not ignore the language of this amendment, I hope the Court will expressly reprimand the Senate for interfering with the Court's high prerogative as the sole holder of judicial power. If a citizen should seek to influence the Court as we are doing here he would be punished for contempt.

I thank the Senator for yielding me the time.

Mr. COOPER subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD prior to the vote, a statement in support of the Mansfield-Dirksen amendment.

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

STATEMENT BY SENATOR COOPER

MAY 19, 1965.

I support the Mansfield-Dirksen amendment to section 9(a) of the voting rights bill.

There is no question that the requirement of a payment of a poll tax as a precondition to voting has been used to deny and abridge the right of Negroes to vote. The legislative history of the enactment of the poll tax in States where it is now a requirement for voting clearly indicates that it was conceived as a tool or method of keeping Negroes from exercising the franchise. The debates during the past 2 weeks on this question have very clearly documented the legislative history in this respect, and I shall not encumber the record with additional material that is repetitious on this point.

I have studied the testimony presented at the hearings on the voting rights bill before the Judiciary Committee. I would like to particularly mention the 1964 status report prepared by the attorneys in the Civil Rights Division of the Department of Justice commencing at page 1175 of part 2 of the hearings. The Department has developed a particular line of cases with respect to the discriminatory uses of the poll tax.

1. *U.S.* v. *Dogan* (314 F. and 767 5th Cir.) the circuit court found: "Distinctions on account of race or color have been made in the collection of poll taxes in Tallahatchie County, Miss."

The court went on to state: "A careful scrutiny of the evidence adduced in the trial court discloses that beyond question racial discrimination was being practiced, even up to the last day of the taking of evidence in the hearing of the motion for preliminary injunction."

The findings in the Dogan case may be summarized as follows:

The sheriffs of the county refused to receive poll tax payments from Negroes.

Negroes were required to make payments to the sheriff and not to his deputies, as was the case of the whites.

The sheriff's office assisted whites who wished to pay their poll taxes, and not Negroes.

Out of a population of 6,483 Negroes in the county, no Negro had ever been permitted to pay a poll tax.

2. *U.S.* v. *Allen* (clerk of Chickasaw County, Miss.—filed September 3, 1964). This case is pending. The Department of Justice has alleged that Negroes were refused poll tax certificates by the clerk or his agent.

3. *U.S.* v. *Simpson* (clerk of Chickasaw County, Miss.—filed December 16, 1963). The Department of Justice alleges that between 1947 and 1964 at least 14 Negroes made 21 attempts to pay their poll taxes to sheriffs of the county and payments were refused while whites were permitted to pay their taxes at the same time.

4. *U.S.* v. *Duke* (332 F. 2d 759, 5th Cir.). Here the court found that "another means employed by Duke to discourage and delay Negro registration was his requirement—imposed only on Negroes—that applicants have two current poll tax receipts prior to registration."

The above cases are examples of discrimination practiced against Negroes with respect to poll taxes and illustrate that the discriminations practiced have taken general forms. Among other forms there has been:

Discrimination in the refusal of the collecting authority to receive poll tax payments from Negroes;

Discrimination in the refusal of the clerks to issue poll tax receipts; and

Discrimination in the requirement that Negroes have two current poll tax receipts prior to registration whereas whites were required to produce the receipt prior to voting.

Furthermore, the Commission on Civil Rights has made a finding with respect to the discriminatory use of the poll tax. In a meeting on May 5, 1965, the Commission took under consideration and study a report on voting resulting from hearings held in the State of Mississippi in February. The Commission then adopted the following recommendations:

"The requirement of any poll tax payment as a prerequisite to voting in any election should be abolished, in view of the fact that poll taxes have been intended and utilized as a means of discrimination in violation of the 15th amendment. In the opinion of the Commission, there can be no reasonable doubt of the power expressly granted to Congress to enforce the 15th amendment."

The Mansfield-Dirksen amendment provides that Congress "declares that the constitutional right of citizens of the Unied States to vote is denied or abridged in such States by the requirement of the payment of a poll tax as a condition of voting."

In view of the evidence presented in the courts and the findings made by the Civil Rights Commission, it seems to me that this declaration is a proper one for Congress to make and would reenforce the Attorney General's position in the courts.

I note that in the Attorney General's letter of May 7 to the majority leader, he states that "So saying, I do not mean to imply any reluctance to argue that poll taxes, as applied, abridge rights guaranteed by the 14th and 15th amendments. On the contrary, I welcome the congressional directive to challenge these so-called qualifications for voting on both grounds in judicial proceedings. And I accept all the arguments marshaled in support of invalidating the poll tax; I would invoke these in the suits the Department of Justice is directed to institute."

Thus, the Attorney General could proceed on both 14th and 15th amendment grounds. The court, of course, could decide a case on any ground and would not be limited by any declaration that Congress might make on the subject. But it seems to me important that the amendment directs the Attorney General to proceed on the basis of the 14th and 15th

amendments in any argument before the Supreme Court.

I have studied the recent decision handed down by the Supreme Court on April 27, in the Virginia case of *Harman* v. *Forssenius*. In that case, the Court had to construe the 24th amendment in determining whether or not Virginia could require in Federal elections that the voters either pay the customary poll taxes as required for State elections or file a certificate of residence. The Court held that this requirement was in violation of the 24th amendment and struck it down. But in analyzing the decision, it is significant that the Court discussed at length the origin and application of the poll tax as a method of disenfranchisement. The Court, at page 10 of the pamphlet opinion, discusses the number of antipoll tax bills that were passed by the House since 1939 and the findings made by the various congressional committees. The Court takes note that "one of the basic objections to the poll tax was that it exacted a price for the privilege of exercising the franchise." And points out that, "another objection to the poll tax raised in the congressional hearings was that the tax usually had to be paid long before the election—at a time when political campaigns were still quiescent—which tended to eliminate from the franchise a substantial number of voters who did not plan so far ahead. The poll tax was also attacked as a vehicle for fraud which could be manipulated by political machines by financing block payments of the tax. In addition, and of primary concern to many, the poll tax was viewed as a requirement adopted with an eye to the disenfranchisement of Negroes and applied in a discriminatory manner. It is against this background that Congress proposed, and three-fourths of the States ratified, the 24th amendment abolishing the poll tax as a requirement for voting in Federal elections."

In discussing the 24th amendment, the Court reaffirmed: "It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. * * * Significantly, the 24th amendment does not merely insure that the franchise shall not be 'denied' by reason of failure to pay the poll tax; it expressly guarantees that the right to vote shall not be 'denied or abridged' for that reason."

In concluding, the Court refers to the Virginia constitutional convention of 1902 and quotes a statement on the debate at that convention with respect to the poll tax to demonstrate that the purpose of the poll tax was the elimination of every Negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate.

With a declaration of Congress as contained in this amendment, supported by Court decisions and pending cases and a finding by the Civil Rights Commission, together with the dictum contained in this most recent case, it is my opinion that we are giving the Attorney General the necessary means to pursue a proper Court test, under all constitutional grounds, invoking the equal protection of the laws clause, of the 14th amendment, as well is the 15th amendment. The Supreme Court will decide whether a poll tax as a precondition of voting may be stricken down completely, or suspended, as in the case of literacy tests. I believe this decision is properly one for the Supreme Court rather than the Congress. My State of Kentucky does not impose a poll tax as a precondition of voting, but four States continue to do so. I believe that such a precondition is not only obnoxious but contradictory of the freedom to vote.

I believe that this section fortified by the expressed findings of the Congress, will enable a speedy decision by the Supreme Court. I hope very much that the poll tax as a condition of voting will be restricted down.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time for debate has expired. The hour of 3 o'clock having arrived, the question is on agreeing to the amendment (No. 187) offered by the Senator from Montana [Mr. MANSFIELD] for himself and the Senator from Illinois [Mr. DIRKSEN], to the amendment in the nature of a substitute, as amended and modified (No. 124), offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). On this vote I have a pair with the distinguished Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], and the Senator from Wyoming [Mr. McGEE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. MONTOYA], and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Georgia would vote "nay" and the Senator from New Mexico would vote "yea."

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], and the Senator from Alaska [Mr. GRUENING], and the Senator from Wyoming [Mr. McGEE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The pair of the Senator from Nebraska [Mr. HRUSKA] has been previously announced.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. JORDAN], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

The result was announced—yeas 69, nays 20, as follows:

[No. 76 Leg.]

YEAS—69

Aiken	Burdick	Gore
Allott	Cannon	Harris
Anderson	Case	Hart
Bartlett	Clark	Hartke
Bass	Cooper	Hayden
Bayh	Cotton	Inouye
Bennett	Dodd	Jackson
Bible	Douglas	Javits
Boggs	Fannin	Kennedy, Mass.
Brewster	Fong	Kennedy, N.Y.
Kuchel	Monroney	Proxmire
Lausche	Morse	Randolph
Long, Mo.	Morton	Ribicoff
Long, La.	Moss	Saltonstall
Magnuson	Mundt	Scott
Mansfield	Murphy	Smith
McCarthy	Muskie	Symington
McGovern	Nelson	Tydings
McIntyre	Neuberger	Williams, N.J.
McNamara	Pastore	Williams, Del.
Metcalf	Pearson	Yarborough
Miller	Pell	Young, N Dak.
Mondale	Prouty	Young, Ohio

NAYS—20

Byrd, Va.	Hickenlooper	Smathers
Byrd, W. Va.	Hill	Sparkman
Curtis	Holland	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	McClellan	Thurmond
Ervin	Robertson	Tower
Fulbright	Russell, S.C.	

NOT VOTING—11

Carlson	Gruening	Montoya
Church	Hruska	Russell, Ga.
Dirksen	Jordan, Idaho	Simpson
Dominick	McGee	

So the amendment of the Senator from Montana [Mr. MANSFIELD] for himself and the Senator from Illinois [Mr. DIRKSEN] to the amendment in the nature of a substitute, as amended (No. 124), offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN] was agreed to.

Mr. HART. Mr. President, I move that the Senate reconsider the vote by which the amendment to the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I submit a unanimous-consent request and ask that it be considered.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The clerk will read the request.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Thursday, May 20, 1965, at the conclusion of routine morning business, during the further consideration of the bill S. 1564, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to one hour to be equally divided and controlled by the mover of any such amendment or motion and the junior Senator from Michigan [Mr. HART]: *Provided*, That in the event the junior Senator from Michigan is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the majority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That the vote on the pending Mansfield-Dirksen substitute shall occur at 4 p.m. Tuesday, May 25, 1965, and that the debate on said amendment shall commence at 12:30 p.m. on that day with the time equally divided and controlled by the majority leader and the senior Senator from Louisiana [Mr. ELLENDER], and

Ordered further, That immediately after the vote on the Mansfield-Dirksen substitute the Senate proceed to vote on the committee substitute as amended by the Mansfield-Dirksen substitute and then on the final passage of S. 1564, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. Mr. President, reserving the right to object, as I have stated on several occasions, no objection would be urged on a limitation of debate

on amendments. But since the proposed order includes a vote on the bill at a specific time, I shall object.

Mr. MANSFIELD. Mr. President, this is at least the second time, possibly the third, in which the leadership has attempted to obtain a unanimous-consent agreement which would bring this issue to a head. Yesterday the Senate completed 4 weeks of debate on the bill. I believe the time has come to decide the issue one way or the other.

I do not know what the prospects for cloture will be next week, but I believe it is only fair to inform the Senate that the distinguished minority leader [Mr. DIRKSEN] and I intend to submit a cloture motion on Friday next. We are sure we can get enough signatures for that.

When that is done, it will mean that a vote will take place on the cloture motion itself 1 hour after the Senate convenes on Tuesday next, May 25.

It is the intention of the leadership to have the Senate meet tomorrow.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 o'clock noon tomorrow.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to have the Senate meet at 12 o'clock on Friday of this week. At that time the cloture motion will be submitted.

At the conclusion of business on Friday, it is intended to have the Senate go over until Monday. On Tuesday next, 1 hour after the Senate convenes, the vote will occur on cloture. I do not know whether the votes for cloture are available or not. That is something the Senate itself will have to decide. But I feel that 5 weeks will be long enough to spend on this measure. I hope the judgment of the Senate will prevail in support of the motion of the leadership.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. ELLENDER. I presume that when the Senate meets on Tuesday, it will meet at noon?

Mr. MANSFIELD. It will.

Mr. ELLENDER. So the vote on cloture will be at 1 o'clock on Tuesday?

Mr. MANSFIELD. Yes; at 1 o'clock on Tuesday.

AMENDMENT NO. 167

Mr. FONG. Mr. President, I call up my amendment No. 167.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. FONG. I yield.

Mr. TOWER. Mr. President, on Monday I should like to call up my amendment which is, in the most part, in the nature of a substitute. It is, in effect, the Ford-McCulloch bill of the minority in the House of Representatives.

At this time, I inform the Senate that I should like to propound a unanimous-consent agreement that 4 hours be allowed for debate on that amendment, 2 hours to a side. The amendment is very comprehensive.

I thought that I should inform the Senate at this time. I have conferred with the distinguished minority leader on this point, and he believes that this can come to pass.

Mr. MANSFIELD. Mr. President, I assure the Senator that the joint leadership, as well as the Senate, will do the best it can to comply with the request of the Senator.

Mr. MORSE. Mr. President, I understand that under the schedule outlined by the majority leader, the cloture motion will be filed on Friday, and a vote will be had on Tuesday at 1 o'clock.

Mr. MANSFIELD. The Senator is correct.

Mr. FONG. Mr. President, on behalf of myself and other Senators, I call up my amendment No. 167, to the Mansfield-Dirksen substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 15, line 24, of the Mansfield-Dirksen substitute——

Mr. FONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment to the amendment will be printed in the RECORD at this point.

The amendment (No. 167) offered by Mr. FONG, for himself and other Senators, to the Mansfield-Dirksen substitute, is as follows:

On page 15, line 24, after "SEC. 10." insert "(a)".

On page 16, between lines 23 and 24, insert the following:

"(b) Whenever an examiner is serving under this Act in any political subdivision, the Attorney General may assign one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Persons assigned by the Attorney General pursuant to this subsection shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181), prohibiting partisan political activity."

Mr. FONG. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, without the Senator from Hawaii losing the floor, 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.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a vote on the pending amendment at 4:30 p.m. today—the yeas and nays have already been ordered—and that the time be somewhat equally divided, with a little more time going to the opposition than those in favor of the pending amendment; namely, that 25 minutes be allotted to the opponents and 20 minutes to the proponents.

The PRESIDING OFFICER. It there objection to the proposed unanimous-consent request?

Mr. HILL. Mr. President, reserving the right to object, is it the thought of the Senator from Montana that when this amendment shall have been voted on and disposed of, the Senate will then adjourn until tomorrow?

Mr. MANSFIELD. The Senator is correct. My understanding is that following disposition of the pending amendment, the Kennedy-Javits amendment having to do with voting in the State of New York will be laid before the Senate, but the vote at 4:30 will be the last vote tonight.

Mr. HILL. Then the business of the Senate will have been concluded?

Mr. MANSFIELD. Yes; the business of the Senate for the day will have been finished.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. FONG. Mr. President, I yield myself as much time as may be necessary.

The PRESIDING OFFICER. The Senator from Hawaii may proceed.

Mr. FONG. Mr. President, I rise to speak on amendment No. 167 to the Mansfield-Dirksen substitute bill to S. 1564 which has been jointly sponsored by 17 Senators: Senators BAYH, BURDICK, CASE, CLARK, DODD, HART, JAVITS, KENNEDY of Massachusetts, LONG of Missouri, MCCARTHY, MORSE, MOSS, RIBICOFF, SCOTT, TYDINGS, WILLIAMS of New Jersey, and me.

The amendment would allow the Attorney General, in any State or political subdivision to which a Federal examiner has been appointed under the bill, to assign one or more persons, who may be officials of the United States, first, to enter and attend any place for holding an election for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and second, to enter and attend at any place for tabulating the votes to observe whether votes cast by persons entitled to vote are being properly tabulated.

During the Judiciary Committee's executive deliberations on S. 1564, an amendment similar in substance to this amendment was introduced by me on behalf of myself and eight other Senators, to empower Federal examiners who are appointed by the Civil Service Commission to appoint poll watchers. The com-

mittee, by a 10-to-3 vote, adopted this amendment, which was included in the bill reported on April 9.

As the Chairman of the Civil Service Commission feels that the assumption of observer duties by the representatives of the Federal examiners will compromise the objective posture of the Commission in carrying out the listing and challenge procedures assigned to it under the bill, the amendment I have introduced has been recast so as to give the Attorney General, rather than the Federal examiners under the Civil Service Commission, discretionary authority to assign one or more persons to serve as poll watchers.

These poll observers would not supplant the poll watchers appointed by the political parties, candidates for political office, nor other State and local presiding officials.

Mr. President, we who are sponsors of this amendment feel that it is a necessary and an important part of this bill. It implements and fulfills, like no other provision, the desired objective of this voting rights bill—which is to see that all qualified citizens are allowed to vote and have their votes counted.

The leadership bill now pending before the Senate recognizes this in providing for the appointment of poll watchers in judicial proceedings where there is a failure in listing voters qualified by the examiners. However, the leadership bill does not authorize the selection of poll watchers in a situation under section 3(a) or triggered under section 4(b), whereby Federal examiners are assigned to a State or political subdivision. The leadership bill is very limited in its application. It comes into play only in the following set of circumstances.

Whenever the Attorney General receives, at least 20 days before any election, a complaint signed by 20 or more persons of voting age residing in a political subdivision, alleging that persons who have been listed in accordance with the provisions of section 7 of the bill, which provides for the listing of persons found qualified to vote by the examiner, have not been placed on the official voting lists by State or local election officials, the Attorney General shall institute an action in a Federal district court to require that such persons be placed on the official voting lists and be permitted to vote.

Only under this set of circumstances the court shall include in its order the appointment of poll watchers if—and only if—the Attorney General so requests.

Thus, the authorization to appoint poll watchers under the leadership bill is limited to a situation where there are five preconditions:

First. There must be a finding by the examiner that the applicant is qualified to vote;

Second. The applicant is not listed on the official lists;

Third. At least 20 such aggrieved persons must sign a complaint which is sent to the Attorney General;

Fourth. The Attorney General must bring an action in a Federal district court to restore these persons to the official voting lists; and

Fifth. The Attorney General must specifically request that the court appoint poll watchers as a part of its order.

Upon his request the court is mandated to appoint poll watchers. In other words, the court must appoint poll watchers if the Attorney General wants them. No discretion is allowed the courts.

The amendment which I have introduced is not limited to these conditions. It is far broader in its application. It allows the selection of poll watchers whenever an examiner has been appointed whether by the court or by the Civil Service Commission. It allows the appointment of poll watchers appointed under sections 3(a) and 4(b). It does not confine their appointment only to section 10.

Moreover, it does not require judicial action rather than administrative action as the pending amendment contemplates, in order to appoint poll watchers.

Everyone knows that the very reason why we are considering S. 1564, which substitutes an administrative process for court action to effectively protect the right of franchise to all qualified citizens, is that court action is slow, ineffective, and cumbersome. It requires a case-by-case approach in each jurisdiction. In some jurisdictions the court is unsympathetic.

It makes no sense at all to provide administrative machinery to speed voter registration and then—at the most crucial stages—require court action to make sure that ballots are actually cast and tabulated.

Under the pending amendment, a voter applicant need not have first applied and been omitted from the official voting lists; 20 signatures of aggrieved persons need not first be sent to the Attorney General; the Attorney General need not bring a court action to restore these persons to the official voting lists, and the Attorney General need not specifically ask a court to appoint the poll observers—none of these is prerequisite to their appointment under this amendment.

All that is required for the Attorney General to appoint the poll observers is that a Federal examiner be appointed under section 3(a) or section 4(b) of the bill.

It is very appropriate to vest the Attorney General with the power to assign poll watchers.

The courts lack the administrative personnel to appoint and supervise the poll watchers. But the Attorney General, being an executive officer and the department head of an agency of Government responsible for executing and administering Federal laws, is by far the more appropriate agency to handle these poll watching responsibilities than the courts.

This amendment is an integral part of the work of the examiner to carry out the intent of the bill. This amendment is indeed part and parcel of the bill. Being so fundamental, this amendment in fact goes to the heart of the bill.

It effectuates the basic purpose of the bill—to protect the right of every qualified citizen to register, to vote, and to have his vote counted.

What good is there to be registered for voting and then at the final gate, to be turned away or not have his vote counted.

This amendment would not disturb the leadership's provisions on the poll watchers under section 10. It simply provides for additional stiuations under which poll watchers may be appointed.

By adopting this amendment the substance of the action of the Judiciary Committee would be restored.

The Civil Rights Commission has repeatedly recommended, in its reports of 1961 and 1963, that the right to register, to vote, and to have one vote counted be protected by the strongest possible legislation, which should include "both standards and implementation."

The Commission has recognized the need to effectively implement voting rights legislation. In its 1963 report, the Commission pointed out that despite the passage of such legislation in 1957 and 1960, the institution of voting rights suits by the Department of Justice, and the operation of several private registration drives, Negro registration in these counties has risen from 5 percent to 8.3 percent in 100 counties of 8 Southern States.

Citing these facts, the Commission said:

> The reasons for the low rate of increase in Negro registration appears to include the high cost of litigation, the slowness of the judicial process on both the trial and appellate level, the inherent complexity of supervising the enforcement of decrees, intimidation and reprisals against Negroes who seek to vote, and the employment of diverse techniques by State and local officials to subvert the Constitution of the United States.

The Civil Rights Commission has issued a memorandum dated May 17, 1965, strongly supporting this pending amendment on poll watchers. Citing data compiled from the Commission's own records, the memorandum concluded that:

> The presence of Federal officials (at the polls) would have, in our judgment, a significant ameliorative effect upon the fears of the Negro community and the possibility of violence.

Mr. President, I ask unanimous consent that the memorandum of the Civil Rights Commission be printed in the RECORD at this point in my remarks.

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

CIVIL RIGHTS COMMISSION MEMORANDUM

MAY 17, 1965.

The following is a summary of available information which would support a provision for Federal poll watchers in connection with the pending voting legislation.

1. At the Commission's hearings in Jackson, Miss., last February most of the witnesses on voting problems testified to practices which had excluded them or other Negroes from registering to vote. A few witnesses, however, who were registered, testified that fear had kept them from voting. It was explained that while registration took place in the county courthouse, which was usually in a substantial town, ballots were cast at precinct polling places which were frequently in remote rural locations.

Witnesses testified of having been driven from a polling place by threats or of a generalized fear of attempting to vote at such places. Several witnesses indicated that they would not vote unless accompanied by sympathetic white persons whose presence would serve to prevent violence.

One witness from Tallahatchie County, Mr. James Rayburn, who had registered in 1963, attempted to vote in that year. He believed himself to be the only Negro registered to vote in his election district. As he approached the rural polling place at Dogwood Flats he was met by a white man who stopped him outside the building: "He asked me where I was going. I told him I was going to vote. The white man said, 'Well, you won't vote here,' and he begun to curse." The witness then entered the polling place. Inside another white man informed him that the election officer was absent.

"Mr. RAYBURN. He * * * walked back to the door and said, 'you go out there and * * * wait out there under that tree.' And I stood and looked at him and said, 'Under the tree?' He said, 'Yes, go out there and wait under the tree.' And I walked off and the man that challenged me as I was going in, he challenged me again and this time he had a stick with a piece of iron on it.

"He asked me where did I live. I told him. Asked me my name. I told him. He said, 'I'll make sure'—he cursed again—'that you won't vote no more. You vote now, you won't vote any more.'

"I would have voted if they would have allowed me, regardless of what he said. But see, the man in there told me to go out under the tree, and I knew out under the tree wasn't no place to vote, and I didn't sit around because he might have been building up to most anything. You could see he had a knife or pistol or something and I had just nothing but my hand, and that's just Negro bone."

When asked what he was told would happen if he voted, Mr. Rayburn replied: "They would kill me." He left the polling place without voting and said he did not dare return to vote in November 1964.

"Vice Chairman PATTERSON. You said you didn't want to go alone to Dogwood Flats to vote. Would you go alone now?

"Mr. RAYBURN. I would. I believe I would, but I would seek better protection, or some protection.

"Vice Chairman PATTERSON. Where would you go to get that protection?

"Mr. RAYBURN. Possibly I would have to pull several different strings. I might not go directly to the law, but I might pull the strings with some fellows who would have influence over the law.

"Vice Chairman PATTERSON. A white man?

"Mr. RAYBURN. Yes."

Although presumably the provision for poll watchers would not result in the stationing of armed men at the polls, the presence of Federal officials, even if limited to the prevention of fraud, would have, in our judgment, a significant ameliorative effect upon the fears of the Negro community and the possibility of violence.

2. Since Federal examiners have not as yet been appointed and since few Negroes have voted in recent years in "hard-core" areas, it is difficult to determine the extent to which fraud will become a serious problem when larger numbers of Negroes are registered. Without unduly emphasizing historical analogies, it is worth observing that in the era immediately following Reconstruction, when large numbers of Negroes still remained qualified to vote, fraud was used as a principal instrument of disfranchisement.

In Mississippi between 1875 and 1890 widespread fraud in election practices effectively nullified the Negro vote. See Wharten, "The Negro in Mississippi, 1865–1890," at 201 (1947), and Kirwan, "Revolt of the Rednecks," at page 58, et seq. (1964).

Similar practices were followed in Virginia:

"The house of representatives, in seating representatives from southern districts frequently examined the legality of elections. From 1874 to 1900, for example, in 16 of the 20 Virginia elections contested before the House, fraud was the basis for contest." [1]

"Politicians, newspaper editors, and other leaders of opinion emphasized the demoralizing effects upon the whites of the methods used to disfranchise Negroes. Numerous practices, none of them quite cricket, were employed to dissuade the black man from voting and to nullify his ballot when he did vote. Gerrymandering, trickery in election administration, fraud in casting and counting ballots were tactics that pricked sensitive consciences. Moreover, these methods could be, and were, used against whites as well as blacks." [2]

Similar conditions apparently existed throughout the South:

"After the overthrow of the Reconstruction government in all Southern States, which was consummated by 1877, a tendency to abstain from violence and threats of violence as a means of keeping the Negroes away from the polls gradually developed. With the State governments safely in their hands, the dominant white Southerners found it easier to buy, steal, or fail to count the Negro vote or to block the Negroes' voting by intricate election laws and manipulation of the election machinery." [3]

"Polling places were set up at points remote from colored communities. Ferries between the black districts and voting booths went 'out of repair' in election day. Grim-visaged white men carrying arms sauntered through the streets or stood near the polling booths. In districts where the blacks greatly outnumbered the whites, election officials permitted members of the superior race to 'stuff the ballot box,' and manipulated the count without fear of censure." [4]

"From the middle eighties onward, both parties charged each other with every species of fraud. The devices of reconstruction and the redemption were refurbished: massing at the polls to keep the opposition voters from the ballot box, breaking up meetings by strong-arm methods, repeating, throwing out ballots on technicalities, even the threat of arms, if not actual warfare." [5]

In *Ex parte Siebold*, 371 U.S. 399 (1879), the Court upheld a much more elaborate Federal control of State elections (the election law of 1871 discussed below) with the following comment:

"In the light of recent history and of the violence, fraud, corruption, and irregularity which have frequently prevailed at such elections, it may easily be conceived that the exertion of the power, if it exists, may be necessary to the stability of our frame of government."

Whether fraud will again be used to nullify the Negro vote must remain a matter of conjecture, but there is a sufficient history of such practices to warrant congressional concern and action.

3. A comparison of the pending legislation with the election law of 1871, 16 Stat. 433–37, may be appropriate. The law of 1871 provided for the appointment of supervisors for Federal elections by the judge of a circuit court of the United States upon a request of less than 10 citizens that the election be "guarded and scrutinized." The supervisors were authorized to observe the casting and tabulation of ballots, and to challenge the votes of any person whose legal qualifications they questioned. They were required to be present continually at the polling places until every ballot had been counted and proper returns made.

In the event that a supervisor was prevented from discharging his duties he was to report promptly any such interference. Provision was made for an administrative review of the charges.

The 1871 law also provided for the assignment of U.S. marshals or deputy marshals to the polling places for Federal elections in cities or towns of more than 20,000 inhabitants upon application of two citizens from each such city or town. The marshals were to "aid and assist the supervisors of elections in the verification of any list of persons who may have registered or voted * * * and also to attend at all times for holding elections, the polls in such districts or precincts."

The marshals were required to keep the peace, to support and protect the supervisors of election, and to prevent fraudulent voting or fraudulent conduct by election officials. There is some question whether marshals assigned to the polls under the provisions of the 1871 statute had the legal right to carry arms. An act of 1865 had prohibited the stationing of troops or armed men at any polling place "unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." Thirteen Stat. 437 (1865). Since the election law of 1871 specified that marshals were to be dispatched to the polls in order to "keep the peace" along with their other duties, it would appear they had the legal right to bear arms.

In 1894 Congress repealed the election law of 1871 and in 1909 the prohibition on the stationing of armed men at the polls was amended to eliminate the exception for keeping the peace. See 18 U.S.C. sec. 592 (1958).

It will be seen from the above description that the provision for poll watchers is much narrower than the election law of 1871, most notably in the absence of provision for the stationing of marshals at the polls.

4. There can be no question of the power of Congress under article I, section 4, of the Constitution, or, in appropriate cases under the 15th amendment, to prevent or to punish fraud in Federal elections. (*Ex parte Siebold*, 100 U.S. 371 (1880); *Logan* v. *United States*, 144 U.S. 263; *Wiley* v. *Sinkler*, 179 U.S. 58; *Swafford* v. *Templeton*, 185 U.S. 487; *United States* v. *Guinn*, 238 U.S. 347 (1915); *United States* v. *Mosley*, 238 U.S. 383 (1915); *United States* v. *Saylor*, 322 U.S. 385 (1944). The same power exists with respect to primary elections for Federal office. *United States* v. *Classic*, 313 U.S. 299 (1941); *United States* v. *Wilson*, 76 F. 2d 184, cert. denied, 338 U.S. 870.)

As stated in *United States* v. *Mosley*, *supra*, "The right to have one's vote counted" has the same dignity as "the right to put a ballot in a box" (238 U.S. at 386). It has also long been recognized that "The concept of political equality in the voting booth contained in the 15th amendment extends to all phases of State elections." (*Gray* v. *Sanders*, 372 U.S. 368 at 380 (1963). See also *Reynolds* v. *Sims*, 377 U.S. 533.)

Mr. FONG. Mr. President, manifestly, if the substance of the bill is to enfranchise all qualified citizens, there should be no objections to this amendment. If we are to protect a citizen's right to register, to vote, and to have his vote counted, a safeguard such as this amendment is essential to prevent any

---

[1] R. C. McDanel, "The Virginia Consitution Convention of 1901–1902" (Baltimore: Johns Hopkins Press, 1928), p. 11.

[2] R. L. Morton, "The Negro in Virginia Politics, 1865–1902," (Charlottesville: University of Virginia Press, 1918), p. 130.

[3] Myrdal, "An American Dilemma," 450.

[4] Paul H. Buck, "The Road to Reunion—1865–1900" (1937), at 284–85.

[5] Paul Lewinson, "Race, Class, and Party," 76.

last minute nullification of the enfranchisement of qualified citizens.

Under this proposal, observers assigned by the Attorney General would be entitled to be present at polling and tabulating places. They would only do two things: observe and report back any corrupt practices which prevent persons certified as eligible voters from casting a ballot and having their votes counted.

Congress is entrusted by section 2 of the 15th amendment with the express power to enact "appropriate legislation" to eliminate State denials of the right to vote on account of race and color. Unquestionably, then, Congress does have the power to enact legislation providing for the appointment of Federal officers to observe the conduct of State election officers, and to determine whether these State officials have engaged in any conduct denying the right to vote.

These poll observers, therefore, would be duly appointed Federal personnel performing an acknowledged and necessary Federal function.

As the Supreme Court said in *United States* v. *Mosley*, 238 U.S. 383 (1915):

> The right to have one's vote counted has the same dignity as the right to put a ballot in a box (238 U.S. at 386).

One criticism that has been advanced against my amendment is that it goes too far. In reply to that criticism, I wish to say, Mr. President, that 67 Senators have agreed that the Congress has the power to enact the bill S. 1564 as it was originally introduced on March 18, 1965.

Subsequently that version of the bill was revised by the distinguished minority leader. This Dirksen substitute was considered by the Judiciary Committee in executive session April 6 through 9.

The Dirksen substitute was revised by the committee and reported to the Senate on April 9. The committee's substitute bill considerably strengthened the Dirksen substitute.

Following this, the Senate leadership substituted their own substitute bill—and this is the version now pending before the Senate.

In all four of these bills, there were included three provisions which have been criticized in the same way—that these provisions "go too far."

First. Sections 3(a) and 4(b) of the bill provide that State laws on voting "tests and devices," which have been used discriminatorily so as to deny the right to vote, are suspended—and they remain suspended for 5 years in declaratory judgment cases under section 4(a), or for an appropriate period determined by a court under section 3(b).

No one will deny that this is an unprecedented provision.

No one will deny that these sections of the bill are drastic—that they go very far. Nowhere in American law has the Federal Government ever suspended State laws. But Mr. President, even if they are unprecedented, drastic and go very far, these provisions are necessary and proper, and the only feasible means by which Congress may effectively carry out the command of the 15th amendment.

Second. The pending bill provides that States may seek a declaratory judgment that they have not, under section 4(a), abridged any citizens' voting rights by the use of tests or devices—but this action may be brought only in the District Court of the District of Columbia under section 4(a).

Section 5 also provides that a State seeking to enact or administer a voting qualification, standard, practice or procedure different from those in effect on November 1, 1964, may institute an action for declaratory judgment that the new qualification will not deny anyone the right to vote because of race or color—but again, this action must be brought in the District Court of the District of Columbia.

While ample precedent exists for these change-of-venue provisions, this is nevertheless a drastic remedy to correct a drastic wrong perpetrated for too many decades. There is no question, Mr. President, that these provisions go very far.

Third. Section 12(a) of the bill makes private individuals liable to criminal penalties for depriving or attempting to deprive qualified voters from voting.

This, too, is a drastic remedy. It goes very far. It is directly contrary to what the Supreme Court has decided. In the case of *U.S.* v. *Reese*, 92 U.S. 214, 218 (1876), it was held that the violation of one's civil rights by private individuals was a cause of action not within the reach of the Federal Government, and that the 14th and 15th amendments were directed against State action and not private action.

I do not raise this point to protest against it, Mr. President, for I wholeheartedly support this provision. But I raise this point to answer the charge that my amendment "goes too far," and to show how far this bill goes—and justifiably so—in carrying out the mandate of the 15th amendment.

Mr. President, I have no doubt whatsoever that the Congress has the power to suspend State laws, require a change of venue in actions for declaratory judgment, and to render private persons criminally liable for obstructing qualified voters from voting. The very same power enabling enactment of these provisions empowers the Congress to enact a poll watcher provision.

It is the very same power which is sanctioned by the U.S. Constitution in article I, section 8, clause 8, empowering Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The long history of repeated efforts and clever devices used by the States to disfranchise qualified Negro voters—grandfather clauses, white primaries, procedural hurdles in the registration process, racial gerrymandering, improper challenges, and discriminatory use of tests and device—show why it is necessary to protect the integrity of the ballot from the time it is cast until it is finally tabulated. They show that the power of Congress to enact a poll watcher provision is "necessary and proper" to carry out the prior provisions of the bill—and to effectively carry out the 15th amendment requirements.

It is this very same power by which Congress passed the election law of 1871 which was upheld by the Supreme Court in the landmark case of *Ex parte Siebold*, 100 U.S. 399 (1880), which I referred to in the Civil Rights Commission memorandum.

In that case the Court upheld a much more elaborate Federal control of State elections under the election law of 1871 than is contemplated under the pending amendment.

That 1871 law provided for the appointment of supervisors for Federal elections by the judge of a circuit court of the United States, upon a request of less than 10 citizens that the election be "guarded and scrutinized." The supervisors were authorized to observe the casting and tabulation of ballots, and to challenge the votes of any person whose legal qualifications they questioned. They were required to be present continually at the polling places until every ballot had been counted and proper returns made.

In the event that a supervisor was prevented from discharging his duties, he was to report promptly any such interference. Provision was made for an administrative review of the charges.

The 1871 law also provided for the assignment of U.S. marshals or deputy marshals to the polling places for Federal elections in cities or towns of more than 20,000 inhabitants upon application of 2 citizens from each such city or town. The marshals were to "aid and assist the supervisors of elections in the verification of any list of persons who may have registered or voted and also to attend at all times for holding elections, the polls in such districts or precincts."

The marshals were required to keep the peace, to support and protect the supervisors of election, and to prevent fraudulent voting or fraudulent conduct by election officials. There is some question whether marshals assigned to the polls under the provisions of the 1871 statute had the legal right to carry arms. An act of 1865 had prohibited the stationing of troops or armed men at any polling place "unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls"—13 Stat. 437 (1865). Since the election law of 1871 specified that marshals were to be dispatched to the polls in order to "keep the peace" along with their other duties, it would appear they had the legal right to bear arms.

In 1894 Congress repealed the election law of 1871. See title 18, United States Code, section 591, 1958.

From my outline of the 1871 election law, it is clear that the 1871 law's provision is far stronger, far broader, than the provisions of the pending amendment—particularly in that the amendment does not provide for the challenging of voters, and the stationing of Federal marshals at the polls.

In Ex parte Siebold, the Court, holding the 1871 law constitutional, said:

> The Constitution and laws of the United States are the supreme law of the land, and to these every citizen of every State owes

obedience, whether in his individual or official capacity. (See 100 U.S. at 392.)

It was this rule of national supremacy, the Court said, which was decisive where Congress is mandated by the Constitution to regulate a subject. When the Congress is mandated to carry out a duty by the Constitution, then, the Court said "it must assume exclusive control of the whole subject"—100 U.S. at 391.

And where Congress so legislates on a subject, such as that referring to poll observers, which is "the necessary consequence" and is part and parcel of the question of protection of voting rights, then its power to do so is undoubted.

The Court said:

If Congress, by its power to make or alter the regulations, has a general supervisory power over the whole subject, where is there to preclude it from imposing additional sanctions on a matter directly a part of the original subject? (100 U.S. at 387.)

Thus it has long been recognized that, as the Court stated more recently:

The concept of political equality in the voting booth contained in the 15th amendment extends to all phases of State elections (*Gray* v. *Sanders*, 372 U.S. 368 at 380 (1963), in which the Court held the Georgia county unit system violated the equal protection clause of the 14th amendment).

I urge the Senate to adopt this very necessary amendment as part and parcel of legislation to extend the franchise to all qualified American citizens.

Mr. President, I yield to the Senator from Maryland as much time as he may need.

Mr. TYDINGS. Mr. President, I commend the distinguished Senator from Hawaii for his leadership on this amendment.

Many of us feel that this is the most important single amendment to the voting rights bill which will be considered by the Senate this year.

I call the attention of my colleagues to some testimony taken by the Civil Rights Commission in hearings this past February in Jackson, Miss. In these hearings witnesses testified that, although they were already registered, fear had kept them from voting.

It was explained that while registration took place in the county courthouse, which was usually in a substantial town, ballots were cast in precinct polling places which were frequently in remote rural locations.

Witnesses testified of having been driven from a polling place by threats or a generalized fear of attempting to vote at such places. Several witnesses indicated that they would not vote unless accompanied by sympathetic white persons whose presence would serve to prevent violence.

One witness from Tallahatchie County, Mr. James Rayburn, who had registered in 1963, attempted to vote in that year. He believed himself to be the only Negro registered to vote in his election district. As he approached the rural polling place at Dogwood Flats he was met by a white man who stopped him outside the building. "He asked me where I was going. I told him I was going to vote. The white man said, 'Well, you won't vote here,' and he begun to curse."

The witness then entered the polling place. Inside another white man informed him that the election officer was absent.

This is the testimony of Mr. Rayburn at the Commission on Civil Rights:

He * * * walked back to the door and said, "you go out there and * * * wait out there under that tree." And I stood and looked at him and said, "Under the tree?" He said, "Yes, go out there and wait under the tree." And I walked off and the man that challenged me as I was going in, he challenged me again and this time he had a stick with a piece of iron on it.

He asked me where did I live. I told him. Asked me my name. I told him. He said, "I'll make sure"—he cursed again—"that you won't vote no more. You vote now, you won't vote any more."

* * * * *

I would have voted if they would have allowed me, regardless of what he said. But see, the man in there told me to go out under the tree, and I knew out under the tree wasn't no place to vote, and I didn't sit around because he might have been building up to most anything. You could see he had a knife or pistol or something and I had just nothing but my hand, and that's just Negro bone.

When asked what he was told would happen if he voted, Mr. Rayburn replied: "They would kill me." He left the polling place without voting and said he did not dare return to vote in November 1964.

Vice Chairman PATTERSON. You said you didn't want to go alone to Dogwood Flats to vote. Would you go alone now?

Mr. RAYBURN. I would. I believe I would, but I would seek better protection, or some protection.

Vice Chairman PATTERSON. Where would you go to get that protection?

Mr. RAYBURN. Possibly I [would] have to pull out several different strings. I might not go directly to the law, but I might pull the strings with some fellows who would have influence over the law.

Vice Chairman PATTERSON. A white man?

Mr. RAYBURN. Yes.

Three times since 1957 we have enacted legislation implementing the 15th amendment. With each such statute some progress was made. But the problem was not solved. This time we must do the job right. We must enact a bill which will be effective and will leave no room for evasion or circumvention. Amendment No. 167, which I cosponsor with Senator FONG and 13 other Senators, constitutes an essential ingredient of any effective bill.

This amendment would authorize the Attorney General to assign poll watchers in any political subdivision for which examiners have been appointed. The poll watchers would have two jobs: First, they would be present at the places where elections are held for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and second, they would be present when and where votes are counted, for the purpose of observing whether the votes cast are being properly counted and tabulated. It is important to note at the outset what the poll watchers would not be authorized to do. They would not have the authority to challenge voters. They would not have the power to count ballots. They could not interfere with voters or otherwise to interfere in any way with the State election machinery. All they would be empowered to do is to be present as observers. While the role of poll watchers under our amendment would thus be limited, for reasons which I shall detail, it is essential that they be available to perform this role.

In its present form, section 10 of the bill authorizes the Attorney General to institute an action to require persons listed under the act to be placed on official voting lists. His authority to do so is dependent, however, upon his receiving complaints from 20 persons. When, after the receipt of complaints, such an action is filed, the court is required to appoint poll watchers at the request of the Attorney General. The court may also order the impounding of ballots to insure that all eligible persons have the opportunity to vote.

While the present provisions are helpful, in my view they are not as comprehensive as they should be. There are a number of weaknesses in section 10 as it is presently drafted, and these would be corrected by our amendment.

First. Section 10 in its present form authorized the appointment of poll watchers only where persons listed under the act have not been placed on the official State or local voting lists. This focus upon the issue of whether the names of persons entitled to vote under the act have been placed on local voting lists seems to me wholly illogical. Poll watchers are needed just as much when Negroes have been placed on the list but are not permitted to cast a ballot. They are needed, too, to make certain that the votes of all qualified citizens are actually counted and tabulated. Indeed, section 10 in its present form invites local officials bent on discriminating to purchase immunity from scrutiny at the polls by the simple expedient of placing names on a list.

The fact of the matter is that poll watchers are needed wherever and whenever there is evidence of discrimination in the voting process, whatever its form. Their presence should not depend on the single circumstance of whether State officials list eligible voters. The act of listing clearly would not insure nondiscriminatory conduct at the polls. Our amendment would permit the assignment of poll watchers to deal with any and all methods of discrimination or evasion of the law. It would thus remedy a significant defect.

Second. The machinery of the present section 10 operates only when a complaint is filed by at least 20 persons stating that they have not been listed. In my judgment, it is neither realistic nor sufficient to make protection at the counting stage of the voting process complaint-oriented. Potential victims of the discrimination have no way of knowing in advance whether or not their votes will be properly counted. Lacking this essential knowledge, they will be unable to file complaints, and poll watchers will not be appointed to be present at the tabulation of the votes. In other words, while the act we are now writing guarantees the listing and registration of many victims of discrimination, it leaves wide open the possibility that the ballots of those who are listed

under Federal law will simply be thrown into a wastepaper basket. As a practical matter the only real remedy in the bill against the denial of rights at the vote-counting stage is the threat of criminal prosecution—not a very effective deterrent, as we have learned again and again.

Our amendment would make the appointment of poll watchers dependent not upon the filing of complaints but upon the judgment of the Attorney General, who can be counted upon to know where hard-core attitudes are likely to result in last-ditch defiance.

Third. Section 10 in its present form contemplates only judicial, not administrative, action to bring about the appointment of poll watchers. We all know that in the past judicial relief has often proved inadequate. Indeed, the inadequacy of judicial relief is the very reason for the present bill. It makes little sense to substitute administrative machinery for lawsuits in the registration process and then to provide only judicial relief at the most crucial stage of the election process—the casting of the ballot itself.

Our amendment would deal with this problem by vesting in the Attorney General the authority to assign persons to act as poll watchers.

I emphasize again—only watchers. They do not interfere. They are merely physically present to watch.

These are matters of substance and importance. They can make the difference between a bill that is effective and one that gives rise to more protracted litigation.

In my opinion, it is particularly appropriate that the function of determining the assignment of poll watchers be vested in the Attorney General rather than in the courts. The duties involved are essentially law enforcement duties. At the stage when this provision takes effect, the rights of the persons involved will have been adjudicated and the only question remaining will be whether these rights are actually respected in practice. This is appropriately a matter for the chief law enforcement officer of the United States. The courts, moreover, lack the administrative facilities to appoint, supervise, and direct numbers of poll watchers. They are ill equipped to receive reports from many poll watchers and act on them administratively.

The fact is that a provision which requires poll watchers to report directly to a Federal court for remedial action does not set up a very effective procedure. A function of this kind is more appropriately vested in an executive official. In short, administrative supervision of poll watchers makes far more sense than judicial supervision. Under our amendment, when a poll watcher detects a violation, he will report to the Attorney General who can then take whatever action is appropriate, including presentation of the matter to the court.

Are poll watcher provisions really needed? A brief glance at the history—and I commented on the recent history of the civil rights leaders in Mississippi which preceded the present crisis—demonstrates why we must make absolutely certain that persons eligible to vote will actually be able to vote and have their votes counted when the ballots are tabulated.

The effort to disfranchise Negroes on account of race or color has manifested itself in almost every conceivable phase of the electoral process. The devices employed have included the "grandfather clause"—*Guinn* v. *United States*, 238 U.S. 347—where if one's grandfather voted in the State and he did not, he could not vote; the "white primary," *Terry* v. *Adams*, 345 U.S. 461; procedural hurdles in the registration process, *Lane* v. *Wilson*, 307 U.S. 268; racial gerrymandering, *Gomillion* v. *Lightfoot*, 364 U.S. 339; improper challenges, *United States* v. *Thomas*, 362 U.S. 58; and the discriminatory use of test and devices, *Louisiana* v. *United States*, — U.S. — (Mar. 8, 1965).

The versatility of those bent on denying 15th amendment guarantees is outdone only by their determination. As soon as one vehicle of racial discrimination is declared invalid by the courts, or is rendered useless by Federal legislation, another appears. As a Federal district court wrote in *United States* v. *Penton*, 212 F. Supp. 193 (M.D. Ala.):

> [I]n spite of these [two], prior judicial declarations, the evidence in this case makes it clear that the defendant State of Alabama * * * continues in the belief that some contrivance may be successfully adopted and practiced for the purpose of thwarting equality in the enjoyment of the right to vote by citizens of the United States.

It takes little imagination to project what might happen if the registration of voters were placed under strict Federal supervision, but the voting process itself was left unsupervised. Slowdowns in precincts with heavy Negro concentration, misleading advice or instruction at the polls, summary rejection of Negro voters for trivial reasons, refusals to permit Negroes to watch the counting of ballots, mutilation of ballots cast by Negroes—these are just some of the possible discriminatory devices which come to mind.

Indeed, this is the very kind of activity which occurred in post-Reconstruction days in some of the States. One contemporary writer has said that—

> With the end of Reconstruction there began in many places the era of the theft of ballot boxes, stuffing of ballot boxes, certification, exchanging, removing of polls to unknown or unfrequented places, counting out, doctoring, repeating, erasing names from registration books, illegal arrests before the day of election, and throwing out returns. (Weeks, "The History of Negro Suffrage in the South," 9 Pol. Sc. Q. 671, 689 (1894)).

In Mississippi, at the constitutional convention of 1890, one of the delegates, Circuit Judge J. B. Chrisman, of Lincoln County, said:

> Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875; that we have been preserving the ascendancy of the white people by revolutionary methods. In plain words, we have been stuffing ballot boxes, committing perjury, and here and there in the State carrying the elections by fraud and violence until the whole machinery for elections was about to rot down.

These fraudulent practices soon became unnecessary because Negroes were disfranchised by more direct methods—the grandfather clause, the white primary, and the like. When these schemes were ultimately struck down, there came a shift to the manipulation of literacy tests and similar devices which we have heard so much about in this debate.

The Voting Rights Act of 1965 would put an end to the use of tests and devices as a means of maintaining white supremacy. Clearly, a return to outright discrimination and denial at the polls must be expected, and unless we wish to have to deal with that problem next year, we should act now to forestall its occurrence.

I say that the determination and ingenuity of those who make an empty promise of the 15th amendment must not be equal to our determination and our ingenuity. Stubborn resistance to our past efforts has brought us to this crossroad. S. 1564 must leave no room for further abuses of the power to set qualifications as prerequisites for voting. We should not have to consider next year what to do about discrimination at the polls. We must act on that problem now. In the light of past experience, amendment No. 167 is not merely necessary, it is essential.

We all know that placing poll watchers in the vicinity of the polling place and having them present when votes are counted is not a novel idea. Poll watchers are everywhere provided for in order that the legitimate interests of the voters may be safeguarded. For example, under Louisiana law, Revised Statutes 18:556, each political party may have one watcher in a voting precinct who is allowed to enter the polls during the canvass and count of the votes. In Alabama, poll watchers have the right to see all oaths administered and signed, the list of qualified voters, the poll lists, and any and all records made in connection with the election. They also have the right to observe the preliminaries of opening the polls and may remain throughout the election until the results have been posted. In North Carolina, poll watchers have the right to remain within the voting enclosure from the time the polls open until they close. They have a right to be in plain view of the precinct officials, the voting booths, the ballot boxes, and the voting procedure.

But, it will be argued, the poll watchers traditionally provided for under State law are representatives of political parties, not representatives of the Federal Government. A moment's reflection will demonstrate that poll watchers appointed by political parties will not suffice in the specialized situation with which we are dealing. In the areas affected by our amendment—that is, political subdivisions in which examiners have been appointed—it is unfortunately unlikely that the representatives of either party will be zealous in protecting the interests of the Negro voters. Their zeal may well be limited to the protection of white voters from their respective parties. Tacit understandings not to object to denials of the rights of Negroes

must be expected, at least in some areas. Thus, some other, neutral observer must be there to see to it that the promise of the franchise won in the Congress is not nullified at the polling place.

Let me emphasize again that, unlike the 1871 statute which provided for Federal supervision of elections, our amendment would grant no authority to the Federal poll watchers other than the authority to observe and report back to the Attorney General. They would have no law enforcement or other functions which could be construed as an interference with local control of elections. Yet the observer role is essential. The very presence of the observers would obviously have a tendency to curb at the outset any attempts to engage in fraud or manipulation. Beyond that, observers are needed if the Attorney General is to effectively carry out his function under section 12 of the bill to seek orders permitting the casting or counting of ballots within 72 hours after the closing of the polls. It would be exceedingly difficult for the Attorney General to decide within that period of time whether an application for such an order is warranted unless firsthand, unbiased information is available to him. The observers provided for under our amendment would be ideally suited to perform that task.

What about constitutionality? The constitutional authority for Federal poll watchers cannot be subject to serious dispute. It is, of course, well established that the right to vote includes the right to have the vote counted. Indeed, the Supreme Court expressly so held in *United States* v. *Classic*, 313 U.S. 299, 315. To protect the right to an honest count, Federal poll watchers were provided for in the act of February 28, 1871, which established a pervasive system for supervising Federal elections. Federal election and registration supervisors were charged by the statute with a number of duties, among them poll watching on election day, counting ballots cast, and certifying the results of elections. The constitutionality of this far-reaching statute was upheld by the Supreme Court in *Ex parte Siebold*, 100 U.S. 371.

To be sure, the 1871 statute specifically involved only the congressional power to legislate under article I and, thus, to deal with Federal elections, but this does not in any way detract from the applicability of the precedents here. Our power is no less when we act pursuant to the grant of authority found in section 2 of the 15th amendment. That section gives to the Congress the power to enforce by "appropriate legislation" the guarantee of the right to vote with regard to race or color. We need only look to words of Chief Justice Marshall to determine what is "appropriate." Chief Justice Marshall said in *McCulloch* v. *Maryland*, 4 Wheat. 315, 421:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The fact that we are implementing a prohibitory amendment, rather than a direct grant of constitutional power, makes no difference. The principle is the same. Speaking of the 13th and 14th amendments, the Supreme Court wrote in *Ex parte Virginia*, 100 U.S. 339, 345-46:

> Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

The end sought to be achieved by the amendment we propose could not be clearer. We mean to insure, through the medium of poll watchers, that any person entitled to vote in any election is not deprived of this right at the last stage of the voting process because of his race or color—grounds of exclusion clearly forbidden by the 15th amendment. The means used to attain this end are equally consistent with the Constitution. Indeed, these are the means which must be used if the letter and spirit of the 15th amendment are not, once again, to be promise rather than fact.

Mr. President, I urge the adoption of amendment No. 167.

Mr. FONG. Mr. President, I thank the Senator from Maryland for his logical, clear, and to-the-point discussion of the amendment. He has collaborated most diligently with me and other Senators on this important legislation to secure and safeguard the rights of our citizens.

I thank him for his excellent and fine contribution to this debate.

Mr. JAVITS. Mr. President, will the opposition yield 1 minute to me?

Mr. HILL. I yield.

Mr. JAVITS. I wish to express my support to the amendment. The question was raised in the committee. It should be emphasized to the Senate that the proposal is nothing but a provision for poll watchers when an examiner has been appointed. The same procedure is followed by the Republican Party and the Democratic Party in almost every election district. Poll watchers are sent in with certificates made out by some political leader. That is the least we can do to give the Negro who goes to the polls to vote a feeling of confidence that there is someone there with him and that he is not at the mercy of someone who might look at him with hostility, with a big pistol on his hip. We know the consequences which have ensued from that kind of situation. Many people have been shot, hurt, and boycotted under those circumstances.

The amendment is most desirable. I greatly regretted the fact that it was not contained in the amendment in the nature of a substitute offered by the majority leader and the minority leader. I hope very much that the Senate will approve it.

Mr. HART. Mr. President, will the Senator from Alabama [Mr. HILL] yield an additional minute of his time?

Mr. HILL. I yield 1 minute to the Senator from Michigan.

Mr. HART. Under the compelling and, I believe, prudent limitation which applies to the debate on the amendment, I am not in a position fully to express and to assign the many reasons for which I support as strongly as I possibly could the amendment of the Senator from Hawaii. As the Senator from New York [Mr. JAVITS] has said, the majority of the Committee on the Judiciary made an effort to respond to this very real need. Now again we have an opportunity provided by the Senator from Hawaii to buttress the bill in a very necessary respect. I hope the amendment will be agreed to.

I thank the Senator from Alabama for yielding to me.

Mr. HILL. Mr. President, I yield the remainder of my time to the Senator from Arkansas [Mr. MCCLELLAN].

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. MCCLELLAN. Mr. President, 2 or 3 weeks ago I had occasion to discuss the pending voting rights bill. At that time I discussed it at some length, but I did not in that address cover all the general aspects of the measure, particularly the objectionable features of it, having in mind that at a later date I would resume where I had left off and express my views on other provisions that should never be enacted into law. But in view of the unanimous-consent agreement under which the Senate is now operating, and glancing at the clock, which indicates that it is now 4:12 p.m., the remaining 18 minutes before the agreed time to vote on the pending amendment certainly does not afford the time required to expose other hidden and obnoxious provisions of the measure.

I shall speak only briefly and reserve again for some future time the many remarks I shall desire to make on the bill generally before a vote is reached on passage.

This afternoon, in this brief period of time, I shall place in the RECORD some information which I desire to have the record reflect with respect to so-called civil rights laws that are now on the books, statutes that are now in effect, and also information pertaining to the permanent registration law that has been enacted and is now in force in my State of Arkansas.

I suggest that this country has no need for another law in the field of voting rights. That field has already been amply sown with an abundance of laws and remedies, remedies that were designed—and that I am sure will, if judiciously and diligently applied—to reach every so-called evil that the bill is intended to remedy. Not only would they reach them, but they would follow procedures that are more traditional and more in keeping with the due process theories of our criminal statutes and judicial concepts of justice.

For example, the statute books today reveal the following seven laws that are designed to protect and guarantee the right to vote.

First, any citizen—and "any citizen" includes every imaginary, conceivable person that the pending bill is intended to apply to or to aid and assist—may sue

any election official who denies him the right to vote. That means exactly what it says: "any election official"—for damages. That is title 42, United States Code, section 1983, an old statute, one that could be applied, but seldom is, not because it could not be made effective, but merely because of the indifference of the person who may have such a grievance; and such persons are scarce.

Also, those who imagine any such grievance could very well make use of that statute. The fact that they do not clearly indicates that cases of willful denial to anyone of the right to vote are indeed few and far between.

Second, any citizen who alleges that he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right. That is title 42, United States Code, section 1971. Under that statute, anyone who believes that he has been wrongfully denied the right to vote may bring suit in Federal court and have the judge decide the case. He does not have to risk the prejudices of jurors. He can have one man, who has been chosen by the President of the United States, appointed to the judiciary, and whose appointment has been confirmed by this body, presumably a man of stature, character, and integrity, and above reproach, decide the issue as to whether or not he has been wrongfully denied the right to vote.

It may be said that that is not sufficient; that he cannot accept a judge appointed by the President and whose appointment has been confirmed by the Senate. Some other device is needed, so it is proposed in the bill to have examiners appointed by the Civil Service Commission make a determination whether one is being refused or denied the right to vote.

It is said that select persons must make a determination of the actions of citizens who are serving as election officials. It would be far safer and more in keeping with our judicial process and our due process theory of justice to have a court of law, a court presided over by a judge selected and appointed by the President and whose nomination has been confirmed by the Senate, make a decision and determination after hearing a case, than it would be to vest this power and authority in some appointee of the Civil Service Commission.

Third, any election official anywhere in the United States who denies any qualified voter his right to register and vote under color of law is punishable by fine or imprisonment. That is 18 U.S.C. 242. What more is necessary? A law is in effect to punish by fine and imprisonment anyone who, even under color of law, denies the franchise to any citizen of this country.

Why are these laws not enforced? One reason that they are not enforced and no great effort is made to enforce them is that there is no abundance of violations. Violations of these statutes are few and far between. If there were an abundance of violations, that would be a reflection upon the Attorney General and the Department of Justice for not pursuing more diligently the enforcement of statutes which are already on the books.

Fourth, any election official who conspires with another to deny any witness the right to vote is subject to a fine of $5,000 or imprisonment for 10 years, or both, 18 U.S.C. 241.

Mr. President, we have the right to heavily fine and imprison with a long sentence any election official who conspires with another to deny any citizen the right to vote.

We hear of few or no prosecutions under that statute. Why is that? It is because violations do not occur. If it is charged and established that they do occur, that would reflect upon the Attorney General and the Department of Justice for their failure to diligently enforce the statute.

I do not cast any reflection on anyone. I do not believe that violations of any consequence have occurred. However, those who contend that another statute is needed, by inference, at least, so reflect.

Fifth, the Attorney General may sue in the Federal courts for an injunction at any time any person is engaged in, or there are reasonable grounds to believe that he is about to engage in, any act designed to deprive a person of his right to vote, 42 U.S.C. 1993.

We do not have to wait until an act is committed. The Attorney General has the power to pursue the injunctive remedy, the preventive remedy, and thus preclude a criminal act from ever occurring, and prevent any citizen from being denied his right to the franchise.

If a citizen has reasonable grounds to believe that such action has occurred or is about to occur, the Attorney General does not have to wait until the act is committed. He can take a preventive action and thus avoid, on behalf of the citizen, any denial of his right to the franchise.

Sixth, if a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Has any pattern been established? Has any action been taken under this statute? Have any Federal voting referees been appointed to replace local officials? If not, why? The best reason is that there has been no need for it. No condition existed to justify the enforcement or attempt to enforce this statute.

If conditions prevail in which none of these statutes have been invoked, or if it did not become necessary to apply the statutes and proceed under their provisions, that would refute the claim of those who contend that conditions now exist that necessitate the enactment of the pending bill.

As I have stated before, the primary object of the bill is to reflect upon a section of the Nation. It is an attempt to humiliate the people of our section of the country. The very fact that we have all of these statutes, under which no proceedings have been taken, demonstrates more impressively than any words I can utter, the lack of need for what is being attempted in the pending bill.

Seventh, the 1964 Civil Rights Act provides that all voting cases be expedited, that if less than 15 percent of a race is registered, Federal referees shall be appointed, and that everyone with a sixth-grade education is presumed literate—42 United States Code 1971.

Mr. President, how much more do we want? If, under all these laws, voting rights cannot be enforced and the sacredness of the franchise cannot be preserved, there is but one conclusion to be reached, namely, that the law enforcement in this country and the judicial process has broken down.

We have every weapon that is required or necessary to preserve the right of the franchise and to enforce the right to vote if we continue to follow the due process guaranteed under the Constitution. Moreover, there is no need for a law on voting rights which would affect my State of Arkansas. I emphasize that although an amendment has been placed in the bill, followed by a subsequent amendment that would temporarily suspend the provision until after the next election, there is no need to make this law apply to Arkansas.

It is evident from the fact that the Civil Rights Commission in its report on voting—which Commission would like to have found something wrong, if there were anything wrong—dated in 1961, stated:

> Negroes now appear to encounter no significant racially motivated impediments to voting in Arkansas.

That is from the Civil Rights Commission report on voting in 1961, page 22.

Yet, it is insisted that there be a provision in the bill to drag Arkansas into it. Why? Is there justification? Those who intended to find something wrong could not find it, and so reported.

In addition, we now have in my State a new and simple registration law. Bear in mind that this was under the poll tax which so many condemned. Arkansas was completely vindicated, even though it had a poll tax as a requirement for voting. Now, it does not even have a poll tax.

Now it does not even have that. In addition, we now have in my State a new, simple registration law that was adopted by the people of Arkansas.

The PRESIDING OFFICER. If the Senator will suspend, the hour of 4:30 having arrived, under the unanimous-consent agreement, the vote on the amendment under consideration will be taken.

Mr. McCLELLAN. Mr. President, I shall not ask for additional time, but I serve notice that I have much more to say.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 167) offered by the Senator from Hawaii [Mr. FONG] for himself and other Senators, to the amendment in the nature of a substitute, as amended and modified, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

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.

The question is on agreeing to the amendments of the Senator from Hawaii. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader [Mr. DIRKSEN]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I further announce that the Senator from New Mexico [Mr. MONTOYA], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan, [Mr. MCNAMARA], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "yea."

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from Tennessee [Mr. BASS].

If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Georgia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] and the Senator from Kansas [Mr. PEARSON] are detained on official business.

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Kansas [Mr. CARLSON].

If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Kansas [Mr. PEARSON] is paired with the Senator from Idaho [Mr. JORDAN].

If present and voting, the Senator from Kansas would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Wyoming [Mr. SIMPSON].

If present and voting, the Senator from Vermont would vote "yea," and the Senator from Wyoming would vote "nay."

The result was announced—yeas 56, nays 25, as follows:

[No. 77 Leg.]

YEAS—56

Aiken	Gore	Monroney
Allott	Harris	Morse
Anderson	Hart	Morton
Bartlett	Hartke	Moss
Bayh	Inouye	Muskie
Bible	Jackson	Nelson
Boggs	Javits	Pastore
Brewster	Kennedy, Mass.	Pell
Burdick	Kennedy, N.Y.	Proxmire
Byrd, W. Va.	Kuchel	Randolph
Cannon	Long, Mo.	Saltonstall
Case	Magnuson	Scott
Clark	McCarthy	Smith
Cooper	McGee	Symington
Cotton	McGovern	Tydings
Dodd	McIntyre	Williams, N.J.
Dominick	Metcalf	Yarborough
Douglas	Miller	Young, Ohio
Fong	Mondale	

NAYS—25

Bennett	Holland	Sparkman
Byrd, Va.	Jordan, N.C.	Stennis
Eastland	Long, La.	Talmadge
Ellender	McClellan	Thurmond
Ervin	Mundt	Tower
Fannin	Murphy	Williams, Del.
Fulbright	Robertson	Young, N. Dak.
Hickenlooper	Russell, S.C.	
Hill	Smathers	

NOT VOTING—19

Bass	Hruska	Pearson
Carlson	Jordan, Idaho	Prouty
Church	Lausche	Ribicoff
Curtis	Mansfield	Russell, Ga.
Dirksen	McNamara	Simpson
Gruening	Montoya	
Hayden	Neuberger	

So the amendments (No. 149) offered by Mr. FONG for himself and other Senators to the Mansfield-Dirksen substitute were agreed to.

Mr. FONG. Mr. President, I move that the vote by which the amendments were agreed to be reconsidered.

Mr. JAVITS. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 176

Mr. KENNEDY of New York. Mr. President, I call up my amendment No. 176, which I jointly sponsor with my colleague the Senator from New York [Mr. JAVITS], and ask that it be stated.

The PRESIDING OFFICER (Mr. CANNON in the chair). The amendment to the Mansfield-Dirksen substitute will be stated for the information of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

On page 7, between line 17 and line 18, insert a new section 4(e):

"(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me, without losing his right to the floor?

Mr. KENNEDY of New York. I am glad to yield to the Senator from Montana.

UNANIMOUS-CONSENT REQUEST AND ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request. I believe an order is in that when the Senate completes its business today, it will stand in adjournment until 12 o'clock noon tomorrow; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Friday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that there be a morning hour tomorrow to extend until no later than 12:30 p.m.

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

Mr. MANSFIELD. I also ask unanimous consent that there be 1 hour on the pending Kennedy-Javits amendment, to be equally divided, the time to be controlled by the Senator from New York [Mr. KENNEDY] and the Senator from North Carolina [Mr. ERVIN]; the vote to be taken not later than 1:30.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to vote not later than 1:30 o'clock p.m. on Thursday, May 20, 1965, on amendment numbered 176 offered by the Senators from New York [Mr. KENNEDY and Mr. JAVITS], to the substitute amendment by Senators MANSFIELD and DIRKSEN, No. 124, as amended, for the

bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Provided, That all time for debate after the transaction of routine morning business on Thursday, May 20, 1965, not to exceed 12:30 o'clock p.m., shall be equally divided and controlled by the Senator from New York [Mr. KENNEDY], and the Senator from North Carolina [Mr. ERVIN].

Mr. MANSFIELD. Let me ask the Senator from New York if he is through?

Mr. KENNEDY of New York. Yes; I have completed my statement.

Mr. MANSFIELD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I support amendment No. 176, proposed by the Senator from New York [Mr. KENNEDY] which would amend the leadership substitute proposed by Senator DIRKSEN and myself.

Amendment No. 176 would prohibit denial of the right to vote in any election of any person because of his inability to speak or understand English, or to read or write in English, if he demonstrates successful completion of the sixth grade of any public or accredited private school in any State, territory, the District of Columbia, or Puerto Rico in which the predominant classroom language was other than English. The effect of this amendment would be to enfranchise a good number of intelligent and literate persons of Puerto Rican origin.

The Senate will recall that in 1962 I supported such a proposal as this, indeed I cosponsored with the distinguished minority leader a bill (S. 2750) to prohibit the use of literacy tests as a qualification for voting in Federal elections for persons who had completed the sixth grade in a public school or accredited private school in the continental United States or in Puerto Rico. I believe that this provision is beyond a doubt constitutional. In testifying before a congressional committee on the Voting Rights Act of 1965, the Attorney General, too, supported the constitutionality of a measure aimed at this problem.

There was no provision such as this in S. 1564 as introduced, nor was such a provision included in the Mansfield-Dirksen substitute. The reason is that until recently the Voting Rights Act was viewed as one directed solely at problems of race and grounded solely upon the 15th amendment. The Puerto Rico problem is not a racial problem and thus must be approached and dealt with on some other basis and pursuant to other constitutional powers. But the scope and purpose of S. 1564 has since been broadened by the inclusion of provisions to remove such other obstacles to the exercise of the franchise as poll taxes which may or may not be related to race and which are being dealt with under other powers in addition to the 15th amendment. Thus, it is now appropriate to further broaden the bill by adopting amendment No. 176, which is addressed to a problem of discrimination, although not of racial discrimination. This measure has been before us in past years—it is not a new concept—it is appropriate that we act on it in this bill.

THE TRAGIC INCIDENT AT BIEN HOA AIR BASE IN VIETNAM

Mr. STENNIS. Mr. President, in the last week the United States has suffered a grievous and shocking loss. I refer to the tragic incident at the Bien Hoa Air Base in Vietnam. On May 14 one end of the airfield erupted in flame, smoke, and a series of concussions from bomb explosions. As a result of this incident the United States lost over a score of people killed and several score wounded. Twelve aircraft were completely destroyed and 36 damaged in varying degrees.

The initial reports flowing from our commanders in Vietnam state that the cause was not action by the enemy, but an accident—an accident believed traceable to either personnel or materiel present at the base.

The U.S. Air Force immediately sent its Inspector General, in company with a team of technical experts, to the scene in order that they might conduct a painstaking inquiry into all the circumstances involved in the tragedy and trace the cause to its source.

The Air Force investigation is now underway. It should and must develop the facts to the extent they can be ascertained. Both the Congress and the public are entitled to know what caused this tragedy. More than this, the Air Force, as a fighting force, must establish the cause as positively as it can. This is necessary to insure against a repetition of this occurrence. The establishment of the cause and means of prevention of incidents of this type is necessary also for the purpose of establishing full confidence in Air Force materiel, procedures, and training.

During the past several months the Preparedness Investigating Subcommittee has exercised an active and almost constant surveillance over the developments in Vietnam. One of our staff members spent almost a month there in a detailed on-the-scene investigation and study. The Senate may be assured that the subcommittee will give this latest occurrence its full and close attention. We will not let the matter drop upon the completion of the investigation by the Air Force Inspector General. We intend to call upon the Defense Department for complete information with respect to the report of the Inspector General and examine the entire substance of it.

If the facts developed by the inspector general appear to be incomplete or inadequate in any respect, or if there is any indication that the full and complete facts are not being made available to us, we will then undertake our own independent investigation, including, if necessary, the dispatch of staff personnel to Vietnam to inquire into the matter. In short, we will take such action as is necessary to insure that the facts surrounding this tragedy are brought to light and that our fighting men in Vietnam have the most effective materiel and procedures that can be provided.

THE IMPACT OF AUTOMATION

Mr. BOGGS. Mr. President, we are constantly reminded of the impact of automation on our lives today, and frequently this impact is the source of labor-management disputes.

At the Phoenix Steel Corp.'s plant at Claymont, Del., however, the onset of automation has produced cooperation instead of trouble. While both the company and the United Steelworkers local are to be congratulated on the way they have worked out their mutual problems, it is the union which has in effect decided to tighten its belt during a massive modernization campaign and, in my opinion, deserves special commendation.

It seems to me that other areas of the country can learn something from this experience in Delaware, and I ask unanimous consent that a news article from the Wilmington Morning News, entitled "Phoenix Union Aids Automation," be inserted at this point in the RECORD.

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

FOR LONG-RANGE BENEFITS: PHOENIX UNION AIDS AUTOMATION

(By Martin Frost)

Automation is coming to one of Delaware's biggest industrial plants with a strong assist from the company's workers.

Union members at Phoenix Steel Corp.'s Claymont plant have agreed to tighten their belts temporarily so the firm may purchase modern machinery, a step that is expected to increase the labor force by more than one-third in the long run.

"The plant was obsolete," William G. Toner, international representative for the United Steelworkers of America (USW), points out.

The Phoenix board chairman, Stanley Kirk, expresses what the company was facing a little more strongly: "A dead company would be no good to anyone."

Essentially the situation was that Phoenix saw a need to undertake a massive modernization campaign to speed up production and make operation more efficient.

However, there was one main obstacle in the path of modernization: Article 19, section 1 of the company's contract with Local 3182 of the United Steelworkers. This clause provided that the company could not reduce the size of existing work crews without the consent of the union.

Modern machinery would not increase efficiency if work crews had to be kept at the same size, the company contended.

After consultation with national union officials, the local agreed late last month to waive the clause for 2 years, the time needed by the plant to install the new equipment.

At the end of that time, the article will be replaced with section 2B of the existing national agreement between big steel and the union. Section 28 contains the main principles of the local clause but is not as rigid.

The short-range effect of the local's agreement to waive article 19, section 1, will be a reduction of employees at the plant. This will be accomplished as new machinery is installed and work crews are reduced.

The union has arranged that this be done through a labor pool plan whereby high-seniority members whose jobs are abolished can be shifted to jobs in other parts of the plant.

Toner and Local President Edgar M. Gibson see this as only a short-range sacrifice. They predict the plant will be employing at least 2,000 production workers once the modernization is completed. Present employment is 1,450 production workers. Kirk agrees that in the long run employment will be up, probably to 2,000 in 2 years.

More employees will be needed for processing and handling when production is increased, Toner points out. He also says in-

creased production will allow the plant to diversify its efforts.

Most of its time now is spent making steel slabs, an intermediary step in production. Modern machinery will speed up the slab-making and allow more finishing time, he said.

Kirk is high in praise of the union for its cooperation. "They are to be commended," he said. "They have been realistic."

Members of the local negotiating committee were Gibson, chairman; Leroy Pernsley, cochairman; Stanley Zalewski, and Robert Dungan.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I believe that I obtained permission for the Senate to convene at 12 o'clock noon on Thursday, tomorrow, and at 12 o'clock noon on Friday. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR ADJOURNMENT FROM FRIDAY TO 12 O'CLOCK NOON ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, May 21, it stand in adjournment until 12 o'clock noon on Monday, May 24, 1965.

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

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that it stand in adjournment until tomorrow at noon.

The motion was agreed to; and (at 4 o'clock and 55 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, May 20, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, May 19, 1965:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Frank Thomas Mildren, O21992, Army of the United States (colonel, U.S. Army), in the grade of lieutenant general.

IN THE ARMY

The following-named person for appointment in the Regular Army by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be captain

Dooley, Thomas R. (MSC), O84838.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be major

Galli, Alexander L., O971976.
Kouchoukos, Paul C., O974942.
Reid, Richard L., O996720.
Yamashita, Kanshi S., O987776.

To be captain

Barker, James R., O4006820.
Bemis, Wilber G., Jr., O4061016.
Choquette, James J., O4005414.
Chritton, William R., Jr., O4006849.
Corbin, Delmar L., O4017051.
Crowley, John D., O4017388.
Cumber, David R., O4065210.
Dendy, Norris F., O4012058.
Dillingham, William B., O4062512.
Evans, Eulus E., O5405060.
Gibson, Henry L., O4000167.
Habig, Arnold J., O4064358.
Halleran, Kenneth E., O4026605.
Hammond, John A., O4034050.
Hodge, John J., O4075232.
Holden, Robert T., O4030660.
Holly, John W., O4009697.
Kaczor, Gerald E., O4010357.
Knudsen, Joseph R., O4005308.
Levitt, David M., O1890628.
Lundy, William H., O1890946.
Mack, Henry W., O4010312.
McCarthy, Basil E., O4021210.
Monroe, Eddie D., O4004459.
Mountel, Robert A., O2097659.
Nickeson, Dwaine E., O4074731.
Parker, Julius, Jr., O4047677.
Phillips, William R., O2004886.
Powell, Frank M., O4010868.
Roberts, David E., O5700513.
Roberts, Leo M., O4012344.
Schubert, Clarence S., II, O4062021.
Smith, Harvey A., Jr., O5405229.
Suttlehan, Laurence C., O4006804.
Turpin, Billie G., O4000210.
Varallo, Francis V., O5505186.
Washington, Samuel, Jr., O4044991.
Waters, Thomas L., O4001695.
Whitehorn, Jack A., O4006912.

To be first lieutenant

Altier, Robert E., O5209789.
Armstrong, Donald R., O4060979.
Barrett, Donald G., O5400945.
Black, James B., O5313123.
Bodmer, George M., O5511513.
Burch, Fenwick H., Jr., O5307185.
Burton, Thomas D., O5875274.
Candler, Harry W., Jr., O5410136.
Celata, Donald V., O5009578.
Chewning, Ward M., Jr., O5314672.
Clark, Luke E., O2308992.
Douglass, Robert E., O5316448.
Driskill, Joe G., O5411972.
Dunham, Richard A., O5409697.
Freese, Jon A., O5213541.
Gantt, John R., O2316643.
Heningburg, Michael, O2299143.
Hippensteele, Tom, O5313659.
Hurry, Bruce B., O5510542.
Kay, Edward C., O4058843.
Kerr, Joseph P., O5010457.
Kintigh, Jerry L., O5513483.
Land, Vincent J., O4035865.
Martin, Geary D., O5306191.
McKinney, Paul D., O2306451.
Merten, Patrick W., O5705992.
Mills, William C., Jr., O5412945.
Morai, Edward C., O2307814.
Morris, Bruce A., O5010092.
Morris, Richard C., O5006411.
Morrison, Don R., O5401574.
Parrish, Joseph P., O5514576.
Plate, Darold E., O5513351.
Presson, Billie T., O5216320.
Prow, William F., O5215737.
Rhodes, Hugh H., O5300696.
Riggs, Ronald K., O5410555.
Rosser, Terry N., O5412340.
Schneider, Robert H., O5215725.
Schreiber, Kenneth W., O5005344.
Smith, John A., O5511959.
Sponseller, James M., O5208720.
Stageberg, Richard D., O5512207.
Sullivan, Philip H., Jr., O5007966.
Touhey, Henry J., O5002882.
Vachon, Raymond F., O5010628.
Ward, Olin S., Jr., O4028239.
Watson, Samuel J., III, O5214849.
Weiss, Stephen R., O5412274.
Woolweaver, Robert G., O5410739.
Wright, Raymond J., O5205410.

To be second lieutenant

Brown, Frederick A., O5413436.
Coker, Fletcher C., Jr., O5316655.
Collar, William D., Jr., O5406007.
Cushing, Kerry B. M., O5531672.
Davis, Julian A., O5315335.
Durham, George E., O5316344.
Flaherty, Daniel J., O5415920.
Frichette, Peter E., O5708174.
Gallagher, Thomas W., O5532080.
Garland, Robert L., O5218051.
Glavickas, Joseph A., O5015575.
Heilig, Donald M., O5316580.
Hoskinson, Charles E., O2311327.
Jackson, Vernon B., O5317242.
Jarrett, Garnett L., O5317773.
Johnson, James D., O2313271.
Kamicka, Gerald W., Jr., O5016226.
LaFreniere, Richard L., O5014384.
Landin, Robert F., O5315370.
Langston, Guy A., O5875229.
Lipka, Gerald, O5516589.
Miller, David P., O5215722.
Rebich, Larry G., O5221002.
Rich, John H., Jr., O5014428.
Rishell, Donald C., O5406361.
Rubald, Quintin T., Jr., O5512872.
Senkus, Neal J., O5321611.
Stann, Richard L., O5320085.
Straub, Delbert M., O5406033.
Van Zant, John H., Jr., O5316967.
Veen, Robert A., O5532050.
Wakefield, William C., II, O5218804.
Wilson, Clyde A., Jr., O5531020.
Yatsko, Joseph P., Jr., O5320108.
Yeager, Gerald A., O5406491.
Youell, Charles C., III, O5219275.
Young, Leo M., O5312763.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, and 3294:

To be major, Judge Advocate General's Corps

Gomez, Viviano, Jr., O2263864.

To be major, Medical Corps

Otterson, Warren N., O4056004.

To be captain, Army Nurse Corps

Wills, Mary A., N2241658.

To be captain, Chaplain

Neely, Donald L., O5501868.

To be captain, Dental Corps

Christman, Peter D., O5518292.
Zulaski, John F., O5206112.

To be captain, Judge Advocate General's Corps

McNamee, Alfred A., Jr., O4013112.

To be captain, Medical Corps

Birriel-Carmona, Tomas, O5826592.
Black, Thomas C., Jr., O5408320.
Coggin, Julian T., O5708979.
Cohen, Harvey M., O4085307.
LaPat, Richard C., O5223772.
Lisciandro, Richard C., O5051278.
Maeda, Thomas H., Jr., O5800419.
Miller, Franklin C., O5223931.
Rakolta, George G., O5525150.
See, Donald H., O4027039.
Scitter, Girard, III, O5206628.
Smith, Philip P., O5507086.

To be captain, Medical Service Corps

Carr, Robert A., O4006877.

To be first lieutenant, Army Nurse Corps

LaChambre, Joyce M., N5407177.
McCaffrey, Mary G., N2291951.
Sullivan, Barbara A., N2298621.
Woodring, Anna L., N5411216.

To be first lieutenant, Judge Advocate General's Corps

Adkins, Fred, O5219657.
Bale, Harold L., Jr., O2315403.

Devine, Frank E., O5012159.
Dupre, Charles C., O5012098.
Fowler, Britton L., O5320769.
Galfy, Joseph J., Jr., O5010270.
Kennedy, Robert P., O5014275.
Leopold, Bertram B., O5220431.
Noell, John S., Jr., O5318034.
O'Callaghan, William L., Jr., O5318035.
Shlakman, Kenneth J., O5220096.
Tatem, Stephen B., Jr., O5219723.
Woodward, Joe L., O5412145.

To be first lieutenant, Medical Corps

Anderson, James R., O2313404.
Bowe, Richard G., O2316912.
Brobeck, Alan G., O2316914.
Cipriano, Frank J., O2313174.
Davis, William R., O4068463.
Evans, Roger W., O5511066.
Firestone, Marvin H., O2313231.
Glasser, Stephen P., O2316940.
Greer, Thomas D., O5410378.
Hallee, Theodore J., O5007520.
Haven, James J., O2316904.
Kowalski, Leonard R., O2313100.
Light, Jimmy A., O5311259.
Marrin, Daniel J., O2313223.
Proctor, Richard O., O2316873.
Rapp, Robert S., O2313277.
Renn, John S., II, O2316872.
Smith, Alvin E., O5315991.
Smith, Carl R., O2313068.
Warden, David R., O5310126.
Wearn, Joseph H., O5310128.
Welch, Melton J., Jr., O2313063.
Wheeling, James R., O4062287.

To be second lieutenant, Army Nurse Corps

Mangold, Kathleen H., N2315089.

To be second lieutenant, Medical Service Corps

Boe, Gerard P., O2313171.
Finkelstein, Eugene, O2311698.
Gregg, Jerry L., O5517100.
Ladestro, Ralph, O2311798.

The following-named distinguished military students for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3292:

Humphrey, James T., Jr.
Sickel, Stephen V.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Arnt, Stephen W.
Bray, Edward W., III
Covington, Bobbie J.
Flaherty, Michael J.
Goodloe, Samuel, Jr.
Hooker, Scottie T.
Lewis, George E., Jr.
Odum, David J.
Rylant, William G.
Taylor, Ronald G.

The following named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Acevedo, Rafael A.
Adams, Nolan J.
Adams, Ronald E.
Albright, Carl W.
Aleva, Robert J.
Anderson, William H. W., Jr.
Arentz, Richard T.
Arnold, Gary W.
Barreca, Alan R.
Barrett, Jimmie H.
Bolt, Andrew W., II
Brame, Ronald M.
Brown, Wayne K., Jr.
Bruning, Richard C.
Bull, George P.
Bullen, Charles W., Jr.
Campbell, Douglas B.
Carnes, Julian S.
Carstensen, Harold B., Jr.
Cash, John R.
Cirello, John
Clemmer, Donald E.
Compton, Robert L.
Cook, Donald E.
Cox, Michael P.
Curtis, William A.
Davis, Douglas V.
Durbin, James P.
Elders, Telford E.
Field, Richard C.
Fischette, William S.
Fitzpatrick, James J.
Fleig, Franz W.
Fournaris, Evan N.
French, John D.
French, Lawrence E.
Futch, Shelby L.
Geraghty, Lawrence J., Jr.
Gilch, Ronald G.
Gilchrist, Willis A., Jr.
Goff, John E.
Harms, Lowell E.
Hart, Kenneth M.
Hawryluk, Eugene G.
Hieronymus, Edward W.
Hilts, William J.
Hitzemann, Charles W.
Hoffman, Thomas A.
Horsey, Wade H., II
Howell, Michael E., O5710889
Hudson, John J.
Hulslander, Donald J., Jr.
Jackson, Robert S.
Jacobsen, Gerald R.
Jaeger, Edward H.
Johnson, Larry D.
Johnson, Tom M.
Jones, Donald C.
Jungerman, Edward E., Jr.
LaClare, Edward J.
Lanoue, John D.
Lazarus, Paul D.
Linton, Leonard M., Jr.
Lovelace, James M.
Mason, George S.
McCaslin, James K., Jr.
McKelvey, L. Patrick
McLaughlin, John M.
Menson, Richard L.
Mikols, Walter
Morrow, Melvin L., Jr.
Normand, Anthony H.
O'Leary, Joseph J., Jr.
Pomanger, Richard A., Jr.
Porrell, David J.
Pryor, Charles A., Jr.
Raines, John W.
Read, Beverly C.
Reavis, John R., Jr.
Recchuite, Martin C.
Register, Jerry B.
Reisler, Ronald A.
Robb, Douglas W.
Roberts, Daniel A.
Rojas, Donald C.
Scafati, Michael
Schechterle, Brian
Schreiner, David M.
Sheldon, Frederick C.
Sibert, Ronald S.
Silverman, Richard S.
Stevens, Winfred A.
Stevenson, Dennis E.
Stitt, Peter C.
Stolfi, John R.
Susik, Robert D.
Thiel, Roger A.
Tokunaga, Asao
Turgeon, Alfred J.
Van Singel, Donald
Waitt, Malcolm G., Jr.
Walden, Daniel J.
Weber, Carl R.
Wenlock, James I.
Weston, Allen A.
White, Robert A.
Williams, Roy D., II
Wolfe, James B.
York, John M.

The following-named cadets, graduating class of 1965, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3284 and 4353:

Abbott, Michael H.
Abraham, Thomas S., Jr.
Adam, LeRoy A.
Adams, Curtis H., Jr.
Airy, James F.
Albright, Lorin C.
Alexander, Errol D.
Alger, John I.
Ammerman, Frederick W.
Ammon, Stephen L.
Anderson, John T.
Anderson, Joseph B., Jr.
Anderson, Robert M. S.
Andresen, Martin W.
Appler, Donald E.
Applin, Frank M.
Arkangel, Carmelito, Jr.
Arnall, Frank M., III
Aron, Charles M.
Arvin, Carl R.
Asplund, Ralph E.
Atchley, Oscar L., III
Atteberry, Leighton C.
Axley, Robert J.
Bachman, William B., Jr.
Bailey, Ronald B.
Baldinger, Robert W., Jr.
Bangert, David C.
Barber, Paul F.
Barker, Ballard M.
Barkley, Joseph R.
Barron, Thomas C.
Barry, Bartholomew D., Jr.
Barwis, John W.
Becker, Peter K.
Beinlich, William A.
Belanger, Fred M.
Bell, George T.
Bennett, Lawrence G.
Benton, David L., III
Berdan, Robert F.
Berdy, Michael E.
Bergmann, Paul L.
Bernier, Barre S.
Berry, James L.
Birdseye, William S.
Bishop, Glade M.
Blau, Jack L.
Bliss, Stephen M.
Bodde, David L.
Boerckel, Richard A.
Bohannon, John R.
Bonnett, Mitchell E., Jr.
Boohar, Charles W., Jr.
Borkowski, Thomas F.
Borrego, Anthony J.
Boyter, Norman C., Jr.
Bradley, Robert S.
Bradley, William C.
Brewer, Dennis W.
Briggs, Lloyd C.
Brock, George R.
Browder, William R.
Brown, Charles E., Jr.
Brown, David R.
Brown, Lloyd K.
Brown, Neil E.
Brown, Robert D., III
Bryan, James E.
Bryant, Richard L.
Bucha, Paul W.
Bunn, Richard D.
Buntz, Burke O.
Burgardt, Charles H.
Byrne, William E., III
Cahill, Peter J.
Campbell, Russell A., Jr.
Carll, Thomas H.
Carlson, Terry A.
Cato, Robert B.
Chaffer, John R.
Chapman, Richard W.
Charles, Frederick J., III
Chase, Emery J., Jr.
Cherry, Kenneth J.
Christman, Daniel W.
Chudoba, Dennis L.
Churchwell, Curtis D.
Cindric, Thomas A.
Clark, Alexander J., Jr.
Clark, Jerry F.
Clarke, Bruce B. G.
Clay, Anthony H.
Clement, Stephen D.
Clewley, Lawrence L.
Clover, Robert L.
Coleman, Richard E.
Coll, Dennis R.
Collins, Richard G.
Concannon, John F., III
Conley, James S., Jr.
Connolly, William J.
Connor, John E., III
Connor, Michael J.
Cook, Charles M.
Cooley, Jack W.
Cooper, Philip R.
Coughlin, James M.
Croak, Thomas L.
Csoka, Louis S.
Cullen, John N., III
Curl, Gilbert W., Jr.
Darrah, Stephen C.
Davis, Garrett M.
Davis, John S.
Davis, Leonard D.
DeFrancisco, Joseph E.
DeLaar, Robert A.
DeMoulpied, David S.
DeVitto, John C.
DeWitt, Spotswood
Deems, John M.
Dermody, Henry M.
Dernar, Jerry
Dickey, Charles C., Jr.
Divers, Walter A., Jr.
Donaghy, Daniel J.
Donahue, Richard J.
Donovan, Patrick J.
Dorney, Christopher J.
Dornier, Russell L.
Doughty, Robert A.
Drass, Paul R.
Drinkwater, David M.
Dufour, Jerome P., Jr.
Dyer, James L.
Echols, James E., III
Eckart, Charles R.
Eichelberger, Jerald P.
Eichorn, Frederic N., Jr.
Ellenbogen, Steven W.
Endicott, Richard L.
Erbes, Donald C.
Evans, Edward R., Jr.
Farmelo, Gene R.
Ferguson, James E.
Fergusson, Thomas G.
Fish, Grosvenor W.
Fligg, Claude M., Jr.
Floto, Ronald J.
Foehl, Edward A., Jr.
Frank, Robert T.
Fredricks, Grant L.
Frey, Robert M.
Fricke, Harlan F., II
Frydrychowski, Roger W.
Funk, John E.
Gabel, David A.
Gagne, Robert O.
Gailey, John B.
Gamboa, Anthony H.
Ganshert, Stephen C.
Garms, Royal R.
Gates, Robert E., Jr.
Gehringer, George S.
Genega, Stanley G.
Genetti, Thomas R.
Gentine, Carl W.
Gibson, Douglas L.
Gilchrist, Malcolm S.
Gill, Americus, M., Jr.
Gill, Clair F.
Glynne, Michael T.
Gnau, David P.
Golden, James R.
Grandstaff, Terry B.
Grates, Frederick R.
Green, Lewis E.
Greene, James P.
Griffin, Roger A.
Griffin, William R.
Guenther, Randolph K.
Guy, Robert A.
Hagie, Leslie E.
Haines, Harry C., III
Hall, Richard M.
Hallenbeck, Ralph A., III
Halvorson, Colin O.
Hardin, James C.
Harman, Steven C., Jr.
Harmon, James D., Jr.
Harper, Philip V., Jr.
Harrington, John B.
Harter, Robert L.
Harvey, James R., Jr.
Hawker, Dennis E.
Harkins, Raymond J., Jr.
Hays, John H.
Hecker, William F., Jr.
Heindrichs, Charles R.
Helberg, James A.
Hemmingway, Charles L.
Henneberry, Thomas R.
Hennen, James M.
Hennessee, James F.
Hennig, Guenter
Hennig, Richard A.
Hester, Arthur C.
Hewitt, Lansing T.
Hewitt, Leland H.
Higgins, Robert W.
Higley, John W.
Hill, Robert J., III
Hindsley, Joseph D.
Holmes, James W.
Hopkins, James D.
Horst, Richard G.
Howard, Peter M.
Howell, John M.
Hudson, Claude K.
Hudson, Michael E.
Hughes, Lyttle P.
Hulin, Bruce D.
Hume, James S.
Hurley, David E.
Huston, Michael J.
Hutton, John K., Jr.
Isakson, Larry H.
Jeffcoat, Marvin A., Jr.
Jenkins, Harold A., Jr.
Johnson, John T., Jr.
Johnson, Martin L., Jr.
Johnson, Robert B., Jr.
Jones, David T.
Joyner, Harry N., III
Juchau, William C.
Kadetz, Gary S.
Kahara, Calvin G.
Kantrowich, Paul J.
Keats, Robert G.
Keith, John F.
Kelley, Henry L.
Kelley, Hugh A., Jr.
Kelly, James M.

Kelly, Jerome E.
Kempf, Stephen J.
Kennedy, Leo R.
Kenny, Patrick D. J.
King, Jon E.
Kistler, Bernard F.
Kleinmaier, Lee E., Jr.
Kline, Douglas C.
Klingler, Harold H., Jr.
Klink, Edwin H.
Kniker, Nathan H.
Knoche, Ernest J., Jr.
Knowles, John D.
Knudson, Richard A.
Koleszar, Frank W.
Kolzing, Ronald K.
Konermann, Leo L., Jr.
Koropey, Oleh B.
Kovach, Thomas J.
Kovacsy, Arpad de
Kukea, Joseph K., Jr.
Kulbacki, Walter S.
Kurtz, Donald G.
Kuzman, Richard J.
LaRochelle, David F.
Lane, James E.
Lapolla, Michael P.
Larson, Gordon A.
Larson, Kermit D.
Laughlin, Fredric L.
Lawson, Lowell B.
Layer, Ronald F.
Ledzinski, Jerome M.
Lee, Robert L., Jr.
Lehman, William J.
Leibowitz, Michael
Lemley, Kendall M.
Leskovjan, Larry L.
Letterie, Carl A., Jr.
Letterman, Gordon G.
Leverett, Hubbert L.
Levine, Barry W.
Lewis, Dennis B.
Linn, Peter C.
Lipsit, Gerald E.
Locurcio, Ralph V.
Loftin, Dean R.
Long, Peter J., Jr.
Longhouser, John E.
Lounsbury, Peter B.
Lowe, Henry J.
Ludwig, Raymond J.
Lyons, John K.
Lyons, William E.
MacVicar, Thomas D.
Mace, Robert W.
Madden, Jerry A.
Maimone, Emanuel P.
Malpass, John R., Jr.
Maness, Lewis E., Jr.
Manghi, Gene K.
Mark, Arthur B., Jr.
Marsh, Wayne W.
Marshall, Bruce R.
Matkovcik, Thomas J., Jr.
Matteson, Michael J.
McArthur, Kenneth D.
McChristian, Joseph A., Jr.
McCloskey, Charles C., III
McConnell, Camden W.
McCreary, William T.
McCullough, John H.
McDonald, Paul T.
McEliece, James H., Jr.
McGurk, John R.
McKemey, William J., Jr.
McMillan, Jerry R.
McMillan, John E.
Meier, Frank L.
Menninger, George E.
Merges, George J.
Merriam, Nicholas H.
Metzner, Ladd H.
Mickells, Henry G., Jr.
Mims, James E.
Mirando, James A.
Mitchell, William B.
Miyashiro, James T.
Mogan, Bernard J., Jr.
Mohlere, Richard D.
Molepske, Robert J.
Momcilovich, Michael, Jr.
Moore, Harley L., III
Moorefield, Kenneth P.
Morrissey, Stephen R.
Moseley, Charles H., Jr.
Motal, Beverly W.
Motes, Preston M., Jr.
Mullen, Orlin L.
Munson, Merton E., Jr.
Mushovic, Thomas J.
Myers, Chester A., Jr.
Neal, Larry T.
Needels, Christopher J.
Nelson, Walter E., Jr.
Nenninger, Glennon E., Jr.
Nichols, Charles S.
Nowland, Donald E.
O'Brien, Francis W., Jr.
O'Connor, Joseph P., III
O'Donnell, Charles F., III
O'Grady, Michael J.
O'Hara, Timothy S.
O'Leary, Gerald D.
O'Neill, Eugene D.
O'Toole, George P., Jr.
Olivo, James A.
Olmstead, Kim H.
Olmsted, Philip R.
Olson, John V.
Olson, Stephen A.
Ono, Tadahiko
Paek, Stephen J., Jr.
Paley, James M.
Parcels, Donald C.
Parker, Eugene J., Jr.
Parrish, Donald J., Jr.
Paske, Raymond J.
Peters, James M.
Peterson, Carl A., Jr.
Pfeifer, Charles F., Jr.
Phillpotts, Donald A.
Philo, Steven E.
Pickler, John M.
Pickup, Bedford M.
Pollard, Raymond G., III
Powers, Thomas P., Jr.
Principe, Nicholas J., Jr.
Probst, Francis J., Jr.
Pylant, Julian E., Jr.
Radcliffe, Robert F.
Rau, Paul D.
Ray, Lloyd C., Jr.
Raybeck, Bruce A.
Reed, Howard H.
Reisner, William E.
Reller, Frank X., III
Renschen, Paul S.
Resick, Martin J.
Richardson, Douglas J.
Ridenour, Thomas A.
Riley, Francis G.
Riley, Ronald J.
Ritch, John B., III
Ritch, William N., Jr.
Roebuck, Zigmund J.
Rood, Omar E., Jr.
Rood, Robert D.
Rose, Leo P.
Roseberg, John B.
Roth, Arthur, Jr.
Rountree, Rance H.
Rowe, Donald S.
Ruggles, George W.
Ryan, Terrance C.
Salomone, John L.
Samnarco, Valentino T.
Sanchez, Jose L.
Satorie, Thomas R.
Savatiel, Karl R.
Saxon, Walter L.
Schaltenbrand, Raymond J., Jr.
Scheiner, James I.
Scholl, Wayne J.
Schultz, Paul F., Jr.
Schwartz, Marshall W.
Scobie, Jon D.
Scruggs, Hugh F.
Scully, Robert E.
Seaburn, James T.
Seaworth, George H.
Selkis, Robert F.
Seymour, John B.
Shapiro, Fred J.
Sharkness, Edward J.
Shaver, Michael P.
Shaw, Ralph T.
Sheridan, Mark E.
Sherrell, William W., Jr.
Shinseki, Eric K.
Shuford, John H.
Sikorski, Douglas J.
Simmons, Timothy J.
Simpson, Edward, Jr.
Singelyn, Paul J.
Sinnreich, Richard H.
Skidmore, Francis R.
Slutzky, Kenneth B.
Smith, Frederick J.
Smith, Herbert J., III
Smith, James L.
Smoak, John R., Jr.
Speilman, Daniel E., Jr.
Sperry, Steven M.
Spire, Christopher L.
Spoerry, Stephen J.
Stanko, Michael R.
Steinwald, Daniel F., Jr.
Stephenson, James P.
Sterba, Robert H.
Sterbenz, Henry W., Jr.
Stevison, Jay F.
Stewart, James V., III
Stewart, Lance R.
Stichweh, Carl R.
Stowell, Robert D.
Strassner, Lawrence M.
Sullivan, Richard A.
Swensson, John K.
Talbot, James W.
Taylor, Wesley B., Jr.
Teeters, Michael B.
Terry, John K.
Thames, John W., Jr.
Thomasson, John T.
Thompson, John C.
Thompson, Jon K.
Thompson, Michael H.
Thompson, Robert D.
Throckmorton, Terril M.
Tillman, James L.
Timbrook, Robert D.
Timmerman, Frederick W., Jr.
Tomaswick, James R.
Toomey, Kevin P.
Tragemann, Richard W., Jr.
Tredennick, William H.
Triick, William A.
Turner, Jack C.
Tutchings, Terrance R.
Tyner, Saint E. P., II
Van Dyk, Thomas W.
Vann, David B.
Vann, John M.
Vaughn, Jay E.
Viani, Michael L.
Walsh, Mark R.
Walter, Ronald L.
Watson, James M.
Wattendorf, John M.
Weatherall, Joe A., Jr.
Wells, Ronald M.
Wells, Walter J., Jr.
West, Lowry A.
Westpheling, Ernest D.
Wetherill, Roderick, Jr.
Wheeler, Louis L.
White, Robert C.
White, Thomas R.
Whitehouse, Benjamin, Jr.
Whitten, Jesse M.
Wiest, Lawrence P.
Wiley, Earl T.
Williams, Richard C.
Williams, Ronald N.
Winstead, Edward D.
Wolf, Roger W.
Wolff, Robert D.
Wollen, A. Ross
Wood, James H.
Woodard, James A., Jr.
Woodruff, Ray G.
Wuertenberger, Charles E.
Yoshitani, Ken
Zais, Barrie E.
Ziegler, Bernard L.
Zonne, Robert J., Jr.
Zurlo, Joseph A., II

The following-named midshipmen, graduating class of 1965, U.S. Naval Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284, and 3287:

Fischer, Stephen J.
Frazar, Joe N., III.
Sanders, Raymond A.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19, 1965:

NATIONAL CAPITAL TRANSPORTATION AGENCY

Walter J. McCarter, of Illinois, to be Administrator of the National Capital Transportation Agency.

DEPARTMENT OF THE INTERIOR

Stanley A. Cain, of Michigan, to be Assistant Secretary of the Interior for Fish and Wildlife.

FEDERAL POWER COMMISSION

Carl E. Bagge, of Illinois, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1967.

EXTENSIONS OF REMARKS

Federal Government and New Jersey: Partners in Crime and Vice

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. FINO. Mr. Speaker, today, I would like to bring to the attention of this House facts which show that the Federal Government and the State of New Jersey are full and equal partners in organized crime and vice.

New Jersey is called the Garden State but actually it should be called the garden of gambling. Several northern New Jersey counties were long known as hood hangouts. The gangs bought protection for these nerve centers minutes from downtown New York City with their easily won gambling dollars—which dollars were a tribute to shortsighted policies which kept gambling illegal and thus lucrative for the gangs.

Anyone who has looked into the financial roots of organized crime has pinpointed gambling moneys as the root from which most evil flows. Gambling debts or profits are behind everything from heroin wholesalers to housewife prostitution rings.

New Jersey is no exception. Far from it. Last year's parimutuel turnover in New Jersey was $316 million. This is the part of New Jersey's total gambling which roughly corresponds to the part of the iceberg that is out of the water, a very small part. Gambling is big business in gang-garden New Jersey. The McClellan committee recently heard that yearly off-track betting in this country is $50 billion, and that this type of betting represents about 42 percent of total illegal gambling. Nationwide illegal gambling would thus reach a yearly total of some $120 billion, which sounds incredible until you remember a Massachusetts Crime Commission report saying that people of that State spend more money gambling than on groceries. On a population basis, New Jersey would account for some $4.2 billion of that $120 billion, so it is not hard to see why the mob must think New Jersey is truly a garden State.

The mob keeps 10 percent of this gambling turnover, or some $400 million. No wonder they can afford to bankroll a lot of vice and narcotics. No wonder

they have more than enough profits to keep New Jersey safe for illegal gambling and all that flows from it. A cynic might say no wonder New Jersey has no government-controlled gambling that would drive out the syndicates waxing fat in the present vacuum. All I can say is that the people of New Jersey ought to take a long, hard look at the alliance of ignorance that has made the New Jersey and Federal Governments, by their refusal to recognize and regulate gambling, partners in crime, partners with the mob behind every housewife prostitution ring, every narcotics ring, and many other vice rackets. The very governments who piously talk of vice control are up to their necks in negligent contributions to that which they supposedly seek to exterminate. This seamy government partnership in crime has made the Garden State a rich pastureland of vice.

New York City Celebrates Centennial of Its Fire Department

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. CAREY. Mr. Speaker, on June 1, the city of New York will mark the centennial of the inauguration of a paid fire department.

New York City Fire Commissioner Martin Scott has announced that with Mayor Robert F. Wagner as honorary chairman, and Deputy Mayor Edward F. Cavanagh, Jr., as honorary cochairman, a spectacular parade is planned on that date with several hundred neighboring volunteer and paid fire departments marching in the procession.

Commissioner Scott stated:

A committee of prominent citizens has assisted in the planning of the fire department's centennial celebration. It will be one of the biggest parades ever held here and certainly one of the most noteworthy events in the annals of the city.

Hundreds of contingents will parade with their own bands or fife and drum corps. In the vanguard of the parade will be a cavalcade of the various types of firefighting equipment from the 1865 hand-drawn pumping engines to the ladder trucks and other evolutionary pieces of apparatus, ending with the department's most modern equipment. Firemen drawing and operating the equipment of the past century will be attired in uniforms of the periods represented.

The parade is scheduled to begin at the Battery and march up Broadway to city hall and then proceed to the World's Fair where they will be the guests of honorary cochairman, Robert Moses, president of the New York World's Fair Corp.

All firemen participating in the celebration will assemble at the Singer Bowl to pay tribute to the department in a brief ceremony.

Mr. Speaker, in recognition of the great service that has been rendered by the fire department of the Nation's greatest city for more than a hundred years, I wish to take this opportunity to call this praiseworthy record to the attention of my colleagues and the country.

Reporting of Financial Interests for Government Officers

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. REUSS. Mr. Speaker, an important ingredient of any congressional code of ethics is that of periodic disclosure of financial holdings by Members of Congress. I hope that the Joint Committee on the Organization of Congress will include among its recommendations an orderly procedure for such reporting.

Along with other Members, I have in the past made such a financial disclosure pending the adoption of a uniform system.

Meanwhile, the President, on May 10, 1965, issued Executive Order No. 11222, prescribing standards of ethical conduct for Government officers and employees. The Executive order requires—part IV, section 401——that executive branch agency heads and top Presidential appointees shall submit to the Chairman of the Civil Service Commission a detailed reporting of financial interests. While this Executive order does not apply to members of the legislative branch, I submit herewith a statement responsive to Executive Order No. 11222:

1. A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions—

(A) With which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant:

Member, Wisconsin Chapter, National Institute for Infantile Paralysis.

Member, board of visitors, Cornell University College of Arts and Sciences;

Director, American Youth Hostel Association.

(B) In which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association: None.

(C) In which he has any financial interest through the ownership of stocks, bonds, or other securities:

Metropolitan Savings & Loan Association.
Home Savings & Loan Association.
Government of Israel.
American Electric Power Co.
American Sugar Refining Co.
Bank Stock Corp. of Milwaukee.
Central Illinois Public Service Co.
Central & Southwest Corp.
Johnson Service Co.
Madison Fund.
Majestic Mines, Ltd.
Niagara Share Co.
Northwestern National Insurance Co.
One William Street Fund, Inc.
Public Service Co. of Indiana, Inc.
Puget Sound Power & Light Co.
Tri-Continental Corp.

2. A list of the names of his creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses: None.

3. A list of his interests in real property or rights in lands, other than property which he occupies as a personal residence: None.

Brief Summary of Quality Stabilization Act

EXTENSION OF REMARKS

OF

HON. JOHN J. GILLIGAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. GILLIGAN. Mr. Speaker, this bill would amend the Federal Trade Commission Act in the following ways:

First. Gives recognition to the legitimate interest of the owner of a brand name or trademark, in stimulating public demand for his goods through effective distribution. It recognizes and confirms the property rights of any brand name or trademark, and in the trade and public goodwill it symbolizes. These property rights in the brand name or trademark will not be diminished or extinguished by any sale or transfer of goods to which the brand name or trademark relates.

Second. Grants the owner of a brand name or trademark the right to revoke for a period of not more than 1 year for the first violation the use of his brand name or trademark in reselling the goods identified by that brand name or trademark if:

(a) The person reselling such goods has used them as "bait merchandise," or

(b) The person reselling such goods, after written notice of the resale price established by the owner of the brand name or trademark, offered for sale or actually sold the goods at a price other than the one suggested, or

(c) The reseller intends to deceive purchasers by publishing a misrepresentation within 90 days before the written notice of revocation.

For the revocation to be effective the reseller must have received written notice of the trademark or brand name owner's currently established resale price, and acquired the goods after being given such a notice. But before a trademark owner may utilize the provisions of this legislation his goods must be in free and open competition with other goods that can be used for the same general purpose that are available to the public from other sources.

It should be noted, however, that the provisions of this legislation would not be applicable to the conduct of anyone

who resells a brand name or trademark good after removing the insignia from the commodity and does not, therefore, employ in any way the goodwill of the brand name or trademark.

Third. Gives protection to the rights of the reseller of the merchandise on hand after his right to employ the brand name or trademark has been revoked by allowing two courses of action—

(a) Sell the goods in the regular course of business so long as he does not use it as bait merchandise, misrepresent or change the suggested retail price,

(b) Return to the brand name or trademark owner the inventory of the item for full refund of price plus transportation costs,

Fourth. Protects the reseller against discriminatory conduct by the owner of the trademark or brand name.

Fifth. Preserves the rights of the owner of a brand name or trademark in instances not covered in this legislation but already protected in law. This legislation is not repealing any of the present laws relating to the protection of trademarks.

Sixth. This legislation would apply to all commercial action which Congress may lawfully regulate, using the full sweep of its power over interstate commerce. But the people of each State would be free to accept or reject coverage under this legislation. If a State did not accept it there are safeguards provided for protecting States that do against such activities as mail-order businesses that would thwart the purpose of this legislation.

Seventh. Contains the requirement that each currently established resale price or resale price range should be uniform at each level of distribution except for reasonable marketing costs.

Eighth. Exempts:

(a) Sales of bulk commodities sold without wrappers or containers,

(b) Sales by any officer acting under orders or authority of a court,

(c) Sales of damaged, deteriorated, defaced, or secondhand goods,

(d) Sales of drugs, medicines, and devices for which State laws require a prescription,

(e) Sales to or by the Federal, State or municipal governments,

(f) Sales to charitable, educational, medical, and religious organizations for their own use and not for resale.

Improved Coast Guard Vessels a Must

EXTENSION OF REMARKS

OF

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. FRIEDEL. Mr. Speaker, on May 8, I had the pleasure of attending the launching of the new Coast Guard vessel *Confidence* at the Coast Guard yard at Curtis Bay in Maryland. This is truly a wonderful vessel equipped with every modern device to enable the Coast Guard to carry out the duties assigned to it in protecting our country.

Our colleague, the distinguished chairman of the House Merchant Marine and Fisheries Committee, Congressman BONNER, gave the principal address at the launching of the *Confidence*. Chairman BONNER called attention to many facts concerning the Coast Guard which I feel are unknown to most of us and which merit our serious consideration to insure that we continue to enact the necessary legislation to improve our Coast Guard vessels in the best interests of the United States.

I am sure all the Members of the House will be interested in reading Congressman BONNER's address and under unanimous consent I place it at this point in the RECORD.

REMARKS OF HON. HERBERT C. BONNER, CHAIRMAN, COMMITTEE ON MERCHANT MARINE AND FISHERIES, AT LAUNCHING OF USCGC "CONFIDENCE" (WPC-619) AT CURTIS BAY, MD., ON MAY 8, 1965

I am pleased and proud to be present at the launching of this beautiful vessel today.

For all too long, I have observed the Coast Guard struggling with war surplus castoffs to the detriment not only of its missions but also at the risk of the heroic men who make up its membership.

The Coast Guard has always been very close to my heart, living as I do on the coast of North Carolina. I have long known firsthand of the efforts that it makes to protect our shipping. Since I have been a member, and am presently chairman, of the Committee on Merchant Marine and Fisheries, I have had even greater opportunity to get a broad understanding of its many functions.

The necessity for newer and better equipped vessels increases as the missions assigned to the Coast Guard increase. Up to a few years ago, we had no worry about Soviet incursion of our fishing grounds. Now, off Alaska, the New England coast and the Florida coast, this has become a dangerous situation, not only to the livelihood, but also to the lives, of our fishermen.

We have seen the Cuban threat increased, only to be kept under reasonable control through the efforts of the Coast Guard.

The grave situation in the Dominican Republic may mean more work in the Caribbean.

Just a week ago the Navy, with the President's approval, requested the redeployment of 17 of the best of the Coast Guard's versatile 83-foot cutters to patrol the waters off the coasts of Vietnam. The duty is in a field of special competence for the Coast Guard. This instance highlights the huge responsibility of the Coast Guard and the need for it to be constantly ready. Although the move is a clearly necessary one, the fact remains that it deprives major areas of our east, gulf and west coasts of the search, rescue, and law-enforcement protection which these cutters would normally provide. This is a matter of great concern.

This week I and other members of our committee introduced legislation to authorize the immediate replacement of the 17 cutters going into Far Eastern service. I am pleased to report that the committee and the House recognized the emergency and quickly acted. But even so, it will be from 14 to 18 months before the new vessels are constructed and become operational.

As an interim measure our committee directed that I and the ranking minority member, Mr. MAILLIARD, of California, write the Commandant, urging that every effort should be made to acquire vessels from other sources to meet urgent domestic needs in the coming months. I hope and expect that this will be done.

Since the duty of authorizing expenditures for Coast Guard equipment has come to my committee, I have made every effort to expand its requests for new vessels. I have one grave criticism of its actions, however. I feel that the service is much too modest in its requests for new equipment and facilities. Only now is it undertaking the construction of new large cutters to replace the wartime castoffs that it has been using for the past 20 years or more. One has only to understand the severe and dangerous work undertaken by these vessels to realize the necessity for the newest and safest equipment.

I am hopeful that in the future we will be able to do more in this respect to upgrade the Coast Guard fleet. It is performing a vital function, not only for those who use our waters, but also for those of us who are fortunate enough to travel abroad, whether it be by sea or air. Their ocean station vessels and their aircraft are continuously on the alert to respond to any emergency.

We must redouble our efforts to maintain the proud record of safety that has been established through the efforts of the Coast Guard and this can only be accomplished by providing it with the tools to do its work.

It is my hope and expectation that more and more new vessels will be provided to better enable the Coast Gurd to meet its responsibilities as time goes on.

I, for my part, intend to do my best to see that this occurs.

Thank you.

The 30th Anniversary of the REA

EXTENSION OF REMARKS

OF

HON. GALE SCHISLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1965

Mr. SCHISLER. Mr. Speaker, I cannot let the month of May pass without taking note of the anniversary of a program which has helped to improve the living standards for all of rural America. The program was initiated by the Executive order of President Franklin Roosevelt in 1935 for the purpose of providing more jobs for our rural population. A year later the Congress created it as a lending agency only, for the purpose of financing electrical systems in rural areas. By 1949 it was given the job of extending and improving telephone service in rural areas through loans. I am speaking, of course, of the Rural Electrification Administration.

It is well to pause for a moment, in this day when we live within easy access to electricity and modern communications systems, and look at the beginnings of the REA program, which now serves more than half the geographical area of the Nation. As one who was born and raised on an Illinois farm, I believe I know the basis for the devotion that rests with the REA program.

When the Rural Electrification Act was passed in 1936, only 1 farm in 10 had

central station electric service. When Congress enacted the REA telephone program in 1949, only 38 percent of the Nation's farms had telephone service of any kind, most of which was totally inadequate and of very limited use. The history of the REA is rooted in the deep frustration that surrounded rural families in the early 1930's after years of attempting to get the nearest power supplier to stretch his lines a half mile or even further so that they might have the comfort of electric lights in the house.

In 1935, at the end of its first half century, the electrical industry in the United States was generating about 95 billion kilowatt-hours of electric energy annually, in a plant costing $13 billion. To many in the industry, the advent of Government-financed rural electrification and the creation of TVA were the thrusts of a nationalized power industry.

But the record shows that these critics are wrong. REA did not harm the private segment of the electric power industry. Instead, its example of widespread electric service at lowest possible rates caused the commercial power industry to become more active in serving the needs of the Nation.

Our own State of Illinois has been a leader in the cooperative movement. The total loans approved to rural electric systems in our State since 1935 have amounted to $151,449,918. These loans have benefited 156,919 rural people in Illinois through central stations of electrical service.

In 1935, 12 percent of all farms in Illinois had electrical service. Today more than 98 percent of our farms are serviced with electricity. The efforts of REA borrowers have greatly stimulated extension of electric service by other suppliers to our farm families.

People on the lines of REA-financed systems in Illinois used an average of 596 kilowatt-hours of electricity per month in 1964. This was more than double the monthly usage of 10 years ago. And the demand continues to rise.

In my own district, the Farmers Mutual Electric Co. of Geneseo has been loaned a total of $702,000 since 1935. Seven hundred and fifteen consumers in the area are being serviced and 264 miles of line have been built. The Spoon River Electric Cooperative, Inc., of Canton, has been loaned a total of $3,882,956; 3,701 citizens are being serviced, and 1,181 miles of line are being used.

There are two additional electric cooperatives which service the people of my district: The Illinois Valley Electric Cooperative, Inc., services Henry and Knox Counties; the McDonough Power Cooperative services Fulton, Henderson, Knox, and Warren Counties. Illinois Valley Electric has been loaned $3,261,381; 3,858 consumers are being serviced and 1,401 miles of line are being used. The McDonough Power Co. services 3,627 people with 1,321 miles of line, and has been loaned a total of $3,089,000.

The telephone loan program through the REA was authorized by Congress in October of 1949 and has made a great impact in the State of Illinois.

To date $39,675,143 has been approved in telephone loans to 29 telephone systems. Of these 29 systems 22 are commercial and 7 are cooperatives. Ninety-one percent of all farms in the State now have telephone service; 177 automatic dial exchanges are in operation to serve the people of Illinois.

The 19th district has three REA-financed telephone systems. The Port Byron Telephone Co., Inc., located at Port Byron has been loaned $1,235,000 to serve 3,258 subscribers. It services Henry and Rock Island Counties. The Mid-Century Telephone Cooperative, of Canton, has been loaned $2,295,000 to serve 4,215 subscribers. It serves the counties of Fulton, Henry, and Knox.

The newest borrower in the State of Illinois is the Mercer-Rock Island Telephone Co. On April 29, 1965, this company was loaned $500,000 in order to implement service for 454 subscribers in 2 counties; 167 miles of line are being built to replace the outmoded exchange at Eliza with new and larger dial exchanges. The new service will be entirely private lines.

Recognition should be made of the outstanding manner in which locally owned cooperatives are meeting their loan obligations to the Government. Every cooperative in the State of Illinois is either currently meeting its loans payments or is paying the loan off ahead of schedule. This accentuates the fact that this is a program of tremendous cooperation—cooperation between town and country and cooperation between the people and their Government.

Electric power and modern telecommunications like highways are essential to the economic progress of any area. The cooperatives in Illinois have brought this vital service into rural areas of the State and are thereby making a constructive contribution to the economic progress and well-being of the people they serve.

SENATE

THURSDAY, MAY 20, 1965

The Senate met at 12 o'clock meridian, and was called to order by Hon. DONALD RUSSELL, a Senator from the State of South Carolina.

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

God of our fathers, in the secret of Thy pavilion, we would take refuge from the strife of tongues. By tasks too difficult for us, we are driven unto Thee for strength to endure and for wisdom to rightly interpret the signs of these trying times.

To Thy sustaining grace, in this dedicated moment, we lift up the thronging yearnings which haunt us day and night, the grievous problems affecting Thy children in all the world, for which our human wisdom finds no answer.

Above the noise of crashing social systems, hearing and heeding the voice divine, may our devotion and compassion help to heal the open sores of the world, as we serve the present troubled age.

Through the lips that speak in this forum of freedom, above all differences, may there be heard by a listening world the solemn summons to men of good will, of all colors and all nations, to a new commonwealth of all people, in which power shall be administered as a sacred trust, dedicated to the common good.

In the Redeemer's name we ask it. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 20, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DONALD RUSSELL, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. RUSSELL of South Carolina thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. DIRKSEN, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 19, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. YATES as a member of the U.S. delegation of the Canada-United States Interparliamentary Group for the meeting to be held in Ottawa, Canada, from May 20 to May 23, 1965, vice Mr. ST GERMAIN, excused.

The message announced that the House had passed the bill (S. 327) to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H.J. Res. 436) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed, in which it requested the concurrence of the Senate.