MEMORIALS

Under clause 4 of rule XXXII, memorials were presented and referred as follows:

283. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to anti-Semitism in the Soviet Union; to the Committee on Foreign Affairs.

294. Also, memorial of the Legislature of the State of Oklahoma, relative to the election of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WHALLEY:
H.R. 8593. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. WHITTEN:
H.R. 8594. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. WILLIAMS:
H.R. 8595. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:
H.R. 8596. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:
H.R. 8597. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. HOSMER:
H.R. Res. 484. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROYBAL:
H.J. Res. 485. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BOB WILSON:
H.J. Res. 486. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TALCOTT:
H.J. Res. 497. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BARRETT:
H.Con. Res. 423. Concurrent resolution requesting the President to bring the Baltic States of the Soviet Union before the United Nations; to the Committee on Foreign Affairs.

By Mr. LINDSAY:
H.Con. Res. 424. Concurrent resolution to establish a Joint Committee on Ethics in the legislative branch of Government; to the Committee on Rules.

By Mrs. PATHIN:
H.Con. Res. 425. Concurrent resolution to express the sense of Congress against the persecution of persons by Communists in Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. MACDONALD:

By Mr. ASHLEY:
H.Con. Res. 427. Concurrent resolution designating the month of June as Community and Natural Beauty Month; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:
H.R. 8598. A bill for the relief of Salvatore Cracchiole; to the Committee on the Judiciary.

H.R. 8599. A bill for the relief of Benito Ferranti; to the Committee on the Judiciary.

H.R. 8600. A bill for the relief of Georgis Christos Manolakos; to the Committee on the Judiciary.

H.R. 8601. A bill for the relief of Paraskev and Christos Basile Manolakos; to the Committee on the Judiciary.

By Mr. BATES:
H.R. 8592. A bill for the relief of Miss Veronica Guitelen; to the Committee on the Judiciary.

By Mr. BROWN of California:
H.R. 8588. A bill for the relief of Mrs. Jean J. Phillips; to the Committee on the Judiciary.

By Mr. BURTON of California:
H.R. 8594. A bill for the relief of Mrs. Desolina Clannone (nee Bocchi); to the Committee on the Judiciary.

By Mr. CALLAN:
H.R. 8585. A bill for the relief of Miyoko Nakamura; to the Committee on the Judiciary.

By Mr. ERLENBORN:
H.R. 8586. A bill for the relief of Mr. and Mrs. Rosario DiBella; to the Committee on the Judiciary.

By Mr. GILBERT:
H.R. 8597. A bill for the relief of Miss Lydia M. Rahman; to the Committee on the Judiciary.

By Mr. LONG of Maryland:
H.R. 8588. A bill for the relief of Dr. Antoine Arrege; to the Committee on the Judiciary.

H.R. 8589. A bill for the relief of Dr. Pedro A. Sevidal, Jr.; to the Committee on the Judiciary.

By Mr. MADDEN:
H.R. 8610. A bill for the relief of Manueeto R. Dimallig; to the Committee on the Judiciary.

By Mr. MEEDS:
H.R. 8591. A bill to provide for payment of interest on overtime compensation owing to employees of the Alaska Railroad, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPER:
H.R. 8612. A bill for the relief of Nicolas Duan in; the Committee on the Judiciary.

H.R. 8613. A bill for the relief of Wieslawa Wosuwiec; to the Committee on the Judiciary.

By Mr. SMITH of New York:
H.R. 8614. A bill for the relief of Miss Rajka Sods; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MAY 26, 1965

(Legislative day of Monday, May 24, 1965)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Father of all mankind: Standing in the midst of swift social currents and
lurking evil forces whose hideous cruelty stabs our anguished sympathies, we con­fess that the world in which our lot is cast is too much for us if we front it alone.

Because there is no solution of the world’sills save as it springs from the enthrone­ment of Thy righteous will in the hearts of men, we pray for our­selves—Create within us clean hearts, O God, and renew right spirits within us. Give us to see that the pride of na­tions, their covetousness, their greed, their assaults upon the rights of others, are the very evils that lie in wait to cor­rode our own souls.

"Breathe on us, breath of God,
Fill us with new life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

In the dear Redeemer's name, we pray.
Amen.

THE JOURNAL
Mr. MANSFIELD. Mr. President, I yield myself one-half minute. The ACTING PRESIDENT pro tem­pore. The Senator from Montana is recognized for one-half minute.
Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceeding of Tuesday, May 25, 1965, be dispensed with.
The ACTING PRESIDENT pro tem­pore. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965
The Senate resumed the consideration of the bill (S. 1594) to enforce the 15th amendment to the Constitution of the United States.
Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.
The ACTING PRESIDENT pro tem­pore. 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 ACTING PRESIDENT pro tem­pore. Without objection, it is so ordered.

AMENDMENT NO. 210
Mr. TYDINGS. Mr. President, I call up my amendment No. 210 and ask that it be staled.
The ACTING PRESIDENT pro tem­pore. The amendment of the Senator from Maryland to the Mansfield-Dirk­sen amendment in the nature of a sub­stitute will be stated.
The LEGISLATIVE CLERK. On page 6, lines 5 and 6, it is proposed to strike out the two commas and the words “other than aliens and personnel in active military service and their dependents.”
The ACTING PRESIDENT pro tem­pore. How much time does the Senator from Maryland yield himself?
Mr. TYDINGS. I yield myself 5 minutes.
The amendment would remove from the provisions of section 4 the words "other than aliens and persons in active military service and their dependents." This provision has to do with the tally or computation of the 50 percent of per­sons voting or registered.
When these words were included in the original bill, it was realized that the Census Bureau would be confronted with the troublesome question of determining the facts in regard to these figures. So the principal reason for adopting the amendment is to avoid very troublesome questions which might arise in litigation under the act with respect to the cor­rectness of the determinations of the Census Bureau. The Bureau of the Census has no published figures on military personnel, dependents, and al­liens. Estimates and projections would have to be made particularly with respect to the military dependent figure. The reliability of these estimates and projec­tions can be expected to be attacked in the courts. One problem with all of the categories is that exact figures concern­ing them are not available on a voting age basis.
While the necessity for computing and excluding figures for these categories is like to be unavoidable, the extent to which it is to be gained by requiring this to be done. According to our best estimates, there are only eight counties which would be covered by the bill with this requirement which would be covered without the change. Two of these counties are in Alaska—election districts Nos. 12 and 17; three in North Carolina—Craven, Cumberland, and Hyde Counties; and two counties—Nottaway and Prince George, as well as the independent city of Hampton in Virginia. Thus, the actual effect with respect to coverage will be minimal.
The House bill does not contain an exclusion for military personnel, their dependents, and aliens. The amend­ment would thus remove an unnecessary provision in the provisions of the House bill.
At present, the Bureau of the Census does not have figures for the number of aliens, military personnel, and de­pendents resident in each State on November 1, 1964. The collection of these figures will take time and until they are collected and buttressed with substantial proof, the Director of the Bureau of the Census will, as an honest servant, not be prepared to certify to the population figures required to set this law in motion. Thus, the whole voting mechanism which we are seeking to establish here will be held up pending the collection of these really unimpor­tant figures.
The Senate, on Monday, adopted an amendment proposed by the distin­guished Senator from Texas [Mr. Tower], which calls for a study by the Secretary of Defense and the Attorney General to determine the extent of dis­crimination in voting against military personnel. This amendment will indicate whether there are appreciable numbers of military personnel resident in our States who are denied the right to vote. Pending the results of this study, it would be premature and unnecessary to exclude military personnel from the number of persons considered eligible to register to vote.
If the numbers of military personnel, dependents, and aliens are to be deducted from the population figures, equity would demand that those persons who are aliens in the State and absentees ballot should be added. Roughly speaking, the two figures should cancel each other out.
For these reasons, I ask that the Sen­ate adopt the amendment.

The ACTING PRESIDENT pro tem­pore. The question is on agreeing to the amendment of the Senator from Mary­land.
The amendment to the amendment was agreed to.
Mr. JAVITIS. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.
Mr. TYDINGS. I move to lay that motion on the table.
The motion to lay on the table was agreed to.
Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The ACTING PRESIDENT pro tem­pore. The clerk will call the roll.
The Chief Clerk proceeded to call the roll.
Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The ACTING PRESIDENT pro tem­pore. Without objection, it is so ordered.

EXECUTIVE SESSION
Mr. MANSFIELD. Mr. President, I yield myself 1 minute. I move that the Senate proceed to the consideration of executive business.
The motion was agreed to, and the Senate proceeded to consider executive business.

EXECUTIVE REPORTS OF COMMIT­TEE ON ARMED SERVICES
Mr. STENNIS. Mr. President, from the Committee on Armed Services I re­port favorably the nominations of 566 se­nior lieutenants in the Regular Air­Force, 843 officers for appointments in the Regular Army in grades not above that of major, and 1,078 appointments and promotions in the Navy and Marine Corps in grades not above that of lie­utenant commander. These lists contain the names of distinguished military graduates of the ROTC and graduates of the three military academies.
Since these names have already ap­peared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary’s desk for the information of any Senator.
The ACTING PRESIDENT pro tem­pore. Without objection, it is so ordered.
The nominations are as follows:
John C. Aarli, Jr., and sundry other cadets, U.S. Air Force Academy, for appointment in the Regular Air Force;
Richard W. Adams, Jr., and sundry other cadets, U.S. Military Academy, for appoint­ment in the Regular Air Force;
William A. Bae, and sundry other mid­shipmen, U.S. Naval Academy, for appoint­ment in the Regular Air Force;
Thomas B. Boody, and sundry other per­sons, for appointment in the Regular Army;
James L. Abbot III, and sundry other mid­shipmen (Naval Academy), for appointment in the Navy;
Robert R. Butterfield, and sundry other U.S. Military Academy graduates, for appointment in the Marine Corps; and  
Paul R. Aedneen, and sundry other officers, for promotion in the Marine Corps.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of Wilbur J. Cohen, of Michigan, to be Under Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Chief Clerk proceeded to read sundry nominations in the Equal Employment Opportunity Commission.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Equal Employment Opportunity Commission be considered en bloc.

Mr. KUCHEL. Mr. President, for the Record, will the distinguished majority leader inform the Senate whether these nominations have been cleared with the minority?

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

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

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. JAVITS. I yield myself 30 seconds. I have a question which I wish to ask, and I ask that it be answered by Franklin D. Roosevelt, Jr., who is slated to be Chairman of the Commission. Also, I invite attention to the fact that the questions submitted to Mr. Roosevelt and answers which are to be given will appear in the record of the hearing, which is not yet before the Senate. In evaluating the work of the Commission, these answers will be important.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Equal Employment Opportunity Commission are considered and confirmed en bloc.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Public Health Service be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I move that the President be notified immediately of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of the nominations.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

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. HOLLAND. Mr. President, I yield myself such as the 1 hour allotted to me as may be needed to complete my remarks.

I have spoken only twice on the pending measure. The first time was on the opening day of debate, when I invited attention to the results of the undue haste which had been involved in reporting the bill to the Senate. This had resulted in some false statements in the report of the committee.

In that report it was stated that three good counties of Florida were included within the provisions of the bill, when they should not have been. I have shown by the record that those three counties, of Gadsden, Jefferson, and Union, should never have been included in that classification because in each case they were not subject to the charge that less than 25 percent of their nonwhite citizens of voting age had been registered for voting.

My second speech was on the poll-tax question.

I have listened to the debate throughout the 5 weeks. I have participated in the debate. I have asked questions and have answered questions; but before the debate ends, to state my unqualified opposition to the bill and to this method of approach to this serious, critical, vital question.

There has been much debate on the unconstitutional aspects of the bill, in which I completely concur; but I shall not waste the time of the Senate at this late hour in the debate to discuss those unconstitutional aspects. There has been much talk about the poor policy that is involved in the four corners of the bill. I shall devote my time today only to discussing one of the underlying poor psychology which is involved in this sort of approach to a human question, a question that cannot be properly solved by this type of approach.

Mr. President, I note in yesterday's Washington Star a column by Mr. David Lawrence. I so completely agree with statements contained in that article that I think it necessary to quote a portion of it: 'I do not think there is a distinction between the United States Civil Rights bill and the Senate bill before the House. Both bills are attempts to enforce the 15th Amendment to the Constitution by compelling the States to register the right to vote; both bills are attempts to enforce the Civil Rights Act of 1960; both bills are attempts to give the court the power to order the States to register the right to vote. Both bills make it a Federal crime for States not to register or to register not all the voters.'

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

VOTE BILL RECALLS TRAGIC ERA

On the day the voting rights bill becomes law, a Federal dictatorship will begin. Some States will, for all practical purposes, be driven out of the Union. They will not be able—as is the privilege of all other States—to protect themselves by the Constitution and enforce their laws unless the Attorney General of the United States, or perhaps subsequently a Federal court, declares that such State laws may be permitted to operate.

One provision of the pending bill specifies the States to be covered by the bill. The bill itself provides that such State laws be prescribed for their own voters if the U.S. Attorney General determines that a "test or device" has been used during the 5 preceding years for purposes of discrimination in individual cases.

The phrase "test or device" as defined in any regulatory statute, is a prerequisite for voting or registration for voting, a person must "demonstrate the ability to read, write, understand, or interpret" the same, demonstrate an education achievement or his knowledge of any particular subject, possess good moral character, or prove his qualifications by the vote of registered voters or members of any other class.

The Federal Government, therefore, becomes the judge of State laws—although duplicating statutes existing in several other States of the Union---and legislatures thereupon are set up, which are being left untouched. The phrase "everywhere" means a mockery so far as the Federal Government is concerned.

What is happening today is reminiscent of the tragic era of 100 years ago, when Congress disregarded the doctrine of Abraham Lincoln. The 13th amendment was submitted in the usual way and the legislature of the South ratified it.

One year later, however, when the 14th amendment was submitted and the same legislators in the Southern States rejected it, Congress threw those Southern States out of the Union, denied them seats in the Senate and House of Representatives, and made the Southern States a part of the Union, though in rebellion. Indeed, after the War Between the States was over and peace had been proclaimed between the North and the South by President Lincoln, the 13th amendment to the Constitution—abolishing slavery—was submitted in the usual way and the legislatures of the South ratified it.

New legislatures thereupon were set up, and Federal troops were used to coerce them into "ratifying" the proposed amendment. I ask unanimous consent that the column of Mr. David Lawrence published in yesterday's Washington Star be printed at this point in the Record. The article is entitled "Vote Bill Recalls Tragic Era."
The action naturally was protested, and efforts were made to get the Supreme Court of the United States to pass on the issue of impropriety in voting rights legislation under a constitutional amendment. But the High Court declined to hear any case on this point, contending that it was not a political matter. Not until the recent reapportionment cases did the Supreme Court consent to hear or decide what it called political cases.

Since the voting rights bill which is about to become law deprives certain Southern States of the right to set voter qualifications and procedures not under the protection of the U.S. Department of Justice and the courts, efforts will be made, of course, to test the constitutionality of such a procedure.

Meanwhile it is surprising that so many men in Congress who are familiar with constitutional law have hesitated to come out in the open and criticize what is being done, though privately many of them express grave doubts about the constitutionality or the wisdom of such coercive legislation. For if the precedent is set and the State or group of States at any time of any rights or privileges specifically delegated to the States under the explicit words of the Constitution.

Mr. HOLLAND. Mr. President, this article is written not by a southern zealot, either from the House or Senate, not by a racist, but by a person who is trying to see the aspects of the constitutional import and the unfortunate effect which it will have. I am sorry to say that my distinguished friends who have thrown themselves into this battle with arder and zeal, thinking that they will get a worthwhile bill, are destined to be seriously disappointed with the results which will accrue.

I read a few short paragraphs from Mr. David Lawrence's column. They read:

On the day the voting rights bill becomes law, a Federal dictatorship will begin. Some States will have laws which are unconstitutional, states. The United States Attorney General of the United States, or perhaps subsequently a Federal court, declared such State laws may be permitted to operate.

One provision of the pending bill specifies that certain States shall not be allowed to prescribe the qualifications for their own voters if the U.S. Attorney General determines that a "test or device" has been used during the 5 preceding years for purposes of discrimination in individual cases.

Mr. President, I read the closing statement in the article:

If the precedent is set and the Supreme Court upholds it, a Federal dictatorship will begin. Some States will have laws which are unconstitutional, states. The United States Attorney General of the United States, or perhaps subsequently a Federal court, declared such State laws may be permitted to operate.

The only two counties which could be even remotely affected are the two small forest-product counties of Liberty and Lafayette.

I want the RECORD to show, as small as the effect of the bill would be on my State, that as a predicate for what I am about to say, there are in Liberty County, according to the census of 1960, only 240 nonwhites of voting age. In Lafayette County there are 152 nonwhites of voting age. There are less than 400 nonwhites of voting age in these two counties. That would be much less than the average size of one precinct in a State which has more than 2,000 precincts. Furthermore, these are forest products counties. The Negro population does not live near other Negroes, there are no sizable towns in those counties. The Negro population is scattered through the forests, living in small villages and camps. The standard of education there is low, and it is easily understood why the Negro citizens have lugged in voting registrations in those two particular counties.

Mr. President, I shall not weary the Senate by a long argument on the constitutional aspects of the bill. However, I do state in the very beginning that Mr. Lawrence analyzed this subject from an objective standpoint. Mr. Lawrence is by no means to be considered a racist. He sees the objections which are so deeply engrained in the bill and which

cannot help, at least in my opinion and in his, but create a Federal dictatorship. I shall endeavor in my talk to show the result of such an approach.

There are 105 Senators in the Senate of today, not the United States of the Reconstruction period. Of course, that is true. People say that the bitterness, the hatred, the violence, the night riders, the Ku Klux Klan, the reds, the violence which erupted at that time cannot erupt because this is a different age and a different time. I wish that statement were true, however, it so happens that the human nature is still the same. The deep-rooted feeling of Americans that local and State governments should prevail, as the Constitution requires, in certain vital fields, still exists in many hearts. Despite the good intention of those who sponsor the bill, this deep-rooted feeling will come forth as surely as we are standing here in the Chamber of the U.S. Senate.

This feeling will erupt in violence, for which we shall all be heartily ashamed. We shall all deplore this as not being in accord with what was intended by the authors and sponsors of the

Mr. Lawrence is written not by a southern

Mr. Lawrence from history? Has anybody ever turned back to see if this program has ever been tried before, what the effort was, and what the result of the effort was?

I know the Senate will pass the bill, but I hope Senators will recall that at least one voice was raised to point out exactly the same path was trod before, and the results were disastrous to the very objectives that those who passed it had in mind.

I am not questioning the good intentions of those who supported the Act of 1870 and the other reconstruction acts. They thought they were angels of mercy, bringing balm to reconcile the differences and bring good feeling between the States.
tens to the South. I refer to the selection of Hayes over Tilden, which we do not realize that they are not breaking new ground. They are treading the same path which the well-meaning sponsors of the bill are treading today; and remember that this is a documented article, written by a scholarly man, from a completely objective point of view, arguing about one of the most disastrous periods in the history of my own State, of which we are terribly ashamed, and which we do not want to repeat. In short, States particularly affected by the problems and against which this bill is directed.

Digressing for a moment, that sentence holer-skelter from the 15-page pamphlet, here is one that speaks about the situation-

And party politics entered into it—claimed that a conspiracy in the South was seeking to destroy the Republican Party through intimidation and violence and the advocate of the Union, Mr. Oliver P. Morton, of Indiana, whose appeal was characteristic of the Republican position, called for a law given the President power to go to the protection into every State, whether or not the Governor requested it, in order that “the lives of loyal men might be protected in the States formerly in rebellion.” The provisions of the bill were characterized as a declaration of fundamental constitutional principles and a guarantee of political equality for the Negro. Debate on the bill was extremely limited in the House.

How characteristic of our present situation—Democrats were allowed only an hour and a half for arguments. Debate on the Senate was bitter and more prolonged, extending until the latter part of May. The bill finally passed and was signed by President Grant on May 31, 1870.

We are retracing the same steps here. In May of 1965, we are going to try exactly the same procedure; and it may even be that President Johnson will sign the bill on May 31, 1965.

Continuing reading:

In May of 1965, there is the same demand.

The law was described by the Tallahasse Weekly Floridian as an insult and an outrage to southerners and its authors were denounced as “fools and madmen.” The 15th amendment, which became law on March 30, 1870, was also “a useless piece of legislation, of no value to Negroes who had no rights not already enjoyed by the Negroes, it interfered in the rights of the States to regulate suffrage, and in the manner in which it was adopted was illegal.

The Enforcement Act of 1870 contained 23 sections, which aimed at outlawing any denial of the right to vote because of race, color, or previous condition of servitude.

Mr. President, I shall not continue to read from this enlightening article. I hope Senators are students of this article. Any time a new act is to be passed into law, I read this article, because it shows what the hopeless failure of passage of that act was and how it resulted in bitterness which has rarely been equaled in our history. It seems that the right to vote has never been so important to the Negro and White races.

To select two or three quotations from this article, we find that:

Six individuals were indicted for preventing persons from voting in the Gadsden County election of 1870. Among those were former Acting Gov. Abraham K. Allison, who, on March 30, 1871, pleaded not guilty. On April 6, Allison was indicted for “combining and confederating with others to prevent persons and citizens from voting,” and the case was continued to the next term of court. On February 9, 1872, Allison pleaded not guilty a second time, but 3 days later, he was found guilty. On February 12, 1872, an order was granted for a new trial when it was learned that one of the jurors, David Ellis, was not a resident of the county. On April 6, Allison was required to post bond and was sentenced to 6 months in the Leon County jail and to pay a fine of $500. The Weekly Floridian bitterly pointed out that no other verdict could have come from a jury that was composed only of men who could take the iron-clad oath.

I digress long enough to say that one of the highlights of 1870 was the pardon of a juror, which was presented only of men who could take the iron-clad oath.

The Democratic Party then was called the Conservative Party, and the Republican Party was called the Radical Party. How things have changed, as having won the bill had not expected to have followed.

Mr. President, let me read another paragraph:

A petition calling for Allison’s pardon was circulated in Gadsden County and with the signatures of many leading Conservative and Radical citizens it was transmitted to President Grant. Allison, however, served his full sentence despite these efforts.

The Democratic Party then was called the Conservative Party, and the Republican Party was called the Radical Party. How things have changed, as having won the bill had not expected to have followed.

The Democratic Party then was called the Conservative Party, and the Republican Party was called the Radical Party. How things have changed, as having won the bill had not expected to have followed.

Mr. President, without unduly burdening the Senate, let me read one other paragraph:

In January 1871, U.S. Deputy Marshal J. W. Childs served warrants on four Columbia County men, charging them with violation of the act. Two of the warrants were signed by President Grant on the night before the November 1870 election. Childs and a deputy sheriff were forcibly resisted and were prevented from making any arrests. Several bystanders refused to aid the Federal officers, saying that they would “have nothing to do with this Federal Enforcement Act.” A few days later, Childs returned with a squad of soldiers but the men that he was seeking could not be found.
had a little money in their pockets for that purpose and the South was prostrate at that time. Here is an authenticated, documented incident of the kind of thing which occurred. Incidentally, if anyone reads the article, he will find that not one, but perhaps a dozen officers, from sheriff to deputy, where millions of white and black officials, were killed in the course of the 2 years' tragic effort to enforce a law which should never have been enacted.

Mr. Forrest, let me quote another paragraph appearing later in the article, which shows the reason for the bitterness and the violence:

Sentiment in Florida was overwhelmingly against the enforcement program. One observer denounced it as oppression and a "subversion of the principles of Republican government - the rights of the people," and an unwarranted concentration of governmental power. Ambrose Hart called "the conduct of the U.S. Government in interfering with the local affairs of this State the most monstrous proceeding that has yet come under my notice." Conservatives denied that the Ku Klux even existed in Florida.

The Ku Klux Klan existed in Florida. It was responsible for much of the violence which occurred. I ask Senators to remember that during the troublesome days those known as the Ku Klux, an organization which operates in the nighttime and which does violence to the principles which all of us hold dear, and which breaks down the enforcement of law and the courts of the land, has reappeared in various parts of the South, and is gaining in strength.

I greatly fear that this misdirected step taken in the effort to straighten out these difficulties will only encourage such organizations, and further encourage such acts of violence which will only bring us to realize that, after all, we cannot coerce people into doing what they must have done. The experience is the right thing for them to do - and what we have learned for a long time in Florida is something that we should do and which we have already done.

Mr. President, enactment of the pending bill would be a tragic mistake. There is no question about it. I wish the Racoon to show that is the way I feel about it, and that in voting against the bill I shall be voting not only against a measure which I believe to be hopelessly unconstitutional, but I shall also be voting against a proposal which I believe is so clothed with tragic consequences to the people whom it is most expected to help that I must raise my voice against the imposition of such an ineluctably coercive act upon people who do not believe in this kind of approach, and will never accept it.

There was a deliberate political connotation in the act referred to; and let us not refer to it as such. Continuing to read the article about the Ku Klux Klan, here is another paragraph:

President Grant ordered the Secret Service to investigate Ku Klux deprivations in the South. Agents infiltrated southern communities, taking jobs, and joining local secret organizations.

Mr. President, need I remind the Senate that that is exactly what is taking place today? The FBI has recently been infiltrating the Klan. We know of the tragedy which occurred in Alabama, and they disprove that tragic event more than I do. None of us hopes more than I do that strict enforcement of the law will follow. But, let us note, that problem has been handled here by the Federal Government and its agencies.

Continuing reading:

Agent J. J. O'Toole reported from Jasper that a number of men from Hamilton County, Alabama, were members of an armed band which beat to death a Lowndes County, Ga., Negro named Thompson "because he was too good a Negro." Secretary of War William H. Seward reported that such organizations were trying to keep Negroes and others from exercising their civil rights.

Mr. President, this is not a new step. Tools is a stat that Huey Long said.

The 38th State, South Dakota, recently submitted to the people of Alabama a constitutional amendment abolishing the poll tax. The special session of the legislature adjourned, however, without favorable action having been taken by the House; but the Senate, at the session which I believe to be hopelessly unconstitutional, but I shall also be voting here. Let us note that in voting against the imposition of such an intolerable coercive act upon people who do not believe in this kind of approach, and will never accept it.

Mr. President, this close by showing the political connotation in my State of the effort that was a part of the enactment of the voting rights legislation of 1870:

Florida Republicans had barely won their victories in 1870 and 1872. It would seem that the enforcement acts had been utilized by the party not only to curb violence and intimidation but as devices to maintain the slim Republican supremacy in Reconstruction Florida.

This is a very informative article. I wish Senators would read it. I wish they would understand that facts of history are against getting any reasonably valid results from any of this coercive nature. It is bound to result in bitterness. It will result in violence. That will be the result, just as sure as we are here.

I pay tribute to my friends of the opposition. They, no doubt, believe they are right. However, they are very much wrong if they think that their approval of that bill will be attained in the way of better race relations and better understanding between the white and nonwhite populations in the relatively few States where this question is still active.

Let us go to the next point.

I shudder to think of what will happen in those few States where the problem of full Negro participation in voting is still a serious one as the new generation wills, upon it. The revival of this coercive legislation. The revival of the Ku Klux Klan recently enhanced acts of violence. The bitterness which has forced political turnovers in some of the other States indicates what we may expect and what always happens when Americans are subjected to force from their central government and are deprived of local self-government, particularly by means which they deeply resent and deeply feel are unconstitutional.

What Florida suffered immediately following the repressive acts of Reconstruction speaks loudly from the biographical directory. The four years which the Republicans represented Florida in the first years of Reconstruction.

Mr. President, I hope Senators will read this too, because it shows what happens to this kind of legislation.

The two Senators sent from the State of Florida in good faith in December 1865, elected by the legislature after the adoption of the 15th amendment, not only sustained the repressive acts then in force, but asked for our approval of that amendment, were both refused their seats. They were Wilkinson Call and William Marvin. Wilkinson Call later came to the Senate in a more peaceful day, and William Marvin became Governor of our State.

They were both refused their seats because of the continuing effort by men of the Thaddeus Stevens and Charles Sumner type. This will upon the beaten Southern States and to make citizens there conform to what men of the Stevens type thought they should conform to.

Mr. President, in order to succeed through our class 1 seat was Adonijah S. Welch who was seated June 17, 1868. He was followed by Abijah Gilbert who was seated March 4, 1869. The first Senator to take our class 3 seat was Thomas W. Osborn who was seated June 18, 1868. He was succeeded by Simon B. Conover on March 4, 1873.

Mr. President, there are the men who came to this sacred tribunal to represent the State of Florida in reconstruction days. They had been elected under the reconstruction legislation which I have mentioned only in part up to this time. The Biographical Directory of the American Congress, covering the period from the beginning of the Continental Congress in 1774 to January 3, 1961, gives among other facts the following data about these four Senators.

Mr. President, there are the men who came to this sacred tribunal to represent the State of Florida in reconstruction days. They had been elected under the reconstruction legislation which I have mentioned only in part up to this time. The Biographical Directory of the American Congress, covering the period from the beginning of the Continental Congress in 1774 to January 3, 1961, gives among other facts the following data about these four Senators.

I do not know. Their names and their deeds are buried in the past. But let us see whether they could have possibly truly represented the State of Florida.
Thomas Ward Osborn was born in New Jersey. He entered the Union army in 1861 as a lieutenant and became a captain and a major, and finally a colonel in 1865, just before the end of the war. He was appointed Assistant Commissioner of the Bureau of Refugees and Freedmen—and, of course, the freedmen were not slaves—for Tennessee. He resigned from the Army in 1866 and 1867, and settled in Tallahassee. He was a member of the State constitutional convention. He was elected as a Republican to the U.S. Senate to fill the vacancy created by the death of Senator Thomas C. Hindman, in 1867, and was re-elected in 1871. He served from June 25, 1868, to March 3, 1873. He served as U.S. Commissioner at the Centennial Exposition in Philadelphia in 1876. He moved to New York City and died there.

So far as our State was concerned, he came in as a Federal Army officer and he served long enough to be a U.S. Senator for a term. He left our State. Then he went back to the north, and died there.

He may have been a good man. But he was a carpetbagger. He was more a carpetbagger than anyone could be under such facts. That is the kind of thing that happened under the legislation which I have mentioned.

The second gentleman whom I have mentioned is Simon Barclay Conover. He was born in New Jersey. He was an Army surgeon in the Civil War. He was assigned to the U.S. Volunteers, and later to the U.S. Senate, and then to the U.S. Army. He resigned from the Army “upon readmission of the State into the Union” and was appointed State treasurer, and immediately elected a member of the Republican National Committee. He was elected as a Republican to the U.S. Senate and served from March 1873 to March 1878. He did not run for reelection.

Mr. President, I do not think I need to make any comment about this situation, but it is clear that this kind of legislation had a political connotation, and desires of the people who lived in that State. Those who came to the Senate under this legislation, which we are trying now to duplicate, were not representatives of our State.

The third gentleman—and so far as I am concerned, they may all have been distinguished gentlemen—was Adolphia Strong Welch. He was born in Connecticut.

During the Civil War he served as an ambulance driver in the 72d Regiment, Michigan Volunteer Cavalry.

That means that he was either a major, a lieutenant colonel, or a colonel. He moved to Florida in 1865. He was elected as a Republican to the U.S. Senate and served from June 25, 1868, to March 3, 1869. He declined renomination and moved to Iowa and later to California, where he died.

I shall not make any comment about that gentleman. Perhaps he was a distinguished gentleman, but he certainly was not a carpetbagger. He was a Floridian and he was of Florida, but instead he was a Federal Army officer, as was the case with all three of those whom I have named.

The fourth was Abijah Gilbert, who was born in New York. He moved to St. Augustine, Fla., in 1865. He was too old to have been in the war, but he came there after the war, and he, too, began. He was elected as a Republican to the U.S. Senate in March of 1869 and served until March 1875. He retired and moved back to Gildersville, N.Y., where he died.

I am glad to see my distinguished friend the senior Senator from New York [Mr. Javits] in the Chamber, because it is evident that the people of his good State were contributing in a temporary way at that time to the problems we had in Florida.

Since that time citizen of that great State of New York felt it was justly against the permanent removal of Federal troops from the States of the South, which he did as soon as he became President.

Mr. President, it was a very long time, from 1865 to 1877, to have that type of legislation—legislation such as we are considering here today—to disturb the public, to defeat the promise of good times to come, to tax the long to find out that the Reconstruction approach was wrong and that the voting approach taken in 1870 by an act in many respects similar to the pending legislation is doomed to failure, and that that brought it with it, not settlement of the problem, but great disaster, violence, murder, deaths, and all kinds of criminal acts, which no one who wishes to do the right thing could ever feel were appropriate.

I invite attention to what has happened in Florida since 1877. Our State went back from the Civil War time until 1877, when again we took back the handling of our own business. We took back the passage of our own voting laws. We took back the naming of our own officials. Federal observers at the polls were withdrawn.

Federal observers at the polls were withdrawn. Now we are trying to put some Federal observers back in those states which have been deeply affected by the pending legislation. At once we began to get citizens who came not merely to serve as Senators from Florida for a few years, as carpetbaggers, but who have made the great State.

The great State of New York—and I again see my distinguished friend the Senator from New York in the Chamber—has contributed in a vast way by sending to us many good people who did not come to reform us, to evangelize us, or to impose their will upon us, but who came to become good citizens of the State of Florida, and they have been excellent citizens.

The State have come from every other part of the Union. Instead of having, as we had then, some 250,000 to 300,000 people, we now have 6 million people. We are not carpetbagging State, and we have moved far in the field of civil rights.

We have moved far in the direction of having peace prevail between our citizens of different color. We have moved a great deal toward joining what I believe is a majority trend in our Nation.

The two races must find a peaceful way to live together, with full rights as American citizens, but that way will not be done by the institution of coercive and unconstitutional laws.

Mr. President, I see that my time is approaching an end. I say in closing that, in my judgment, any measure which seeks to bypass the courts, and to knock the actual situation which resulted at the polls were withdrawn. As the witnesses at the polls were withdrawn, we now have 6 million people. We have moved far in the direction of having peace prevail between our citizens of different color. We have moved a great deal toward joining what I believe is a majority trend in our Nation.

The two races must find a peaceful way to live together, with full rights as American citizens, but that way will not be done by the institution of coercive and unconstitutional laws.

Mr. President, I see that my time is approaching an end. I say in closing that, in my judgment, any measure which seeks to bypass the courts, and to knock the actual situation which resulted at the polls were withdrawn, we now have 6 million people. We have moved far in the direction of having peace prevail between our citizens of different color. We have moved a great deal toward joining what I believe is a majority trend in our Nation.

The two races must find a peaceful way to live together, with full rights as American citizens, but that way will not be done by the institution of coercive and unconstitutional laws.
The are being driven to taking the law into their own hands. I do not for a moment give any support to any of that type of action. I believe I know something about human nature. I have seen it at work for a long time. I have held public office for a long time as a State senator, as Governor, and in the Senate for 19 years. I am a native of the South. I am the grandson of two Confederate veterans, all three of whom were wounded in the war. I never heard one word of bitterness out of any of those three as to the war itself, but they were all living in the United States, which would have been done under Lincoln, we were forced by the machinations of such men as Thaddeus Stevens, Charles Sumner, and others to go through the horrible experience of Reconstruction, which put a blot upon our whole country, a blot upon my own State, a blot upon other States in the Southland. I wonder that in the face of all of those who attempted to force that type of legislation upon us, which they must have known was unconstitutional.

A brave President of the United States told us Reconstruction was unconstitutional and vetoed the Reconstruction Act and other similar acts.

While he was impeached, the effort to convict him failed by only one vote. Emerson said, sentiment in the States whole field was so rife at that time that almost anything could be accomplished. I glory in the spunk and independence of a bare majority of the Senate who at that hour declared that they have constitutional government instead of mere emotional handling of this vital and difficult question.” To some of them it meant the end of their public careers. My hat is off to those particular Senators.

I appreciate the Senate giving me this opportunity to state my own convictions in this regard. I hope I am wrong, I hope the bỏldness and spirit of those who were not run in accord with history. I believe that history shows that it is doomed to failure. The Constitution shows that it is hopelessly unconstitutional. We know that millions of people will resist it. We know what the reaction is likely to be of too large a number of people. Resenting an encroachment upon their private lives, local affairs and States which they think is unconstitutional and coercive and an overcalling of their own rights and privileges, too many of them will resort to violence.

Let this be understood that when a bill becomes a law, so far as I am concerned, I ask my people to obey it, and I ask the people of the United States to obey it. That was what was urged by the President in the letter of Sept. 26, 1964. But the fact remains that the law was not obeyed. The fact remains that it brought an unparalleled course of violence upon our whole country. It did not result as the well-intentioned people who were behind the legislation intended.

So far as I am concerned, I want to have the Recons show clearly that just as I went home last year, following the passage of the Civil Rights Act of 1964, and within 3 days made a statement in my home county at a Fourth of July celebration, requesting the people of Florida to obey that law, even though they disd liked it, and to confine themselves to the courts or to legislative efforts, but by no means to violate or defy it, so I shall do here today.

There are not enough people who will listen to that voice of reason, whether it comes from me or from thousands of others, that has its place just as was done in Reconstruction days, to take the law into their own hands. Everything that has happened in recent months shows that clearly, whether it has happened in Alabama, Mississippi, New York, or in other Southern States; whether it has happened in Harlem and I observe again on the floor of the Senate the distinguished senior Senator from New York (Mr. Javits)—or in Cleveland or Chicago. The fact remains that this kind of legislation promotes bitterness, promotes violence, promotes anything but the peaceful solution which we all so ardently desire.

We in Florida have learned how to get along together. I received about half of the Negro votes in the recent election. That is not the way in which the nonwhite population in the United States wishes to be treated. I reason asserting itself in that regard. I wish to make it very clear that the bitterness will come out, just as it has come out in the States that are so spirally affected. Let us remember that in some States there are numerous counties in which the nonwhite population greatly exceeds the white population, in which the nonwhite population pays most of the taxes in the States. I have little education, has little ability to cope with the problems of government, and is easily swayed by others, just as in Florida the freed slaves were swayed by Federal officers, resigned from the Army, who came into our State and then went immediately to the U.S. Senate.

That is not a fertile field for bringing about the enforcement of the law, but it is, instead, a field which, I am as sure as I am standing here, will result in violence, discord, and anything but the type of American calm and peacefulness which all of us desire.

It is in that spirit that I am stating for the Recons my reason for opposing the bill, in spite of the fact that I voted in earlier days, to eliminate the poll tax in Florida. I was supposed to have sounded my death knell in politics at that time. For 13 years I offered in the Senate the 24th amendment, before the Senate to get the word of the people that it was the constitutional way, the real way to approach the problem, and agreed with me to submit the amendment, which is now in the Constitution.

I am perfectly right for the rights of voters, but I want the fighting to be done under the colors of the Constitution of the United States. I want it to be done with some regard for the feelings of the people affected, and without telling millions of people living in sovereign States, “You must comply whether you wish to do so or not, because the Attorney General of the United States says you must do it,” or “because the Civil Service Commission of the United States has appointed registrars to override your own voting legislation.”

Mr. President, I yield the floor.

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

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HILL. Mr. President, this debate is now in its fifth week. Since it began, those of us who continue to have faith in the Constitution, those of us who regard it as a living symbol of democracy and freedom, have been pleading and fighting for its life. We have been pleading and fighting for its continued existence in debate on the bill itself and on amendments thereto.

We have recognized the wisdom of Senator William E. Borah, of Idaho, who was so aptly known as the lion from Idaho, in that he warned: Let us remember that in some States there has the privilege to know in the Senate and, indeed, a giant among men—when he warned:

When the people lose control of their Constitution, they have already lost control of their Government.

On the other side of this debate have been those who would leave the Constitution at the crossroads as a thing of another day, as a relic of bygone years that has served its purpose well, but that now has no place in this modern space age.

Mr. President, the hour is late, but there is yet time to stretch forth a hand to save the principles on which this Nation was conceived and founded. There is yet time to save the Constitution and the liberties and freedoms embodied therein. The hour is late, but there is yet time to check this head on rush to the destruction of the basic rights of the individual States and the liberties of the American people to satisfy the demands, the clamor, and the expediency of the day.

Never in my more than 40 years in Congress have I seen a measure come before this body that has had such built in potential for the destruction of our constitutional system and the breakdown of law and order as the pending bill.

I make this statement with firm and deliberate conviction.

I say this while I devoutly believe that every qualified American should have the right to vote.

I say this as one who has a deep concern over our lack of direction and as one who believes that many of the people in these troublesome times does this Nation need a strong and steady rudder to its Ship of State.

I say this because the enactment of § 1564 would undermine the very foundation upon which the orderly conduct of our Government and our political and social institutions are founded—the Con-
stitution of the United States—the rudder of our Ship of State.

Mr. President, the cry of expediency has been sounded, and today, I am sorry to say, its altars are filled with communicants. If Congress, if you and I as Members of it, in pancicky response to this expediency, to the demonstration against the emotional hysteria of the day, shows its willingness and even eagerness to yield to the demands of every group or every movement that takes to the streets, will this road lead us and where can the line ever be drawn again?

Thomas Jefferson once said that "delay is preferable to error." We have had much debate on S. 1564 and on the many amendments thereto. We have seen many figures and have been presented many statistics. When I think about statistics, I am reminded of what that great English statesman, Benjamin Disraeli, said about statistics. Disraeli, who did more to build the mighty British Empire than anyone else, declared: "There are statistics and statistics and statistics."

Have we stopped for a moment to think about the serious and long-range implications of the drastic steps we are being asked to take under the expedient banner of civil rights and the popular phraseology of the time? Until now, we have had a government and a society based upon respect for law and adherence to the Constitution. Now we are being asked to pass a bill to confer unqualified power on the people or those of their own choosing. We are being asked to let the bars down, to mock the Constitution, and to let the cry of the mob and the demonstrators take the place of sober legislative deliberation.

As we know, Mr. President, our Constitution provides two methods for its own amendment: by a vote of two-thirds of both Houses of Congress, or by a Convention called on application of two-thirds of the States, and, in each case, ratification of any proposed amendment by the legislatures or conventions of three-fourths of the States. The 24 amendments thus far adopted to the Constitution of the United States have followed this prescribed procedure.

Now, however, a new method of amending the Constitution is proposed. This proposal by the proponents of S. 1564, by its very language and intent, suggests amending the Constitution by the mere act of passing a bill through Congress and by having it ratified by a Convention called on application of two-thirds of the States, and, in each case, ratification of any proposed amendment, not by the legislatures or conventions of three-fourths of the States. The 24 amendments thus far adopted to the Constitution of the United States have followed this prescribed procedure.

May 26, 1965

CONGRESSIONAL RECORD—SENATE 11721

With one fell swoop, Mr. President, the proponents of S. 1564 would amend the Constitution of the United States by nullifying section 2, article I, which gives the States the right to set voter qualifications. With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying section 9 of article I, which provides that "no bill of attainder or ex post facto law shall be passed" by punishing States or political subdivisions for an alleged act that took place before enactment of their bill. The proponents of S. 1564 would amend the Constitution of the United States by nullifying section 2 of article III, which provides that "the trial of all crimes shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed" by requiring submission to a three-man court in the District of Columbia under circumstances of punishment far exceeding those defining a crime.

What then will happen to the checks and balances and built-in safeguards against rash and impetuous action which have repeatedly in the course of our Nation's history proved the wisdom of our Founding Fathers? What then will prevent this from happening again and again every time a mob or demonstration takes to the streets, with the proponents of the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," by usurping the rights of the States to veto qualifications which, not being delegated to the United States by the Constitution, were clearly reserved to the States respectively.

With one fell swoop, the proponents of S. 1564 would amend the Constitution of the United States by nullifying amendment XVII, which provides, as does section 3 of article I, that "the elections in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures" by invading this right and conferring on Congress alone the power of changing its local, State, and Federal elections.

Mr. President, the history of the Constitutional Conventions shows that the framers of the Constitution, those who brought this Nation into being, were deeply concerned about making certain that the Constitution could not be changed at the whim and caprice of a politician or by the expedience and thirst of a political party. They labored tirelessly to provide that the Constitution could not be amended without the consent of two-thirds of both Houses of Congress, or by a Convention called on application of two-thirds of the States, and, in each case, ratification of any proposed amendment, not by the legislatures or conventions of three-fourths of the States. The 24 amendments thus far adopted to the Constitution of the United States have followed this prescribed procedure.

What then will happen to the checks and balances and built-in safeguards against rash and impetuous action which have repeatedly in the course of our Nation's history proved the wisdom of our Founding Fathers? What then will prevent this from happening again and again every time a mob or demonstration takes to the streets, with the proponents of
expressed, Aristotle warned of the dangers that arise when a government of laws is corrupted by a government of men. In his "Politics," Aristotle praises the rule of law.

Therefore, he who bids the law rule may be deemed to bid God and reason alone rule, but he who bids man rule adds an element of the beast, for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire.

The law is reason unaffected by desire, as Aristotle declared—unaffected by mass hysteria and emotion, by demonstrations and sit-ins, by political thirst and political power and, above all, by expedience. Mr. President, every Member of the Senate knows, regardless of his personal feelings on the subject, that the Constitution clearly reserves to the States the authority to establish qualifications for voting. This authority is expressly provided in article I, section 2, and confirmed in the 16th and 17th amendments of the Constitution. Under this constitutional provision for 175 years determined the rules and requirements for voting by their citizens.

But now in this bill the Federal Government proposes to usurp this authority and take over the function of establishing voter qualifications. If Congress can so blatantly ignore and nullify a specific, unqualified provision of the Constitution, what other parts of the Constitution can ever again be regarded as inviolate?

Not only would this bill usurp the constitutional power of the States, but it would do it under a formula designed so that only certain selected States will be brought within its application, and other States excluded. The Attorney General of the United States admits this. He admits that while the bill is supposed to be a bill for the entire United States, it just so happens that the standards set forth in the formula of the bill apply only to a few States. The Attorney General admits that it just so happens that these States are, as he put it in his testimony before the Senate Appropriations Committee, a part of the "old Confederacy," what other parts of the Constitution can ever again be regarded as inviolate?

In fact, Mr. President, S. 1564 can pretend no such thing. History shows that the 15th amendment does not justify any such power under the Constitution.

The bill is entitled "A bill to enforce the 15th amendment to the Constitution of the United States, and for other purposes." The truth is, Mr. President, that S. 1564 was not drafted with the idea of dealing with a constitutional problem. I contend it was drafted primarily for "other purposes," that is, to satisfy the mass demonstrations blocking our streets and highways, and to stop the invasion of public buildings with lie-ins and sit-ins.

The bill pretends to be "appropriate legislation" to prevent the voting rights of citizens of the United States from being denied or abridged by States on account of race or color. It pretends that under the 15th amendment Congress has the power to change this by the bill.

The history of the 15th amendment and the debates and the proceedings in Congress at the time it was adopted make it clear beyond the shadow of a doubt that the 15th amendment does not justify any such amendment.

Mr. President, the amendment had no intention of giving Congress the authority to fix and regulate voting qualifications in the individual States. The 15th amendment is a lawful and orderly way to accede to the request of Congress to change the States' laws to the States' Constitutions and to protect the voting rights of citizens of the United States to vote shall not be denied or abridged by either State or Nation, "on account of race, color, or previous condition of servitude," and it gives Congress the power to enforce this provision for impartial registration and voting qualifications in the individual States.

This means that the 15th amendment simply declares that "the right of citizens of the United States to vote shall not be denied or abridged by either State or Nation, "on account of race, color, or previous condition of servitude," and it gives Congress the power to enforce this provision for impartial registration and voting qualifications in the individual States. The 15th amendment simply declares that "the right of citizens of the United States to vote shall not be denied or abridged by either State or Nation, "on account of race, color, or previous condition of servitude," and it gives Congress the power to enforce this provision for impartial registration and voting qualifications in the individual States.

It is a matter of going into court and having these statutes enforced.

For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the legislation. For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the legislation. For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the legislation. For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the legislation. For this is the basic proposition that must be resolved in your minds and in your hearts before a vote is cast on the legislation.
to succumb to those who teach civil disobedience and call for demonstrations and street scenes to provide it.

Whether we are going to take the low, dangerous road of appeasement and expediency, or the high road of reason and orderly process.

The question is whether we are going to correct this flagrant wrong in race, color, or previous condition.

The Constitution of the United States has often been called "a divinely inspired creation." I think the hour is here for us to pause and re dedicate ourselves to its principles, as "our fortunes, and sacred honor" to preserve it. And in the solemn moment that we do, we take renewed meaning of the wisdom and warning expressed in that immortal Farewell Address in 1796:

Should a modification of the Constitution be necessary it should be made by an amendment in the way in which the Constitution declares. But let there be no change by usurpation.

Mr. President, the United States is a constitutional system of government. It was by the Constitution that it took life; it has by the Constitution that it has survived. It will be by abuse of the Constitution that it dies.

Mr. BIBLE. Mr. President, I yield my time of speaking.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. BIBLE. Mr. President: 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.

A Nevadan wrote those words nearly 100 years ago. They became the 15th amendment to the U.S. Constitution. Nevada was the first State to ratify this amendment, and it has been a part of the Constitution since 1870. Yet today these rights are in the focus of one of the major issues before Congress—and before the people.

Without question this amendment has not been ignored, but rather a subject of much public discussion and debate. But whether we are going to abolish it or rather to amend it and to correct this flagrant wrong in race, color, or previous condition is a question that is on the minds of all of us.

The root of this discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history, the discord between the Johnnies and the Viet-Namites is the same as that which has made its mark on the whole of American history.
the rebels and installing ruling author­

This is a shortcut that some have urged and that President Johnson has doggedly re­

sisted. It is the answer that is no answer but it attracted those whose concern with the lan­

guage consequences was dwarfed by the dra­

ma on the scene.

This outlook infected many Americans in Santo Domingo, but it attracted those whose concern with the lan­

guage consequences was dwarfed by the dra­

ma on the scene. One wrote last week, "If the fools who sit and deliberate, it will be better. It is essential that the President be divided by the what they can do in the various political levels of govern­

ment. It is essential that in a republican form of government the courts remain open to

are the courts. The courts must be kept

open to

the people. We propose, in

the Civil Rights Act of 1964.

I come quickly to the part that I be­

lieve is most vital: that is, the part that in­

vades the provisions of the Constitution with reference to voter qualifications. The bill provides for a downgrading and a degrading of voter qualifications; an outlawing of some of the most vital and essential parts of the Constitution. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.

Nothing has been said to the people about self-improvement in matters of citizenship. Nothing has been said about the lessons to be learned from self-denial

in order to improve oneself as a citizen. Nothing has been said about the underly­

ing principles of self-control and self­

improvement. It is a bill in citizens voting and exercising their basic privileges. But I believe that in order to protect those persons, there must be some kind of regulation, some kind of quali­

fication, that would be valid. It is a bill that is emphasized relates to

nothing; everything is said about obligations. Everything is said about re­

sponsibilities.
Columbia is more than 1,000 miles from the place where the litigation may arise. I believe that it is absolutely essential to the process of law that the courts remain open. The due process of law, mentioned in the 14th amendment, is essential in a republican form of government. The courts must be kept open to the litigation, to the people, and to the Government.

It is essential in a republican form of government that, under due process of law, the legislative processes of the various State legislatures be open. The pending measure would literally close the door on the State legislatures which might be affected by the application of the bill. It is unthinkable. It is unheared of. I do not believe that it would be tolerated here for 10 minutes on any subject except on a voting rights bill.

The pending measure demonstrates the sadness of the situation that we have got into in our country. It illustrates what can happen when there is an emotional wave engendered by the marchers and the political winds of expediency, even before there was an opportunity for the Civil Rights Act of 1964 to begin operation.

Perhaps I am too strict in my interpretation of the Constitution. I do not believe that I am. However, one of the minor atrocities of the pending bill is that, calling along here under the guise of enforcing the 15th amendment, we lock up the body of different territory and argue to what I call the New York State amendment. On the other hand, we propose to go into a State in which there is no charge of any kind of racial discrimination and dip down into the net very deeply, to check the qualifications they have established for citizens to register and vote and their literacy tests. In the pending measure, we undertake to override the great State of New York on an extraneous matter to this bill, on a subject that is irrelevant to the 15th amendment to the Constitution.

Mr. President, only by the broadest stretch of the imagination could the matter be related to any part of the Constitution. It pertains to voting rights. If the amendment or the part pertinent to voting rights in the State of New York were to be upheld, it would mean that the Constitution would be gone and that there would no longer be any provision of the Constitution relative to voting qualifications that would have any meaning whatsoever.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. STENNIS. Mr. President, I thank the Chair. I believe there is an error there.

The PRESIDING OFFICER. If the Senator will suspend, the Chair will check the time.

Mr. STENNIS. I thank the Chair. I thought I had 32 minutes remaining.

The PRESIDING OFFICER. The Senator used 28 minutes of his time on yesterday and 15 minutes today, which leaves exactly 17 minutes.

Mr. STENNIS. I thank the Chair very much.

Mr. President, for the second consecutive year the Senate has seen fit to invoke cloture on a measure which presents grave and fundamental constitutional issues. The debate limitation thus imposed will prevent full and adequate consideration of the proposal now before the Senate, even though that proposal reflects a sound philosophy for modern totalitarianism. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The specific provisions of the Constitution dealing with this power are unequivocal, and the Supreme Court interpretations thereof so explicit, that it would hardly seem necessary to consider them. Indeed, even the proponents of S. 1564 acknowledge that jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the action of the States under the guise of enforcing the 15th amendment.

The proposed Voting Rights Act of 1965, now pending in the Senate, violates and disapproves of freedom of self-government. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The pending measure demonstrates the sadness of the situation that we have got into in our country. It illustrates what can happen when there is an emotional wave engendered by the marchers and the political winds of expediency, even before there was an opportunity for the Civil Rights Act of 1964 to begin operation.

Perhaps I am too strict in my interpretation of the Constitution. I do not believe that I am. However, one of the minor atrocities of the pending bill is that, calling along here under the guise of enforcing the 15th amendment, we lock up the body of different territory and argue to what I call the New York State amendment. On the other hand, we propose to go into a State in which there is no charge of any kind of racial discrimination and dip down into the net very deeply, to check the qualifications they have established for citizens to register and vote and their literacy tests. In the pending measure, we undertake to override the great State of New York on an extraneous matter to this bill, on a subject that is irrelevant to the 15th amendment to the Constitution.

Mr. President, only by the broadest stretch of the imagination could the matter be related to any part of the Constitution. It pertains to voting rights. If the amendment or the part pertinent to voting rights in the State of New York were to be upheld, it would mean that the Constitution would be gone and that there would no longer be any provision of the Constitution relative to voting qualifications that would have any meaning whatsoever.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. STENNIS. Mr. President, I thank the Chair. I believe there is an error there.

The PRESIDING OFFICER. If the Senator will suspend, the Chair will check the time.

Mr. STENNIS. I thank the Chair. I thought I had 32 minutes remaining.

The PRESIDING OFFICER. The Senator used 28 minutes of his time on yesterday and 15 minutes today, which leaves exactly 17 minutes.

Mr. STENNIS. I thank the Chair very much.

Mr. President, for the second consecutive year the Senate has seen fit to invoke cloture on a measure which presents grave and fundamental constitutional issues. The debate limitation thus imposed will prevent full and adequate consideration of the proposal now before the Senate, even though that proposal reflects a sound philosophy for modern totalitarianism. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the purposes of S. 1564 may be worthy, the means adapted thereby of securing those purposes are not only beyond the power granted the Federal Government but are directly contrary to a number of our most treasured constitutional principles.

One of the truly great constitutional authorities in the history of our Nation, the late Dr. Edwin S. Corwin, who edited the fifth edition of "The Constitution of the United States of America"—U.S. Government Printing Office, 1564—stated in the Introduction to that publication that the effectiveness of Constitutional law as a system of restraints on governmental action in the United States depends on four doctrines which are illustrated in the 14th amendment:

(1) The doctrine or concept of federalism;
(2) the doctrine of the separation of powers;
(3) the concept of a government of laws and not of men, as opposed, especially to indefinite conceptions of presidential power;
(4) and the no longer prevalent substantive doctrine of natural law and attendant conceptions of liberty.

An examination and analysis of S. 1564 reveals that it clearly violates each of these doctrines, which Mr. Corwin stated will determine the effectiveness of constitutional law as a restraint on Government action. Because the passage of S. 1564 by Congress will constitute a rejection of these doctrines, what we now decide will have implications far beyond securing the right to vote. For if Congress can ignore basic constitutional principles for one reason, it can likewise ignore these principles for any reason it desires. Acceptance of S. 1564 by Congress, if upheld by the courts, would mean that there are no longer any restraints on governmental action; the respective States would be reduced to mere administrative units, and the rights of citizens would no longer be inviolate against governmental interference.

The doctrine of federalism, as known in the 14th amendment, presupposes the existence of a central government, composed of autonomous political entities, or "States," which have joined together for common purposes. The Central Government clearly defined. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The specific provisions of the Constitution dealing with this power are unequivocal, and the Supreme Court interpretations thereof so explicit, that it would hardly seem necessary to consider them. Indeed, even the proponents of S. 1564 acknowledge that jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the action of the States under the guise of enforcing the 15th amendment.

The proposed Voting Rights Act of 1965, now pending in the Senate, violates and disapproves of freedom of self-government. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The specific provisions of the Constitution dealing with this power are unequivocal, and the Supreme Court interpretations thereof so explicit, that it would hardly seem necessary to consider them. Indeed, even the proponents of S. 1564 acknowledge that jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the action of the States under the guise of enforcing the 15th amendment.

The proposed Voting Rights Act of 1965, now pending in the Senate, violates and disapproves of freedom of self-government. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The specific provisions of the Constitution dealing with this power are unequivocal, and the Supreme Court interpretations thereof so explicit, that it would hardly seem necessary to consider them. Indeed, even the proponents of S. 1564 acknowledge that jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the action of the States under the guise of enforcing the 15th amendment.

The proposed Voting Rights Act of 1965, now pending in the Senate, violates and disapproves of freedom of self-government. Although the Constitution is clearly and without question provides that the respective States have the sole and exclusive jurisdiction to establish voting qualifications, and that the Federal and State elections, S. 1564 would deny to certain States the power to exercise that constitutional authority.

The specific provisions of the Constitution dealing with this power are unequivocal, and the Supreme Court interpretations thereof so explicit, that it would hardly seem necessary to consider them. Indeed, even the proponents of S. 1564 acknowledge that jurisdiction of the States in this field, but nevertheless advance the argument that the Congress has the power to "suspend" the action of the States under the guise of enforcing the 15th amendment.
Because the Court in Ex parte Milligan expressed so forcefully the principle that no provision of the Constitution may be suspended, let me quote briefly from that decision:

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Constitution may be suspended for a week, or for a day, or for any shorter period, but it is impossible to make a permanent, consistent suspension of any branch of government."

Those are the Court's words, not mine, and I emphasize them.

Although the petitioner in Ex parte Milligan was charged with an offense against the United States during time of war, the Supreme Court held that the constitutional right of trial by jury could not be suspended, or a writ of habeas corpus temporarily taken away from an accused.

I say what is proposed here is a dangerous doctrine. Long after the issue of voting rights is settled or adjusted, or the Constitution is interpreted, the courts in the future. It is an obliteration of the safeguards of the Constitution of the United States. The right of trial by jury is not written in any clearer or plainer language in the Constitution of the United States than it is in the Bill of Rights. This assault on the powers of the Constitution of the United States, the requirement of a simple literacy test, disturb the Congress and the Courts and the people and the states that they are not qualified politically to vote or to participate in any new law dealing with voter qualifications or procedures.

I think the pending bill is the greatest slap against the Supreme Court and the entire judicial system than anything that has been seriously presented to this body in a generation. It takes powers away from the judiciary. It takes powers that belong to the judicial and to the legislative branches and vests them in the executive. It closes the doors of the courts in Federal election. It is contrary to this doctrine of separation of powers, the Constitution, for a temporary suspension of a constitutional right is the same as a denial of that right. If any section may be suspended for a week, or a month, or a year, it may be suspended in perpetuity and thus forever denied.

The effect of S. 1564 is to "suspend" the constitutional authority of the respective States to prescribe qualifications for voting. The assault on the States is a direct violation of our Federal system of government; it is a basic assault on the most delicate of all Federal relationships. The States are not allowed to regulate and control the election of their public officials, and by indirect establishment the qualifications of voters in Federal elections, the States are deprived of the legislative authority over their local administrative units. The last vestige of State political sovereignty will thus be destroyed.

Just as the passage of S. 1564 will destroy the Federal nature of our government, it will likewise trample on the doctrine of the separation of powers. Our system presupposes the tripartite nature of government, that there are three distinct sections of any government: the legislative, executive, and judicial. To insure that a grant of limited power does not become absolute power, the Constitution has delegating authority and responsibility among these three branches of government, each with certain checks on the other. The Congress may not delegate its authority, nor may the legislative powers be assumed by the executive or the judiciary. Likewise, the executive may not assume judicial powers, nor may the courts perform executive acts and vice versa. Certain checks are inherent in the constitutional system of checks and balances which each branch has over the other, such as the power of the Senate to confirm Presidential appointments or the judicial power to declare acts of Congress unconstitutional, no branch of government may be given nor may it assume authority not inherently appropriate being exercised by that particular branch.

S. 1564 proceeds on an assumption which is contrary to this doctrine of separation of powers, however, by giving to the Attorney General of the United States, under certain sections of the Constitution, certain powers which are inherently executive in nature. Sections 3 and 4, for example, give the Attorney General of the United States power over the Federal courts in the District of Columbia to the power to veto a State legislative enactment. Never before in the history of the Federal Government has the power of the Federal Government been given to either approve or disapprove an act of a State legislature, but this bill was such a thing to do. It is just as incomprehensible that the Federal judiciary certain powers which are inherently executive in nature. Section 4(b) specifically provides that a determination by the Attorney General and the Federal Department of Justice itself, in large areas of the country, that anyone, and especially anyone with legal training, could propose the unconstitutional amendment is to give that article a position of superiority to other constitutional provisions. Certain provisions of the Constitution can only be nullified by another constitutional amendment: the 15th amendment is to give that article a position of superiority to other constitutional provisions. Certain provisions of the Constitution can only be nullified by another constitutional amendment: the 15th amendment is to give that article a position of superiority to other constitutional provisions.

S. 1564 proceeds on an assumption which is contrary to this doctrine of separation of powers, however, by giving to the Attorney General of the United States, under certain sections of the Constitution, certain powers which are inherently executive in nature. Sections 3 and 4, for example, give the Attorney General of the United States power over the Federal courts in the District of Columbia. This assault on the powers of the Federal judiciary certain powers which are inherently executive in nature. Section 4(b) specifically provides that a determination by the Attorney General and the Federal Department of Justice itself, in large areas of the country, that anyone, and especially anyone with legal training, could propose the unconstitutional amendment is to give that article a position of superiority to other constitutional provisions. Certain provisions of the Constitution can only be nullified by another constitutional amendment: the 15th amendment is to give that article a position of superiority to other constitutional provisions.
Mr. President, there is only one issue before the Senate. It is not whether 51 Senators believe this bill is necessary to secure the voting rights of all citizens; nor is it a question, in the abstract, of whether the Congress cannot enforce the 15th Amendment. The only question is whether this bill, S. 1564, in substance, is a proposal to reconsider "appropriate legislation" under section 2 of the 15th Amendment. If it exceeds the grant of authority to Congress to act meaningfully under that section, with other specific constitutional provisions which might be given equal weight, it is not appropriate legislation and is unconstitutional.

In plain and simple language, Mr. President, I can only conclude that it is a bad bill. It proposes that which is far beyond the power of Congress to enact under the 15th Amendment. Itviolates many principles of our constitutional system, and it would deny to certain States their historic and inherent rights under the guise of protecting other rights.

Still, we are told that we must enact the bill because there is a great need for new voting legislation. But need is not the test of constitutionality, and great social, economic, or political crises do not create or enlarge constitutional power. The Constitution establishes a national government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the National Government are limited by the constitutional grants. Those who act under these grants are not to be criticized if they believe that the imposed limits are necessary.

I urge the Senate to heed these words, Mr. President. Look not at extraordinary conditions which existed in the Supreme Court, notwithstanding the sworn testimony of the Attorney General that he does not possess evidence to prove such a case. In addition, section 4 would deny the States their right to seek judicial relief in the appropriate Federal courts, but instead would require those States to present their case in the District Court for the District of Columbia. But this court does not sit as an indictment against every court in the land except the appointed tribunal in Washington.

Endless time could be devoted to a discussion of the unconstitutionality of these and other provisions of the bill. Mr. President. Because those of us opposed to the bill have been denied this time, I wish to summarize my objections to S. 1564 in this manner:

First, it is a great tragedy that judgment has already been made. The decision has been rendered. No more testimony can be heard.

Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 25 minutes.

Mr. SPARKMAN. Mr. President, now that we are operating under the time limitation of cloture, I will summarize my opposition to this unconstitutional and unwarranted bill. At the same time I will comment on the recent additions or amendments that have been added to it.

At the outset, however, I want to reiterate that the fundamental error in this speech nor in any of the debate thus far have I once expressed opposition to the right of any qualified person to vote. I just think that voter qualifications cannot be set by the State, not the Federal Government.

I have opposed this measure quite actively from the start. This includes speeches, floor amendments, and proposals made before the Judiciary Committee to cut back at least some of the extreme provisions of the bill. Briefly summarized, my opposition arguments for now:

First, the bill is unconstitutional because the right to vote is not derived from the Constitution; it is a State matter. This bill is predicated purely and simply on the false premise that the Federal Government can take over the question of voting.

Second, the bill is designed to punish the South and the South only. This is regional and punitive legislation—not national legislation. Congress should concern itself with matters on a national basis.

Third, Under the Constitution Congress can pass no bill of attainder; that is to say it cannot point a finger at any single individual or any State and say that you are guilty. The Constitution states that this must be done by the courts. Nevertheless, this bill does exactly that in unmistakable terms.

Fourth, Congress can pass no ex post facto law under the Constitution. Yet this bill is definitely ex post facto because it is based on what occurred in the presidential election of November 1964. No intent or fact of discrimination is required. It goes into effect through a cold mathematical formula of 50 percent in any State, county, or city. Why States, counties, and cities for something of which they had no knowledge at the time it took place. Innocence is thereby turned into guilt by an ex post facto retroactive law.

Fifth, The bill places ministerial or administrative functions on a pinnacle above the courts. The Attorney General is given an enormous amount of...
power, and the South is placed at the mercy of his discretion. This is somewhat similar to Reconstruction days when arbitrary Federal officers held both personal and property rights in the South. The bill can lead us into another "tragic era."

Sixth. Our lines of distinction between executive, legislative, and judicial functions of government are completely obliterated by this confused measure. It is as though our accepted principles in these three fields were to be thrown out, together with the bill and then tossed out the window. All of this is in the interest of punishing the South for an outburst of emotionalism occasioned by mass demonstrations purposely put on for the purpose of getting this bill. The precedents that this can establish are untold and may never be rectified. We are acting in the heat of passion and are casting aside our most treasured gifts of the past—our bastions of safety and balance—the precious heritage of a balanced form of government.

Seventh. The yoke of bondage imposed by this bill would send in Federal examiners to run State and local registrations and oversee elections, cannot be thrown off properly by compliance. There is a 5-year moratorium on State laws making it necessary to consult the Federal examiners in order to register persons. Two appointed by the Civil Service Commission can remain, rather indefinitely in the discretion of the Attorney General. The recent amendment of May 25 affords an escape clause. It will allow myself and associates to being thrown out of office if the States do not agree to this bill and the examiners move in, while another and perhaps an adjacent county or city would not be touched.

The fundamental thing to consider, however, is that the machinery of the bill starts into motion not on the basic premise of discrimination, which could happen anywhere in the United States, but on the premise of discrimination and the fact that a test or device was maintained. Once the bill becomes applicable by these cold and unjust standards, it appears that a State or political subdivision is presumed to be guilty until it gets down on its knees and comes into the Federal courts in the District of Columbia and proves its innocence or the nonapplicability of the law.

This is consistent with our theory of justice that there is a presumption of innocence until guilt is proved beyond a reasonable doubt. At the same time, it is asking too much of a State to ask it to go through this 5-year ordeal, to spend the greatest amount of money in preparing the best possible case, to undergo, perhaps, the most burdensome of judicial procedures set forth in the bill. The Judiciary Committee changed the court structure part of the original bill considerably, but it will leave an unprepared, overburdened, and often inadequate court procedure authorized by the bill. I question the soundness of these procedures, and I most seriously question them, because they would be here to test the Constitutionality of this bill to it under section 4(a) in a district court in one part of the Nation and leaving the other courts of similar jurisdictions untouched because the bill purposely does not apply to them. For example, a new judgment or an injunction against enforcement can be issued in any court except in a District Court for the District of Columbia, or a court of appeals, according to section 14(b), page 31.

This is designed expressly and obviously to avoid southern Federal judges; men who have been confirmed by the Senate, and who can be impeached if they deserve it. Moreover, if a State or subdivision wishes to contest the applicability of this bill to it under section 4(a) in district court in the District of Columbia, it has to allege and prove non-discriminatory practices in voting for a period of years or resort to the 50-per-cent escape clause under the May 25 amendment on page 19, and in that case, the court retains jurisdiction for 5 years. While the South is the chief target of this bill, many other sections of the country might not be pleased with the precedents of this provision as well as several other provisions in the bill.

I wish to be specific that in section 12(d), page 18 of this bill, the Attorney General can go into any appropriate U.S. district court for injunctions and protective relief, well armed with the stringent provisions of the bill, and at the same time, citizens and political entities other than the United States cannot. They must come to the District of Columbia for this type of relief. This is arbitrary, rank discrimination. If a Federal court is good enough for the United States, it is good enough for its citizens and for the United States and their political subdivisions. I trust that the Senate will correct this proposed injustice—this condemnation by the United States of its own Federal court system and structure, and I submitted amendments to no avail to accomplish this purpose, drafted and redrafted several times as the bill was substituted by amendment after amendment.

I opposed the three civil rights bills passed in 1957, 1960, and in 1964. It was my view after the long battles of those 3 years, in which I was engaged most actively, that the bill would correct this proposed injustice, this condemnation by the United States of a type of Federal court—by amendment after amendment. It also was certainly one of the most heavily covered fields involved.

Law after law has been written and passed and then revised to fit the alleged needs of the moment. As a matter of fact, I was somewhat curious to see how far the Supreme Court would apply what had been written into law, and how vigorously the Attorney General and the U.S. Civil Rights Commission would utilize all the many and powerful legal remedies that Congress had given them. I did not have the time to draw any sound conclusions after the 1964 act, however, because the instant bill was thrown at us without sufficient use of existing law and without a bona fide effort to try it out and come back to Congress and show that it would not work. This is the sad but true case in this type of legislation.

I knew that some important Federal cases were pending on the scope of existing law and the authority to bring entire States into court to abolish discriminatory practices wherever they exist. The aggregators, however, seemed to prefer the course of national publicity over the course of resorting to the courts and exhausting remedies under existing law.

The ink had hardly dried on two printed decisions of the Supreme Court on March 8, 1965, in the Supreme Court of the United States, which would drastically affect the course of litigation under existing law on voting rights, when S. 1546 was introduced. This bill was introduced on March 18, apparently in the attitude that the Supreme Court decisions allowing a whole State to be sued to protect the voting rights of Negroes were not sufficient.

These cases give very powerful methods of avoiding the courts and not Federal registrars or examiners to settle voting rights matters. I speak of the two cases, U.S. v. Mississippi et al. No. 73 380 U.S. 129, and Louisiana et al. v. U.S. No. 67 380 U.S. 145, both decided March 8, 1965, in the Supreme Court.

Let me quote from the concluding paragraph of our Mr. Justice Black's opinion in the Louisiana case:

It also was certainly an appropriate exercise of the power of the District Court to order reports to be made every month concerning the registration of voters in these 21 parishes.

In other words, the court could enforce nondiscrimination in 21 parishes...
and in other parishes as well if discrimination existed.

I do not cite these cases in any sense that I approve or endorse their site through and this power can be broadly applied, in a manner that appears constitutional to the Supreme Court, and in such a way that it will not compromise our traditions of government and our form of government.

The present bill would do just that, and the Supreme Court would have great difficulty in not someday agreeing with my sentiments here today. If this bill passes and the Court does otherwise, it will be abolishing the reserved powers of the States to establish voting qualifications and it will be approving powers for Congress far beyond the contemplated scope of the Constitution.

It should be noted that the Supreme Court, on March 8, did not abolish literacy tests. It merely stated that the discriminatory use of these tests as between whites and Negroes has to stop and whole States can be brought in as defendants to bring this into reality.

The Constitution and literacy tests, in fact it suspends them. The Supreme Court for years has affirmed these tests as a reasonable exercise of a State's authority under the Constitution and it will be approving powers for Congress far beyond the contemplated scope of the Constitution.

In the case of Lassiter v. Northampton County Board of Elections, 360 U.S. 45 June 8, 1959, the Supreme Court upheld North Carolina's literacy test laws requiring that a voter "be able to read and write any section of the Constitution of North Carolina in the English language." The Court condemned literacy tests that have been employed as "a device to make racial discrimination easy," but found that this was not the case in North Carolina.

I quote from the Court's opinion:

The States have long been held to have broad powers to determine the conditions under which the rights of suffrage may be exercised.

Literacy and illiteracy are neutral on race, creed, color, and sex as reports around the world show. The literacy test papers, periodicals, books and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate may exercise the right to vote.

It seems to me that this bill flagrantly and directly violates the recognition that the Court gave expressly in this case only 6 years ago the right of a State, and not the Federal Government, to determine the qualifications of voters. This right is stated clearly in article I, section 2 of the Constitution, and the 15th amendment does not diminish it to the extent that Congress, and certainly not a Federal agency, can set the qualifications for voters in State and local elections. We might observe also that the Lassiter case is not in line with the amendment. Louisiana has a large number of Puerto Ricans in New York to vote despite the fact that they cannot read or write the English language.

According to this bill, whenever the Attorney General moves in on the 50 percent rule set forth in section 4(b), page 6, then the rights of a State cease. The drafters of the original bill made an attempt to stick to constitutionality on line 8 of page 5 of that bill, when they required a Federal examiner to determine whether an unregistered person had the qualifications prescribed by State law. But then they added the words "in accordance with instructions received under section 6(b).

Section 6(b) section 6(b) of the original bill authorizes the Civil Service Commission to issue regulations governing examiners hearing cases. It provided that the Commission, after consultation with the Attorney General under section 6(a), shall instruct examiners concerning the qualifications required for listing.

In other words, under the original bill, the Commission and the Attorney General could readily see that adding the word "but" and not allowing the Attorney General are to act as a third branch of a State legislature. At the same time they are to have veto power somewhat similar to that of the Governor of a State. This unconstitutional provision is contrary in every respect to the reserved powers of the States as to the separation of powers between the legislative, executive and judicial branches of our Government.

I expect that someone would have been thrown out of the Constitutional Convention of 1787 if he even suggested that a State legislature could not effectuate its laws without the approval of a Federal court and an officer of the Federal Government. Montes­

The Judiciary Committee added a provision on page 6 of the bill. This provision making the bill applicable whenever 25 percent of the voting age persons of a race or color in a State are not registered. The Attorney General has the discretion of asking for a population survey on which enforcement would rest. In other words, Federal machinery and Federal personnel can take over the administration of registering and voting in a State now, because 25 percent of the members of a race did not register. This is arbitrary legislation. It accuses a State of guilt by blaming it without even a formal charge of discrimination. The bill itself presumes dishonesty of a State. Laws in this country are not supposed to do that. This blanket indictment of a race of people and a State, at the same time is tantamount to a bill of attainder, which is prohibited under the Constitution.

The committee also added a provision to the already onerous original bill authorizing "poll watchers" or persons representing the examiner to be present to observe ballotting procedures and voting tabulations. At the same time, the committee put in added criminal penalties for coercion under persuasion and intimidation as well as for election fraud. The substitute bill—amendment No. 124—authorized court-appointed poll watchers. On the floor an amendment denying authorizing an unlimited amount of poll watchers appointed by the Attorney General.

To me, this is extending the arm of the Federal Government entirely too far into the affairs of a State election, Congress. In this bill, it is assuming that there is sufficient Federal jurisdiction in a heretofore State controlled field to supervise it by Federal law and to send people to the penitentiary for violating Federal law. Criminal laws must be strictly construed. I doubt the constitutionality of the Federal Government going this far down
into local affairs with criminal penal­ties. Moreover, I think that the prin­ciple is wrong, clearly wrong. I am not certain that the present vot­ing rights laws in the civil rights bills are constitutional. For reference, I refer­ing rights laws in the civil rights bills that time, and they stated:

There is one major and basic thought in my mind that has occasioned the cer­tainty with which I have opposed, and am opposing, this bill: That is that our Government was not established with the thought in mind of taking away from the States the control of the right of suffrage. This basic concept was not altered sufficiently by the 15th amendment to war­rant this bill.

In the Federalist Papers—Federalist No. 52—we find a discussion of why article I, section 2, giving suffrage control in Federal elections as to qualifica­tions of electors to the States, was placed in the Constitution. The following quo­tation is most important:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

In other words, our Founding Fathers considered the potential of each State and de­cided against it because they felt that the States would object. I might add to that the thought that the Constitution in my opinion would not have been ratified if it had a uniform language specifying in it or had any arbitrary control over the power of State legislatures been given to the Federal Government in the field of voting qualifications.

That is definitely one side of the coin, and it should be considered here and now.

On the other side we hear the various arguments that the 15th amendment sub­versed this concept. The history of that amendment shows otherwise, and moreover the 17th amendment was adopted after the 15th amendment and used the same language as article I, section 2 of the basic Constitution. I have checked some of the legislative history of the 15th amendment and I find that the Senate added to the words “race or color” to place a ban on literacy tests in voting which had been expressly deleted.

When this provision reached the House of Representatives a rollcall vote ensued and on February 15, 1869, the House re­ fused by a vote of 133 to 37 to accept this version—Congressional Globe, 40th Congress, 3rd session, February 15, 1869, page 1236. In turn the Senate receded from its amendments, and the debate in the Senate show that it was aware that it was yielding to the House on this point, particularly as to “education”—Globe, page 1237.

Therefore, under no theory of reason­ing should it be said that Congress, which submitted the amendment to the States for ratification, intended that it include a ban on literacy tests in voting which had been expressly deleted.

In the instant bill Congress is now ig­noring this history if the bill becomes law. It is also saying that what the States did not authorize us to do, we are now do­ing. Also, it is saying that despite the fact that our Founding Fathers discussed the principle of this bill and decided to leave voting matters to the States, we are now going to cast all this aside and take over the field both as to jurisdic­tion and as to substance.

Therefore, Mr. President, it is with a profound respect for the principles of government on which the United States was founded that I oppose, and shall vote against, this bill.

Mr. JAVITS. 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. JAVITS. 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 PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, this period in the Senate’s consideration of the proposed Voting Rights Act of 1965 can best be described as anticlimactic. If the final result of the Senate’s work on this bill was anticlimactic, the dramatic presentation by the President, all doubts were removed by the vote on cloture. The time of debate is now lim­ited, and the formality of a final vote for passage is nearly realized.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. THURMOND. Mr. President, the debate in the Senate has been signally unproductive. Few, if any, votes have been influenced by it. In fact, from all appearances, little attention has been paid to the debate. The news media has disseminated little or negligible of the substance of the debate, so I doubt if the real issues in­volved in the bill are known and under­stood by the public hardly at all.

It would be naive to hope to change either the seemingly oblivious disposition of the Senate toward a ban on literacy tests in voting which will make any appreciable progress toward fostering public understanding of the bill in the remaining hours of debate.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Chair respectfully re­quests that Members of the Senate and their staffs retire from the Chamber if they must hold conferences.

Mr. THURMOND. Mr. President, the debate in the Senate has been signally unproductive. Few, if any, votes have been influenced by it. In fact, from all appearances, little attention has been paid to the debate. The news media has disseminated little or negligible of the substance of the debate, so I doubt if the real issues in­volved in the bill are known and under­stood by the public hardly at all.

It would be naive to hope to change either the seemingly oblivious disposition of the Senate toward a ban on literacy tests in voting which will make any appreciable progress toward fostering public understanding of the bill in the remaining hours of debate.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Chair respectfully re­quests that Members of the Senate and their staffs retire from the Chamber if they must hold conferences.

Mr. THURMOND. Mr. President, the debate in the Senate has been signally unproductive. Few, if any, votes have been influenced by it. In fact, from all appearances, little attention has been paid to the debate. The news media has disseminated little or negligible of the substance of the debate, so I doubt if the real issues in­volved in the bill are known and under­stood by the public hardly at all.

It would be naive to hope to change either the seemingly oblivious disposition of the Senate toward a ban on literacy tests in voting which will make any appreciable progress toward fostering public understanding of the bill in the remaining hours of debate.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Chair respectfully re­quests that Members of the Senate and their staffs retire from the Chamber if they must hold conferences.

Mr. THURMOND. Mr. President, the debate in the Senate has been signally unproductive. Few, if any, votes have been influenced by it. In fact, from all appearances, little attention has been paid to the debate. The news media has disseminated little or negligible of the substance of the debate, so I doubt if the real issues in­volved in the bill are known and under­stood by the public hardly at all.

It would be naive to hope to change either the seemingly oblivious disposition of the Senate toward a ban on literacy tests in voting which will make any appreciable progress toward fostering public understanding of the bill in the remaining hours of debate.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. The Chair respectfully re­quests that Members of the Senate and their staffs retire from the Chamber if they must hold conferences.
The proposed Voting Rights Act of 1965 is a bad law, but its significance is by no means hinged on this particular defect. As I have said, all legislatures pass bad laws, for legislation is the product of fallible human judgment. The real significance of the proposed Voting Rights Act of 1965 lies in the fact that the crux of the issue it presents to the Congress is not a question of good versus bad law, but rather a question of whether the rule of law itself will prevail or be repudiated. The peculiar evil of this bill lies in the denial of the very concept of a government by laws which its passage will involve.

The Constitution, so long as the laws enacted are consistent with the Constitution itself, is a government of laws and a government of justice, and the rule of the English Crown. Thereafter, in a comprehensive recognition when our forefathers freed themselves from the rule of their several States, chartered a central government and reorganized their own powers of State power under the Constitution. The charter itself was given the status of the supreme law, and provides the basis for all the other laws by which the Nation is to be governed.

The Constitution is the only basis upon which this or any other Congress can claim the right or authority to enact legislation. Except for the Constitution, what we do here is both presumptuous and impertinent to the sovereignty of the people.

Moreover, the Constitution is the sole source for differentiation between a government and a government of men. It is on this major distinction that self-government, order, and justice depend.

The Constitution grants power to the Congress to make good laws and bad laws, so long as the laws enacted are not inconsistent with the Constitution itself. Although bad laws have ill effects on the operation of our society, often thwart justice, and impose inequities upon the people, they do not, so long as they are consistent with the constitutional authority of Congress, impinge upon the concept of government by laws. The effect of passage of the proposed Voting Rights Act of 1965 will be to suspend the Constitution. Obviously, Congress has no authority to suspend the Constitution, for its only source of authority is the Constitution itself; but it is equally clear that Congress, as to this issue, at this time, with the concurrence of the Executive, and the anticipated concurrence of the Supreme Court, does have the power to ignore or suspend the Constitution.

The contest of this proposed Voting Rights Act of 1965 has been demonstrated throughout the debate, and, by the Senate's action on amendments, has been a rather one-sided contest between power on the one hand and argument of constitutional law on the other. The issue has been, and, indeed, can be, no serious argument that this bill is consistent with the Constitution of the United States.

The Congress has no authority, under the Constitution, to usurp the judicial-review authority of the judiciary. The function of judicial review is vested in the judiciary. The constitutionality of the very laws which Congress would invalidate by the passage of S. 1964 has been sustained repeatedly by the Court.

The Congress has no authority under the Constitution to abrogate the equal status of a Statehood by reducing some to a new, unnamed, but inferior, status. There may be and are differences of opinion as to the scope and magnitude of authority encompassed in the concept of state power under the Constitution; but whatever it may be, it is singular, invariable, and unchangeable by any act which this or any other Congress might pass.

The Congress has no authority under the Constitution to place a prior restraint upon the enforcement of acts of State legislatures enacted pursuant to power of State under the Constitution without the Constitution. The Constitution grants Congress no veto power over acts of State legislatures.

Undeniably, however, these are now the powers vested in Congress by the passage of the Voting Rights Act of 1965.

The bill purports to invalidate the imposition of literacy tests as a qualification to voting in certain pinpointed selected States. The imposition of literacy tests as a qualification for voting has repeatedly been sustained by the courts as a constitutional exercise of state power under the Constitution.

Under this bill, Congress purports to decide which States could, and which States could not, impose literacy tests as a qualification to voting by denying them to some States, while leaving intact in others, a specific and important power. This bill would impose a condition of prior approval by a court or the Attorney General on the legislation of State laws dealing with voting rights and procedures.

By such an act, Congress would assume to itself a power of veto over acts of State legislatures and the same time delegate that power to specific courts, and even to an appointed official, the Attorney General. This bill, if passed, will be one act of Congress which is entirely an exercise of power rather than an exercise of authority. The exercise of such power is incompatible with the Constitution, and the passage and enforcement of this bill is only possible to the extent that the Constitution no longer applies or is 'suspended.'

The suspension of the Constitution which will be occasioned by the passage of the proposed Voting Rights Act of 1965 would not be a mere temporary hiatus. The passage of this bill would involve Congress in the nullification of the Constitution aside for a moment while the Senate engages in a rollcall vote while the House concurs, and while the President affixes his signature. On the contrary, the suspension of the Constitution would follow from the passage of this bill would persist throughout the life of this legislation, and beyond. So far reaching is the impact of this proposal, that its effect could not possibly never be erased from the society of our posterity.

Underlying the position of the proponents of this legislation is the inescapable implication that the suspension of the Constitution is justifiable on the basis of very extraordinary circumstances. This is but another way of saying that the demands of expediency cannot otherwise be justified.

No circumstances, however turbulent, or however pressing, can justify the suspension of the Constitution by legislative fiat. If the concept of a government of laws has any validity, the concept must be able to withstand the onslaught of the most turbulent circumstances. Almost any concept of government can survive the tranquil and harmonious times. The rule of law comes from its ability to withstand the strains and pressures on the high end of the spectrum.

The Congress has concluded that a government of laws is inadequate to withstand the requirements of difficult circumstances, the principle itself is invalid.

The truth of the matter is that there is no inequity in a government of laws. If there is need for the Congress to have the power to pass legislative judgments on the constitutionality of State laws, there is a means consistent with the Constitution to accomplish this end.

If there is justification for creating the entity of a second-class statehood, it can be accomplished without violating the Constitution itself.

If the need of Congress to have a veto power over acts of State legislatures can in any sense be equated with a constitutional means to that end.

The alternative to suspending the Constitution, and the alternative to a rejection of a government of laws, is found in amendment of the Constitution. Amending the Constitution for the alternative to suspension of the Constitution is to amend the Constitution.

The Nation has witnessed an almost unparalleled display of political power by the proponents of the proposed Voting Rights Act of 1965. They have moved with dispatch, they have proved invulnerable to argument, and they have brooked no delay, which was formerly, but lamentably, no longer, the most deliberative body in the world, they have imposed closure and terminated debate even in the complete absence of the treat of filibuster. They have brought this proposed Voting Rights Act of 1965 to a final vote in this formerly most deliberative body in the world before the Senate has been able to act on the Majority Leader's request that the Senate act on this bill.

One would presume—-with far more validity than have the presumptions in-
The Voting Rights Act of 1965 is but a reflection of the political will and determination of the people of the Nation. Apparently, those who support the provisions of the act recognize the political strength of the United States to authorize Congress to exercise the power which it now clearly disposes to usurp. It is no easy matter. In the first place, it requires a two-thirds vote in Congress to propose an amendment. This requirement should pose no difficulty to the proponents of the proposed voting rights act, for they have already mustered in the Senate 70 votes to impose clout on the bill. Certainly this was a sufficient formidable display of strength.

For ratification of an amendment, the affirmative concurrence of three-fourths of the States is necessary. In view of the fact that the bill singles out only five States and territories for punishment and demolition, and in view of the wide and enthusiastic support which surely must underlie the most impressive power display we have witnessed in the Senate there should have been no difficulty in securing the adoption of an authorizing amendment to the Constitution.

Even if the process required a full year's time, it could have been consummated—had it begun when this bill was presented—without permitting any intervening election to take place prior to the reform.

The constitutional amendment process was rejected, however, if it was ever even considered. Perhaps the proponents of this legislation are aware that political power is a fleeting thing which crests like a wave, only to subside again. They may reason with logic that emotions cool with time. Or perhaps they recall a lesson from "The Prince," that political leaders should strive to be the iron reeds. It may be that this suspension of the Constitution will prove neither permanent nor fatal. A century ago, there was a similar rejection of the rule of law following years of bloody fratricide. The Constitution survived. Fortunately, however, the judiciary remained at that time committed to the integrity of the Constitution and the rule of law. There is little basis for hope that the rejection of the Constitution will come from that quarter in our time.

It is quite possible that should this suspension prove fatal to the already damaged rule of law, the rule of law, their passing will go unnoticed for awhile, and only later will observers attempt to fix the time of death, locate the body and reconstruct the crime. Should such an attempt be made, surely this spot will be the focus of attention.

Here, in what was formerly the most deliberative legislative body, will be the final resting place of the Constitution and the rule of law; for it is here that they will have been buried with showel of emotion under piles of expediency, in the year 1965.

Mr. ERVIN. Mr. President, Benjamin Franklin stated at the completion of the work of the Constitutional Convention of 1787:

"We have given this country a republic if it can keep it."

I say in all solemnity, and in all sincerity that if the pending bill is to be a prototype of the legislation which the American people demand from Congress in the future, we will not be able to keep the Republic which the Founding Fathers gave us. The Founding Fathers were perhaps the best qualified men who ever lived to write a Constitution. They had studied the long and bitter struggle of man for the right of self-government and for freedom from governmental tyranny. They had found these tragic words inscribed upon each page of that history:

"No man or set of men can be safely trusted with unlimited governmental power."

This discovery inspired them to write a Constitution which specified the powers that the Federal Government was to take, the powers which the States were to retain, and the rights which the citizens were to have against Government.

The bill before the Senate does offense not only to constitutional safeguards but also to the essential elements of fair play. The Founding Fathers did not merely define the powers that the Federal Government was to take. They wrote into the Constitution specific limitations upon the powers of the Federal Government. One of those limitations appears in section 9 of article I of the Constitution. It states in plain words that Congress shall not have the power to pass a bill of attainder or an ex post facto law.

A bill of attainder is a legislative act which imposes punishment upon named individuals or ascertainable groups of individuals without judicial trial. The bill condemns five States as a whole and every person living in those States without an opportunity to be heard, without evidence, and without a trial. By an artificial and deceptive triggering process, it declares that the 5 States and substantial portions of 2 other States are guilty of violating the 15th amendment. Thirty-four counties of the State which I have the honor, in part, to represent are condemned by the iron reeds. That is the condemnation made by the triggering process of the bill. The condemnation is made despite the fact that records assembled by U.S. Civil Rights Commission show that during recent years 997 of every 1000 persons of both races who took the literacy test in North Carolina were judged literate and were registered.

The administration, through its representative, the Attorney General, demanded the passage of the bill. The Attorney General came before the Senate Judiciary Committee and admitted that the Department of Justice had no evidence that any of the 34 counties of North Carolina are engaged in violating the 15th amendment. A tragic day has been reached in the history of the Nation inasmuch as its chief law enforcer Congress in violation of the Constitution, demands that 34 counties of my State, which he admits to be innocent, be adjudged guilty of a violation of the Constitution.

When the Attorney General is asked why he advocates a bill of this type, he says that the judicial processes are too slow and cumbersome. In other words, he advances as the only argument for the passage of the bill the excuse which a mob gives when it denies a man a fair trial in a court of justice and lynches him.

That excuse goes along very well with the provisions of the bill, because the bill would lynch provisions of the Constitution, which every officer of the Federal Government is sworn to support, to preserve and defend. It would do this without a trial. It would do so not with a solemn oath or affirmation to support.

I believe that every qualified citizen of every race ought to enjoy the right to vote, and that any election official who willfully denies him such right ought to be punished. For this reason, I offered amendments which would have made it possible to secure the registration of qualified citizens in all States of the country without substantial delay in a manner consistent with constitutional principles and the essentials of fair play. Unfortunately for good government these amendments were defeated.

When the Constitution divided the powers of government between the Federal Government, on the one hand, and the States, on the other, it declared, by section 2 of article I and section 2 of article II of the original Constitution, and by the 10th amendment, and by the 17th amendment, that the power to prescribe qualifications for voting belongs to the States, not to Congress. According to every decision handed down by the Supreme Court of the United States from the beginning of the Republic to this day, the 10th amendment and the other portions of the Constitution give to the State to prescribe qualifications for voting include the power to establish and to use a literacy test as one of the qualifications for voting.

The able and distinguished Senator from Mississippi [Mr. Stennis] suggested a moment ago that the bill might be interpreted as an attempt to enable the Supreme Court of the United States. There is substantial foundation for this suggestion.

The bill would rob seven States of their power to establish and use literacy tests without notice, without an opportunity to be heard, without evidence, and without a trial. It would do so notwithstanding the fact that the Supreme Court has handed down by the majority of the United States. This, very second, has declared that the power to prescribe qualifications for voting, including the power to prescribe a literacy
test, belongs to the States under the provisions of the Constitution of the United States. This being so, the proponents of the bill lay themselves open to the charge that they have no confidence whatever in the judicial stability of the Supreme Court, the bill is such that the bill cannot be adjudged valid by the Court unless it repudiates every decision it has made on the subject.

The proponents of the bill also lay themselves open to the charge that they manifest little confidence in the intellectual integrity of the Supreme Court. It is true this is the second section of article I of the Constitution and the 17th amendment state in simplest words that in order to be eligible to vote for Senators and Representatives in Congress persons must possess the qualifications of those eligible to vote for Senators and Representatives in Congress within their borders by prescribing the qualifications of those eligible to vote for Senators and Representatives in Congress in branches of their respective legislatures.

The pending measure would ignore those plain words of the 3d section and the 17th amendment and the decision of the three-judge Federal court in which to express that all the States of the Union, including Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, have the power to have selected clear words in articles of amendment proposed in the Senate and Representatives in Congress within their borders by prescribing the qualifications of those eligible to vote for Senators and Representatives in Congress in branches of their respective legislatures.

Another principle which was written into the Constitution by implication, and, which has been declared by the Supreme Court again and again in matters involving the power of the United States, is that the Constitution of the United States creates a union of States of equal dignity and power.

The pending measure would ignore that principle and declare that 7 States are not States of equal dignity and power with the other 43 States. Consequently this is a bill to make the constitutional angels weep. The legislative physicians who have concocted the strange nostrum contained in the bill are unwilling for their States to take their own medicine.

The bill is cleverly designed to exempt their States from its provisions. It is to be used as an instrument of chastisement for selected areas of the country which it is now politically profitable to chastise and which are without protection against the injustices embodied in the bill unless the Constitution of the United States is still a living document affording them the protection which the pending measure would deny to them.

No action taken in connection with the consideration of the pending bill illustrates the glaring manner the attitude which the pending measure exhibits towards constitutional government than the action of the Senate in respect to the amendment designed to rob the State of New York of its constitutional power to prescribe literacy in English as a test for voting in that State.

The constitution of the great State of New York declares in the plainest words that no person within its boundaries should be allowed to vote in the Federal or State election unless he is literate in the English language. That was a constitutional principle written in the organic law of the State of New York by the people of New York as a prerequisite to the right to vote in that State.

The validity of that provision under the Constitution of the United States had been assailed on at least two occasions—once in the courts of the State of New York, and a second time in the Federal court sitting within the State of New York. The first of these challenges, the one in the State court of New York, raised the question of whether the 15th amendment to the Constitution of the United States, which required literacy in the English language as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

The proponents of the bill also lay themselves open to the charge that they have no confidence whatever in the judicial stability of the Supreme Court, the bill is such that the bill cannot be adjudged valid by the Court unless it repudiates every decision it has made on the subject.

When the Constitution of the United States was drawn, it divided the legislative powers of government between the Congress on the one hand, and the legislative power in the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held with enough evident—that the States of the Union have the same legislative power in the fields assigned to them by the Constitution as the Congress has in the fields assigned to it.

Notwithstanding the plain words of the Constitution and the clear decisions of the courts construing those plain words, that the States have the right to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

During the debate on that amendment, I called attention to the decision of the Supreme Court of New York, 221 N.Y.S. 367, the decision of the Federal Court of Appeals of New York, affirming the decision of the Supreme Court of New York, and the decision of the three-judge Federal court sitting in New York. The decision of the Court of New York was reported in 7 N.Y.S. 762, and the opinion of the three-judge Federal court is reported in 199 F. Supp. 155 (1961).

During the debate on that amendment, I called attention to the decision of the Supreme Court of New York, 221 N.Y.S. 367, the decision of the Federal Court of Appeals of New York, affirming the decision of the Supreme Court of New York, and the decision of the three-judge Federal court sitting in New York. The decision of the Court of New York was reported in 7 N.Y.S. 762, and the opinion of the three-judge Federal court is reported in 199 F. Supp. 155 (1961).

These decisions make it clear, beyond peradventure, that the State of New York has the power to require literacy in English as a prerequisite to voting; and that it has that power under the Constitution of the United States. Moreover, it is elementary that the Congress which does not have the power to amend the Constitution of the United States, or the constitution of New York, by one of its acts, had no power to adopt the amendment proposed in the Senate to outlaw the New York literacy test.

Notwithstanding the Constitution of the United States, which gives the State of New York the power to prescribe literacy in English as a prerequisite to the right to vote, and notwithstanding all of the decisions of the Supreme Court of the United States placing interpretation upon the Constitution of the United States, and notwithstanding the decisions of the highest court in the State of New York, the court of appeals, and the three-judge Federal court sitting in New York, that New York State had the power under the Constitution to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

If the Constitution of the United States was drawn, it divided the legislative powers of government between the Congress on the one hand, and the legislative power in the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held with enough evident—that the States of the Union have the same legislative power in the fields assigned to them by the Constitution as the Congress has in the fields assigned to it.

Notwithstanding the plain words of the Constitution and the clear decisions of the courts construing those plain words, that the States have the right to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

These decisions make it clear, beyond peradventure, that the State of New York has the power to require literacy in English as a prerequisite to voting; and that it has that power under the Constitution of the United States. Moreover, it is elementary that the Congress which does not have the power to amend the Constitution of the United States, or the constitution of New York, by one of its acts, had no power to adopt the amendment proposed in the Senate to outlaw the New York literacy test.

Notwithstanding the Constitution of the United States, which gives the State of New York the power to prescribe literacy in English as a prerequisite to the right to vote, and notwithstanding all of the decisions of the Supreme Court of the United States placing interpretation upon the Constitution of the United States, and notwithstanding the decisions of the highest court in the State of New York, the court of appeals, and the three-judge Federal court sitting in New York, that New York State had the power under the Constitution to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

If the Constitution of the United States was drawn, it divided the legislative powers of government between the Congress on the one hand, and the legislative power in the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held with enough evident—that the States of the Union have the same legislative power in the fields assigned to them by the Constitution as the Congress has in the fields assigned to it.

During the debate on that amendment, I called attention to the decision of the Supreme Court of New York, 221 N.Y.S. 367, the decision of the Federal Court of Appeals of New York, affirming the decision of the Supreme Court of New York, and the decision of the three-judge Federal court sitting in New York. The decision of the Court of New York was reported in 7 N.Y.S. 762, and the opinion of the three-judge Federal court is reported in 199 F. Supp. 155 (1961).

These decisions make it clear, beyond peradventure, that the State of New York has the power to require literacy in English as a prerequisite to voting; and that it has that power under the Constitution of the United States. Moreover, it is elementary that the Congress which does not have the power to amend the Constitution of the United States, or the constitution of New York, by one of its acts, had no power to adopt the amendment proposed in the Senate to outlaw the New York literacy test.

Notwithstanding the Constitution of the United States, which gives the State of New York the power to prescribe literacy in English as a prerequisite to the right to vote, and notwithstanding all of the decisions of the Supreme Court of the United States placing interpretation upon the Constitution of the United States, and notwithstanding the decisions of the highest court in the State of New York, the court of appeals, and the three-judge Federal court sitting in New York, that New York State had the power under the Constitution to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

If the Constitution of the United States was drawn, it divided the legislative powers of government between the Congress on the one hand, and the legislative power in the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held with enough evident—that the States of the Union have the same legislative power in the fields assigned to them by the Constitution as the Congress has in the fields assigned to it.

Notwithstanding the plain words of the Constitution and the clear decisions of the courts construing those plain words, that the States have the right to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

These decisions make it clear, beyond peradventure, that the State of New York has the power to require literacy in English as a prerequisite to voting; and that it has that power under the Constitution of the United States. Moreover, it is elementary that the Congress which does not have the power to amend the Constitution of the United States, or the constitution of New York, by one of its acts, had no power to adopt the amendment proposed in the Senate to outlaw the New York literacy test.

Notwithstanding the Constitution of the United States, which gives the State of New York the power to prescribe literacy in English as a prerequisite to the right to vote, and notwithstanding all of the decisions of the Supreme Court of the United States placing interpretation upon the Constitution of the United States, and notwithstanding the decisions of the highest court in the State of New York, the court of appeals, and the three-judge Federal court sitting in New York, that New York State had the power under the Constitution to prescribe literacy in English as a prerequisite to the right to vote, the Senate, by an overwhelming vote, incorporated that amendment into the Constitution.

If the Constitution of the United States was drawn, it divided the legislative powers of government between the Congress on the one hand, and the legislative power in the other. Under the decisions of the Supreme Court of the United States construing that separation of governmental powers, it has been held with enough evident—that the States of the Union have the same legislative power in the fields assigned to them by the Constitution as the Congress has in the fields assigned to it.
there are more strange things about the bill than time permits me to discuss, but the strangest thing is that the proponents of the bill admit that those of us who oppose it are on sound constitutional ground when we say that the Constitution of the United States gives the States power to prescribe literacy tests. They also admit that we are on sound constitutional ground when we say that Congress may not entrust the judicial process to the courts. If Congress may not entrust any of the powers conferred upon the States by the Constitution, they say, "We are not doing that. All we are doing is to suspend the power of seven States to use literacy tests as qualifications for voting. We admit that the power to do so is vested in these seven States by the Constitution." If Congress can suspend any power vested in Mississippi by the Constitution, it can suspend any power vested in Alabama by the Constitution. If Congress can suspend power vested in North Carolina by the Constitution, it can suspend power vested in Kentucky by the Constitution. I deny the theory which underlies the bill; namely, that Congress can suspend any provision of the Constitution. This theory is utterly inconsistent with the Constitution and utterly repugnant to the reasons which gave it birth.

Mr. President, as a practicing lawyer, and as just a part of the American people, I am a part of my life in the administration of justice. Consequently, I have reason to entertain a high opinion of the place of the courts in the life of our Nation. Indeed, I believe that the administration of justice is the most sacred function of government.

During debate on this subject, I read to the Senate a provision of the Constitution of North Carolina which declares that courts shall always be open. I also read to the Senate a great passage from the speech of Jeremiah S. Black, counsel for the petitioner in Ex parte Milligan, concerning the Constitution of the American people that courts of justice should always be open for the administration of justice.

The pending bill is absolutely incompatible with devotion to the rule of law or respect for the judicial process.

Although Congress has created 91 Federal district courts in the United States and given the courts jurisdiction in all cases arising thereunder, this bill provides that only one of the 91 Federal district courts, to wit, the District Court of the District of Columbia, can exercise jurisdiction in cases arising under the provisions of the pending bill. Mr. President, the judicial process was invented by man in his most exalted and most enlightened hour. Its purpose was to replace the law of the jungle, and establish in its place the law of civilization. The judicial process was invented by man for one purpose and one purpose only—to enable government to perform in a just manner its most sacred task, the administration of justice. The judicial process contemplates that no person, natural or artificial, shall be condemned and punished for alleged wrong-doing without notice, without evidence, without an opportunity to be heard, and without a judicial trial.

The pending bill scarcely pays lip-service to the judicial process. It says to each State and to each political subdivision condemned by the triggering device: "You are condemned without notice, without evidence. You are condemned without an opportunity to be heard, and without a judicial trial."

After condemning the State or political subdivision without notice, without evidence, without an opportunity to be heard, and without a judicial trial, the bill then makes false obeisance to the judicial process by saying, in substance, to the effect that pending State or Federal suit would be divided: "While all the other 90 Federal district courts in the United States are closed to you and denied power to harken to your plea, you may journey anywhere from 250 to 1,000 miles distant, to the District Court of the District of Columbia, and exonerate yourself from your constitutional condemnation if you satisfy such court of two things:"

"First. That you have not violated the 15th amendment in the past, or if you have, you have fully corrected your past violation."

"Second. That you will not violate the 15th amendment at any time during the foreseeable future."

The bill withholds the substance of the judicial process from those it condemns without notice, without evidence, opportunity to be heard, and a judicial trial. I do not know of a worse offense which can be committed by a legislative body than to do what the pending bill would do with respect to the judicial process, to take a process which was created to do justice and pervert it, distort it, and prostitute it, so that Justice cannot be done.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. COOPER. Mr. President, I suggest a recess of 5 minutes.

The PRESIDING OFFICER. Mr. Rusk is in the chair. 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, I so order.

Mr. HART. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated for the information of the Senate.

Mr. ERVIN. Mr. President, I do not object.

The legislative clerk read as follows:

Page 22, line 23, insert after the words "clause (a)" and before the period, the following: "and to petition the Attorney General to request the Director of the Census to take such survey or census as may be necessary for the modification of my amendment provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census, and it shall require him to do so if it deems the Attorney General's request for a survey or census to be arbitrary or unreasonable."

Mr. HART. Mr. President, last night I suggested a modification of the amendment which was offered by the Senator from Louisiana (Mr. Javits). It was done in complete good faith. It was assumed that there would be available census information that would be required in order that that opportunity would be meaningful.

We discovered, however, that that census information would not be available. The amendment now offered provides a means of making available census information so that the "good" county may obtain release from any examiner who might be sent in by the Attorney General. I hope the amendment will be agreed to.

Mr. JAVITS. I yield myself a minute on my own time. It will be noted that the structure of the amendment continues the general structure of the bill, while the fundamental administrative process of the Census, and it shall require him to do so if it deems the Attorney General's request for a survey or census to be arbitrary or unreasonable.

Mr. LONG of Louisiana. Mr. President, I yield myself 1 minute.

I appreciate the fact that the Senator from Michigan has offered the amendment for the purpose of perfecting the modification of my amendment that the Senator had offered yesterday. The idea is that the Attorney General ordinarily would have his findings final for the determination that a certain percentage of Negroes are registered or are not registered. However, in the event that there should be a dispute about the matter, and there should be a reason to feel that the Attorney General might be arbitrary about declining a request for a census, we now would give the court discretion. I appreciate the fact that the Senator from Michigan has offered this amendment.

Mr. JAVITS. Mr. President, I yield myself 30 seconds. I merely wish to point out that the technique used with respect to the Attorney General and his request to the Director of the Census is the very same technique which is contained in the bill in section 4(b) with respect to the so-called 5 percent triggering mechanism.
The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan, Mr. Morse, of a substitute, as amended, No. 124, offered by the Senator from Montana (Mr. Mansfield) and the Senator from Illinois (Mr. Dirksen).

The amendment to the amendment was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAYTTS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EASTLAND obtained the floor.

Mr. RUSSELL of South Carolina.

Mr. President, may I ask a question of the Senator before he begins his speech, so that he may address himself to this subject?

Mr. EASTLAND. I yield.

Mr. RUSSELL of South Carolina. It has to do with the poll tax, to which the Senator has referred, in a great deal of thought and attention. The poll tax, as I understand the bill, is to be outlawed as a condition to voting because it is discriminatory, allegedly, under the 15th amendment is discriminatory because, as I understand the argument, Negroes are on a lower economic level than white persons in many of the States affected.

Would not the same argument be applicable to a sales tax or excise tax in exactly the same way? Would not those also be regarded as discrimination and discriminatory, under the 15th amendment, in the same way that the poll tax is said to be discriminatory?

Mr. EASTLAND. The distinguished Senator from South Carolina is exactly correct. The poll tax does not discriminate because it is levied against the black and white, the rich and poor, regardless of their economic level. There is no discrimination. It is levied on everyone. It can be easily assumed that a person has less money than another person, and therefore it is argued that the poll tax is discriminatory, would not that same argument apply to a sales tax or excise tax in exactly the same way?

Mr. EASTLAND. The Senate has put his finger on a very important point. The Senator is correct. We are entering an era of absolute government, of a strong centralized government. The bill is a major step in that direction. It would destroy the system of government that we have. We are designing it under the whipsal of Martin Luther King and others of that ilk.

ARTICLE I, SECTION 2, of the Constitution expressly reserves unto the States the exclusive right to prescribe voting qualifications, save only as limited by the provision of the 15th, 19th, and 24th amendments. And I submit, Mr. President, that the proponents and advocates of this amendment are mocked at every turn by the clear and cogent language of article I, section 2, of the Constitution of the United States; the debates and treatises concerning its ratification; its subsequent consideration from time to time in the debates of the Congress, and 177 years of unbroken legal precedent.

Mr. President, I would like to take this occasion to enlighten my friends and colleagues as to the clear meaning, force and effect of that section of our National Constitution. In doing so I should like to discuss, among other things, its historical origin and subsequent history, the legal precedents related to the connection with related sections of the Constitution.

It is an established canon of constitutional construction that no provision of the Constitution is to be separated from all the rest, to be considered alone, but that all the provisions bearing upon a particular subject are to be brought into view and to be so interpreted as to effect the great purposes of the Instrument—volume 16, American Jurisprudence, second edition, Constitutional Law, section 66.

Thus in order to fully comprehend the true force and effect of article I, section 2, I would like to impress upon my colleagues the necessity of being ever mindful throughout this discussion of the importance of its relationship with article I, section 2. Now I know that those who established the 10th amendment in our National Constitution is a constant source of extreme discomfort and frustration to many of my distinguished friends and colleagues, but I hope they will not be unduly offended if I take this occasion to reacquaint them with the clear mandate of its language.

Article I, section 2, of the Constitution expressly reserves unto the States the exclusive right to prescribe their qualifications, save only as limited by the provision of the 15th, 19th, and 24th amendments. And I submit, Mr. President, that the exclusive right to prescribe voting qualifications was expressly reserved unto the States by article I, section 2, of the Constitution, which reads:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and...
Constitution; by the deliberations of the Constitutional Convention itself, and the debates connected with its ratification within the respective States.

The fundamental principle of constitutional construction is that effect must be given to the intent of the framers of the organic law of the people adopting it. This intent is to be found in the construction of constitutions—16 Am. Jur. 2d Constitutional Law, section 64.

As a corollary to that principle we find in section 88 that:

"The rule is well established that in the construction of a constitution recourse may be had to proceedings in the convention which drafted the instrument."

The question as to whether or not there should be a uniform qualification of electors of representatives and senators was the subject of intense debate in the Constitutional Convention of 1787 and the question as to whether the States or the Federal Constitution should determine the qualifications of electors of representatives was an issue which was squarely placed before the delegates and argued at length. The best debate that was ever evolved between those delegates who desired a uniform qualification for electors to be prescribed in the Constitution itself; those who wished the power to prescribe voting qualifications to be vested in the Congress, and a prevailing faction which believed that the Constitution should provide that the electors for Members of Congress should be the same as those qualified in the respective States to vote for members of the most numerous branch of their State legislatures.

The issue was resolved on August 6, 1787, when Morris of Pennsylvania moved to strike from article IV, section 1, of the existing draft, the words:

"The qualifications of the electors shall be the same, from time to time, as those of the electors, in the several States, of the most numerous branch of their own legislatures."

His stated purpose was "in order that some other provisions might be substituted which would restrain the right of suffrage to freeholders." Morris also argued that the qualifications of electors, as the clause, it stands, is, that it makes the qualifications of the electors of the National Legislature dependent upon the will of the States." Colonel Mason of Virginia is argued in favor of the clause, stating: "A power to alter the qualifications would be a dangerous power in the hands of the Federal Legislature." Other advocates of the provision warned that the authority to prescribe voting qualifications was jealously guarded by the States and would not be voluntarily relinquished by them. The motion to strike was made without any support from the States, but Delaware to strike it; Maryland being divided, and Georgia absent. It is, therefore, an uncontested historical fact that it was the unanimous understanding of the delegates that article I, section 2, vested in the respective States the exclusive authority to prescribe voting qualifications, and there exists not one scintilla of evidence to the contrary.

The Virginia debates do not show any dissent.

In the North Carolina convention, a delegate, John Steele, referring to Representatives, said:

"Who are to vote for them? Every man who has the right to vote for a member of our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest absurdity, be regarded as the electors of the General Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications which entitle a man to vote for a State representative, it is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Now, there are those, Mr. President, who admit the exclusive authority of the States over the matter; and, as to the several article, they want to describe the voting qualifications, but audaciously suggest that the term "qualification" was not intended by the authors of our Constitution to include the power of elections. Can a poll tax be a prerequisite for voting? Now if this contention appears unusual and erroneous on its face, it is rendered sheer nonsense by the provisions of the States constitutions existing at the time of the Convention. As stated in 16 Am. Jur. 2d, Constitutional Law section 87:

"It is settled that in placing a construction upon the constitution or parts of the constitution, the immediate representation of the people in Congress, depend upon the will and plenary power of the States. We find, on examining this paragraph (sec. 4) that it contains nothing more than the means of self-preservation."
The word “qualification” as used in section 2 of article I. No degree of strained construction nor the most ingenious imagination can conjure up a conflict between these two sections.

At the Massachusetts Ratifying Convention, in answer to an inquiry as to whether Congress may prescribe a property qualification for voters under the provisions of section 4 of article I, Mr. Rufus King, a delegate to the Constitutional Convention, replied:

The idea of the honorable gentleman from Douglas county is astounding; for the power of control given by this section extends to the manner of elections, not the qualifications of the electors.

These two sections were explained before the North Carolina Convention in the following words by John Steele:

Can they, without a manifest violation of the Constitution, alter the qualifications, in any manner, and the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are fixed by Congress for those who sit for a State legislature. It is, then, clearly and indubitably fixed and determined who shall be the electors of the State, and the manner only enables them to determine how these electors shall elect—whether by ballot, by vote, or by any other way.

Madison explained article I, section 4 to the Virginia Ratifying Convention as follows:

It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissipation.

And, considering the State governments and General Government as distinct bodies, acting in different capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be disregarded. But if the General Government were to exercise its control over the State legislatures, the congressional control will very probably never be exercised.

It is perfectly obvious that the advocates of such a theory either fail to understand, or refuse to accept when it does not suit their purpose, the distinction between substance and procedure, a distinction clearly drawn in Newberry v. U.S. 256 U.S. 232 (1920). They would have us accept the unbelievable proposition that “manner” does not refer merely to the procedure incident to elections, but to the substance as well. To accept that premise is to agree with what the entire history of the Constitution refutes, that the Central Government could impose uniform franchise qualifications upon the States.

In view of the foregoing, and especially in light of the subsequent ratification of the 17th amendment, it is readily apparent that article I, section 2 of the Constitution was intended to vest in the States alone the authority to prescribe qualifications for voters. This view has been firmly established by an unbroken line of legal precedent.

In Ex parte Yarbrough, 110 U.S. 651 (1884), the Court said after quoting section 2, article I:

The States in prescribing the qualifications of voters for the most numerous branch of their legislative bodies, and with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for Members of Congress. They define who are to vote for the popular branch of their own legislature, and the Constitution a, 16 Fed. State, 394. The same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress. (at 653).

The Yarbrough case contains a thorough discussion of the power vested in Congress to prescribe the manner of holding elections under article I, section 4. In that case Yarbrough and others were prosecuted by federal authorities for interfering with the exercise of the right to vote of certain qualified voters in an election for Members of Congress from Georgia. The Court upheld the power of Congress to pass legislation prohibiting such violence under the provisions of section 4 of article I, but made it clear that it could only be exercised if the Federal Government could only be invoked as to those electors already found qualified by State law. The same conclusion has reached in the case of U.S. v. Manford, 297 U.S. 299 (1936). The same conclusion is reached in the case of United States v. Classic, 313 U.S. 299 (1941), in which the Court points out that section 4 of article I is supplemented by Congress power to pass implementing legislation under the “necessary and proper” clause of article I, section 8. The Classic case cannot be interpreted as extending to that power of the National Congress to regulate State qualifications for voting.

The power vested in Congress to enact appropriate legislation pursuant to the provisions of section 4 of article I, the express grant of congressional power "to make all laws which shall be necessary and proper" to regulate interstate commerce, as enumerated in article I, section 8, is the power to eliminate the restrictions of the 15th amendment with respect to voting, and the restrictive power of the 15th amendment has been met, nullified, and neutralized by the federal courts. In their desperate reach for some semblance of legality upon which to base this mockery of the Constitution, the proponents of this legislation seek to equate the broad regulation proposed to be vested in Congress by the interstate commerce clause of article I, section 8, with the narrow, negative authority to prohibit State action under the terms of the 15th amendment. Testifying before the Senate Judiciary Committee in regard to this same bill, the Attorney General sought to justify the sweeping provisions of the bill by citing Gibbons v. Ogden, 9 Wheat. 1, and its broad description of the congressional power to regulate interstate commerce, as well as Atlanta Motel v. United States, 379 U.S. 241.
Even to the most casual student of the Constitution, such an equation is immediately absurd, not only from a comparison of the clear, obvious, patent language of the two provisions, but also by an analysis of the judicial decisions relating thereto.

Section 8 of article II of the Constitution is that provision wherein the express powers vested in Congress are enumerated.

The section begins:
The Congress shall have the power to regulate commerce among the States ** * & to make all laws which shall be necessary and proper for carrying into execution the foregoing powers * * *

Thus Congress is expressly granted the absolute, exclusive, affirmative, "necessary, and proper power to regulate" this area of commerce. No such regulatory power is vested in Congress in regard to voting qualifications, such power being expressly enumerated in the States article I, section 2 of the Constitution.

In Gibbons against Ogden, Chief Justice Marshall stressed the word regulate, stating:

If we were now arrived at the inquiry—what is this power? It is the power to regulate; that is to prescribe the rule by which commerce is to be governed.

As stated in the Constitution of the United States of America, Annotated, 1964 edition:

This clause serves a twofold purpose: it is the direct source of the most important powers which the National Government exercises, and finally excluded that area of activities over which the several States, through the due process of law clause of amendment 14, it is the most important limitation imposed by the Constitution on the exercise of State power.

Nowhere in the Constitution is there to be found an express, implied, or reserved power in the States to regulate interstate commerce.

Congress, as previously discussed, the States are vested by article I, section II, with the exclusive, expressly reserved authority to prescribe voting qualifications, save only as expressly limited by the provisions of the 15th, 19th, and 24th amendments.

The 15th amendment prohibits any State from denying or abridging the right to vote on account of race or color and gives Congress the power to enforce the same by appropriate legislation. It does not vest in the Congress the power to preempt or usurp the constitutional authority of the States to prescribe and regulate voting qualifications. The 15th amendment, like the 14th amendment, merely prohibits the States from discriminating on account of race or color, as stated in United v. Mosby, 256 U.S. 94, wherein the Court stated:

Its function is negative, not affirmative, and it carries no mandate for particular measures of reform.

The fact that the authors of the 15th amendment intended to vest in Congress legislative authority negative rather than affirmative in its nature, prohibitory rather than regulatory in its scope, is obvious from the patent language thereof. Mr. Justice Story, discussing the 15th amendment in "Story on the Constitution," 1891, volume 2, page 719, said:

There was no thought at this time of correcting at once and by a single act the wrongs which might exist in the suffrage laws of the several States. There was no thought or purpose of interfering with the right of Congress to confer upon Congress the authority to regulate, or to prescribe qualifications for, the privilege of the ballot.

This view has been consistently upheld by the courts. In the case of United v. Reese, et al., 92 U.S. 214, 1875, the Supreme Court said:

The 15th amendment does not confer the right of suffrage upon any one. 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.

In United v. Cruikshank, 92 U.S. 542, 1875, the Court stated:

In Minor v. Happersett, 21 Wall. 178, we decided that the Constitution * * * has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In Minor v. Happersett, supra p. 214, we hold that the 15th amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.

From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right, on account of race, etc., is. The right to vote comes from the State; but the right of exemption from the prohibited discrimination comes from the United States.

Consequently, every case decided on the subject since 1876 has affirmed what the clear language of the 15th amendment indicates; that the "power to enforce this article by appropriate legislation" which Congress has the very limited, negative power to prohibit discriminatory State action rather than any affirmative authority to interfere with, regulate or preempt the right of the States to establish and administer voting qualifications.

In 1890 the court held in Davis v. Beason, 133 U.S. 333, that the suffrage law of the territory of Idaho denying the vote to any person "who is a bigamist, a polygamist or who teaches, advises, counsels or encourages any person or persons" in regard thereto; is not open to any constitutional or legal objection.

The principle of Minor against Happersett, U.S. against Cruikshank, and U.S. against Reese was explicitly reaffirmed in McPherson v. Blockner, 146 U.S. 1, 1872.

The Court, discussing the Constitution, said:

It recognizes that the people act through their representatives in the legislature, and leaves it to the legislature exclusively to determine the method of affecting the object. Ibid., page 27.

In short, the appointment and mode of appointment of Representatives is exclusively to the States under the Constitution of the United States.

Ibid., page 35.

The right to vote intended to be protected refers to the right to vote as established by the States and Constitution of the State.

Ibid., page 39.

Having ratified and reaffirmed the foregoing premise, the Court then concluded:

But we can perceive no reason for holding that the power conferred on the States by the Constitution has ceased to exist because the operation of the system has not fully realized the hopes of those by whom it was created.

Ibid., page 40.

As stated in Pope v. Williams, 193 U.S. 621 (1909):

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments.

In upholding a Maryland statute requiring a declaration of intent to become County Board of Election 1 year prior to registration, the Court stated that:

The Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which the right of suffrage may be exercised are matters for the States alone to prescribe, subject to the provisions of the Federal Constitution.

Also see Mason v. Missouri, 179 U.S. 532.

The Mississippi literacy test provided for in our State Constitution was upheld in the case of Williams v. Mississippi, 170, U.S. 213, 1898, and the constitutionality of a similar provision of the Louisiana Constitution was approved by the Fifth Circuit in Truudeau v. Barnes, 65 F. Second, 503, 1933.

The literacy requirement of the Constitution of North Carolina has been upheld as a constitutional exercise by that State of its power to prescribe voting qualifications as late as 1939, in the case of Lassiter against Northampton County, 100 N.C. 117. Mr. Justice Douglas delivering the opinion of the Court, discussed the Courts former precedents concerning the right of a State to prescribe voting qualifications in which the provisions of the 14th and 15th amendments:

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. See Pope v. Williams, supra 193 U.S. 621.

Mason v. Missouri, 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the like, mentions its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the elections in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution (Ex parte Yarbrough, 110 U.S. 651, 683-684; ex parte Alabama, 821 U.S. 648, 651-652) it is subject to the imposition of State standards which are not discriminatory and which do not contravene the conditions that Congress, acting pursuant to its constitutional powers, has imposed. See United States v. Classic, 331 U.S. 259, 315. While situated on the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers of persons in each State (except Indians not
taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." McPherson v. Blacker, 146 U.S. 1, 39.

Dealing specifically with the constitutional authority of the States to require literacy tests as a prerequisite to voting, Justice Douglas said:

We do not suggest that any standards which are not the State desires to adopt may be required of voters. But there is wide scope for the exercise of its jurisdiction. Residence requirements are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to the standards designed to protect the intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newsprint covers every available surface, no matter how illiterate, interest in printing, reading, and debating government policies is not uniformly spread. Cf. Franklin v. Harper, 205 Ga. 779, 55 S.E. 2d 231, appeal dismissed 329 U.S. 814, 1955. A State in the year 1787 has the same freedom to adopt whatever conditions it chooses as the Federal Government to adopt whatever conditions it chooses. Intelligently exercising its jurisdiction. Residence requirements are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to the standards designed to protect the intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newsprint covers every available surface, no matter how illiterate, interest in printing, reading, and debating government policies is not uniformly spread. Cf. Franklin v. Harper, 205 Ga. 779, 55 S.E. 2d 231, appeal dismissed 329 U.S. 814, 1955. A State in the year 1787 has the same freedom to adopt whatever conditions it chooses as the Federal Government to adopt whatever conditions it chooses.

As correctly stated by the eminent constitutional authority Charles Bloch, testifying before the Senate Judiciary Committee on March 29:

"The theory of this bill and of the Attorney General who presents it is that if in the opinion of Congress a State imposes standards which are discriminatory, or applies legal standards (test and devices) discriminatingly, the major policy is to invalidate the act. The Constitution does not make such a State its own laws. The Constitution is an independent State. The Constitution of the United States was adopted to bring about a State of that character, not to bring about the kind of State it has been."

The amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning.

As stated by the honorable attorney from Macon, Ga., when you expand the principle upon which this bill is based to its logical conclusion, then you have destroyed our republican form of government and made a mockery of the Constitution.

As correctly stated by the eminent constitutional authority Charles Bloch, testifying before the Senate Judiciary Committee on March 29:

"The theory of this bill and of the Attorney General who presents it is that if in the opinion of Congress a State imposes standards which are discriminatory, or applies legal standards (test and devices) discriminatingly, the major policy is to invalidate the act. The Constitution does not make such a State its own laws. The Constitution is an independent State. The Constitution of the United States was adopted to bring about a State of that character, not to bring about the kind of State it has been."

The amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning.

As stated by the honorable attorney from Macon, Ga., when you expand the principle upon which this bill is based to its logical conclusion, then you have destroyed our republican form of government and made a mockery of the Constitution.

In the case of Muskrat v. United States, 219 U.S. 346 (1911), quoting Miller on the Constitution, judicial power as to the subject with which the case before it for decision. "The meaning of the terms "cases" and "controversies" determine the extent of the judicial power, as well as the capacity of the Federal courts to entertain jurisdiction.

In Georgia v. Stanton, 6 Wall. 50, the State of Georgia brought an original suit in equity against the Secretary of War and others to enjoin the enforcement of the Reconstruction Acts, setting forth the political rights of the State, and of its people to be protected. "The State contended that the enforcement of the acts divested Georgia "of her legally and constitutionally guaranteed existences as a body politic and a member of the Union." The Supreme Court refused to entertain jurisdiction of the cause for want of jurisdiction, holding that for a case to be presented for the decision of the court, the rights threatened "must be rights of persons or property, not merely political rights, which do not belong to the jurisdiction of a court, either in law or equity."

As stated by Justice Nelson:

"That these matters, both as stated in the body of the bill, and in the prayer for relief, are political questions, and, upon political questions, and, upon political rights, not of persons or property, but of a political character, will hardly be denied. For the rights for the protection of which our authority is involved, are the rights of sovereignty, of political jurisdiction, of government, of liberty, of existence as a political existence as a body politic and member of the Union."

The rule of the Stanek case was reaffirmed and extended in Massachusetts v. Mellon, 262 U.S. 447 (1923), in which the complainants alleged "that the act is a usurpation of power not granted to Congress under the Constitution." The Court refused to act on the ground that the cause was not justiciable, in that a State cannot maintain a suit either to protect its political rights or as parents patriae to protect citizens of the United States from the operation of a Federal law.
rendered a mere negatory, superfluous legislative mirage when viewed in light of article III, section 2 of the Constitution, and the States are likewise completely and absolutely precluded from challenging the constitutionality of any act, or enjoining the enforcement thereof, either in their own behalf or as parens patriae for their citizens. I have been literally astounded to hear the name of Lincoln invoked on this Senate floor in behalf of this punitive legislation. For it was Lincoln who thwarted the efforts of the congressional radicals to impose this very kind of legislation upon the South. His personal greatness precluded vengeance or malice ever entering into his political differences with the South. How can the name of Lincoln be raised in support of this abject submission to mob might when it was he who counseled his people at Springfield:

There is no grievance that is a fit object of redress by mob law.

In his second inaugural address he advised:

we have left to the advocates of a harsh reconstruction of the South: "Blood cannot restore blood, and government should not act for vengeance." No, Lincoln was too big to join the rabble-rousing demagogues in the street. He declined the cheap popularity of waving the bloody shirt. Lincoln asked—

With malice toward none; with charity for all, let us strive on to finish the work we are in; to bind up the nation's wounds.

Mr. President, in closing I should like to mention a story related by Senator John F. Kennedy in his famous book, Profiles in Courage. He told how the great Senator from Mississippi, L. Q. C. Lamar, was directed by the Senate to outlaw literacy tests in the name of Lincoln that the Gettysburg Address speaks of a government "of the people, by the people, for the people," not of the ignorant, by the ignorant, for the ignorant people. It is clear that the individual who has played in the framing of the amendment in the nature of a substitute, it would have been far more appropriate for the minority leader to have been the anchor speaker, as it were, on this side of the aisle. But I was absent from the Chamber when he started his speech, and hence it has worked the other way.

Mr. President, I ask unanimous consent that my remarks may be printed in the Record of the Senate from Illinois, Mr. DRAKESEN.

Mr. JAVITS. Mr. President, I pay tribute to the fact that the Senator from Illinois [Mr. DRLENSEN] again, as in 1964, has been, with the majority leader, the architect of the civil rights bill. The Democratic Party has endeavor ed to stand before the country as a champion of civil rights, and we honor it. It is no depreciation of that honor to say that I take peculiar pride in the fact that a Senator from Illinois should have carried out for my party in the most practical way known to Senators, the historic tradition of Lincoln, who was essentially the father of our party, by fashioning legislation and, what is even more important, by forming the opinions public opinion. But I believe that there is a conscious restriction of purpose, a sustaining power which will support the extraordinary firmness under any circumstances whatsoever.

The liberty of this country and its great interests will never be secured if its public men become mere menials to do the bidding of their constituents instead of being representatives in the true sense of the word, looking to the prosperity and future interests of the whole country.

But as our late President said:

The stories of past courage can define that ingredient. They can teach. They can offer hope. They can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

With this in mind, I close my remarks to the Senate of the South:

Let us have faith that right makes might in that faith let us to the end dare to do our duty as we understand it.

I yield the floor.

Mr. DIRKSEN, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. Therefore, the duty of Congress is not to require the application of remedies in order to implement the 15th amendment. These remedies go beyond the remedies which we prescribed in the Civil Rights Act of 1964, and are without the delays which have been incident to the local proceedings which we prescribed in previous statutes.

What I have said is not in derogation of the historic service rendered by the architect of the civil rights bill. It is upon that ground that I base my conviction that what we have proceeded, so that what we have fashioned may have the very best opportunity actually to become operative law, and it is that the country is in earnest desire to pass upon these questions, may have before them, as vividly as possible, the very essential basis upon which, in my view, have proceeded.

The fundamental basis for the bill is the factual finding of Congress that there have been such widespread denials of the fundamental right to vote in so many broad areas of the Nation as to make very clear the legal basis upon which we have proceeded, so that what we have fashioned may have the very best opportunity actually to become operative law, and it is that the country is in earnest desire to pass upon these questions, may have before them, as vividly as possible, the very essential basis upon which, in my view, have proceeded.

The liberty of this country and its great interests will never be secured if its public men become mere menials to do the bidding of their constituents instead of being representatives in the true sense of the word, looking to the prosperity and future interests of the whole country.

But as our late President said:

The stories of past courage can define that ingredient. They can teach. They can offer hope. They can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

With this in mind, I close my remarks to the Senate of the South:

Let us have faith that right makes might in that faith let us to the end dare to do our duty as we understand it.

I yield the floor.

Mr. DRAKESEN, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DRAKESEN. 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. JAVITS subsequently said:

Mr. President, before the Senator from Illinois [Mr. JAVITS] again, as in 1964, has been, with the majority leader, the architect of the civil rights bill. The Democratic Party has endeavored to stand before the country as a champion of civil rights, and we honor it. It is no depreciation of that honor to say that I take peculiar pride in the fact that a Senator from Illinois should have...
we have acted—let us remember that the Senate Chamber has reverberated not only with cries of unconstitutionality but also with cries of injustice, that is, that we are penalizing an unjustified denial or subdivisions of States for the sins of their fellows.

In the first place, that argument implicitly admits that there are sins and denials of voting, as indeed there have been.

In the second place, it fails to answer the proposition that we can only make general law and fashion it to the utmost extent humanly possible to enable the innocent not to suffer with the guilty. But at the same time, we must have some rough measure of justice so that if the innocent have to go to a little trouble—\textit{for example}, in a declaratory judgment suit—we cannot for that reason eliminate the remedies which are available to those who are being bound unjustly.

Mr. President, let us understand that Negroes who are denied the right to vote not only pay taxes but bleed and die like the rest of us in the many wars and struggles of the United States, and who their blood and sweat in building up our country just as those whose skins are white.

Let us look at the figures which, after all, in their ability and irresponsibility, are a part of the long history of abuses and deprivation of rights which make the passage of the measure now before the Senate so necessary; and, it is sad to say, on the part of any American, it is a sordid history.

For example, in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina, in varying degrees of intensity, the percentage of Negroes of voting age, registered in 1964, generally speaking, was under 40 percent. In Mississippi, it was as low as 6.7 percent; in Alabama, as low as 23 percent; in Louisiana, 33 percent; in South Carolina, 38.8 percent; in Georgia, 44 percent.

Let us remember that those who talk about the bad counties and the good counties overlook the fact that every State controls all of its counties. If in New York, Illinois, Michigan, Ohio, or Pennsylvania a particular county was discriminating against Negro citizens in the matter of voting, the State would take care of that. The examiners who would investigate in that State under the bill would not have to be examiners of the United States; they would be examiners of the State—and they would go quickly.

Under these circumstances, I cannot see the interposition of the United States to protect the constitutional rights of its citizens, when the State will not protect them, can be denied.

The facts and figures with respect to incapacitated citizens are almost beyond belief in showing the tragedy of this situation and the way in which the constitutional safeguards of every citizen have been nullified. A recent survey conducted in Mississippi was contained in a report of the U.S. Commission on Civil Rights dated May 18, 1965, to which I refer, shows that in Chickasaw County, 1 Negro out of 3,054 over 21 years of age is registered; in Humphreys County, out of 5,561 Negroes, none are registered; in Lamar County, out of 1,071 Negroes, 203 are registered; in Walthall County, out of 2,499 Negroes over the age of 21, only 4 are registered.

Compare that with the registration of whites in the same counties: In Chickasaw County, 72 percent of the citizens were registered; as against 0.003 percent of the Negroes; in Humphreys County, 68.3 percent as against 0 percent; in Lamar County, 88.6 percent as against 0 percent; in Walthall County, 100 percent as against 0.46 percent.

The figures are so disparate that they entitle us, in the bill, to base our action upon triggering mechanisms far more liberal than anything that is justified by the general national averages of registration and voting. But, if anything, we stretch a point in order to do our utmost to encourage southern communities to do what they should have decades ago.

Next, let us consider the poll tax, about which we had such a struggle. In Mississippi, Negroes earn one-third the average white income, but the poll tax is the same for both. We feel strongly that the courts will invalidate the poll tax because it represents a real economic burden upon what should involve no economic burden—the right to vote.

There is a host of cases decided as recently as the period between 1955 and 1964 in counties of Mississippi, as to which we have an up-to-the-minute report, in which the sheriff or some other official has refused to accept the poll tax and thereby has deprived an individual Negro of his right to vote.

Next is the question of tests and devices, which are dealt with in the bill, and as to which the Civil Rights Commission has found discrimination, first, in the choice of matter to be written in the applications to be interpreted; second, in the judgment of interpreters, including the application of the so-called "letter-perfect" rule—that is, if one does not spell correctly the word in which he was born, his application is registered and thrown out; third, and in the rendering of assistance to whites in answering questions, but not to Negroes. Think of the situation, for example, in Mississippi, where whites are asked to interpret the following provision of the State Constitution:

\begin{verbatim}
The Senate shall consist of Members chosen every 4 years by the qualified electors of the several counties.
\end{verbatim}

Negroes are asked to interpret sections of the Constitution dealing with tax exemptions for corporations, the judicial sale of land, eminent domain, concurrent jurisdiction of chancery and circuit courts, and habeas corpus.

What about deprivation going back for a century, which inhere in segregated schools resulting in a median education level of the sixth grade for Negroes in the South, the seventh grade median for whites? What about the situation in the schools of Virginia, which incidentally is a poll tax State, where voting in many counties, which are detailed clearly on page 39 of the report of the majority group in the Committee on the Judiciary who support the bill, is as low as 4 percent for Negroes.

In Prince Edward County, Va., the schools were closed entirely, merely to defy the Supreme Court in the matter of school desegregation. That decision which was made closed to Negro children for 3 years.

In Yazoo County, Miss., as recently as 1962, $2.92 was spent on the education of every Negro child as compared with $245.55 for the education of each white child.

Then there is the intimidation by public officials; there are the bombings, the shootings, the beatings; and quite apart from them, the denial of surplus food to Negroes who persist in their attempt to register, as in Hinds County, Miss.; or the boycotting of Negroes who had the temerity to register by cutting off their bank loans and their grocery store credit.

The circulations engaged in since the passage of the Civil Rights Act have endeavored to "skin" the Federal law in order to make it ineffective.

Mr. President, this sad, tragic, and sordid record is an effort to invalidate the civil rights we in 1964 and 1965 promised American and what is occurring now goes to what will occur in the future. It is for that reason that our responsibility is collective; that our effort to deal with the problem must also be collective.

I understand they are also the views of Senators from States who say, "Most of the counties of my State do not discriminate; they register Negroes with the same rights and whatamn, it is our responsibility.

We bother with them just as we may or interpreted; second, in the judgment have to bother with New York; just as I have seen many of the States that I have referred to that Negroes who have not received the education to which they were entitled. This is our responsibility.

If the registrars of county A have been discriminating, while in county B they have not, that justice required, whether it would help or hurt me politically, or the candidate I favor in the New York mayoralty campaign, or anybody else, that American citizens such as those from Puerto Rico, who studied in American-flag schools, but who happened to study Spanish should be entitled to vote.

The same thing applies to Negroes who have not received the education to which they were entitled. This is our responsibility.

If it takes some trouble for the good communities to get themselves out from the provisions of the bill, and they have to come to the District of Columbia to sue, that is our responsibility.

So, Mr. President, I welcome, at long last, some direct line of action by which the majesty and power of the United States will be exercised to give to all its citizens what everyone has agreed, time
and time again, is, of all the rights provided by the Constitution, the most unquestioned and most elementary—the right to vote. If this bill does not accomplish that purpose, I feel certain that I shall be held responsible for the Senator—I hope a majority, in standing on the floor of the Senate and proposing another law, until our goal is achieved. But do it we must, and do it we will. If the motto of the United States is "In God We Trust," which means that in God's morality we trust, is really true, and we really believe in it, we will implement it with our votes, with our strength, our voices, and our resources.

I yield the floor.

Mr. DIRKSEN. Mr. President—

The PRESIDING OFFICER. How much time does the Senator from Illinois yield to himself?

Mr. DIRKSEN. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, on yesterday we considered two groups of amendments offered by the distinguished Senator from Michigan [Mr. Hart]. The Senate is the body of the Constitution in the place of those words, in the case may be, in order to defend its case. It would put an additional burden of proof that is reposed upon the Senator, and on the other hand, those in the agricultural States of the South wanted to be sure, having set a foundation for a fruitful agriculture, that it would not be destroyed or unduly limited.

Out of that came two compromises. The first was with respect to the composition of the Senate. They agreed that the basis of representation was on the basis of population and that every State, large and small, should have two Senators, and that Congress should not be prohibited from changing the Senate representation without its consent.

The second amendment provides for relief that was infinitely broader than that originally provided. I thought that particular concept placed an additional burden on the States.

One more amendment refers to page 11484 of the Record of yesterday. One of those amendments proposed to strike the words "test and device" and to substitute in the place of those words, in the plural form, "tests." They wanted to enlarge the jurisdiction of the court, for one thing, if a matter were pending, and it would put an additional burden of proof on the State or subdivision, as the case may be, to defend itself.

The second amendment provides for relief that was infinitely broader than that originally provided. I thought that particular concept placed an additional burden on the States.

One more amendment refers to page 4, line 1, and page 7, line 24, of the substitute. There the word "or" was changed to "and." The effect of that change was to prohibit any relief to a State or political subdivision unless and until the court finds that the State or subdivision has successfully met two tests instead of one of two alternative tests.

This amendment has the effect of changing the provision and increasing to a considerable degree, the burden of proof as imposed upon the State or subdivision.

Inasmuch as the matter was not closed by a motion to reconsider and a further consideration of this motion, the matter is open.

So this morning, after a conference with the chairman of the House Judiciary Committee and the ranking Republican member of it, I think it is fair to say they will proceed with a House bill—meaning the text of a House bill—and at some point, in the Senate, a Mansfield-DirkSEN substitute, if the House Bill will move to strike out the Senate text and substitute the House text. Then there will be a conference, at which time I assume these matters can be worked out, because they will be within the frame of the conference.

I wished to make a short legislative record. I have conferred with the members in the conference room on that subject and I am fully aware of the situation. I know of no good reason, at this late hour, why there should be a motion to reconsider and a motion to table, since Senators closely identified with the bill have been fully advised of the premises, including Members of the House.

Now to say a word or two about the pending amendments, particularly about the Mansfield-DirkSEN substitute: I like to think what we have done as another step toward the ultimate solution of one unsolved problem of the Constitution. We have talked much about the Constitution, as a matter of compromise. We have had the Northern concept and the Southern concept. We have had the Northern States and the Southern States at that time had quite another interest. In the one case they wanted to be sure that the agricultural States of the South would not be destroyed or unduly limited. They could not appear in town. They could not appear in court. They could not appear in councils. Either way there were other things they could not do. Out of those difficulties came the 14th amendment.

But apparently the 14th amendment is not adequate to the situation and, therefore, in 1868, there was proposed the 15th amendment, which was finally approved in 1870. That amendment made it clear that a citizen of the United States shall not be denied or have his right to vote abridged by the United States, or by any State. The second section of the amendment provided that Congress should have appropriate authority and the power to implement and carry out the provisions of the amendment with appropriate legislation.

Mr. President, it was that vehicle, the 15th amendment, which has resulted in the citizens that neither the United States nor a State shall deny or abridge the right to vote. That became the foundation for what we tried to do to cure a situation which was all too manifest and all too evident in this country, and has been so for a long time.

The so-called Commission on Civil Rights has not been going through the motions, but has assembled the most able men, amassed tables and evidence and providing the documents to establish the inhibition upon the right of citizens to vote. Sooner or later, we had to go further than what had been accomplished up to that time.

I well remember—having participated in the matter—the Civil Rights Act of...
1965. We thought it was a start. We soon learned that it was only a start.

We enacted the Civil Rights Act of 1960. We sought to go a little further, but it was not enough.

I had a particular hand in shaping the Civil Rights Act of 1964. I thought perhaps that the Act would be something of a remedy, but on the basis of experience, it has proved to be inadequate to solve the problem that still faces the country.

Therefore, we began our deliberations early, in order to take another step to solve the problem of the Constitution. What the Founding Fathers did was to say that the 'importation of persons'—and of course everyone knew who they meant—should cease in 1808.

But, what were we going to do about the 700,000 slaves who were in the United States on the 17th of September, 1877?

What were we going to do about the proliferation of those persons in the next 20 years before immigration had to come to an end?

They could not roll around in orbit. They were human beings. They had souls. They had characters. They were expected to pay their taxes. They were expected to catch up with the problem. We must keep up with it, to catch up with the problem which the Constitution makers had as good brainpower as could be expected to surrender a part of the Constitution, but as we are to carry out say, this is the handiwork that we have made. The Constitution makers did not idle the preamble—one of the noblest statements I know—which legally is not a part of the Constitution, but as a guideline and as a statement of noble purpose, it is.

"Too often we forget a phrase in the preamble that has received all too little emphasis and all too little consideration. That is the phrase, "to secure domestic tranquility." Accordingly, when they started in the preamble, they said:

We the People of the United States, in Order to * * * secure domestic tranquility, do ordain and establish this Constitution for the United States of America.

That makes it the responsibility of Congress. Whether the "domestic tranquility" has been assured or not can be left to the judgment of observers who look at the contemporary scene.

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

Mr. DIRksen. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 additional minutes.

Mr. DIRksen. There have been demonstrations in Maryland, in Alabama, in Chicago, and in California. Everywhere in the Unions there have been demonstrations. These people are not content to suffer these indignities any longer.

It is easy to say, "Suppose you do this for them. They will not exercise the right to vote, and that begs the question and makes exactly no difference. It will not make a bit of difference if no colored person in the United States votes after this law is inscribed upon the statute books. The essential point is that he is entitled to this right. If he refuses or fails to use it, that is his business, and not our. It must be there, if it is to be meaningful and purposeful under this free system of government.

After long labor we brought the bill here, in good faith. Then the distinguished body of gentlemen called the House of Representatives adjourned, and we have been met by further consultation with the Department of Justice and with our various staffs, to bring in a substitute that we thought was an improvement on the first bill.

Under the Senate's mandate, we reported back on the 5th day of April, a bill, and were ready to proceed then to another bill and move its passage. The Senate, in good faith, then, passed the bill and imposed its conviction upon the handiwork that we had brought in. It had been a long and difficult labor.

First, we held meetings in the regular Judiciary Committee room, and later the committee met in my office. Then we met in the majority leader's office. We had as good brainpower as could be expected to find the ultimate, and we met in the majority leader's office. We had as good brainpower as could be expected to find the ultimate, and we met in the majority leader's office.

We addressed the subject with as much patience as we could summon and still have regard for the deadline when we were to consider it. It is the Senecan and I mean to say, "This is the handiwork that we have produced."

This subject has engendered the attention of the Senate for 46 days, including Saturdays and Sundays. That is a long time.

I am delighted, indeed, that the Senate rose to the occasion yesterday to impose closure on the consideration of this bill and the speeches, because there was little to add to whatever had already been discussed, or with respect to the amendments that had been proposed. I hope that the measure may be passed by the Senate in due course by a resounding vote, and that without delay the House of Representatives can then go through the same process, and that out of conference committee, practical, good, practicable, enforceable, equitable, and equitable measures. That is the thing for which we have been striving.

Mr. President, this Chamber has rung for a month or more of itself with a discussion of constitutionality. I can only express the hope and belief that the bill is constitutional. But it remains for those who sit in the big marble palace across the plaza to make the final determination, although I do not for one moment set anything in the way of any Member of this body to protest its constitutionality if he so desires.

On 11 occasions in more than 30 years I have held up my hand and taken the oath, in the House of Representatives and in the Senate, to uphold and defend the Constitution. I have been a citizen of the United States. I meant to do it. I meant to do it. I mean to continue to do it. I mean to do it according to my rights. Others may disagree with me. That is their perfect right. But it has been said to me, "How could you consistently nominate the candidate of your party in San Francisco, notwithstanding the fact that he failed to vote for cloture and failed to vote for the Civil Rights Act of 1964?"

Mr. DIRksen. I yield myself 5 additional minutes.

That was his privilege. He had doubts about the constitutionality of title II. He had doubts about the constitutionality of title VII. He was fully entitled to have his doubts, because he had to make up his mind and take the oath to uphold the Constitution. If he felt that that bill in 1964 contravened the Constitution of the United States, then he had not only a right, but I think a duty to his conscience, to vote as he did.

Therefore, that question gave me no difficulty whatever.

However, I cherish other ideas. I believe that what we have wrought is constitutional and will stand up before the Supreme Court of the United States. If not, there is a separability clause, and the act may still stand if one section or another may finally be found to be unconstitutional by the highest tribunal of this land. I believe it will stand up in the light of day.

I earnestly hope that this afternoon the measure will receive a resounding vote in the Senate, and that it can be sped on its way for ultimate action in the House of Representatives, and in conference committee, so that last the signature of the Chief Executive can be affixed and it can be inscribed upon the parchments of the laws of the United States of America.

It has been long in the doing. As I think back now, it is 100 years since, by the force of arms, the matter of secession and all the ancillary matters finally had to be adjudicated. The arbitrament of the sword is a bloody business. But, as Abraham Lincoln said, "Woe unto him from whom the offense comes."

I hope it had to be that way. Who shall say, as he undertakes to evaluate and appraise the destiny of man, and particularly the destiny of great nationalities that are rooted in the golden tapestry of the history of this Republic.

Now we have a further opportunity, not surprised by those who occupied this body and the other body a hundred years ago, when they wrote the 13th, 14th, and 15th amendments into the organic law of the United States. We are not dealing here momentarily with a constitutional resolution. Where
a Federal office is involved, that question was taken care of by the 24th amendment, introduced and sponsored and nurtured by a great Member of this body, Senator Holland of Florida. It was a partial step only, and it did not cover State and local elections. Until they are covered, that problem of the Constitution, which was something of a bitter legacy because it was unredressed, may yet be resolved and be taken care of in our day and time. The sooner, the better.

I am inclined to believe that as this right is not only restored but safeguarded for people regardless of race and regardless of color, it will mean, of course, that we retrieve what I believe to be a pledge that is somehow woven into the whole fabric of this free Republic.

This may yet be an epochal day in the life of this country.

I am delighted that I could have a small part in this situation.

I remember that when the Emancipation Proclamation was finally published in the daily newspapers, Abraham Lincoln said:

"Now that this is over, our voices may be muted, and we will pass off the scene. But I hope that some of us may live to see the day when Abraham Lincoln said:

"The party system is necessary and basic to our politics. Any legislator who neglects to do his job and sees this party system as something negative is wrong. But the lawmaker has a dual function: He represents the people, the State, and the Nation. He and the people he represents work in the field of a larger whole. Too many legislators are too concerned with their personal, local, and State interests. They are not as concerned with the general welfare and when it is practiced for its own sake, partisanship ceases to be a virtue. The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, on the basis of what I have gathered, it appears to me that we are perhaps growing closer to hearing the final speakers. It is my understanding that the distinguished Senator from New York [Mr. Javits] will have some brief remarks to make and that the distinguished Senator from Louisiana [Mr. Russell] will address the Senate at greater length; others may wish to do so. It would appear that this is an important time because of the general welfare, and the general good must take precedence over party and pork.

Mr. MANSFIELD. Mr. President, on the basis of what information I can gather, it appears to me that we are perhaps growing closer to hearing the final speakers. It is my understanding that the distinguished Senator from New York [Mr. Javits] will have some brief remarks to make and that the distinguished Senator from Louisiana [Mr. Russell] will address the Senate at greater length; others may wish to do so. It would appear that this is a time when there is a possibility of a vote on the amendment in the nature of a substitute, as amended, offered by myself and the Senator from Illinois [Mr. Dirksen]. The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, on the basis of what information I can gather, it appears to me that we are perhaps growing closer to hearing the final speakers. It is my understanding that the distinguished Senator from New York [Mr. Javits] will have some brief remarks to make and that the distinguished Senator from Louisiana [Mr. Russell] will address the Senate at greater length; others may wish to do so. It would appear that this is a time when there is a possibility of a vote on the amendment in the nature of a substitute, as approved, in the vicinity of 3 o'clock today.

Mr. SALTONSTALL. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The yeas and nays were ordered.
open for inspection by the Justice Department. It further authorized the Attorney General to request the district courts to make a finding of a "pattern or practice" of voting discrimination where they had determined that there were individual denials of the right to vote. In the areas covered by such a finding, the court could then appoint Federal voting inspectors to determine the eligibility of voters and register them. To date, in only one case has a district court appointed a Federal referee.

In 1964, as a result of continuing discrimination in voter registration and lengthy court delays, Congress added to existing laws that first, all voting standards must be applied equally; second, applications cannot be rejected for immaterial errors on registration forms; third, literacy tests where used must be in writing and a sixth-grade education presupposes literacy unless found otherwise by the voter; fourth, in certain instances, three-judge courts can be requested to hear voting cases with appeal direct to the Supreme Court. It further instructed that voting cases be heard promptly.

Have these laws proven really effective? The answer is "No."

Congress has held out unlimited opportunity to State and local officials to refuse to accept and either devise inferior judicial relief in the local Federal district courts. Although progress has been made in some places, these procedures have proven inadequate in the hard-core areas. I give you two examples from the Attorney General's testimony before the Senate Judiciary Committee. In 1961 the Justice Department filed a voter discrimination suit in Clarke County, Miss., where 76 percent of the white population but not one of the 2,998 Negroes was registered. Effective court relief was not granted, and in certain instances, three-judge courts can be requested to hear voting cases with appeal direct to the Supreme Court. It further instructed that voting cases be heard promptly.

The bill further provides, however, that any State automatically covered which contends that its requirements are necessary to protect the right to vote from use to discriminate because of race or color can file suit for exemption in the Federal district court for the District of Columbia. If the Attorney General agrees he can conduct an investigation, in such cases the court will retain jurisdiction of the case for 5 years to make sure that there is no future discrimination. Subdivisions of a State which have more than 50 percent of the non-white population registered can request the District of Columbia court to terminate Federal listing procedures in that specific area.

The greatest difference of opinion arose over the anti-poll-tax provision. Only four States—Alabama, Mississippi, Virginia, and Texas—still require payment of a poll tax in State and local elections. The amendment passed by Congress in 1962 included an outright ban of the tax in this bill. The Senate Judiciary Committee, however, adopted a simple amendment abolishing the poll tax as a State or local tax. The tax, as offered by the bipartisan Senate leadership for the committee-reported measure contained a poll tax section which noted that Congress had evidence that the required payment of the tax had been used in some States to discriminate and instructed the Attorney General to file suit immediately to test this condition of voting. The Attorney General supported this provision.

A further amendment was offered during Senate debate which, first, contained a finding by Congress that the poll tax itself violated the 15th Amendment; second, banned the poll tax as a precondition of voting. This amendment was defeated. I voted against this amendment because I do not believe that Congress has the constitutional authority to abolish by law the poll tax in State and local elections. I then voted for a revised poll tax provision containing a finding by Congress that this tax has been used in some areas in violation of the Constitution and instructing the Attorney General to seek
a Supreme Court test of the tax. This amendment passed.

Let me make it very clear that I am against requiring payment of a tax as a prerequisite of the right to vote. I believe that the procedure adopted by the Senate was the correct way, short of a constitutional amendment, to legislate on this question and get the poll tax issue before the Supreme Court for decision.

In this vote, the right way, we have tried to provide an effective method to reach the continuing problems of voting discrimination. I believe it is a strong, but fair bill. It still holds out to those States which wish to end their discriminatory practices the opportunity to do so. State voting requirements, even literacy tests, which are fair to all citizens and will not have the effect of disenfranchising parts of the population in violation of our constitutional guarantees could still be used. But the Congress is saying clearly this time that we will not tolerate further violations of the Constitution no matter what form they take. We are prepared when necessary to institute immediate Federal action to get qualified citizens registered to vote and be sure they are not denied the right to vote.

I have said consistently that I think the right to vote is at the very heart of our way of life and system of government. We hoped before now that we had removed the last single stone in the path toward equality and humanity. It is an unfortunate fact, however, that this milestone is a long distance from the end of the road and immense labors and further suffering lie ahead. And it is another hard fact that this milestone was placed at a great cost in human endeavor and with the sacrifice of American men and women who gave full measure of their lives in the effort to defend the Constitution of our Nation. And we can rightly congratulate ourselves on the placing of another milestone in the path toward equality and humanity.

It is within the protecting power of Congress, as President Johnson noted when he spoke to us on March 15, the battle will not be won until the job is done. We have provided a major tool for the building of a united nation. Now that tool must be applied—with similar instruments for justice—to the job at hand. There will be setbacks and failures. There will be frustrations and discontent. But the job must be done. The job will be done.

As many have noted, this year marks the centennial of the Civil War which determined that our Constitution applied to all citizens and that the requirements of citizenship did not include the condition of race or color. In its place, the Constitution left an obligation that time of turmoil and hardship has left a legacy of thought and action that has sustained us through the perils of more recent times. I would echo Abraham Lincoln in saying:

Let us discard all this quibbling about this man and the other man, this race and that race, and that race and the other race, being inferior and therefore they must be placed in an inferior position. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal.

We will stand up here today to declare that all men have equal access to the ballot and therefore an equal voice in their government. And this is indeed cause for pride and for praise. For we may not in our lifetime attain that for which we labor. Yet in the trying, in the achievement we make along the way is the story of our Nation and an ideal that has carried us for almost 200 years. Let us continue on from this point with pride in what we have accomplished, with awareness of what still must be done and with determination to finish the job.

Mr. SIMPSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. McGEE. Mr. President, with the passage of the voting rights bill of 1965 the Senate of the United States has again demonstrated its determination to fulfill its collective oath to promote and further Federal legislation to bring about the right to vote to those qualified.

And so is this bill. Throughout my career in public life, as well as private, I have done everything possible to see that the constitutional right of a person to vote was granted. For the most part, this guarantee has been considered the responsibility of the respective States, and I have always championed that cause. But, Mr. President, we have now called to our attention substantial evidence which, in my judgment, clearly shows that all qualified persons have not been given the right to vote and that in some areas discrimination against the Negro people is a right which can and must be denied. This reflects upon the whole Nation, and it cannot be tolerated any longer. Action must be taken which will give to all qualified citizens, regardless of the color of their skin, the right to vote, to register, to vote, and to have that vote counted.

The question that exists once we have decided that there is need for further Federal legislation to bring about the right to vote to those qualified is what type of legislation is desirable and constitutional for this purpose. The 15th Amendment of the United States Constitution states:

The right of citizens of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servi­ tude.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

The Supreme Court has repeatedly recognized the power of Congress to deal with racial discrimination in voting. In the Bowmen case, the Supreme Court ruled:

If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment (15th amendment) there was no constitutional guarantee against this discrimination—now there is. The 15th amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is: the exclusion from discrimi­ nation in the exercise of the electorate franchise on account of race, color, or previous condition of servi­ tude.

No statute confined to enforcing the 15th Amendment can deal with discrimination and voting has ever been volded by the Supreme Court. Article I, section 2, and the 17th Amendment to the Constitution permit the right of the States to fix the qualifications for voting.
However, the 15th amendment outlaws voting discrimination, whether accomplished by procedural or substantive means. Thus, when a State exercises power wholly within the domain of State interest, it is insulated from Federal review. But such insulation is not carried over when State power is used as an instrument for circumventing a federally protected right. Thus, so long as State power is exercised for that purpose, it is subject to Federal action by Congress, as well as by the courts under the 15th amendment. That was expressly affirmed in the Lau v. Nichols case when the Supreme Court ruled that "the suffrage is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress act in pursuance to its constitutional power as imposed"—386 U.S. 51.

Congress is now considering legislation which has come to us in several different forms, each varying in the extent and rigor of its amendment. Portions of it have been unconstitutional, even though the intent and spirit have been correct. The purpose of the legislation has always been the same, and that is to deny to citizens of the United States a right to be free from enactment or enforcement of voting qualifications or prerequisites to voting or procedures, standards or practices which would have tampered with the right to vote on account of race or color.

After long study and thought and a great deal of concern, because I do not like to tamper with the functions of a State, I have come to the conclusion that this bill in its present form is constitutional and needed. I think the amendments which have been adopted have been helpful. When I studied the amendment to the provision which we took from the bill that provision which would have tampered with the States' right to levy poll taxes, we eliminated the last unconstitutional barrier in the way of the declaratory principle, and we immeasurably by broadening its purpose so that, not only would a person have the right to register and vote, but he would have the right to have that vote counted. For a vote which is cast under the democratic process is the culmination of over 100 years of man's struggle to attain a government responsive to the will of the governed. A high price has been paid for those principles which were acquired—from Runnymede to Bunker Hill—principles that have found their distillation in the U.S. Constitution. This adopted portion of the bill is pliable again; for the question of constitutionality entirely the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and also against the backdrop of our historical experience over these many years.

When we enter into a detailed examination of the pending bill and attempt to square it with our Constitution, then we find this power used to force passage of the bill now before the Senate.

After long study and thought and a great deal of concern, because I do not like to tamper with the functions of a State, I have come to the conclusion that this bill in its present form is constitutional and needed. I think the amendments which have been adopted have been helpful. When I studied the amendment to the provision which we took from the bill that provision which would have tampered with the States' right to levy poll taxes, we eliminated the last unconstitutional barrier in the way of the declaratory principle, and we immeasurably by broadening its purpose so that, not only would a person have the right to register and vote, but he would have the right to have that vote counted. For a vote which is cast under the democratic process is the culmination of over 100 years of man's struggle to attain a government responsive to the will of the governed. A high price has been paid for those principles which were acquired—from Runnymede to Bunker Hill—principles that have found their distillation in the U.S. Constitution. This adopted portion of the bill is pliable again; for the question of constitutionality entirely the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true.

When I took my oath of office to protect the Constitution I did so without reservation or any implied deference to the Presidency or the judiciary in legislative matters. For myself, I accept full responsibility for acting upon legislation which should apply to all of the United States with equal weight and with impartiality. I completely reject the role of carbon copy for executive expedience. I am one of this body who may legislate with impunity and leave the question of constitutionality entirely to the courts. Any Member of Congress who endorses an unconstitutional measure, and, if we study it in historical perspective, we see only a grotesque proposal, a distortion of everything we know to be true. 
let the President do the thinking for 180 million Americans. For a man who so often p leads "Come, let us reason together," he shows a strange determina- tion to force his will upon all the rest of us.

If the United States were a tiny island with a homogeneous population, we could perhaps have government by edict, or Cabinet decision, but this is not the case. We are a Union of States of Continental proportions within which we have brought together many diverse religious, ethnic, and social groups. We have succeeded because people insofar as we are able, and this can best be done under a government of dual sovereignty. This is the premise upon which our State governments re- tained out military forces of this Nation to legislate on matters of a local nature.

The social order of Harlem cannot be forced on the South by this bill in 1 year, or in a thousand years. The structure of our Government, which was never intended to accommodate as many diverse groups as possible, and, if we are to retain any semblance of social, political, or economic order in this country, we must continue to recognize the rights of the local self-gov- ernment to a large degree.

The demagogues have discovered that because of the strategic position of the bloc vote, they can, by mob action, in an obscure community in Alabama, change our laws and trespass on the Constitution of the United States. Where was the call to "Come, let us reason together," when the leaders of the mob violated court orders prohibiting the march from Selma to Montgomery, Ala.? Where was the call to "Come, let us reason together," when our President or- dered our military forces of this Nation to conduct a pointless and disgusting march? I say "pointless" because the demonstration was to achieve voter reg- istration which, in fact, was well under- way. I may further deny that the power of the Presidency used to mediate and conciliate instead of intim- idate by the use of military force?

I have called upon the people of my State to enact some laws through the depository of their public records, and I do not understand why those in this Govern- ment with greater responsibilities than mine cannot do the same with equal vigor and courage.

This Nation is becoming one of almost complete lawlessness from one ocean to the other, and I am sure this condition is greatly aggravated by the National Government's condoning of social strife, stress, demoralization, and civil disobedience. The principle of redress of griev- ances has never been so distorted. Can there be respect for law and order when local authority is usurped by the military force, when our legislatures are suspended in the passage of legislation, when our military is ordered to chaperon a howling mob in the pursuit of their alleged rights? It is true that many Negroes have not always had all the advantages of some whites in this country. But we are doing

Washington, D.C., which are weighted in favor of the Government.

The grievances that our people have today against their Government are begin- ning to compare with the complaints of those who suffered in Radburn and Bunkermound. They are taxed beyond endurance for the support of the shiftless in this coun- try, and for the big-government mistakes of our generation. The rights of private property have been abridged in the name of equality; the freedom of choice and privacy have been invaded by "equal protection" and "due process." Our Government has no right to inter- fere with the citizens of this country beyond providing and insuring an equal electoral election. The Constitution is being suspended in these States. Under the pending bill, Alabama, Louisiana, Mississippi, Georgia, South Carolina, Virginia, and part of North Carolina are denied the right to enact legislation for the establishment of further voter qualifications, or other legislation dealing with elections. This is a clear violation of article I, section 2 of the Constitution, and a denial of that right in the 17th amendment.

Based upon the fact that less than 50 percent of the people of voting age in these States failed to vote in the 1964 Presidential election, the Constitution is being suspended in these States. Yet some States that did not come up with the magic 50 percent vote in the November election are exempt from the provisions of this bill, on the ground that their States so exempted, or excluded, do not have literacy tests. It becomes painfully obvious then, that discrimination is being practiced to wipe out discrimination. This is the sole purpose of punishing these few Southern States because of their apathy in the last presidential election. (At this point Mr. Moynahan took the chair as Presiding Officer.)

Mr. ELLENDER. Mr. President, if this were not so, why would not these provisions be made to apply equally to all 50 States of this Union? There are more than 63 percent of the people of voting age in Louisiana registered. It is no secret that in the Presidential election of 1964, many qualified voters in Louisiana were not able to vote or vote mildly, with either party's candidate and simply refused to go to the polls. I do not see how anyone could deny them the right not to vote if they so choose. Many more people in my State voted in the Governor's election, which pre- ceded the Presidential election by several months. When the people of a State are offered only one choice, neither of which are acceptable to some, surely there is a right to stay away from the polls. If volume voting and huge percentages are
May 26, 1965

CONGRESSIONAL RECORD — SENATE

11749

In themselves the subject of admiration, we should look with the greatest of admiration upon the Soviet Union and other "Peoples' Republics." It is, of course, widely known that every Communist election rolls up a vote of usually 99.8 percent, all for the unopposed candidates on the ballot.

The people of these unfortunate nations are constantly called upon to rubber-stamp their party's edicts at frequent referendums.

As I said before, representative government in this Nation is at stake if we continue to encourage this type of total participation. When a proposal is submitted to the Senate, I do not go and take a poll in my State to see if it is the popular thing to do. I was elected to this office to represent the people, and I feel that in most cases I have access to more information pertaining to the particular proposal than they have. I represent them to the best of my ability, acting according to what I feel constitutes the best interest of the people of my State and the Nation as a whole. If the time should come when they feel that I do not represent their best interests and their wishes, it will be their responsibility to make a change.

Practically every newspaper of importance and practically every political writer has condemned this bill in such terms as "illogical," "immoral," "perverse," and "punitive."

These comments have come from many who have been lifelong friends of the Senate. We are all acutely aware of the situation this year as we had with the Civil Rights Act of 1964. Senators who were able to get amendments through, which exempted their States from some part of the bill, were then eager to support its passage. Senators will recall that the FEPC provisions of last year's bill do not apply in States which have their own FEPC laws, regarding the enforcement of those laws. The enforcement of those laws has been enjoined, or will ever be enjoined.

It is an old northern custom in Congress to respond to every complaint by the Negro that it is sectional and punitive legislation directed against the Negro. I think Senators Stevens and Charles Sumner would feel comfortable in this body today. After almost a hundred years, we find the Senate adopting proposals that were rejected in 1869.

In an earlier speech, I discussed in some detail the House and Senate debates at the time of the adoption of the 15th amendment. Proposals almost identical in language to some of the provisions of this bill were completely and unequivocally rejected by the 40th Congress, purely upon the realization that constitutional power of determining the electorate rested in the States. The Reconstruction Congress, even in the heat of the vengeful feeling then rampant, recognized this. Amendments to the original resolution which called for such additions as property requirements, age, length of residence, criminal record, and the like were rejected because the authors of that amendment did not wish to disturb this historic right of the States nor to upset the political balance which has been so carefully drawn by the framers of the Constitution.

The 15th amendment simply declares that:

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.

The amendment further provided that Congress shall have the power to enforce this provision. This amendment changed the existing law in one respect only; it denied to the States the right of imprisonment for the exercise of the right of suffrage, and to prevent the denial of the right to vote on account of their race, color, or previous condition of servitude. At the time of the adoption of this amendment, there were 17 Northern States which denied the right to vote to Negroes. This was placed in their constitutions and that was the reason why the 15th amendment was adopted—and for no other reason.

This amendment superseded those laws and those laws alone.

The proponents of this bill have been unable to offer any evidence to the contrary, and particularly have they been unable to show the court decision in support of their position. Of course, there is a federal constitutional right of every citizen to vote, provided he is qualified by State law, applied equally and without discrimination. This is the most succinct and the best statement that can be made about the 15th amendment and its legal application to citizens of this country. This interpretation of these laws was given in the celebrated case of United States v. Reese, 92 U.S. 214, October 1875, the landmark case in this field. In that decision, the Supreme Court declared that the 15th amendment did not give anyone the right to vote. It merely prevented the States from enforcing their old laws which prohibited Negroes from voting.

Every decision of the United States Supreme Court and of other Federal courts has reaffirmed this interpretation.

Now it is claimed by the Attorney General that he recognizes the right of States to qualify as they see fit. But the pending bill does not interfere with this historic right. He contends that this law would merely suspend State laws in States covered by the bill. As has been said many times in the past 4 or 5 weeks, there is no provision in the Constitution which permits Congress to suspend any valid State law, any time, anywhere. This is expressly, under the Attorney General's urgings or uses is that in the Supreme Court decision of Louisiana against United States, decided on March 8, 1963, the Court suspended the qualification laws in Louisiana because they had been unfairly administered. What the decision of the Court actually did was to affirm the three-judge district court's issuing of a preliminary order to prohibit the State of Louisiana from applying its new voter qualification test, or, in the alternative, to re register all voters on an equal basis, utilizing that test.

In other words, the Court did not suspend any laws, but merely pronounced under its constitutional powers, the enforcement of a State law which the Court found, upon the basis of evidence, could be used to perpetuate a condition of discrimination in the State. It held that 21 parishes, which had been found guilty of discrimination, could not apply the literacy test, until such time as the Court might change its order, or until all voters in those parishes were registered on an equal and impartial basis.

If the administration's sole purpose is to change that decision, and if it is not, it is submitted to the Senate that is not the object of this administration. It wants to suspend the literacy tests in order that thousands upon thousands of illiterate persons may be herded to the polls en bloc.

I do not see how anyone can condone forcing a State to abandon its requirement for literacy. How in the world can an illiterate person be expected to go into the polling place, comply with the instructions for the operation of the machine, pull the appropriate levers, and determine the summation of constitutional amendments which are to be voted upon in a few minutes? If we are going to give an opportunity for all of our people to vote, Louisiana has a requirement that no person may remain in the voting booth more than 5 minutes. When there are long lines of candidates and many constitutional amendments to be voted, and perhaps water and sewerage bonds to pass upon, even the literate voters are apt to be confused, especially in the lower courts. If anything but chaos comes out of the operation of the bill to be enacted, I will be greatly surprised.

Mr. President, as I said before, the passage of such laws as the pending voting rights bill can have no other effect than to further chip away at the respect for law and order, which is already in a bad state in this country. By passing this bill, the Senate will be saying, in effect, that local laws do not have to be respected by anyone desiring to break them.

In this day and age, when the police power of the States is being held to the utmost, we are doing a great disservice in furthering the principle of civil disobedience. Make no mistake about it—that is exactly what we are encouraging. This bill is a direct result of so-called civil disobedience in Selma, Ala. The people who are responsible for the situation in Selma, Ala., conducted their lawlessness week after week in open violation of every concept of public safety and good order. Ultimately they were victorious in getting the U.S. police and military forces into the dispute.

The White House and the Senate will not forget that this peaceful little community was posting no threat to anyone. The justifiable complaints which were filed in Federal Court were quickly adjudicated on the basis of evidence, and those complainers were duly and properly registered on the voting rolls of Alabama. All of this was settled quietly and peacefully in a duly constituted court of law. The problem is not here today when the Negro agitators came into the community even after the adjudication of
these grievances and conducted their street demonstrations supposedly for the purpose of achieving that which had already been granted. Of course, the real purpose was not to get people registered. It was to bring to bear national public opinion which had been distorted by these demagogues, on the State of Alabama and the local community, in order to displace the laws of that State. Most of their demands had been met, I was informed, but they did not leave; they continued to parade up and down the streets with their senseless chants of "freedom now."

I would like to call the Senators’ attention to an article written by Arthur Krock in the New York Times of April 1 of this year, entitled: “In the Nation: the Zen Which Persecutes.” In this article, Mr. Krock discusses Martin Luther King’s refusal to obey the Federal court order temporarily restraining his group from marching from Selma to Montgomery last year; among other things as follows:

There are two types of law, just and unjust. I think we have a moral obligation to obey just laws and disobey unjust laws.

Anyone with a passing acquaintance with the philosophy of Western civilization must find this question one of the most profound mysteries. Mr. Krock is quite right when he speaks of the attitude of King’s as “the road to anarchy.” The question may never achieve Plato’s kingdom, but like him, we should not cease in the attempt. The road to that end does not, however, lie in tacit governmental endorsement of the conduct of a mob dedicated to the destruction of law and order by sheer physical presence. Those who constantly plead the moral law over man’s written law are always convinced that they alone possess this divine inspiration. If, indeed, King and his fellow rabble-rousers had been the recipients of some transcendentental experience we would be able to recognize their works by some divine attributes.

What in effect has been their work? It is the breakdown of law and order; the setting of man against man and complete contempt for the orderly administration of justice. The leaders of these unfortunate people are never satisfied until some hapless person is badly injured or killed in the strife engendered by their actions.

With the assistance of the U.S. Government, these false prophets soar like carrion crows above the battlefield of human rights. In their unbridled zeal to right an alleged wrong, they eagerly persecute the innocent.

Mr. President, I have always held the view that all citizens should have the right to vote, provided their registration is permitted under State laws, properly applied and without discrimination. I venture to say that those who vote for the pending bill will regret their action in years to come. From lax law enforcement and the desire to strengthen our government, anarchy will follow. In time tyrannical government will engulf our cherished freedoms.

Mr. McGovern. Mr. President, I yield myself 1 minute.

The PResiding OFFICER. The Senator from South Dakota is recognized for 1 minute.

HISTORIC DAY FOR ALL AMERICAN CITIZENS

Mr. McGovern. Mr. President, today marks a historic date in the life of the American people. I am confident that the Senate will overwhelmingly pass the Voting Rights Act of 1965, which is designed to guarantee the right to vote to American citizens, regardless of their race or color.

Congressional passage of this proposed legislation will complete a series of landmark acts to protect and secure the basic constitutional rights of all Americans. The Civil Rights Acts of 1957, 1960, and 1964 have done much to assure Negro American citizens the equal protection of the laws guaranteed them by the U.S. Constitution.

Yet, today, many American Negroes are still trying to obtain the most basic right of American citizenship— the right to vote and to share in the election of public officials. For more than one hundred years this basic right has been denied to large segments of the American citizenry, solely because of the color of their skin.

The Voting Rights Act of 1965 will secure that right. It will be passed by the Senate on an overwhelming margin, because there is broad agreement on the part of the American people that to deprive the American Negro of the right to vote is to deprive all of us of the essence of our American democracy.

This bill will be passed because the vast majority of the American people share the feelings of President Johnson, who recently said:

Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily upon us than to have to insure that right. * * * It is wrong to deny any of our fellow Americans the right to vote in this country.

This bill will be passed because the conscience of America now demands that this precious right be secured for all Americans.

Mr. Bartlett. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

ALASKANS TREASURE THE RIGHT TO VOTE

Mr. Bartlett. Mr. President, I shall vote for S. 1564, the voting rights bill.

This will be the third major piece of legislation to pass the Senate since the days of reconstruction. I am proud to say, Mr. President, that I have cast my vote in favor of each of these bills.

I am proud, too, that my name is listed as a co-sponsor to this most important bill. For too long the direction and intent of the 15th amendment has been blocked. For too long, in too many cases, citizens of this country, under one pretext or another, have been denied their legal right to vote because of the color of their skin and for no other reason.

The 15th amendment to the Constitution is a simple one. It is short and it is straightforward: In the United States 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.

The Congress shall have power to enforce this article by appropriate legislation.

This amendment passed the Congress in 1870. It was ratified by the States in 1870. Today, 95 years after its ratification, it is time to see that it is enforced. The bill before the Senate today is the "appropriate legislation" needed to see that this is done.

In casting my vote for this measure, I should like to say again and as clearly as I know how that it does not have application to Alaska. The bill before us today would, in no way, affect the operation of registration or election procedures in Alaska. As originally introduced, this bill would, under some interpretations, include my State within its purview. I am happy to see, however, that it has now been amended to make plain that Alaska is not to be covered.

The bill before us today provides for the appointment of Federal registrars to perform the registration of those who have been denied this right by reason of their color or race. These registrars are to be appointed in any State or subdivision whenever two determinations have been made. These determinations are specified in section 4(b) of the bill.

The first must be made by the Attorney General. He must determine whether the State or political subdivision maintains on November 1, 1964, a test or device as a prerequisite for voting.

As Alaskans know, the Alaska State constitution provides that voters must be "read or speak," to "read or speak" English. The words "or speak" were deliberately added at the time of Alaska’s constitutional convention to insure that Alaska natives—Eskimos, Indians, or Aleuts—who might not be able to read but yet were able to speak English would be assured of their right to vote.

I have asked the Attorney General this question:

Does the term used in the Alaska constitution constitute a "test or device"?

His reply to me, dated May 14, was a flat "Yes."

The Alaska constitutional requirement is a "test or device" within the meaning of section 4(c) of the act.

The second determination which must be made before the act takes effect is to be made by the Director of the Census. He must certify two things.

First, that less than 50 percent of the persons of voting age other than aliens and persons in military service and their dependents who were registered as of November 1, 1964, or voted in the presidential election of November 1964.

Second, that according to the 1960 census, more than 20 percent of the persons of voting age were nonwhite.

This is a historic day for all American citizens. It marks a historic step in the fight for the noble cause of human rights.
I have asked the Director of the Census whether Alaska comes within the terms of one or both of these criteria. His answer to me was a flat “No.” In figures supplied by the Bureau of the Census, the Secretary of the Interior committee, it was stated that 74 percent of Alaska voting age residents other than aliens, military men and their dependents, voted in the November election. The Bureau estimates that more than 50 percent of Alaska voters voted in the presidential election.

The Bureau of the Census informs me that Alaska is also excluded from coverage under the Voting Rights Act as a result of its population is of nonwhite racial origin. The Bureau estimates that but 18.6 percent of Alaska’s voting age population is nonwhite.

There can be no doubt. The Federal Government has no need to send registrars to Alaska. Under the terms of the bill we are passing today, the Federal Government has no authority to send Federal registrars to Alaska.

Mr. President, Alaska does not discriminate against its citizens nor does it infringe upon their precious right to vote. And strangers would not be able to obtain the right held by all American citizens to vote in national elections. Alaskans value their right to vote. And they support the efforts of our President and the Congress to see that this most precious right is extended, as promised in the Constitution, to all American citizens.

I shall vote for the bill.

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 amendment in the nature of a substitute offered by the Senator from Montana [Mr. Mansfield], and the amendment from Illinois [Mr. Dirksen], No. 124, as amended and modified, for the committee substitute. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. Breaux], the Senator from West Virginia [Mr. Byrd], and the Senator from Idaho [Mr. Church], are absent on official business.

I further announce that the Senator from Nevada [Mr. Magnuson] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. Magnuson], and the Senator from Idaho [Mr. Church], would each vote “yea.”

On this vote, the Senator from Nevada [Mr. Breaux] is paired with the Senator from West Virginia [Mr. Byrd]. If present and voting, the Senator from Nevada would vote “yea,” and the Senator from West Virginia would vote “nay.”

The result was announced—yeas 78, nays 18, as follows:

[No. 66 Leg.] 11751

In answer to a question, where a person in a State is denied this constitutional right of equal protection of the laws, we must act to eliminate such denial. We have the right and the responsibility to do so.

This right and responsibility, however, does not give to us the power and the responsibility of negating equitably and intelligently applied constitutional State laws.

Mr. President, in conclusion let me say I believe legislative establishment of guilt, as embodied in the pending measure, is not only unjust, but most unwise. Let us hope the implementation of this measure, if it is to be passed into law, will be most judicious.

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 VICE PRESIDENT. Without objection, it is so ordered.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. Breaux], the Senator from West Virginia [Mr. Byrd], and the Senator from Idaho [Mr. Church], are absent on official business.

I further announce that the Senator from Nevada [Mr. Magnuson] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. Magnuson], and the Senator from Idaho [Mr. Church], would each vote “yea.”

On this vote, the Senator from Nevada [Mr. Breaux] is paired with the Senator from West Virginia [Mr. Byrd]. If present and voting, the Senator from Nevada would vote “yea,” and the Senator from West Virginia would vote “nay.”

The result was announced—yeas 78, nays 18, as follows:

[No. 66 Leg.]
The bill is to be no further amendment to be proposed, and the committee amendment in the nature of a substitute for the bill, as amended by the Mansfield-Dirksen sub-

The problems in this bill have been partially difficult because of the constitutional questions raised by many in this body.

I cannot permit a vote on account of race or
to vote on account of race or color (1) have

The VICE PRESIDENT. The bill

I urge the adoption of the pending measure.

Mr. LONG of Louisiana. I announce

That the court need not authorize

Provided, That the court need not authorize the appointment of examiners if any incidents or denial or abridgment of the right to vote on account of race or color (1) have been limited in number and have been supplied and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their occurrence in the future.

If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment justifying equitable relief have occurred in such State or political subdivision: Provided, That the court need not authorize the appointment of examiners if any incidents or denial or abridgment of the right to vote on account of race or color (1) have been limited in number and have been supplied and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their occurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment justifying equitable relief have occurred in such State or political subdivision: Provided, That the court need not authorize the appointment of examiners if any incidents or denial or abridgment of the right to vote on account of race or color (1) have been limited in number and have been supplied and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their occurrence in the future.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amend-
ment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have been committed in such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction of the action and shall appoint a person not otherwise disqualified and shall order that during such period any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enjoined unless and until the Attorney General files objection with the Court within sixty days after such determination. If the Attorney General's objection is not filed within such period, the court shall enter such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure. An action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure shall not be brought unless and until the court finds that it does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court finds that such action is necessary to prevent the denial or abridgment of the right to vote on account of race or color. If the Attorney General fails to object, the court shall enter such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure. 

5. Whenever a State or political subdivision named in, or included within the scope of determinations made under section 4(b)(1) that (1) he has received complaints of discriminatory testing or procedures from ten or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment it is necessary to prohibit the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if (1) incidents of such have been limited in number and not effectively corrected by State or local action, or (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable cause to believe that the Attorney General will determine that there is no reasonable probability of their recurrence in the future, he may grant, in his discretion, a declaratory judgment that such voting qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court finds that such action is necessary to prevent the denial or abridgment of the right to vote on account of race or color. If the Attorney General fails to object to a declaratory judgment entered under this section such judgment shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

Sec. 6. Whenever the Attorney General certifies (a) that a court has authorized the application of any voting qualification, prerequisite, standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines, by a survey of the voting age population of the States, that less than 25 per centum of such persons voted in the presidential election of November 1964, and (3) that in the future the purpose and will have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court finds that such action is necessary to prevent the denial or abridgment of the right to vote on account of race or color. If the Attorney General fails to interpose an objection within sixty days after such determination the Attorney General shall determine that there is no reasonable cause to believe that the Attorney General will determine that there is no reasonable probability of their recurrence in the future.

5. Whenever a State or political subdivision named in, or included within the scope of determinations made under section 4(b)(1) that (1) he has received complaints of discriminatory testing or procedures from ten or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment it is necessary to prohibit the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if (1) incidents of such have been limited in number and not effectively corrected by State or local action, or (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable cause to believe that the Attorney General will determine that there is no reasonable probability of their recurrence in the future, he may grant, in his discretion, a declaratory judgment that such voting qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court finds that such action is necessary to prevent the denial or abridgment of the right to vote on account of race or color. If the Attorney General fails to object to a declaratory judgment entered under this section such judgment shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

Sec. 6. Whenever the Attorney General certifies (a) that a court has authorized the application of any voting qualification, prerequisite, standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines, by a survey of the voting age population of the States, that less than 25 per centum of such persons voted in the presidential election of November 1964, and (3) that in the future the purpose and will have the effect of denying or abridging the right to vote on account of race or color. If the Attorney General fails to object to a declaratory judgment entered under this section such judgment shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Such an action shall be heard and determined by a court of three judges in accordance with the provisions of section 228 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.
a person acting under color of law, as the Attorney General may require.

(c) Any person whose name appears on the examiner’s list shall be entitled and allowed to vote in the election of his residence unless until the appropriate local or State officials have notified that such person has been removed from the examiner’s list in accordance with section 8(2). Provided, That no person shall be entitled to vote in any election by virtue of this Act unless he has been certified and transmitted by the examiner in accordance with the procedure prescribed in section 8, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

Sec. 8. (a) Any challenge to a listing on an eligibility list prepared by an examiner and to be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission under such regulations as the Commission may prescribe, shall be determined by the Civil Service Commission.

(b) Such challenge shall be entertained only if filed in the United States district court which shall have jurisdiction of such actions for declaratory judgment actions as a district court which shall have jurisdiction thereof and upon request of the Attorney General shall be determined by a three-judge court in accordance with the provisions of section 2284 of title 28 of the United States Code, and any action commenced in such court may be appealed to the Supreme Court. The Attorney General pursuant to this subsection shall be entitled to vote under any provision of this Act, or full or failure to count the vote or transactions connected with the voting process shall be treated as if the voter were correctly included on the list on election day or the day following.

(c) During the pendency of such actions, no person shall be entitled to vote under any provision of this Act, or full or failure to count the vote or transactions connected with the voting process shall be treated as if the voter were correctly included on the list on election day or the day following.

Sec. 9. (a) In view of the evidence presented to the Congress that the constitutional right of citizens of the United States and of all persons who are citizens of the State to vote is denied or abridged in such States by the requirement of the payment of a poll tax as a condition of voting, the Attorney General shall be authorized to bring any action in the proper United States district court which shall have jurisdiction thereof and upon request of the Attorney General shall be determined by a three-judge court in accordance with the provisions of section 2284 of title 28, United States Code, and any action commenced in such court may be appealed to the Supreme Court. The Attorney General pursuant to this subsection shall entitle to vote under any provision of this Act, or full or failure to count the vote or transactions connected with the voting process shall be treated as if the voter were correctly included on the list on election day or the day following.

(b) Any person whom the examiner finds, loss of eligibility to vote. The remedy provided by this section shall not preclude any other remedy available under State or Federal law.

Sec. 10. In an election is serving under this Act in any political subdivision, the Attorney General may assign one or more attorneys to represent the United States in any such election in a political subdivision for the purpose of observing whether votes cast by persons who are entitled to vote are being permitted to vote, and who are denied the right to vote, and who are refused the opportunity to vote, have the opportunity to vote, and who are denied the right to vote, and who are refused the opportunity to vote, have the opportunity to vote.

(b) Whoever conspires to violate the provisions of section 2284 of title 28, United States Code and any appeal shall lie in the United States Court of Appeals for the circuit in which the action was commenced after November 1, 1964, which, as a condition of voting, has the purpose or effect of denying or abridging the right to vote. The remedy provided by this section shall not preclude any other remedy available under State or Federal law.
with any right secured by section 3, 4, 5, 7, 8, 10, or 11 shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or is there are reasonable grounds to believe that any person has engaged in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General of the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary restraining order, restraining any such act or other order, and including an order directed to the State and local election officials, (1) to persons or organizations listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision, in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within twenty-four hours after the closing of the polls that notwithstanding

1. Their listing under this Act or registration by an appropriate election official and (2) that they have not been permitted to vote, the examiner shall forthwith notify the United States, in such a case, and if such allegations in his opinion appear to be well founded. Upon receipt of such notice, the United States attorney may not later than forty-eight hours after the closing of the polls file with the district court an application for an order providing for the certification of the names of such persons and requiring the inclusion of their votes in the total vote before the results of such an election, or action, or other proceeding, determine if such votes be cast.

(f) The district courts of the United States shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(g) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(h) (1) Subjects such as necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(i) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to require the United States, in such a case, and if such allegations in his opinion appear to be well founded. Upon receipt of such notice, the United States attorney may not later than forty-eight hours after the closing of the polls file with the district court an application for an order providing for the certification of the names of such persons and requiring the inclusion of their votes in the total vote before the results of such an election, or action, or other proceeding, determine if such votes be cast.

(j) The district courts of the United States shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(k) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(l) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(m) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(n) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(o) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(p) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(q) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(r) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(s) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(t) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(u) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(v) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(w) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(x) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.

(y) The terms "voting" or "vote" shall include all actions necessary to make a vote effective, including, but not limited to, registration, listing pursuant to this Act, or other election acts, and all actions necessary to carry out the provisions of this Act.

(z) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses without the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act, or any provision brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their agencies.
tribute to Senator Philip Hart, of Michigan, the Senator in charge of the bill, who piloted it through its various parliamentary stages not only with skill and great personal integrity but also with a high sense of taste, warmth, and kindness for which he is famous in this body. I know I bespeak the praise of all my colleagues.

Mr. Kennedy of Massachusetts, Mr. President, speaking on behalf of the members of the Committee on the Judiciary, I wish to pay tribute to the outstanding efforts which have been put forth in the Senate during the past few weeks by Senator from Michigan [Mr. Hart]. I believe that all Senators recognize that he spoke not only with extraordinary comprehension, thoroughness, and an understanding of the complexities of the voting rights bill, but he also spoke from his heart. He carried the burden for many of us who shared his opinions. All Senators must recognize his great contribution in this important matter.

I certainly wish to include in my expression of appreciation—and I know that I speak for several members of the Judiciary Committee—the great depth of understanding and tolerance that we all enjoy and which he handled with skill and the legislative abilities of a number of very distinguished Senators, I should like to take this opportunity to say that the distinguished Senator from Michigan [Mr. Hart], in his tenacious and untiring efforts in behalf of this legislation.

I should also like to take this occasion to pay tribute to the leaders in the debate who took a position other than my own; namely, including the distinguished chairman of the Judiciary Committee, Mr. Eastland [Mr. Eastland]. As the junior Senator from Massachusetts [Mr. Kennedy] pointed out, he was most fair at all times, both during the hearings and in executive session.

Mr. McNamara. Mr. President, I join several of our colleagues for the historic decision which he handled the many amendments which were pressed. And through it all, his tone and manner were gentlemanly and understanding.

The greatest tribute to Senator Hart is yet to come.

Mr. McNamara. Mr. President, my colleagues from Massachusetts, Senator Hart, has received well-deserved praise today for the masterful way in which he managed Senate passage of the voting rights bill.

This measure was extremely complicated. His sure knowledge of its provisions and its intent was readily apparent in the manner with which he handled the many amendments which were pressed. And through it all, his tone and manner were gentlemanly and understanding.

Mr. McNamara. Mr. President, the Attorney General, and several of our colleagues for the historic action the Senate has just taken in approving the voting rights bill.

Mr. McNamara. Mr. President, I would like to pay a personal tribute to the Senator from Michigan [Mr. Hart].

During the long weeks when the bill was under consideration, both in committee and on the floor, the Senator from Michigan [Mr. Hart] really showed his mettle.

The Senator from Michigan is a man of character. He is a man of tolerance. He is a man of quiet competence. Some of us are perhaps a little more public relations oriented than others, but he is not. He is a man who goes through his set duties with such complete selflessness, such dedication, such integrity, and yet such quiet force as Philip Hart of Michigan.

I am proud to be his colleague in this body.

Mr. Holland. Mr. President, speaking as one who vigorously opposed the bill, let me state that Senators who handled the bill did so with great courtesy and with consideration for the bruised feelings of those who could not agree with them.

I pay particular tribute to the senior Senator from Louisiana [Mr. Ellender] for pinch-hitting as our leader at the request of and in the place of our distinguished senior leader, the Senator from Georgia [Mr. Russell].
strong feelings of the citizens of Washington:

First is Resolution 20205 of the Seattle City Council, urging the Federal Government "to enforce the right of self-government" where "the essentials of self-determination are being abridged."

The second is an unsigned article published in the Skagit Valley Herald which describes the gathering of petitions with over 400 signatures by a volunteer group of women, deeply concerned about the right to vote issue, aided by clergymen and their parishioners throughout the Skagit Valley, expressing support for President Johnson's demand that all Americans be given equal voting rights.

The third item is a resolution of the Democratic Central Committee for Walla Walla, urging Senators and Representatives of the State of Washington "to vote completely and fully in accordance with President Lyndon B. Johnson's voter registration bill, that all people be given the right to vote in every election, regardless of race, color, creed, or national origin."

I ask unanimous consent that the resolution of the Seattle City Council, the article from the Skagit Valley Herald, and the resolution of the Democratic Central Committee for Walla Walla be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Be it resolved, That we, the Democratic Party of Walla Walla County, Walla Walla, Wash., abhor barriers to the right to vote under reasonable and effective regulation, and believe firmly in the Constitution of the United States, which states in part in amendment 14—"that no State deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

Hi. It is so resolved. That we stand for lawful demonstrations if they be for protest against violence, injustice, prejudice, or any other violation of the Constitution of the United States, which states in part in amendment 14—"that no State deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

Resolved, That we urge our Senators and Representatives of the State of Washington to vote completely and fully in accordance with President Lyndon B. Johnson's voter registration bill, that all people be given the right to vote in every election, regardless of race, color, creed, or national origin.

WALLA WALLA DEMOCRATIC CENTRAL COMMITTEE,
JEANNE BOND,
Resolution presented by:
MOUNT VERNON, WASH.,
April 13, 1965.

DEAR SENATOR MAGNUSON: You have been solicited by a voting rights organization referred to in the enclosed article. I thought you would be interested to see the publicity it generated in the local paper.

Very truly yours,
JEANET THEISSEN.

[From the Skagit Valley Herald, Apr. 8, 1965]

"VOTING RIGHTS" PLAQUE IN MUSEUM.

Pettions carrying well over 400 signatures are on their way to Washington, D.C., as an expression of the Skagit Valley Herald's support for President Johnson's demand that all Americans be given equal voting rights.

A group of women, concerned over the voting rights issue, circulated the petitions and also collected funds to help civil and voting rights workers. So far, $37.33 has been collected. It will be sent to organizations which picket the James Reeb fund. The fund will help the family of the clergyman killed in Alabama and also will aid other families of rights workers who have suffered as a result of such activities.

Clergymen and their parishioners throughout the Skagit Valley have helped the petition and fund drives. The four clergymen shown in the adjoining photo and others added their support to the voting rights movement. Among the others are Reverend William Forbes, pastor of St. Paul's Episcopal Church, Mount Vernon; the Reverend Richard Boyd, pastor of Anacortes First Methodist Church, and Methodist clergymen throughout the valley.

The petitions were sent to Senator Warren G. Magnuson. Letters reporting the petition and fund drives also were sent to Senator Henry M. Jackson and Congressman Lloyd Meeds.

The women's group will continue to collect signatures for additional petitions as well as funds for the Reeb campaign.

CITY OF SEATTLE,
OFFICE OF THE COMPTROLLER,

HON. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

My Mr. Senator: Enclosed herewith is a copy of a resolution of Seattle City Council relating to the right to vote, which you will find self-explanatory.

With best wishes,
O. G. ERLANDSON,
City Comptroller.

RESOLUTION 20205
Whereas the right to vote under reasonable and effective regulation is essential to democracy in any democratic government constituted under the principle of "government of the people, by the people, for the people"; the 15th Amendment of the U.S. Constitution makes this clear:
"AMENDMENT XV
"Section 1. The rights 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. Congress shall have power to enforce this article by appropriate legislation."

And whereas there are no laws more important than the laws that preserve and promote self-determination; the very foundation of our Government is built upon quicksand if integrity is not practiced in the drafting and administration of such laws; our inheritance bequeathed to us by our Founding Fathers is thrown away if any form of privileged rule is allowed to exist for too long, now, therefore, be it

Resolved by the City Council of the City of Seattle, That all State and local governments be urged to recognize, maintain, and enforce the right of self-government; be it further

Resolved by the Congress of the United States, That all State and local governments be urged to recognize, maintain, and enforce the right of self-government; be it further

Resolved by the City Council of the City of Seattle, That all State and local governments be urged to recognize, maintain, and enforce the right of self-government; be it further

Resolved by the City Council of the City of Seattle, That all State and local governments be urged to recognize, maintain, and enforce the right of self-government; be it further

Binding the��

H.R. 806, TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 806.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington? The Chair hears none and it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 806.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 806) to amend the Textile Fiber Products Identification Act; to provide for the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, the Senate made a mistake in the bill by referring to the United States Code as section 75. The House, being alert in its duties as usual, picked up the error, which was discovered. I believe, by some good House lawyer, who corrected it to the United States Code 70. That is the only correction. It is a very important bill for the textile industry, and I ask for the passage of the bill.
The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

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

DEPARTMENT OF THE INTERIOR
APPROPRIATIONS, 1966

Mr. MANSFIELD. Mr. President, I move that the Senate act on consideration of the bill to consider Calendar No. 159, H.R. 6767, the Interior Department appropriation bill.

The VICE PRESIDENT. The bill will be stated by the Clerk.

The LEGISLATIVE CLERK. A bill (H.R. 6767) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the committee amendments to H.R. 6767 be agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order be allowed in an appropriation bill.

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). Without objection, it is so ordered.

The second order of the day, amendments agreed to en bloc, are as follows:

On page 2, line 9, after the word "Management", to strike out "$46,080,000" and insert "$50,000,000".

On page 8, line 18, after the word "shops", to strike out "$105,760,000" and insert "$126,256,000": Provided, That not to exceed $65,900,000 of this amount shall be made available to the San Carlos Apache Indian Tribe for maintenance of law and order.

On page 10, line 12, after the word "law", to strike out "$42,756,000" and insert "$42,796,000".

On page 6, line 12, after the word "contract", to strike out "$32,555,000" and insert "$32,396,000"; in line 16, after the name "South Dakota", to strike out "Utah, and Wyoming" and insert "and Utah"; and in line 25, after the word "Reclamation", to insert a colon and the following additional proviso:

"Provided, That in addition, any unobligated balance as of June 30, 1965, of the amount appropriated under this heading in the Supplemental Appropriation Act, 1965, shall be transferred to any account of the Department of the Interior with which this appropriation is made.

On page 24, line 7, after "$196,000,000"; in line 8, after the word "$136,000,000"; in line 10, after the word "Hospital", and insert "$40,000,000"; in line 11, after the word "$189,000,000" and insert "$40,000,000"; and in line 12, after the word "of", to strike out "$37,000,000" and insert "$100,000,000".

On page 25, line 16, after the word "Refuge", to strike out "$55,324,300" and insert "$38,814,300".

On page 25, line 22, after the word "herein", to strike out "$51,156,500" and insert "$79,473,700": Provided, That lands or interests therein needed for the Wildlife Research Center, Jamestown, North Dakota, may be acquired by purchase, or by exchange of lands of approximately equal value.

On page 28, at the beginning of line 13, to strike out "$4,428,000" and insert "$4,490,000".

On page 28, line 25, after the word "only", to strike out "$4,450,000" and insert "$4,544,000".

On page 30, line 16, after the word "exceed", to strike out "$175,000" and insert "$200,000".

On page 31, line 18, after the word "lands", to strike out "$189,767,000" and insert "$219,839,000".

On page 31, line 7, after the word "law", to strike out "$29,038,000" and insert "$38,777,000".

On page 33, line 14, after the word "amended", to strike out "$10,000,000" and insert "$20,000"; and at the beginning of line 20, to strike out "$70,000" and insert "$80,000".

On page 34, line 25, after the word "exceed", to strike out "$1,000 and one" and insert "$1,001 and fourteen", and in line 17, after the word "vehicles", to insert "of which one hundred and one shall be".

On page 37, line 13, after "(42 U.S.C. 2068)" and strike out "$9,000,000" and insert "$14,450,000".

On page 38, line 17, after "(5 U.S.C. 211)" and strike out "$9,000,000" and insert "$9,888,000".

On page 38, line 21, after the word "applications", to strike out "$18,468,000" and insert "$21,311,000".

On page 40, line 9, after the word "until", to strike out "expended;" and insert "expended and"; and in line 10, after the word "wherein", to strike out "out institutions." and insert "institutions;".

On page 42, line 12, to strike out "$25,000" and insert "$35,000".

On page 43, line 6, after the word "VETERANS' ADMINISTRATION" and strike out "Construction, Corregidor-Batan Memorial Memorial".

"For planning and constructing a memorial on Corregidor Island, and other expenses, as authorized by the Act of August 5, 1953, as amended (36 U.S.C. 428), $1,400,000, to remain available until expired."
the agencies and bureaus of the Department of the Interior and for the related agencies listed on page 2 of the report. Excluded from this bill are the Southwestern Power Administration, the Southwest Power Administration, the Bonneville Power Administration, and the Bureau of Reclamation.

The committee recommends definite appropriations of $1,029,518,770. This is $48,623,470 more than the House allowance; and is $10,796,730 less than the budget estimates.

The committee recommends the following major increases over the House allow­ance:

Bureau of Land Management, $6 million to permit an accelerated soil and moisture conservation program on public domain lands administered by that Bureau; Bureau of Indian Affairs, $4,873,000 which provides additional school facilities and needed funds for the Lower Two Medicine irrigation project, the request received after the House of Representatives considered this bill; payment to the Alaska Railroad re­volving fund, $3,200,000, which will provide the full authorized amount for each of the 3 years; Geological Survey, $1,380,870, which will include the engineering needed for expansion of the Field Center at Denver; Fish and Wildlife Service, $7,144,000; Forest Service, $35,080,000; and the Division of Indian Health, $5,450,000.

It is the committee's opinion that the changes which are recommended will provide activities tending to develop the resources of the country and to increase the level of the Nation's economy.

Several Senators addressed the Chair.

Mr. HAYDEN. I yield first to the Senator from Arkansas.

Mr. McCLELLAN. Has the Senator finished with his statement on the bill?

HAYDEN. Yes.

Mr. McCLELLAN. The Presiding Officer. The bill is open to further amendment.

Mr. McCLELLAN. My colleague from Arizona [Mr. HAYDEN] and to the committee has provided in this bill, the Bureau of Reclamation.

Mr. HAYDEN. I have been so advised.

Mr. FULLRIGHT. Mr. President, I offer the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The LEGISLATIVE CLERK. On page 10, line 15, it is proposed to strike out the numeral and insert in lieu thereof the figure "$32,560,000".

The PRESIDING OFFICER. The question is on agreeing to the amend­ment of the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

Mr. McCLELLAN. I yield.

Mr. HARRIS. Mr. President, I am especially pleased with the Department of the Interior appropriations bill, as reported by the Senate Committee on Appropriations. Included in this bill are funds for two projects which I had the pleasure of recommending to the subcommittee, and which were not included in the original budget request. The projects which I refer to are the Wichita Mountains Wildlife Refuge master plan and the cooperative fisheries research unit in Oklahoma.

I would like to express my appreciation to the distinguished Senator from Oklahoma [Mr. HAYDEN] and to the members of his subcommittee, for recognizing the needs for both these facilities. With the $400,000, not in the budget and not in the House bill, which the committee has provided in this bill, the Wichita Mountains Wildlife Refuge will begin major improvements on its roads and highways, which have been neglected because of lack of money. This construction will constitute the first step in renovation of this beautiful, nat­ural facility under the Department of Interior's master plan of improvement.

The committee also has provided $40,000 for the establishment of a cooper­ative fisheries research unit at Oklahoma State University, which was in the House bill, but was not in the budget. Again, I would like to express my appreciation to the chairman and to the distinguished Senator for the need this facility in Oklahoma. Funds for the establishment of this project have been requested on many occasions, and my distinguished colleague [Mr. Mon­sen] has joined with me in recommending this item.

This research facility will be located at one of our great land-grant colleges, and will be in the center of one of America's fastest growing water recreation areas.

There is no doubt about the benefits to be derived from the improvements on the Wichita Mountains Wildlife Refuge and the establishment of the cooperative fisheries research unit.

Therefore, I respectfully urge the Senate to concur with the recommendations of the Appropriations Committee for these very worthy projects and on final passage of the bill.

I thank the distinguished chairman of the committee for yielding to me.

Mr. FULBRIGHT. Mr. President, I want to take this opportunity to commend Chairman Hayden and my other colleagues on the Interior Subcommit­tee of the Senate Appropriations Committee for the fine job they did in evaluating the multitude of items contained in this year's Interior appropriations bill.

The subcommittee has been most un­derstanding in its consideration of the problems facing the Great Lakes' declining fishing industry. As Senators will note from the chart that I have placed in the rear of the Chamber, a con­tinuing trend of the present disastrous drop in income from commercial fishing in the lakes could result in the death of this segment of the Midwest's economy by 1975. The subcommittee took this in­formation into account in recommending the lakes could result in the death of this segment of the Midwest's economy by 1975. The subcommittee took this informa­tion of the alarming losses that have taken place over the past 2 years.

These funds will be used primarily to initiate research studies which will en­able commercial fishermen on the Great Lakes to more fully utilize the lesser value fish that have largely replaced the historically valuable species which formed the backbone of the industry in years past. However, such research must be con­sidered merely the first step in a steadily accelerating program if the industry is to survive.

For example, in fiscal 1964, $20,000 was provided for the design of an all-purpose biological research vessel. This floating laboratory will permit extensive study of the Great Lakes to keep abreast of the rapidly changing environment and its effect on aquatic life. However, despite the fact that plans are in existence, and have been for some time now, no funds have been requested for the construction of the vessel. Since the plans were first
The cost of constructing the vessel will be $150,000. The appropriation of funds for the measurement and description of chemicals, nutrients, and pesticides on the Great Lakes is to be saved. I hope Congress will appropriate additional funds for recreation research. I as a member of the subcommittee is to agree with what has been stated and to enlarge upon it. Words of commendation have been spoken for the chairman and the members of the committee to know that we greatly appreciate it.

I am a member of the subcommittee. The project was authorized by Congress in 1912 and the happy event which took place in 1958. During that period of nearly a half century, all the great changes wrought by invention, including the coming of the automobile, which brought the highway system, the coming of the airplane, which brought the airways system, and the development of hydroelectric power, took place. During this period, Alaska was a stepchild in the family of the United States and was often omitted and neglected.

All of us believe that revitalization of the industry is to be saved. I hope Congress will appropriate additional funds for the development of more effective and economical fishing methods, detailed economic analyses of present production, recreation management in the boundary waters, and wilderness research.

Thank you very much for your courtesy of the Senator from Kentucky. I express sincere thanks and appreciation for the efforts of the chairman of the full committee in helping us to achieve that goal. It will not be achieved overnight, but we hope that with the sympathetic attention and solicitude that we have been exhibited, we may achieve it.

The item of $329,000 will be helpful in extending that program, based upon the recommendations from the National Park Service.

I wish the chairman and the members of the committee to know that we greatly appreciate it.

Mr. COOPER. Mr. President, I note on page 91 of the report, in a reference to the appropriation for the Bureau of Sport Fisheries and Wildlife, funds have been provided for several new hatcheries. For several years, bills have been introduced by myself, my colleague [Mr. Monroe], and by all of my colleagues from Kentucky in the House of Representatives asking that a trout hatchery be constructed along the Cumberland River, or at some site in eastern Kentucky, because it has been found that the waters and area are appropriate for a trout hatchery.

I am aware that no funds have been provided in the bill. I know that the chairman is fair and that next year he will give consideration to this request. Mr. HAYDEN. We shall be glad to consider it.

COAL RESEARCH

Mr. COOPER. Mr. President, referring to the funds made available for coal research, my State of Kentucky, after West Virginia and Pennsylvania, is the largest producer of coal in the United States. We are modest in our demand for funds for coal research, although we have been very fortunate in other areas, including the Appalachian bill. But we hope that consideration will be given next year for providing of funds for coal research in Kentucky.

Mr. President, I am very glad that the committee included the four mid-Atlantic items $40,000 for planning the building to be constructed at the Berea, Ky., Land Restoration and Forest Research Center. I did call to the attention of the chairman of the committee the need for these facilities needed to carry out the expanded strip mine reclamation work being conducted at the Berea Center which, as the Senator from West Virginia knows, is important to his State and mine and to much of the Appalachian region. Mr. Robert Montgomery, deputy commissioner of the Kentucky Department of Natural Resources, also appeared before the committee in support of this item. I hope very much that it will be retained in conference with the House, so that this work can be carried out effectively and not delayed.

With the additional funds and personnel secured in recent years, which I believe is fair to state I first urged, the Forestry Historical Site has rapidly become a center of experimental work which can contribute a great deal to the efforts toward reclaiming, restoring, and utilizing these high lands which have been set aside for coal, and an appropriation for coal research provision was made in the Appalachian Regional Development Act. I am very hopeful that the work at the Berea Land Restoration and Forest Research Center will be fully coordinated with, and will contribute effectively to the efforts being undertaken through the Appalachian program.
vide funds for additional facilities at the Ouray Wildlife Refuge in Utah, and that the committee has made other specific recommendations.

I regret that one or two items that we felt were of extreme importance are not included in the appropriation. Nevertheless I express appreciation for the consideration we have received, and hope that the committee will consider next year the urgent need of additional funds for Springfield National Fish Hatchery, for which a request was made this year, and also for additional funds for the Bureau of Land Management for range rehabilitation, funds which are critically needed in the Western States.

I congratulate the chairman of the committee who manages this bill with great skill and consideration. We believe that the appropriation does serve us well.

**HORSEMEAT FOR HUMAN CONSUMPTION**

Mr. WILLIAMS of Delaware. Mr. President, today I invite the attention of the Senate to a situation where it appears that for a period of over 1 year there was widespread distribution of horsemeat for human consumption in a three-State area. To make the matter worse there is a suggestion that many of these animals were diseased or disabled.

On Sunday, May 9, the New York Herald Tribune published an article entitled “Meat Scandal’s Enormity Unfolds,” written by Jerome Zuckesky, in which he outlines the distribution of horsemeat in that area.

I shall insert the full article for the information of the Senate since it portrays a glaring failure of the Meat Inspection Service as administered by the Department of Agriculture in that for a period of over a year horsemeat—some of which may have come from diseased animals—had been distributed for human consumption as Government-inspected boneless beef.

Allegedly some of this horsemeat was sold to the New York City schools and some to the Armed Forces while the remainder was sold to the American housewives.

I ask unanimous consent that the complete article be printed at this point in the Record.

**MEAT SCANDAL’S ENORMITY UNFOLDS**

By Jerome Zuckesky

The story of how meat unfit for human consumption got into frankfurters, bologna, salami and other processed meat food—the Merkel horsemeat scandal—is blossoming far beyond its starting point last December when 20 tons of tainted meat was found in Merkel’s Jamaicas, Queens, meat products factory.

Far more New Yorkers than at first ever suspected they were eating Merkel meats had in fact bought—in luncheonettes and supermarkets, under non-Merkel labels, for example—the output of the Merkel plant whose capacity is one of the largest in New York City.

The plant, which shut down at the end of 1963, was reopened by members of the Goldman and Lokietz families, veteran provision-makers here in November, 1963. According to evidence dug up by District Attorney Frank S. Hogan’s staff, large quantities of contaminated and trash meat, including diseased meat and inedible organs of cows, went into the hot dog, bologna, and salami which that factory—and others that had been ordered to be printed in the 1965 Congressional Record. To make the matter worse, for the entire period, a 90-year old wholesaler in Manhattan, he said, was in a business service, Merkel sales had risen to a business service, Merkel sales had risen to $1,200,000 a year, and was identified by Nathan Schweitzer, Jr., owner of Aaron Buchsbaum Co., Inc., as one of the city’s largest purveyors of meats, poultry, seafood and pork.

Once before late 1963 and this year they have used various brands to supply the schools. Officials of three of the firms, interviewed in their offices last week, were asked why they had used boneless beef products in competitive bidding for the sausage orders. None of the wholesalers have been identified in any way with the meat scandal.

“Merkel was good, they were aggressive, they had competitive prices and good service,” said Nathan Schweitzer, Jr., owner of Nathan Schweitzer Co., one of the city’s largest purveyors of meats, poultry, game, butter, and eggs. “If I had to do it over again, I’d choose the same way,” he said.

“We have to go to Boston or Philadelphia to fill board of education orders now,” said Dan Buchsbaum, of Aaron Buchsbaum & Co., a wholesale meat broker in Manhattan. He said Merkel operated one of the largest plants here that was federally inspected, a requirement of the prevailing prices, and thus could fill large orders as fast as the weekly bidding system required; other large local producers use a city inspection service. The city also requires each winning wholesaler to post another federal inspector at its plant to check every box of meat sent to the city, itself, at a facility called the Central Annex Kitchen, in Long Island City, also checked the quality of the food.

Nothing had occurred, the wholesalers and several school food purchasing officials said, to arouse suspicion that plants shipped hot dogs, for example, were not made solely of beef and pork. Once the raw meat was ground up at the Merkel plant, they said, it was impossible to trace what went into the frank.
Food Fair stores—have refused to waive im­
mmediate delivery. A lawyer who has not yet testified.
A meatbuyer for Dan's Supreme Supermarkets, Inc., a Hempstead-headquar­
tered firm, has been indicted by Mr. Hogan
was again indicted last week, for bribing
anatomy.
the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of the departments or agencies of the Government.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Seventy Tons of 'Irish Beef' Seized as Horsemeat," originating in Baltimore, and published under date of January 17, 1964.

The Senate agreed to the insertion of the above-named article, as follows:

SEVENTY TONS OF 'IRISH BEEF' SEIZED AS HORSEMEAT

BALTIMORE, January 17, 1964.—'Boneless beef from Ireland' with a counterfeit stamp of Government inspection probably is horsemeat, Senator Lausche of Pennsylvania charged yesterday, after confiscating 70 tons in Baltimore.

Dr. Harold H. Pas of the Meat Inspection Division said in Washington that shipments sales had turned up in Ohio and Pennsylvania.

He said there still were "many loose ends" to tie before a report is made to the Justice Department for possible prosecution.

"If it is horsemeat," Pas said of the meat, "it is not going to be distributed as food—or unless it is fed to dogs."

Dr. Otto Schrag, director of meat inspection, said his attention was called to the meat by a local processor who had bought it from a Pennsylvania dealer. He said the processor became suspicious of the stamp "U.S. inspected and passed."

Schrag said investigation indicated the meat entered the United States legally from Mexico last November. He said it was packed in cartons in Pennsylvania indicating it was "boneless beef" from Ireland.

He said the Baltimore processor had paid 37 or 38 cents a pound for the meat, which was intended to be made into hot dogs and sausages.

"If it is horsemeat," said Pas, "there will be court action taken."

Conviction for false labeling and stamping of beef has a maximum fine of $10,000 or 2 years in prison on each separate count or both.

Mr. LAUSCHE. Mr. President, I am pleased to join the Senator from Delaware in the sponsorship of the resolution that would authorize the Committee on Agriculture and Forestry or a duly constituted subcommittee thereof to investigate the extent to which horsemeat has been sold under the guise of beef, and the reasons why no detection was made of those sales for a period of more than 1 year.

The record thus far discloses that sales were made in New York, Pennsylvania, and Ohio. Three cities in Ohio were the recipients of shipments of horsemeat under the pretense that it was beef.

To me, misconduct involved in the subject under investigation is of such grave character that Congress cannot allow it to take its normal course, as has been presently indicated.

The reports that have come to my attention indicate that certain companies, which have brazenly and willfully indulged in this practice, committed a wrong upon the consuming public, upon their competitors in business, and upon the honor of our commercial system.

One company that was involved in purchasing horsemeat at a price that was considered below the prevailing price of boneless beef, and which through commercial bribery and bribery of public officials, was able to achieve a position of domination in the sale of sausages throughout New York State, according to Merkels Inc., through this practice was able to increase its sales from a level of $18 million to a level of $28 million in 1 year.

Moreover, the company was selling horsemeat under the pretense that it was beef, it was able to undersell its competitors.

The full light of a congressional investigation should be thrown upon this subject. Future perpetrators should be warned that, through the severity of the course of action with reference to the present scandal, they will be dealt with severely by the responsible authorities of the Government.

Why this vicious practice was able to continue without detection by expert meat inspectors of the U.S. Department of Agriculture for practically a year must be fully revealed.

 Innocent retail and wholesale merchants must be removed from the cloud of suspicion. In Massillon, Ohio, luckily the meat inspector found that the product was horsemeat. Thus, the innocent company which purchased the product was spared the odium that would have been upon it if it had sent this horsemeat into the market to be sold for hamburgers and human consumption.

The participants in the fraud, both public and private, must likewise be exposed. If there are weaknesses in our present laws, or in the practices of the Department of Agriculture, they must be remedied.

I commend the Senator from Delaware [Mr. WILLIAMS] for his interest in this matter. I am glad to join him in sponsoring the resolution.

The PRESIDENT OFFICER. (Mr. Bass in the chair). The Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Ohio. I certainly hope that the committee will get to the bottom of this matter and find out who is responsible.

There is no question that there were many innocent participants who perhaps handled some of this product in the belief that it was beef. Let the Senator from Ohio understand that it can be traced down and the responsibility placed exactly where it belongs.

INVESTIGATION OF ROBERT G. BAKER—WHITETWASH REPORT BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. WILLIAMS of Delaware. Mr. President, last week and again this week I referred to the fact that there was a certain report written by a staff member of the Committee on Rules and Administration wherein an attack was being launched on the part I had played in pushing the Baker investigation.

What were described as excerpts from this report were subsequently leaked to the press.

It is true that this was not a committee report but only a statement that had been prepared by a disgruntled staff member.

A week ago Monday, May 17, I informed the Committee on Rules and Administration that I was going to the floor of the Senate and spell out any criticism or any charges or allegations they might wish to make.

The full light of a congressional investigation should be thrown upon this subject. Future perpetrators should be warned that, through the severity of the course of action with reference to the present scandal, they will be dealt with severely by the responsible authorities of the Government.
York, Mr. Long of Missouri, Mr. Long of Louisiana, Mr. Magnuson, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Monongray, Mr. Mundt, Mrs. Murray, Mr. Partlow, Mr. Pardue, Mr. Patman, Mr. Robertson, Mr. Russell of South Carolina, Mr. Russell of Georgia, Mr. Simpson, Mr. Smathers, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. Harris in the chair): A quorum is present.

The Senator from Delaware [Mr. Williams] is recognized.

Mr. WILLIAMS of Delaware. Mr. President--

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the "yeas" and "nays" on final passage of the bill.

The采用 order for the yeas and nays is ordered.

Mr. WILLIAMS of Delaware. Mr. President, for the past several weeks the press has been full of accounts of a personal attack launched upon me, an attack supposed to be based on a confidential report that had been prepared by a staff member of the Senate Rules Committee. The staff member who is responsible for this attack takes delight in the آلاف of the witnesses who under normal conditions would like to be considered honorable men? Why is the administration so determined to discredit me for having exposed the Baker right here under the dome of the Capitol.

Instead of prosecuting Bobby Baker, as would have been done long ago had it been any other man of lesser connections, they are actually making a national hero out of him. His vending-machine business is flourishing as never before. The defense contractors, reading the headlines, will not only be continuing their connections with Baker but are welcoming the chance of expanding their business with Baker to show the world that White House whose side they are on. To make sure that the defense contractors get the message clearly the Defense Department on October 2, 1964, about 1 year after Baker's resignation and after the investigation had been launched, issued a special confidential security clearance for Bobby Baker's Serv-U Corp. This was necessary in order that he might be entitled to go into defense plants dealing with defense contracts of our Government.

I ask unanimous consent that this confidential security clearance, signed by Mr. Robert E. Benn, Chief, Operations Division, Department of Defense, Office of the Air Force, in which he clears Bobby Baker's company for defense work, be printed as a part of my remarks.

There being no objection, the document so ordered to be printed in the Record, as follows:


GENTLEMEN: Reference is made to the request by a procuring activity of one of the military departments to allow your organization to be given, with respect to your facility located at 717 South Hindry Avenue, Englewood, Calif., a security clearance authorizing the receipt and use, by such facility, of classified information required in connection with pre-contract negotiations or contract performance.

You are hereby advised that, with respect to the above-named facility, security clearance of a type indicated in brackets has been granted to your organization by the Secretary of the Army, Navy, and Air Force, by authority vested in the Secretary of the Air Force--[Confidential].

This letter of notification is effective only so long as the Department of Defense Security Agreement between your organization and the Government is effective.

In no event shall this notification be construed as an authorization to procure any security clearance necessary for the performance of a classified contract. Such a determination shall be made by the Department of Defense following a physical inspection of your facility.

Reproduction of this letter of notification in any form, except for the necessary records of your organization or unless requested by competent military authority, is not authorized.

The fact that your organization has qualified for, and has been granted a security
The report is very mild in its criticism of Bobby Baker. The Democratic majority almost apologizes for having to criticize him at all. Fully half of the report is devoted to boasting about what a great job the Committee on Rules and Administration has done in investigating this case. I could do it much more briefly if I wished me to do so. The other half is directed toward an attack on the character of the witnesses who testified or who presented evidence against Bobby Baker.

I shall not delay the Senate today with a full discussion of the report, but be-
call witnesses. Some of those witnesses might have had some very valuable evidence to present. It was repeatedly emphasized that no accusation was made against anyone whom a member asked to appear as a witness. But it was necessary to get all the facts so that we could see whether witnesses should be called and what the true situation was.

This long record of refusing to call a single witness requested by the minority, in violation of the written rules and the action they did take, proves that the direction of the majority of the committee was not correct. Their statement of facts is accurate, and that the statement that they had no intention of terminating the hearings is totally false, intended to deceive the Senate. The statement that they had no knowledge or any intimation that there may have been an overpayment is also entirely false. There is one irrefutable fact concerning McCloskey. He was the finance chairman of the Democratic Party—a very important man.

I continue to read from this new report of the committee, and this next phrase is very important:

If there is one irrefutable fact concerning this Reynolds-McCloeskey controversy, it is that this committee had no knowledge or any intimation, before the Senate officially recognized him as being a member of the Senate, that anyone whom a member asked to appear as a witness. But it was necessary to get all the facts so that we could see whether witnesses should be called and what the true situation was.

The point is that they claim in this report that they had closed the first hearing on July 8, 1964. Everybody else had recognized them as being closed. The press and most of the editorial comment in the press was that they had closed the hearings too soon. The evidence, too, are in this same category with others, which includes every Member of the U.S. Senate who was on the floor of the Senate and voting on July 27 either to accept or to reject the recommendations of the committee to call Mr. McCloskey, but all had the clear understanding that the committee was done. There can be no contradiction on that point.

The statement here which I have just read from page 36 of the report. This deals with the $35,000 overpayment by Mr. McCloskey on an insurance bond. This was the famous "proof." Let it be stated at the beginning of this review an appraisal of McCloskey’s testimony and that of his associates that, when considered in the light of subsequent events, it was unfounded. If I had not gone on page 36 of the report. This proves that this committee had no knowledge or any intimation from any source that Reynolds-McCloeskey would testify to the charges he later made or, to put it another way, that the McCloskey Co. had paid Don Reynolds Associates $109,205.60 and not $73,631.28.

In other words, they say that they had not had any knowledge or even any intimation prior to my speech on September 1, 1964, at which time I produced the evidence that there was absolutely no question but that there was an overpayment. That is not true.

Let us now examine that record to find out what the fact is.

We had the debate on the floor of the Senate on July 27, 1964, as appears in the Congressional Record, volume 110, part 13, page 17030, the Senator from Nebraska [Mr. Curwen] had just pointed out how, during that investigation, repeated attempts had been made to have Mr. McCloeskey called before the committee to testify on the stadium payments. I shall read the colloquy; Senators may then judge for themselves whether or not, from the statement in the report, the committee had any hint or intimation that there may have been some question about the $73,000 check paid to Don Reynolds Associates.

I. What I am about to read is a colloquy that took place in the Senate on July 27, 5 or 6 weeks prior thereto, and the discussion was with the Senator from North Carolina [Mr. Jordan].

Mr. Williams of Delaware. I concur in what the Senator from Nebraska stated. Mr. McCloskey should have been called. It would have been far better.

There is one other missing link which may have only supported the other testimony or if they have been raised only by the other testimony of the canceled checks were in the committee hearings and I have them before me. The committee has the canceled check for $1,500 that Mr. McLeod received. But what the committee does not have and which the committee should have and which I hope it will still try to obtain, is a copy of Mr. McCloskey’s check to Mr. Reynolds for the overpayment on this stadium insurance. I think it would be very important to have that information.

Mr. Williams of Delaware. I think Mr. Reynolds’ record shows what the amount is. The report shows what he paid for the performance bond. But I shall not argue that point.

Mr. Williams of Delaware. It shows that Mr. Reynolds was to get $73,631.28 from Mr. McCloskey.
May 26, 1965

CONGRESSIONAL RECORD — SENATE 11767

He put it this way: Hutchinson, Rittman & Co., who handled the insurance for Reynolds, $69,599.72. That left a difference for his commission of $10,051.56. Out of that $10,051.56 he was paid $8,000 to Baker, and two checks to Mr. McCloskey, one for $1,000 and one for $500.

While it was not routine, I should like to see the $73,631.28 check to see if that is exactly what was paid. I would suggest that even now the committee could obtain a copy of this check. It may be interesting.

The Senator from North Carolina (Mr. Jordan) chairman of the committee on Rules and Administration, is again absent from the Chamber. He was here a few moments ago, but when he learned what the subject of discussion was I think the Chamber was then empty. I say again that I respect his right to sit silent through this debate, just as I respect a witness before a congressional committee who exercises his constitutional right to take the fifth amendment, but I respect even more a person who will stand up and answer questions when they are asked of him.

Here was a clear notice on July 27, 1964, for the committee to get the check. It was emphasized that they should get the check to see if that was the exact amount. A number of members of the committee knew that there was suspicion that there had been an overpayment. Why did not the committee obtain the check? Or had the committee found out about it, and was it afraid to produce the check? It is evident that their claim in this new report that the committee had no intention of an overpayment by Mr. McCloskey is not true. The record prior to this discussion the members of the committee had kept emphasizing that the $73,000 payment was correct. They insisted that they had checked with Mr. McCloskey about the same question arose back in March 1964.

I quote from the committee hearings of March 23, 1964, as appears in part 28, page 2131. Here a staff member of the office of Mr. Meehan asked the committee about a telephone conversation he had had with Mr. McCloskey on this very point. Mr. Meehan said:

Mr. McCloskey stated that later, when he obtained the contract for constructing the stadium, he recalled his conversation and did purchase his performance bond through Don Reynolds. He recalled the approximate total premium paid by him was about $73,000; that, of this amount, about $10,000 was commission for, as he understood it, Reynolds and Baker. Mr. McCloskey said it was his option to purchase this performance bond through anyone he preferred, and there was nothing unusual about this.

Mr. McCloskey told him it was $73,000; that was all.

On this same date, March 23, 1964, on page 2133, Major McLenond, chief counsel to the committee, made this statement:

Mr. McCloskey stated that later, when he obtained the contract for construction of the stadium, he recalled this conversation, and did purchase his performance bond through Reynolds. He recalled that the approximate total premium paid by him was $73,000, and that, of this amount, was his commission to go to Reynolds and Baker, as he understood that.

Here Mr. McLenond kept insisting that the committee accept this telephone conversation with Mr. McCloskey and not call him as a witness. The committee refused a request by the Senator from Nebraska (Mr. Curtis) and other minority members of the committee to have Mr. McCloskey appear before the committee to testify under oath as to the amount paid for this insurance bond. The Democratic members ignored such a request. Again, on the floor of the Senate on July 27, after they had filed the report, I urged that even at that late date they get this particular check to see if there had been an overpayment. But no; the committee said it was not interested. They had all the answers they wanted, and they did not think I could get the check.

I quote from the record that is exactly what was paid. Every member of the committee had kept emphasizing that there is any truth whatever in the claim made in this report that the committee had no hint or intimation that a question of this kind existed. The question had been raised all over the lot for weeks and months prior thereto, and they ignored the warnings.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. This whitewash in the Baker case has been a most diabolical, clever scheme from the start. Not only did the committee refuse to call McCloskey, so that he could be asked about the transaction; the record shows that committee counsel, Mr. McCloskey, never asked the Bond and Insurance Board if McCloskey for the bond or how much McCloskey paid. At the time that question was asked, it was assumed that there would be a preliminary appearance by Mr. McCloskey, and that it would be re-called in open session. But that proposal was voted down. However, an examination of the record which has been made shows that the question proposed by Mr. McLenond was:

What was the amount of the premium?

It is understood that the amount of the premium was $73,000. What was the commission? Some $10,000. That is understood. Very cleverly one might have thought it was the height of incom­petence on the part of an investigating lawyer—Mr. McLenond—to avoid asking how much McCloskey paid or the amount for which he was billed. It was after that testimony was presented before the committee that Mr. Meehan and Mr. McLenond reported back that McCloskey said the amount was $73,000, and that the commission on the trans­action was $10,000.

Mr. WILLIAMS of Delaware. That is correct. That is the amount shown by the records we had then. Later, when it was rumored that there was an overpay­ment, I asked the committee to help to obtain the check and to call McCloskey to determine the facts. The minority members of the committee supported that position, but the Democratic mem­bers of the committee flatly refused to agree to do so. The information would not have been available today had I not been able to subsequently produce the check.

I shall now discuss another point in this report.

The report refers several times to a great mystery and to how I obtained a copy of the $109,205.60 invoice sent by Mr. Reynolds to Mr. McCloskey.

Based on this report this is a great mystery and one which certainly should be solved. The report is very critical of me for not having told them from what source and when I obtained a copy of this invoice.

Why was it left out of my September 1, 1964, speech in Delaware?

This was one of their allegations of evidence withheld. Again I shall point up the sheer stupidity of these allegations that leaked out on this subject. I believe people have a right to know this itself; then I will prove its absurdity.

Mr. SCOTT. Mr. President, will the Senator yield before commencing to quote?

Mr. WILLIAMS of Delaware. I yield.

The PRESIDING OFFICER (Mr. Mondale in the chair). The Senator from Pennsylvania is recognized.

Mr. SCOTT. The most interesting thing about the Baker hearings was the flexibility of the individuals responsible for conducting the hearings. It was interesting to note the flexibility with which the rules of the game were changed from time to time for a purpose. The purpose was not what is good for the Senate. The purpose was not what was good for the people of the country to know what had been done. What was good for the majority, and what was good for those who conducted the investigation.

The fact that the committee at all times operated in such a way as to make sure that the investigation could never be a thorough one is demonstrated by the very flexibility of the procedure pursued. For example, certain witnesses took the fifth amendment. I am personally of the opinion that some members of the staff, and perhaps some members of the committee, knew in advance which witnesses would take the fifth amendment and which witnesses would not. There was some comment on that subject from time to time. That left only those witnesses who would not take the fifth amendment.

In at least two instances, witnesses whose testimony under questioning could be damaging to Baker and to those involved in the subject matter of the report were not called at all. A telephone conversation was enough in one case. Interrogatories were enough in another. The two individuals who might have supplied some of the most interesting testimony were not called at all. Whenever the minority wanted to call a witness, they were voted down, usually
by 6 to 3. Whenever reports were received, the minority was not advised that there were confidential reports in the file of the case until some later date.

Eventually we found out, or we think we found out, what may have been in the file. Moreover, when it was told to one of those who were not really interested in an all-out investigation to leak derogatory statements in the press about witnesses or about the Senate from Delaware, this was unhesitatingly done.

The committee veered around from the beginning. In the case of Reynolds, for example, the majority and committee put on the question as to where I obtained the invoice. I quote from page 33 of the report:

In this connection it is important—

Note that—it is important—to note that Reynolds was apparently afraid of the invoice he sent to McCloskey for the $109,205.60, because he either did not give a committee on Ethics, Standards, and Organization that the invoice was forged to put it in the CONGRESSIONAL RECORD on September 1, 1964.

Here the committee refers to Mr. Reynolds as being afraid or me as having forgotten to put it in the CONGRESSIONAL RECORD. After reading the committee's comments I will explain when and from what source I obtained this invoice, and in fairness to Mr. Reynolds I do not have the slightest idea where it came from.

The majority recognizes the importance of this invoice. I cannot understand why the members did not ask me about it because the answer is so simple.

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

Mr. WILLIAMS of Delaware. I yield. Mr. CURTIS. The Senate directed the Rules Committee to investigate, and I am authorized to investigate this matter. They said, "John Williams did not say." Mr. WILLIAMS of Delaware. That remark is all too true. Apparently all the Rules Committee did was to spend the quarter of a million dollars it had for the investigation, sit back and wait for me to do the job. I wish to read further from the report about this invoice. This is a most important point—or at least according to the committee it is. The committee devotes nearly five pages to discussing the point that they did not know where I got it; and with all of their investigating staff they could not find out. Do not forget that a former, present, and future FBI agents, and hopeful judges on that staff.

Let me read further from the report.

It has been noted that Senator Williams directed the Rules Committee to investigate the Reynolds' invoice to McCloskey at the time he first disclosed this transaction in the Senate on September 1, 1964.

Take notice just how very important this fact is. I refer to the following part of the report:

It was not until September 19, 1964, that Senator Williams produced the Reynolds' invoice to McCloskey. It appears in the CONGRESSIONAL RECORD, volume 110, part 17, page 21912. * * * It does not appear where Sen-

The committee decided which investigations would never be revealed to the public, or which investigation reports the members of the committee were allowed to read in privacy.

The committee majority staff greatly outnumbered the minority staff, which consisted of merely a counsel and one investigator. The reports submitted by the majority consistently ignored many of the essential elements of the investigations. The final draft report, which was the subject of the debate in the last committee session, about 80 percent of the report consisted of attempts by counsel for the committee, if, in fact, and I believe it to be a fact, he was the operating draftsman of the report—to destroy the testimony of Reynolds or to place the senior Senator from Delaware on trial for the heinous offense of having revealed the whole skulduggery in the first place.

Bobby Baker has dropped from the role of being star of the proceedings in the dramatic personas, almost to being an extra in the cast. Not very much is said about Bobby Baker, although what is said is full of pious platitudes on the part of those who made the report.

Various witnesses who might have produced the evidence of having revealed the minority prevailed, were not called. In the last committee session, as is now public knowledge, I moved that all derogatory references to the senior Senator from Delaware [Mr. WILLIAMS] that were violative of the rules or customs of the Senate be stricken. Rather than permit that motion to be debated, there was a motion to adjourn which, of course, is not debatable. Therefore, if and when the committee on Rules and Administration meets again, I point out that the pending business is my motion to strike out those derogatory remarks. I have a feeling that when the committee does finally meet, after it has received its full instructions from either inside or outside of this Chamber, there will probably be a strong effort, and, of course, a succession of witnesses to show that the senior Senator from Delaware, perhaps on the theory that the senior Senator from Delaware has been heard quite a lot as it is. However, I suspect that the reason given will be a highly plausible one, and that the majority will say, "We never intended to impugn the motives or intentions of the senior Senator from Delaware. Let us strike this out. Let us argue about it. Let us agree to knock it out."

They will take a new position. It will be interesting to see whether the committee adopts a report which will be debatable, or whether we shall receive another rather flatulent draft full of pompous utterances which mean nothing and serve no cause save the cause of evasion. It will be interesting to see whether the committee will, at long last, realize that it is the butt of humor of every cartoonist in the country, the laughingstock of the press, and surely the most 8-fingered, 24-toed production which has ever been spawned by a legislative body.

Are they tired of being laughed at? Are they tired of being the butt of ridicule and the object of scorn? Will they enjoy being forced to defend my record. But it is like taking a dip in the ocean. It has been noted that Senator Williams is cold at first, but once one gets in he enjoys the swim. Now that I have got it I shall have it is. When I am through I shall have enjoyed the swim. Now that I have got it I shall have enjoyed the swim. Now that I have got it I shall have enjoyed the swim. Now that I have got it I shall have enjoyed the swim. Now that I have got it I shall have enjoyed the swim.
May 26, 1965

CONGRESSIONAL RECORD — SENATE 11769

Mr. WILLIAMS of Delaware. That is correct, if they had wanted it, they could have obtained it earlier. The fact is, they did not want the answers. Based on this report the majority did not have the slightest idea from where this information came. They treated it as a great mystery. I merely took it out of either of the newspapers, commented on it in the CONGRESSIONAL RECORD, and made no bones about it. Anybody who wanted to know which paper it appeared in could have asked me, or read the Report. If it had been better, they could have asked Mr. McCloskey. If this is an example of their talents it is little wonder they did not find anything else wrong with Mr. Baker. Here is something right under their noses; yet they made a wholesale investigation and still did not find it even though it had appeared in all the papers. Truthfully, I think the committee knows better. They know the source of this invoice. They just want to create the impression that someone was holding back some evidence. Just why anyone in the party would not want to hold evidence from this committee is something I cannot understand. Just give them the evidence for they will not use it anyway unless they are forced to do so.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. This was after the majority voted solidly not to call Mr. McCloskey as a witness. The motion was made by the minority, and McCloskey, under the written rules, should have been called. There should not have been any difficulty at all. Yet, in violation of the rules and in violation of every tradition of the Senate, they refused to call McCloskey.

Now, as the Senator has pointed out, they waste the taxpayers' money hunting down a mystery. They merely look for "something," when they closed their ears to any testimony that was embarrassing to the politically powerful and refused to call witnesses requested by the minority.

Mr. WILLIAMS of Delaware. Yes; and their anxiety as to where I got the information from is only a smokescreen. Of course, if they ever found out the identification of a real source of information they would really throw the book at that individual.

But I can assure them that unless I want them to know the identity of a real source they will never get it. I now wish to invite attention to another point, but will yield first to the Senator from Pennsylvania.

Mr. SCOTT. Arm twisting, and a series of conferences back and forth, doing one thing today and doing the opposite tomorrow. No one is going to do one thing today and another thing tomorrow, unless someone else is saying to him, "You do it," because it runs counter to ordinary business practice. There are many more angles to this controversy which will be brought to light and continued at a later date.

As the Senator from Pennsylvania has said, we will now close with the announcement that there are more and more interesting developments to follow.

Mr. SCOTT. Arm twisting, and a series of conferences back and forth, doing one thing today and doing the opposite tomorrow. No one is going to do one thing today and another thing tomorrow, unless someone else is saying to him, "You do it," because it runs counter to ordinary business practice. There are many more angles to this controversy which will be brought to light and continued at a later date.
The Senate resumed the consideration of the bill (H.R. 6767) making appropriations for the Department of Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

Mr. MANSFIELD. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. 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 consideration of the bill be rescinded.

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

Mr. McGEE. Mr. President, in our action today in giving final approval to the Interior and Related Agencies Appropriations bill, the Senate has, I believe, adopted a progressive and positive approach to the further preservation and development of a large share of the natural resources in the West.

I should note that this bill includes a total of $19 million for soil and water conservation and basin and area conservation, thereby making it possible for us to continue our efforts to prevent and control erosion of our precious water resources. It will also begin a restoration of these resources as well as the program of eliminating abuse.

As far as my State of Wyoming is concerned, this bill provides $183,000 for construction at the Saratoga Fish Hatchery and $60,600 for a badly needed study of elk management to be carried out by the U.S. Forest Service Laboratory at Laramie. Also in this bill are funds to help us in the high plains meet the mountain. The development of this recreation area is another indication that we are making progress in our attempts to keep our development of the scenic and recreational potential of our Nation ahead of the rapidly increasing demands of an expanding and affluent population.

In sum, Mr. President, this bill represents peace, constructive, and timely action to make the best use of our natural resources and to fulfill the Federal obligations to those areas in which it is one of the dominant landholders.

Mr. HART. Mr. President, the action of the committee which I want briefly to note is its inclusion of land and water conservation, and the magnificent Sylvania tract in the westernmost part of Michigan's Upper Peninsula. This action was recommended by the Budget Bureau. This was approved by the Budget Bureau; both the Interior and Agriculture Departments support it without reservation.

As the committee notes, if the tract is not protected in all probability there will not be another chance. I hope this item can be retained in the conference.

THE CALENDAR

Mr. MANSFIELD. Mr. President, while Senators are streaming into the Chamber, I ask unanimous consent to call the roll.

Mr. HICKENLOOPER. Mr. President, I should note that this bill includes a total of $19 million for...
Overpayments were made in 1,421 cases totaling $33,472. The average overpayment is $22.65, but actual overpayments range from $3.10 to $105.49. Most of those to whom overpayments were made were Indians identified only by name, tribe, and crew number. Collectively, appropriate procedures to achieve a more accurate count were followed, and the Forest Service estimates that it would be unlikely that more than 10 percent of the overpayment could be recovered. As a result, the overpayment found to exist is reflected in the administrative actions undertaken. The committee has urged the Secretary of Health, Education, and Welfare to soon "make available his analyses of this Administration's program related to the report, and to include with his analysis a summary of the administrative actions to be taken and legislative proposals to be supported in the general area covered by the "Report on Education of the Deaf.""

It is recognized, of course, that upon further deliberation, on recommendations by the Advisory Committee, it may be seen fit by Congress to modify them. However, the recommendations are of sufficient import to the 200,000 to 250,000 Americans who are deaf, that their need be considered upon them, where appropriate, should not be delayed.

Mr. President, I ask unanimous consent to have printed in the Record a summary of the recommendations of the Advisory Committee on Education of the Deaf.

There being no objection, the summary was ordered to be printed in the Record, as follows:

The Advisory Committee recommended:

PLANNING
1. That the Congress of the United States be requested to authorize the appropriation of funds for planning grants, similar to the States, similar to the program of mental retardation planning grants, to be used to assist and encourage the States to develop individual State plans for the education of the deaf. A part of the funds thus appropriated should be reserved to the Commissioner of Education to facilitate regional and interstate planning.

2. That the Commissioner of Education continue to support, through the offices of the Federal, State, and local governmental and professional leadership to consider effective ways to encourage the development of State plans for the education of the deaf.

POSTSECONDARY EDUCATION
1. That the Office of Education inaugurate a 4- to 10-year demonstration program involving the establishment of special facilitative services for deaf students at cooperating colleges and universities throughout the country designed to enhance the likelihood of academic success of deaf students therein. Emphasis in the program should be placed on a program not generally available to deaf students, such as engineering, architecture, and the professions, but not to be the exclusion of liberal arts curricula.

2. That a similar demonstration program be undertaken at a number of junior colleges and vocational schools and technical institutes, de
designated as "area vocational education schools" by the Commissioner of Education. Emphasis in selection of schools would be placed on those serving areas in which substantial numbers of deaf students are to be found. All residential vocational education schools are contemplated under section 14 of the Vocational Education Act of 1963.

3. That further facilitative services for deaf students be provided on a continuing basis in the residual vocational education schools approved by the Commissioner of Education under section 14 of the Vocational Education Act of 1963, and that sufficient funds be included to finance them.

It should be noted that the Committee consider in the light of its continuing evaluation of the present demonstration programs, whether a broadened approach toward educational requirements of deaf students are being adequately met, or whether there is a need for federally supported regional vocational schools and a national technical institute exclusively for the deaf.

That the Office of Education prepare, distribute, and publicize informational materials designed to stimulate through State and local governmental and professional agencies, particularly to encourage the deaf to enter and continue in school, so that the educational authorities seek the participation of organized groups of adult deaf and their leaders in initiating such programs.

GALLAUDET COLLEGE
1. That the Federal Government continue to support Gallaudet College in its efforts to retain and improve its status as a liberal arts college to serve the Nation's deaf.

2. That the budget of Gallaudet College be increased in support of the following measures: (a) full-time faculty course offerings in the natural sciences and the social sciences to make possible a wider range of educational opportunities; (b) increased emphasis on drawing in exceptional students that will permit new faculty members, at full pay, to devote at least 3 months to encouraging the educational deprivation which students have inevitably suffered because of their handicap, and to learning effective communications with the deaf; and (c) a liberalized leave policy to encourage faculty members to pursue programs leading to the doctoral degree.

3. That the Secretary of Education take into account the possibility of more deaf students studying in colleges and universities, to provide special help; and that, particularly if the recommendations of the Committee with respect to postsecondary education of the deaf are accepted and put into practice, the college authorities proceed with particular caution in expansion planning until the recommended demonstration program has been evaluated, possibly raising its admission standards somewhat as a control on application pressures if they develop in the meantime.

4. That Public Law 420, 88th Congress, be amended to increase the number on the board of directors to 20, so that the board seek to have a larger measure of geographical representation, that all board members serve for fixed terms of perhaps 5 years, that the board strive to increase the representation of the deaf, and that the president of the college should serve as an ex officio, nonvoting member of the policymaking body.

FEDERAL ACTIVITIES
1. That a continuing national advisory committee on the education of the deaf be appointed by the Secretary of Health, Education, and Welfare, and be authorized to coordinate the several Federal and related programs or activities which have bearing upon the education of the deaf, directly and indirectly. It is recommended that there be within the Office of the Secretary a program officer who is particularly concerned with the education of the deaf.

RESEARCH
1. That the Division of Handicapped Children and Youth, Bureau of Educational Research and Development, be designated by the Secretary of Health, Education, and Welfare as the central point of focus and planning for Federal research efforts in the education of the deaf.
for this purpose.

such proposal contemplate major emphasis
and that, subject to the panel's concurrence,
panel in its initial identification and plan­
proposed program of comprehensive research
on programmatic research utilizing a broad
field.

signed to sole responsibility of serving the
erably in university settings.

in

the aid of consultants as it deems necessary
by the panel not be constrained by budget­
education of the deaf.

There being no objection, the excerpt
the

Dr. S. Richard Silverman, director of the
Central Institute for the Deaf and professor of
audiology at Washington University Medical
School in St. Louis, in his testimony be­
ified over whatever sensory system or
educator, therefore, must seek ways
the chief mode of communication for the
child who does not have
learning over this channel are adversely
affected. From infancy to early school age,
the child, chief mode of communication for the
normal hearing child is auditory. The child
hears and learns to talk from what he hears.
Furthermore, he not only learns how to
communicate, but how to manipulate informa­
that it can be really communicate wen enough to do
the practice should be encouraged wherever and
whenever possible. However, because of the
communication problems brought about by severe hearing impairment.

A portion of this statement was as follows:
"For the persons we are here concerned with, hearing is a part of our daily experience of listening to language, has a serious educational acquisition of reading, language, and commu­nication skills by deaf children. For the most part, the deaf will have to be conditioned to
the basic language and communication skills well enough at the elementary level so that
these children can go on with their educa­tion or further vocational training in colleges, universities, and vocational train­
facilities for normal hearing students.

This number coupled with some 75 to 100
annual withdrawals from the college at
Gallaudet alone, in addition to numerous other deaf persons
and subject matter, as it is influenced by
the demands of society and the child
himself."

A young child who has a substantial or

serious communication problem involved,
through hearing, has a serious educational
handicap. Every attempt has been made by
philosophers of education to acquire
the acquisition of reading, language, and commu­nication skills by deaf children. For the most part, the deaf will have to be conditioned to
the basic language and communication skills well enough at the elementary level so that
these children can go on with their educa­tion or further vocational training in colleges, universities, and vocational train­
facilities for normal hearing students.

Population and enrollment

The Office of Education estimates that
there are 37,000 deaf children or deaf hearing impaired children in our country. Accord­
ing to the American Annals of the Deaf (Jan­uary issue, 1965), 83 public and private resi­dential schools are attended by approxi­mately 18,400 deaf students. About 12,500
attend 355 public and private special day
days and schools for the deaf. It is esti­mated that 6,000 additional students not ac­counted for by the American Annals of the
Deaf are enrolled in day classes and classes that
do not provide necessary special education services for these children or they are not
in special schools.

Special problems in education of the deaf

DEAF

The establishment of a National Technical
Institute for the Deaf by providing a broad flexible curriculum, be able to meet the
many and varied special needs of able
young deaf adults who seek the opportunity for further education and training. Ade­quate
quality education for the deaf, and special training in the deaf.

A NATIONAL TECHNICAL INSTITUTE FOR
THE DEAF

The establishment of a National Technical
Institute for the Deaf by providing a broad flexible curriculum, be able to meet the
many and varied special needs of able
young deaf adults who seek the opportunity for further education and training. Ade­quate
quality education for the deaf, and special training in the deaf.

The establishment of a National Technical
Institute for the Deaf by providing a broad flexible curriculum, be able to meet the
many and varied special needs of able
young deaf adults who seek the opportunity for further education and training. Ade­quate
quality education for the deaf, and special training in the deaf.

The establishment of a National Technical
Institute for the Deaf by providing a broad flexible curriculum, be able to meet the
many and varied special needs of able
young deaf adults who seek the opportunity for further education and training. Ade­quate
quality education for the deaf, and special training in the deaf.

Although a large number of deaf
students attend special day schools, public
and private residential schools, and private
and public special day schools and classes for
the deaf each year. A large number have
indicated their intense interest and desire for
further opportunities for vocational rehabilita­tion.

Leonard M. Elsdat, president of Gallaudet
College, the only institution for higher edu­cation of the deaf in the United States, in his testimony before the House Committee
on Education and Labor, April 27, 1965, described the educational problems brought about by severe hearing impairment.

A portion of this statement was as follows:
"For the persons we are here concerned with, hearing is a part of our daily experience of listening to language, has a serious educational acquisition of reading, language, and commu­nication skills by deaf children. For the most part, the deaf will have to be conditioned to
the basic language and communication skills well enough at the elementary level so that
these children can go on with their educa­tion or further vocational training in colleges, universities, and vocational train­
facilities for normal hearing students.

This number coupled with some 75 to 100
annual withdrawals from the college at
Gallaudet alone, in addition to numerous other deaf persons
and subject matter, as it is influenced by
the demands of society and the child
himself."

A young child who has a substantial or

serious communication problem involved,
through hearing, has a serious educational
handicap. Every attempt has been made by
philosophers of education to acquire
the acquisition of reading, language, and commu­nication skills by deaf children. For the most part, the deaf will have to be conditioned to
the basic language and communication skills well enough at the elementary level so that
these children can go on with their educa­tion or further vocational training in colleges, universities, and vocational train­
facilities for normal hearing students.

This number coupled with some 75 to 100
annual withdrawals from the college at
Gallaudet alone, in addition to numerous other deaf persons
and subject matter, as it is influenced by
the demands of society and the child
himself."

A young child who has a substantial or

serious communication problem involved,
Tan industrial area so that it could be
designed to serve the special needs of deaf
younger people with a vista for adult
life. The area should also have a wide variety
of nationally representative types of indus-
tries to provide work experience for the
student to return to his home for
eventual employment. The Institute should be
affiliated with major universities and the
appropriate accredited agencies for the
administration of this program. This would
facilitate securing the medical, audiological,
psychological, and psychiatric services needed
to the deaf and also to provide guidelines and
counseling services provided by the staff
of the Institute.
The community where the Institute is
located should be able to offer a variety of
opportunities for training and experience in a
wide range of remedial nature in such sub-
jects as English, reading, science, and math-
ematics as may be required to prepare deaf
students to take the postsecondary courses
intended to increase their educational and
work skills to enable them to become quali-
cified candidates for employment at levels
commensurate with their ability and train-
ing. A supplementary curriculum includ-
ing such courses as humanities, govern-
ment, and business should be offered to
prepare students for living in a modern urban society. A comprehensive supple-
mence of such courses as physics, chemistry, biology, and other
mathematics, should be offered where
required as prerequisites for training in
technology.

The course work offered in preparatory,
supplemental, and support curriculums
should follow a logical sequence in pre-
paring students for training and experience
in a wide variety of technologies. The following are suggested technological programs and
illustrative of some of the kinds of training
opportunities that should be made available
to the student:

- Automotive technology: Mechanics and
  body repair, shop service operations, auto-
  motive refrigeration, internal combustion
  engines, diesel engine technology.
- Aviation technology: Mechanics and
engine repair, unit assembly work, drafting,
- Building and construction: Carpentry,
  plumbing, equipment repair, architectural
drawing.
- Medical and chemical technology: Chemistry,
  microbiology, anatomy and physiology,
  quantitative analyses, dental prosthetics,
  optical instruments, embalming.
- Business: Accounting, business machines,
typing, office management, data processing,
  computer operations.
- Commercial art: Basic design, basic draw-
ing, advertising, dress design.
- Electronics and communication technology:
  Electronics fundamentals, technical math
  and physics, radio and television repair,
  industrial electronics, emissions testing.
- Technical graphic arts: Lithography, engi-
  neering graphics, technical drafting, offset,
  equipment maintenance and repair.
- Manufacturing technology: Machine shop,
  welding, air conditioning, sheet metal work,
  refrigeration, tool and die, ornamental metal work.

An enrichment curriculum should be made available to those students who have the ability to pursue profes-
sional training in other institutions of higher
learning. Such courses as literature, history,
psychology, sociology, foreign language,
philosophy, and political sciences could be
offered in the Institute itself or arrangements for
study in these areas could be made for the
students in other regular university pro-
grams.

Essential to the overall program would be
the opportunity for training in language and
communication skills. These would include
work toward improving speech and reading
abilities, and a continuing support program of auditory training.

Administration

The Institute should be directed by a per-
son who has had professional training and
experiences as an educator of the deaf. He
should be qualified to recruit and direct a
competent staff that would be able to or-
organize all the resources of a community and
other institutions of higher education in the
area in order that the needs of students to
receive appropriate educational services for
their deafness might be met. The staff members,
including counseling, placement, psy-
chological, and instruction specialists, should
be able to advise the director of the Institute,
students from all types of schools and edu-
cational backgrounds. These personnel
should know and understand deaf students thoroughly, including their special education
and social problems.

Under the provisions of the bill, the gov-
erning body of the Institute of higher edu-
cation, subject to the approval of the Secre-
try, would appoint a advisory group to
advise the Secretary on the development and
raising as to whether the language of
the bill would be necessary.

The Institute should have a sufficient
number of flexible classroom accommoda-
tions to handle at least 50 groups or classes
of students for the first year. Such additional
students equipped with recreation room,
social center, reading and study areas; lab-
atory and shop facilities for all technologi-
cal and occupational programs; a special
library and instructional media center; group
training room; and facilities available in all
classroom and other meeting or assembly
areas; an auditorium adequate to accommo-
date the entire student body and staff at one
seating; and a completely equipped guidance
and counseling and psychological services
center.

PROGRAMS FOR THE EDUCATION OF THE DEAF

The National Institute for the Deaf is
a most worthwhile, constructive, and long
overdue measure. However, the committee
advocates as only a beginning what should be
come a comprehensive program to meet the
educational needs of the deaf.

The Advisory Committee on the Education
of the Deaf appointed by the Secretary of
Health, Education, and Welfare pursuant to
an authorization contained in the 1965 ap-
propriations for the Department of Health,
Education, and Welfare submitted a detailed report to the Secretary early in February
1966. The report contained a careful analysis
of the problems of education of the deaf and
made a number of constructive recommenda-
tions for both administrative and legislative
action.

The committee hopes that the Secretary of
Health, Education, and Welfare will soon
be in a position to take action on the basis of
the Advisory Committee's report, and
to include with his analysis a summary of
the administrative actions to be taken and
legislative proposals to be supported in the
general area covered by the "Report on Edu-
cation of the Deaf."

Costs

Because of the nature of the legislation
it is impossible to compute exact costs on an
annual basis. However, the committee antici-
pates that approximately $200,000 will be
necessary for the operation of the Institute
for the fiscal year ending June 30, 1966, as a
planning year budget. Costs for construction,
equipping, and operating of the Institute
over the first 4 years will amount to

Standards for admission

Admission to the Institute should be based on a
complete comprehensive evaluation of

Business: Accounting, business machines,
typing, office management, data processing,
computer operations.

Commercial art: Basic design, basic draw-
ing, advertising, dress design.

Electronics and communication technology:
Electronics fundamentals, technical math
and physics, radio and television repair,
industrial electronics, emissions testing.

Technical graphic arts: Lithography, engi-
neering graphics, technical drafting, offset,
equipment maintenance and repair.

Manufacturing technology: Machine shop,
welding, air conditioning, sheet metal work,
refrigeration, tool and die, ornamental metal work.

An enrichment curriculum should be made available to those students who have the ability to pursue profes-
sional training in other institutions of higher
learning. Such courses as literature, history,
psychology, sociology, foreign language,
philosophy, and political sciences could be
offered in the Institute itself or arrangements for
study in these areas could be made for the
students in other regular university pro-
grams.

Essential to the overall program would be
the opportunity for training in language and
communication skills. These would include
work toward improving speech and reading
abilities, and a continuing support program of auditory training.

Administration

The Institute should be directed by a per-
son who has had professional training and
experiences as an educator of the deaf. He
should be qualified to recruit and direct a
competent staff that would be able to or-
organize all the resources of a community and
other institutions of higher education in the
area in order that the needs of students to
receive appropriate educational services for
their deafness might be met. The staff members,
including counseling, placement, psy-
chological, and instruction specialists, should
be able to advise the director of the Institute,
students from all types of schools and edu-
cational backgrounds. These personnel
should know and understand deaf students thoroughly, including their special education
and social problems.

Under the provisions of the bill, the gov-
erning body of the Institute of higher edu-
cation, subject to the approval of the Secre-
try, would appoint an advisory group to
advise the Secretary on the development and
raising as to whether the language of
the bill would be necessary.

The Institute should have a sufficient
number of flexible classroom accommoda-
tions to handle at least 50 groups or classes
of students for the first year. Such additional
students equipped with recreation room,
social center, reading and study areas; lab-
atory and shop facilities for all technologi-
cal and occupational programs; a special
library and instructional media center; group
training room; and facilities available in all
classroom and other meeting or assembly
areas; an auditorium adequate to accommo-
date the entire student body and staff at one
seating; and a completely equipped guidance
and counseling and psychological services
center.

PROGRAMS FOR THE EDUCATION OF THE DEAF

The National Institute for the Deaf is
a most worthwhile, constructive, and long
overdue measure. However, the committee
advocates as only a beginning what should be
come a comprehensive program to meet the
educational needs of the deaf.

The Advisory Committee on the Education
of the Deaf appointed by the Secretary of
Health, Education, and Welfare pursuant to
an authorization contained in the 1965 ap-
propriations for the Department of Health,
Education, and Welfare submitted a detailed report to the Secretary early in February
1966. The report contained a careful analysis
of the problems of education of the deaf and
made a number of constructive recommenda-
tions for both administrative and legislative
action.

The committee hopes that the Secretary of
Health, Education, and Welfare will soon
be in a position to take action on the basis of
the Advisory Committee's report, and
to include with his analysis a summary of
the administrative actions to be taken and
legislative proposals to be supported in the
general area covered by the "Report on Edu-
cation of the Deaf."

Costs

Because of the nature of the legislation
it is impossible to compute exact costs on an
annual basis. However, the committee antici-
pates that approximately $200,000 will be
necessary for the operation of the Institute
for the fiscal year ending June 30, 1966, as a
planning year budget. Costs for construction,
equipping, and operating of the Institute
over the first 4 years will amount to

Standards for admission

Admission to the Institute should be based on a
complete comprehensive evaluation of
approximately $13,500,000. Annual maintenance and operation costs once the construction and equipping expenses are met will require appropriation of approximately $2 million per year.

HEARING

The Subcommittee on Health held hearings on May 17, 1965, on S. 1650, a companion bill to H.R. 7031.

The bill was supported by testimony from witnesses who included representatives of the Department of Health, Education, and Welfare, the Council for Exceptional Children, the Mount Carmel Guild, Gallaudet College, and the National Institute for the Deaf. In addition, statements were received from numerous schools and agencies, including the State of Oregon S. 1650. A partial listing of the supporting statements includes the Alexander Graham Bell Association for the Deaf, the National Parental Society of the Deaf, the Georgia Association of the Deaf, the Nebraska Association of the Deaf, the Nebraska League, Gallaudet College, and the Conference of Executives of American Schools for the Deaf.

Statements were also received from representatives of the following State schools for the Education of the Deaf, the New Hampshire, Rochester, N.Y., North Carolina, California, North Dakota, Washington, New York, Nebraska, Arizona, Hawaii, Idaho, and Maine.

SECTION-BY-SECTION ANALYSIS OF PROPOSED NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (S. 1650)

Section 1: This section provides that the legislation may be cited as the “National Technical Institute for the Deaf Act.”

Section 2: This section authorizes the appropriation of such sums as may be necessary for the establishment and operation, including construction and equipment, of a National Technical Institute for the Deaf as a residential facility for postsecondary technical training and education for persons who are deaf in order to prepare them for employment.

Section 3: This section defines, for purposes of the legislation, the term “Secretary” to mean the Secretary of Health, Education, and Welfare.

Section 5: This section provides for the establishment of a National Advisory Board on Establishment of the National Technical Institute for the Deaf, to consist of 12 persons selected by the Secretary from among leaders in fields related to education and training of the deaf and other fields of education and training, and who are familiar with the need for services provided by the Institute. The Commissioner of Education and the Commissioner of Vocational Rehabilitation would be ex officio members of the Board. The Board would review and make recommendations to the Secretary concerning the establishment and operation of such institutions of higher education which offer to enter into an agreement for the construction and operation of a National Technical Institute for the Deaf, to make such other recommendations to the Secretary concerning the establishment and operation of the Institute as may be appropriate. The Board would cease to exist after the Secretary enters into the agreement.

DEPARTMENT OF INTERIOR APPROPRIATIONS, 1966

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The LEGISLATIVE CLERK. H.R. 6767, a bill making appropriations for the Department of the Interior, 1966.

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

The PRESIDING OFFICER. The clerk will 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 bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Byrd], the Senator from Virginia [Mr. Byrd], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Ohio [Mr. Mansfield], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oregon [Mr. Masse], the Senator from Wisconsin [Mr. Neuberger], the Senator from Connecticut [Mr. Rickenbaker], the Senator from Indiana [Mr. Rikert], the Senator from Virginia [Mr. Robertson], and the Senator from Georgia [Mr. Russell] are absent on official business.

I further announce that the Senator from Nevada [Mr. Cannon] and the Senator from Maryland [Mr. Tydings] are necessarily absent.

When the Senator from Utah [Mr. Bennett] announces that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. B blanks], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from South Dakota [Mr. McGovern], the Senator from Oregon [Mrs. Neuberger], the Senator from Wisconsin [Mr. Nelson], the Senator from Connecticut [Mr. Rickenbaker], the Senator from Georgia [Mr. Russell], and the Senator from Maryland [Mr. Tydings] would each vote "yea."]

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. Allen], the Senator from Idaho [Mr. Jordan], the Senator from California [Mr. Kuchel], the Senator from Iowa [Mr. Miller], the Senator from Kansas [Mr. Pearson], the Senator from Oregon [Mr. Saltonstall], and the Senator from North Dakota [Mr. Young] are detained on official business, and if present and voting, would each vote "yea."]

The result was announced—yeas 77, nays 0, as follows:

[No. 96 Leg.]

YEAS—77

Allott
Anderton
Anderson
Arnold
Bartlett
Bates
Bennett
Biggerstaff
Bingaman
Boggs
Brewer
Browder
Carlson
Case
Clark
Copeland
Cooke
Cotter
Cox
Cotton
Curtis
Dixon
Dodd
Domenici
Douglas
Duckworth
Earle
Edwards
Ehrlichman
Ewing
Fannin
Fenno
Fouts
Gaither
Gannett
Garaventa
Gates
Gaylord
Gibbons
Gifford
Gibson
Goldwater
Graney
Graham
Graham
Gravel
Gravel
Green
Green
Green
Greene
Griffith
Grimes
Gurney
Hart
Hartke
Hatcher
Hayden
Haugen
Hawkins
Hefley
Hickenlooper
Hill
Hollings
Hubbard
Hubert
Inouye
Jackson
Javits
Johnson
Jordan
Joyce
Kelley
Kennedy
Kennedy
Kennedy
Kennedy
Kilgore
Kilgore
Kuchel
Kuenzi
Kunz
Kuusisto
Lance
Langer
Langer
Langer
Langer
Langston
Langston
Langston
Langston
Langston
Lantos
Lane
Lasker
Leach
Leach
Lee
Lee
Leibowitz
Lehman
Lehman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrman
Lehrma

Chair appoint the conferences on the part of the Senate.

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

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. MCCLELLAN, Mr. BULKE, Mr. BYRD of West Virginia, Mr. MUNDY, and Mr. Young of North Dakota conferees on the part of the Senate.

STEERING COMMITTEE FOR TV STATION

Mr. MAGNUSON. Mr. President, a great deal has been written and read about the responsibility of a broadcast licensee meeting the needs of his community programwise.

I was in Bellingham, Wash., recently, and I had a chance to talk with members of the steering committee for KVOS- television station in Bellingham. It was informed of the system that they followed in determining the community needs. Generally speaking, it is a steering committee made up of 12 members and 12 rotating members. The station meets periodically with management to discuss ideas on what the people in their coverage area of the station were interested in. This steering committee is made up of eight permanent members and eight or nine rotating members. The station's programs during the past month are reviewed and ideas for future programming are discussed. Minutes of the meeting are recorded and circulated for further discussion.

The management of KVOS-TV are to be commended for this constructive effort and I ask unanimous consent to have printed in the Record at this point the results of two such steering committee meetings, one held in February and one in April 1965, as an indication of the effort and I ask unanimous consent to have the results of these meetings included in the Record at this point.

STEERING COMMITTEE MEETINGS

On April 2, a program titled "Road to Redress" was scheduled, featuring a panel of guests from the American Friends Service Committee. This meeting resulted from a suggestion at the end of the program during the last meeting held on March 22.

The steering committee members are the people who work for the station. They are those people who work for the station who are interested in what the people in the coverage area want to know about. As a result, there are five permanent members and eight or nine rotating members. All of the rotating members in the steering committee have been investigated and those feasible have been followed by the station plans to present Dr. Neulitz's "Way Out There," science series once again this summer, as a result of the request of the committee. In addition, the public discussion programs which are conducted on channel 12 special are also taped and made available to local radio stations, and they will get the widest possible circulation.

AGRICULTURE

Stan Stech, KVOS-TV's farm director, reviewed some of his past programs including "Harvest," filmed on a Whatcom County farm recently concerning mechanization in modern agriculture. One reason for this program was the request for information at a previous steering committee that people living in the urban areas need to appreciate their rural heritage as well as know what goes on in modern agriculture. Stan's plans for the summer include the International Dairy Show, which is scheduled for the first week in May, at Lynden, and visits to various farms during the crop season. Stan will be attending Washington State University working on his doctor of philosophy and is attempting to work with Washington State University in sending some teachers to channel 12. KVOS-TV is working to do this for the purposes of educating teachers in the area of ETV. Dave Mintz suggested that if the program works out, we will encourage the teachers to produce one live ETV program a week during the summer months to be televised on channel 12.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. MCCLELLAN, Mr. BULKE, Mr. BYRD of West Virginia, Mr. MUNDY, and Mr. Young of North Dakota conferees on the part of the Senate.

KVS-O present a live program in cooperation with the Bellingham public schools on the school district's conservation workshop and six teachers from the district reported to the Senate that the station had helped Richard McClure, of Roeder School. McClure, who is one of the on-the-air announcers, explained to parents and to the children in the half-hour show the purposes of the sixth grade study and some of the things that they should expect to see and do while on the tour of the Lake Whatcom wilderness site. The show consisted of films and slides of the site, and of wildlife samples and live studio programming where McClure outlined some of the basic species of trees, and told by the use of chairs which plants should wear and equipment they should bring for the tour. Mr. Glover also reminded the committee that KVOS has furnished a half hour for the Department of Rural Affairs and Bellingham, and that the programs are pitched largely to the elementary level and correlate with the curriculum.

GENERAL DISCUSSION

Nix Lidstone, of the chamber, explained that his organization is currently in the midst of what they call the ABCD program, which funds for rural community development and means essentially an increased awareness of the importance of the community as a whole. Mr. Lidstone said, "Suddenly this place is on fire." He encouraged the committee to find a good time to mount this wave of movement to help lend direction through a series of programs.

Hallman said along with that could be added the recreation plans for the area. Lidstone said the area is currently a year behind in terms of community development and community development program compared to other large areas and that we will have to hurry to take the direction needed and to develop some of the resources such as recreation before they are lost into private ownership.

Based on this discussion, a program has been designed to report to the people of Whatcom County on the ABCD drive.

CONTROVERSIAL

Reverend Walker asked the question, "How do we as a society react to controversial programs?" He was asked by a normal person who said, "By bringing it out in the open? A subject ceases to be controversial if discussed." He asked that it was going to be necessary for people in this area to be prepared for the impact of such programs. Walker said that the University of Washington community development program has encouraged self-study and analysis in 15 or 16 different fields for men and women individually in the city.

ACTION GROUP

There was discussion about civil rights groups such as CORE, SNCC, NAACP, Southern Leadership Conference, etc. Mr. Lidstone
suggested a program could possibly be done entitled "Tempo of Our Times." He pointed out that such a program would have to prevail and not emotion. He felt that to find out what the basic purposes of these programs are, and that they deal with, their influence is, would be a good program.

Rev. Mr. Walker then added that people will always have the right to come to Bellingham and work with migrant Indians and the Nooksack Indians. Mr. Hallman suggested they might tie this together in an agricultural program. He pointed out that $40,000 in Federal money is to be granted and some of the programs should be concentrated on Canadian Indians who come down to work in Whatcom County. Reverend Walker said the Methodists in this area have contributed $20,000 for a chapel and meetinghouse on the Mission Road in Whatcom County, as a project for the Nooksack and Lummi. Mr. Lidstone pointed out. However, Mr. Lidstone added that it might be a good focal point for the beginning of a program on "Tempo of Our Times." He added that the Lummi Indians in the county were working with migrant Mexican workers and Mr. Hallman added this project of the Lummi Indians on a one-to-one basis by students at Western Washington State College. He said that the program had apparently, at this point, been highly successful because the college students have had an opportunity to grind or monuments to build, simply an interest in the Lummi Indians and a desire to see them better themselves. This program is being expanded out of Bellingham and low against the Mexican workers.

KVS plans to do a program involving the migratory labor center in Lynden, as a result of this discussion.

COLLEGE FEES

The situation on increased college fees was discussed by Dr. Bunke, who said that possible fees could be used as a basis for a program. The college was losing money because the college students had not been at college to grind or monuments to build, simply an interest in the Lummi Indians and a desire to see them better themselves. This program is being expanded out of Bellingham and low against the Mexican workers.

For the benefit of those who had not attended a previous steering committee meeting, Duwayne explained how the committee operates, that KVS is looking for programming ideas that will be of benefit to not only students but also to the community. William O. Douglas, of the U.S. Supreme Court, was featured on the program for the social sciences department, WWSC; Soil and Roy Freeman, chairman of the county Democratic Central Committee.

KVS-TV staff members present: Dave Mintz, Dick Daley, Marian Boylan, and Duwayne Trecker.

RECAP OF ACTIVITIES

Duwayne went over programs on channel 12 special from mid-November to mid-February. The program is produced weekly by various professional members from both schools to discuss mutual problems. Mr. Freeman said he thought it would be good to have a unit called "Campus Live" (heart campaign) "Intalgo: A Visit From Paris," channel 12 press conference with Lloyd Meeks of the Second Congressional District. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program.

For the benefit of those who had not attended a previous steering committee meeting, Duwayne explained how the committee operates, that KVS is looking for programming ideas that will be of benefit to not only students but also to the community. William O. Douglas, of the U.S. Supreme Court, was featured on the program for the social sciences department, WWSC; Soil and Roy Freeman, chairman of the county Democratic Central Committee.

KVS-TV staff members present: Dave Mintz, Dick Daley, Marian Boylan, and Duwayne Trecker.

For the benefit of those who had not attended a previous steering committee meeting, Duwayne explained how the committee operates, that KVS is looking for programming ideas that will be of benefit to not only students but also to the community. William O. Douglas, of the U.S. Supreme Court, was featured on the program for the social sciences department, WWSC; Soil and Roy Freeman, chairman of the county Democratic Central Committee.

Duwayne went over programs on channel 12 special from mid-November to mid-February. The program is produced weekly by various professional members from both schools to discuss mutual problems. Mr. Freeman said he thought it would be good to have a unit called "Campus Live" (heart campaign) "Intalgo: A Visit From Paris," channel 12 press conference with Lloyd Meeks of the Second Congressional District. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program.

For the benefit of those who had not attended a previous steering committee meeting, Duwayne explained how the committee operates, that KVS is looking for programming ideas that will be of benefit to not only students but also to the community. William O. Douglas, of the U.S. Supreme Court, was featured on the program for the social sciences department, WWSC; Soil and Roy Freeman, chairman of the county Democratic Central Committee.

Duwayne went over programs on channel 12 special from mid-November to mid-February. The program is produced weekly by various professional members from both schools to discuss mutual problems. Mr. Freeman said he thought it would be good to have a unit called "Campus Live" (heart campaign) "Intalgo: A Visit From Paris," channel 12 press conference with Lloyd Meeks of the Second Congressional District. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program. There will naturally be a lot of questions about the program.

For the benefit of those who had not attended a previous steering committee meeting, Duwayne explained how the committee operates, that KVS is looking for programming ideas that will be of benefit to not only students but also to the community. William O. Douglas, of the U.S. Supreme Court, was featured on the program for the social sciences department, WWSC; Soil and Roy Freeman, chairman of the county Democratic Central Committee.
and the like. We thought such a program might well be done this fall as a sort of a
groundbreaker for the community of the
new high school which will open the follow­
ing year.

Senior Citizen’s Center

Glen Hardy noted that the Whatcom
County Health Department in conjunction
with other social agencies will soon open a
senior citizen’s center. It will be partially
supported by the county commissioners and
other welfare agencies. Its time and activities will center on elderly per­
sons, planning for sparetime entertain­
ment, hobbies, instruction, and ac­ocations.
Hallman’s suggestion of a channel 12 special on this matter will be looked into in the future.

WATER

There was general consensus that a pro­
gram on Bellingham’s water supply and the
good points on the water system might be
appropriate sometime this spring. A study
ordered by the State health department on the
purity of the city’s water is now being
finished and nothing should be done until
after that report is made public.

COLOR TV

A discussion was held about color televi­sion. Ross Glover suggested that perhaps
a channel 12 special might be devoted to this
subject. Dave Mintz said the fall of 1967
appears to be the soonest that KVOS-TV
might be aired, however, that a lot of
questions on some of the technicali­
ties of color have been coming in. Such a
program could be put on the air sometime
in conjunction with the fall pro­
graming of 1965 making use of the station
engineering and management personnel
under questioning by the department of pub­
lic affairs.

PUBLIC WORKS AND ECONOMIC
DEVELOPMENT ACT OF 1965

Mr. MANSFIELD. Mr. President, I
ask unanimous consent that the Senate
proceed to the consideration of Calendar
No. 179, Senate bill 1948.

The PRESIDING OFFICER. The bill
will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1648) to provide grants for public works and
development facilities, other financial
assistance, and the planning and co­
ordination needed to alleviate condition
of unemployment, under­employment and underemployment in economi­
cally distressed areas and regions.

The PRESIDING OFFICER. Is there
objection to the request of the Senator from
Montana?

There being no objection, the Senate
proceeded to consider the bill, which had
been reported from the Committee on
Public Works, with amendments, on page
3, line 15, after the word “facilities”, to
insert “including related machinery and equipment;”; on page 4, at the begin­ning of line 16, to insert “direct grants,” and
amend said section, “related machinery and Federal public works projects;” on page 5, line 1, after the word “share”, to insert “including assumptions of debt;” in line 3, to insert “limitations” and “Federal projects,” to insert “including assumptions of debt;” in line 10, after the word “out,” to strike out “grant-in-aid” and insert “Federal;” in line 15, after the word “funds,” to strike out “so allocated” and insert “facilities.” On page 6, line 18, after “(e),” to strike out “No” and insert “Except for projects specifically authorized by Congress, no”; on page 15, line 20, to insert “or Federal;” in line 24, after the word “State,” to insert “or Federal;” on page 7, after the word “invest,” to strike out “and insert “Federal”.

SEC. 102. Not more than 15 percent of the
appropriations made under this title may be expended in any one State.

After line 8, to strike out:

Sec. 102. There is hereby authorized to be
appropriated not to exceed $250,000,000
annually for the purpose of this title.

And, in lieu thereof, to insert:

Sec. 103. There is hereby authorized to be
appropriated not to exceed $250,000,000
annually for the purpose of this section.

On page 8, line 2, after the word “facilities,” to insert “including related machinery and equipment;”; in line 18, after the word “lenders”, to strike out “on reasonable terms;”; in line 19, after the word “terms,”, to strike out “more favorable to the borrower than present;” in line 20, after the word “which,”, to strike out “would” and insert “in the opinion of the Secretary will;” on page 9, line 7, after “a subject to section
701(5),” the maturity date of any such loan shall be not later than forty years after the date such loan is made, and insert “Subject to section 701(5),” the loan, including renewals or extensions thereof, shall be made under this section for a period exceeding forty years, and no evidence of indebtedness maturing more than forty years from the date of purchase shall be a condition precedent to this section;” in line 14, after the word “than,” to strike out “(1);” in line 20, after the word “less,” to strike out “(1);” in line 21, after the word “however,” to strike out “and insert “That annual appropriations for the purpose of making and guaranteeing loans shall not exceed $170,000,000” and insert “That annual appropriations for the purpose of making and guaranteeing loans shall not exceed $170,000,000” and insert “No” and insert “Except for projects specifically authorized by Congress, no;” in line 11, after the word “State,” to insert “or Federal;” in line 12, after the word “State,” to insert “or Federal;” in line 25, after the word “facilities,” to strike out “including, in cases of demonstrated need,” and insert “including,” in line 27, after the word “Federal,” to strike out “on reasonable terms;” in line 8, after the word “terms,” to strike out “more favorable to the Government which would” and insert “which in the opinion of the Secretary will;” on page 14, line 11, after the word “than,” to strike out “(4);” in line 10, after the word “plus,” to strike out “(4);” in line 17, after the word “facilities,” to strike out “including, in cases of demonstrated need,” and insert “including;” on page 17, line 17, after the word “outstanding,” to insert “under this Act;” on page 18, line 1, after the word “market,” to insert “yield;” after line 7, to strike out “exposure to:” and insert “and administrative assistance;” in line 16, after the word “include,” to insert “project planning and feasibility
studies, management and operational
procedures, market and economic planning
studies, management and operational
ingredients;” in line 18, after the word “grants,” to strike out “for economic
planning staff and” and insert “to defray not to exceed 75 percent of the actual expenses, to strike out “to” and insert “of;” in line 9, after the word “hereof,” to strike out the colon and “Provided, however, That no such grant shall exceed 75 percent of the aggregate cost of the undertaking for which the assistance is rendered, or of the administrative expenses of any qualified organization in any one year.;” at the top of page 20, to strike out:

(e) There is hereby authorized to be
provided $20,000,000 annually for the
purpose of this section.

After line 2, to strike out: “RESEARCH.”
At the beginning of line 6, to strike out “Sec. 302,” and insert “(c);” in line 7, after the word “of,” to strike out “study” and insert “study, training;” in line 8, after the word “research,” to strike out “commissioned in the section.” And, in line 11, after the word “the,” to strike out “Nation and in the formulation” and insert “Nation, (B) assist in the formulation” and insert “(C) assist in the formulation” and insert “or Federal;” in line 12, after the word “to,” to strike out “of” and insert “to;” at the beginning of line 15, to strike out “conditions” and insert “conditions, and (C) assist in providing the personnel needed to conduct such programs. The program of study, training, and research may be conducted by the Secretary through members of this staff, through payment of authorized Federal workshops, or through grants to other departments or agencies of the Federal Government, or through the employment of private individuals, partners­ships, firms, corporations, or similar entities, under contracts entered into for such purposes, or through grants to such individuals, organizations, or in­stitutions, or through conferences and similar meetings organized for such pur­poses. The Secretary shall make available to interested individuals and organiza­tions the results of such research.;” on page 21, after line 6, to strike out: “impor­tantly.”

At the beginning of line 8, to strike out “Sec. 303.” and insert “(d);” after line 22, to insert:

(e) The Secretary shall establish an inde­pendent board of assessment to review and determine the extent of the ag­gregate Federal and non-Federal program funds, and shall submit a report concerning the amount and extent of Federal and non-Federal funds to the Congress; the report shall be submitted not less than once a year.

The PRESIDING OFFICER. Is there
any further business? The President pro­
tempore of the Senate declared the Senate
adjourned.

The PRESIDING OFFICER. Is there
any further business? The President pro­
tempore of the Senate declared the Senate
adjourned.
such policies, to the Secretary, who shall transmit the report to the Congress not later than two years after the enactment of this Act.

On page 22, after line 11, to insert:

Sec. 302. There is hereby authorized to be appropriated $200,000,000 annually for the purposes of this title.

On page 24, after the word "reservations", to insert "or trust or restricted Indian-owned land areas"; in line 4, after the word "Interior", to insert "or an agency of the Government"; in line 11, after the word "removal", to insert "curtailment"; in the same line, after the word "of", where it appears the second time, to strike out "employment", and insert "employment"; in line 12, after the word "or", to strike out "is about to cause" and insert "threatens to cause within three years of the date of the request"; in line 14, after the word "unemployment", to strike out "or underemployment"; in line 15, after the word "the", to insert "unemployment rate for the"; in line 16, after the word "to", to strike out "become eligible for designation under the other provisions of this Act within three years" and insert "exceed the national average by 50 per cent or more"; in line 20, after the word "of", to strike out "or regions"; in line 22, after the word "this", to strike out "subsection" and insert "paragraph"; in line 23, after the amendment just above stated, to strike out "and"; on page 25, line 6, after the word "persons", to insert "except for areas designated under subsection 401(a)(3)", which shall have a population of not less than one thousand persons"; on page 27, line 7, after the word "or", to strike out "under consideration for designation"; in line 19, after the word "termination", to strike out "or"; in line 22, after the word "such", to strike out "subsection" and insert "section"; or (4) be made in the case of a designated area where the Secretary determines that an improvement in the unemployment rate of a designated area is primarily the result of increased employment in occupations not likely to be permanent"; on page 32, after line 19, to strike out: "ESTABLISHMENT AND COORDINATION".

After line 20, to insert:

ESTABLISHMENT OF REGIONS

Sec. 501. The Secretary is authorized to designate "special economic development regions" within the United States with the concurrence of the States in which such regions will be wholly or partially located if he finds, after a relatin between the areas within such region, that (A) the rate of unemployment in the region is substantially above the national rate; and (B) the rate of unemployment is substantially above the national rate; and (C) after the word "of", to strike out "or regions"; in line 4, after the word "Interior", to insert "or an agency of the Government"; in line 11, after the word "removal", to insert "curtailment"; in the same line, after the word "of", where it appears the second time, to strike out "employment", and insert "employment"; in line 12, after the word "or", to strike out "is about to cause" and insert "threatens to cause within three years of the date of the request"; in line 14, after the word "unemployment", to strike out "or underemployment"; in line 15, after the word "the", to insert "unemployment rate for the"; in line 16, after the word "to", to strike out "become eligible for designation under the other provisions of this Act within three years" and insert "exceed the national average by 50 per cent or more"; in line 20, after the word "of", to strike out "or regions"; in line 22, after the word "this", to strike out "subsection" and insert "paragraph"; in line 23, after the amendment just above stated, to strike out "and"; on page 25, line 6, after the word "persons", to insert "except for areas designated under subsection 401(a)(3)", which shall have a population of not less than one thousand persons"; on page 27, line 7, after the word "or", to strike out "under consideration for designation"; in line 19, after the word "termination", to strike out "or"; in line 22, after the word "such", to strike out "subsection" and insert "section"; or (4) be made in the case of a designated area where the Secretary determines that an improvement in the unemployment rate of a designated area is primarily the result of increased employment in occupations not likely to be permanent"; on page 32, after line 19, to strike out: "ESTABLISHMENT AND COORDINATION".

FUNCTIONS OF COMMISSION

Sec. 502. (a) Upon designation of development regions, the Secretary shall invite and establish appropriate multistate regional commissions.

(b) Each such commission shall be composed of one Federal member referred to as the "Federal cochairman", appointed by the President by and with the advice and consent of the Senate, and one member from each participating State in the region. Each State member may be the Governor, or his designee or representative, as may be provided by the law of the State which he represents. The State members of the commission shall elect a cochairman of the commission from among their number.

(c) Decisions by a regional commission shall be made by the affirmative vote of a majority of its members. In matters coming before a regional commission, the Federal cochairman shall have the same duties and powers on the commission as the Federal cochairman of the commission from which he is an alternate.

(d) The Federal cochairman to a regional commission appointed by the Federal Government from funds authorized by this Act at level IV of the Federal Executive Salary Schedule. His alternate shall be compensated by the Federal Government from funds authorized by this Act at not to exceed the maximum scheduled rate for grade GS-18 of the Classification Act of 1949, as amended, and when not actively serving as an alternate for the Federal cochairman shall perform the duties of the Federal cochairman to which he is an alternate.

(e) The Federal cochairman to a regional commission appointed by the Federal Government from funds authorized by this Act at level IV of the Federal Executive Salary Schedule. His alternate shall be compensated by the Federal Government from funds authorized by this Act at not to exceed the maximum scheduled rate for grade GS-18 of the Classification Act of 1949, as amended, and when not actively serving as an alternate for the Federal cochairman shall perform the duties of the Federal cochairman to which he is an alternate.

(f) In the case of any designated area where the State of Alaska or the State of Hawaii meets the requirements for an economic development region, he may establish a Commission for the State of Alaska or the State of Hawaii to perform the duties of the Commission for the affected State to which he is an alternate.

ON page 35, after line 21, to strike out:

Sec. 501. (a) The Secretary is authorized to invite and encourage the several States to establish appropriate multistate regional action planning commissions for the purpose of—
At the beginning of line 14, to strike out "(d)" and insert "(b)"; at the beginning of line 21, to strike out "(e)" and insert "(f)"; at the beginning of line 24, to strike out "(f)" and insert "(d)"; on page 39, after line 2, to insert:

(e) Each regional commission may, from time to time, make recommendations to the Secretary and recommendations to the State Governors and appropriate local officials, with respect to any endowment of funds by Federal, State, and local departments and agencies in its region in the fields of natural resources, agriculture, training, health and welfare, transportation, and other fields related to the purposes of this Act; and terms and conditions as the Secretary, and local legislation or administrative actions as the commission deems necessary to further the purposes of this Act.

At the beginning of line 16, to change the section number from "302" to "502"; on page 39, at the beginning of line 16, to change the section number from "503" to "505"; in line 20, after the word "programs," to insert "Asks.

The significance shall include studies and plans evaluating the needs of, and developing potentialities for, economic growth of such regions, and research on improving the conservation and utilization of the human and natural resources of the region."; on page 41, line 10, after the word "of," to strike out "enactment of this Act," and insert "establishment of a commission;" in line 12, after the word "briefly," to strike out "Only" and insert "as approved by the Secretary shall;" in line 13, after the word "Government," to strike out "on" and insert "such" and add the subclause as follows:

The commission shall participate in any State, or local, or intergovernmental department or agency from which, to his detailed or from any such commission. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year, or both.

At the top of page 45, to insert:

**Personal financial interests**

Sec. 508. (a) Except as permitted by subsection (b), any member or alternate and no officer or employee of a regional commission shall receive, either in cash or any other form of payment, any income, profit or benefit from any source other than the State, Federal, or any political subdivision of the State, or the United States, or any State or local department or agency of the United States.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the regional commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the interest and uses of information in advance of a written determination made by such Commission that the interest is not so substantial as to result in an impairment of the integrity of the services which the Commission may expect from such State member, or alternate, or employee.

(c) No State member of a regional commission, or his alternate, shall receive any salary, or any contribution to or supplementation of salary, of any kind to be paid by such commission from any source other than his State. No person detailed to serve a regional commission on leave of absence from his regular position shall receive any salary or compensation from any such commission from any source other than the State, local, or intergovernmental department or agency from which he was detailed or from such commission. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year, or both.

At the top of page 48, to strike out:

**TITLE V—ECONOMIC DEVELOPMENT ADMINISTRATOR**

And, in lieu thereof, to insert:

**TITLE VI—ADMINISTRATION**

After line 3, to strike out:

**Administrator for economic development**

Sec. 601. There shall be appointed by the President, by and with the advice and consent of the Senate, Administrator for Economic Development in the Department of Commerce, who shall receive compensation at the annual rate applicable to level V of the Federal Executive Salary Act of 1964. The Administrator shall perform such duties in the execution of this Act as the Secretary may assign.

And, in lieu thereof, to insert:

"Sec. 601. (a) The Secretary shall administer this Act and, with the assistance of an Assistant Secretary of Commerce, in addition to those already provided for, shall supervise and direct the Administrator created herein, and coordinate the Federal cochairmen appointed hereunder. The Assistant Secretary created by this section shall be appointed by the President by and with the advice and consent of the
Statement of Purpose

Sec. 2. The Congress declares that the maintenance, support, and employment of high level is vital to the best interests of the United States, but that some of our regions are suffering substantial and persistent unemployment and underemployment; that such unemployment and underemployment cause hardship to many individuals in their families, and waste invaluable human resources; that to overcome this problem the Federal Government, in fostering the economic development of areas needing development, should help areas and regions of substantial and persistent unemployment and underemployment to achieve long-range goals of developing and financing their public works and economic development; that Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions: Provided, That such assistance is preceded by and consistent with sound, long-range economic planning; and provided further that new Federal employment opportunities should be created by developing and expanding new and existing production, processing, and marketing facilities and resources rather than by merely transferring jobs from one area of the United States to another.

Title I—Grants for Public Works and Development Facilities

Sec. 101. (a) Upon the application of any State, or political subdivision thereof, Indian tribe, or local area, or organization or association representing any redevelopment area or part thereof, the Secretary of Commerce (hereinafter referred to as the Secretary) is authorized—

(1) to make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within a redevelopment area, if he finds that—

(A) the project for which financial assistance is sought will directly or indirectly (i) tend to improve the opportunities, in the area in which the project is to be located, for the successful establishment or expansion of industrial or commercial plants or facilities or the attraction or retention of additional long-term employment opportunities for such area, or (ii) primarily benefit the long-term unemployed and members of low-income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964;

(b) the grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be located;

(c) the area for which a project is to be undertaken has an approved overall economic development program as provided in section 201(b)(1) and such project is consistent with such program;

(2) to make supplementary grants in order to enable the States and other entities within redevelopment areas to take fullest advantage of designated Federal grant-in-aid programs (as hereinafter defined), direct grants-in-aid provided under this section, and Federal public works projects for which they are eligible but for which, because of their economic status, they cannot supply the required matching share.

(b) Subject to subsection (c) hereof, the amount of any supplementary grant under this section for any project shall not exceed 50 per centum of the cost of such project.

(c) The amount of any supplementary grant under this section for any project shall be determined by the Administrator, who shall be authorized to determine the amount of such grant by regulations promulgated by the Secretary, but in no event shall the non-Federal share of the cost of any such project (including assumptions of debt) be less than 20 per centum of such cost. The Administrator shall notify the Secretary in accordance with such regulations as he shall prescribe, by increasing the amount of direct Federal grants-as authorized under this section or by the purpose or assistance prescribed under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs. Notwithstanding any requirement placed as to the amount of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in redevelopment areas under such programs. The term "designated Federal grant-in-aid program," as used in this subsection, means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as designated by Congress for the purposes of this Act, designate eligible for allocation of funds under this section. In determining the amount of the supplementary grant available to any project under this section, the Secretary shall take into consideration the requirements of this Act, the nature of the project to be assisted, and the amount of such fair user charges or other revenues as the project may reasonably be expected to generate, and the availability of funds for projects which would amortize the local share of initial costs and provide for its successful operation and maintenance (including depreciation).

(d) The Secretary shall prescribe rules, regulations, and procedures to carry out this section which will assure that such consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures, the Secretary shall consider among other relevant factors (1) the severity of the rates of unemployment in eligible areas; (2) the extent of such unemployment; (3) the income levels of families and the extent of underemployment; (4) the extent of additional Federal assistance, if any, likely to be provided to such area; and (5) the extent of Federal assistance, if any, likely to be provided to such area by the Federal Government.

(e) Except for projects specifically authorized by Congress, no financial assistance shall be extended under this section with respect to any project for public works or facilities which would compete with an existing private or Federal regulatory body, unless the State or Federal regulatory body determines that in the area to be served by the facility for which the financial assistance is to be extended there is a need for an increase in such service (taking into consideration the public need already served) which the existing public utility is not able to meet through its existing facilities or unless the project is an expansion which it agrees to undertake.

Sec. 102. Not more than 15 per centum of the appropriations made pursuant to this title may be paid in any one fiscal year after the fiscal year ending June 30, 1969, and for each fiscal year thereafter through the fiscal year ending June 30, 1979.

Title II—Other Financial Assistance

Public works and development facility loans

Sec. 201. (a) Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public nonprofit or
ganization or association representing any redevelopment area or part thereof, the Secretary is authorized to purchase evidence of indebtedness and to make loans to assist in financing the purchase or development of land and improvements for public works, public, semipublic, or semiprivate facilities, or in the acquisition, construction, rehabilitation, alteration, expansion, or improvement of machinery, equipment, and structures related to and necessary for the operation and maintenance of such a facility, when the Secretary determines that in the area to be served by the facility for which the loan is to be made, (1) there is reasonable assurance of repayment; (2) the funds requested for such project are not otherwise available from private lenders, or from any other Federal source as may reasonably be available; (3) such a loan is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body; (4) the amount of such loan shall not exceed $170,000,000; and (5) the amount of such loan plus the amount of any other funds for such project are adequate to insure the completion thereof.

(b) Except to the extent the Secretary finds that the establishment of such branch, affiliate, or subsidiary will result in an increase in employment within the redevelopment area wherein it is or will be located, the Secretary will permit the accomplishment of the purposes of such an extension under this section only to applicants, both private and public, in order to assist in the creation of new jobs, the rehabilitation or expansion of existing jobs, the establishment of new jobs, and the improvement of the economic distress of the area or for the purpose of financing the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial purposes in an area wherein the Secretary finds that the improvement of the economic distress of the area, or substantially further the objectives of the Economic Opportunity Act of 1964; (2) the cumulative amount of such loans made by the Secretary under this section may be subordinate and inferior to the lien or liens securing such Federal financial assistance unless there shall be submitted to and approved by the Secretary such evidence as is reasonably necessary to determine that in the area to be served by such a facility, (1) the loan or loans for such project for which the financial assistance is to be extended are not otherwise available from private lenders, or from any other Federal source as may reasonably be available; (2) such a loan is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body; (3) the amount of such loan plus the amount of any other funds for such project are adequate to insure the completion thereof; (4) there is a reasonable expectation of repayment; and (5) such an area has an approved overall economic development program as provided in section 202(b)(10) and the project for which financial assistance is sought is consistent with such a program.

Subject to section 701(5), no loan, including renewals or extensions thereof, shall be made under this section for a period exceeding forty years, and no evidence of indebtedness maturing more than forty years from the date of such loan shall be purchased under this section. Such loans shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with maturities comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, and not to exceed one-half of 1 per centum per annum.

(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section and section 202: Provided, That annual appropriations for the purpose of purchasing evidence of indebtedness, making and participating in loans, and guaranteeing loans shall not exceed $170,000,000.

(d) Except for projects specifically authorized in this Act, no such financial assistance shall be extended under this section with respect to any public service or development facility other than an existing privately owned public utility rendering a service to the public at rates or charges substantially lower to the extent the Secretary finds that the establishment of such branch, affiliate, or subsidiary is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body, unless the State or Federal regulatory body determines that in the area to be served by the facility for which the loan is to be made, there is a need for an increase in such service (taking into consideration reasonably foreseeable future growth and to which the existing public utility is not able to meet through its existing facilities or through an expansion which would be unreasonable to take.

Loans and guarantees

Sec. 202. (a) The Secretary is authorized and to make loans (which for purposes of this section shall include participations in loans) to aid in financing any project within or directly related to an area, the extent of which shall be as determined by the Secretary. The Secretary shall make such loans only to the extent the Secretary finds that (1) such loans, together with other funds available for the purpose, will provide a program of economic development of land and facilities (including machinery and equipment) for industrial or commercial purposes in an area wherein the Secretary finds that the improvement of the economic distress of the area or for the purpose of financing the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial purposes in an area wherein the Secretary finds that in the area to be served by such a facility, (1) there is reasonable assurance of repayment; (2) the funds requested for such project are not otherwise available from private lenders, or from any other Federal source as may reasonably be available; (3) such a loan is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body; (4) the amount of such loan plus the amount of any other funds for such project are adequate to insure the completion thereof; (5) there is a reasonable expectation of repayment; and (6) such an area has an approved overall economic development program as provided in section 202(b)(10) and the project for which financial assistance is sought is consistent with such a program. (b) Except to the extent the Secretary finds that there is reasonable assurance of repayment, loans and guarantees shall be extended only to applicants, both private and public, in order to assist in the creation of new jobs, the rehabilitation or expansion of existing jobs, the establishment of new jobs, and the improvement of the economic distress of the area or for the purpose of financing the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial purposes in an area wherein the Secretary finds that in the area to be served by such a facility, (1) there is reasonable assurance of repayment; (2) the funds requested for such project are not otherwise available from private lenders, or from any other Federal source as may reasonably be available; (3) such a loan is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body; (4) the amount of such loan plus the amount of any other funds for such project are adequate to insure the completion thereof; (5) there is a reasonable expectation of repayment; and (6) such an area has an approved overall economic development program as provided in section 202(b)(10) and the project for which financial assistance is sought is consistent with such a program. (c) Notwithstanding any other provision of this Act, no such loan or guarantee shall be extended under this section with respect to any public service or development facility other than an existing privately owned public utility rendering a service to the public at rates or charges substantially lower to the extent the Secretary finds that the establishment of such branch, affiliate, or subsidiary is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body, unless the State or Federal regulatory body determines that in the area to be served by the facility for which the loan is to be made, there is a need for an increase in such service (taking into consideration reasonably foreseeable future growth and to which the existing public utility is not able to meet through its existing facilities or through an expansion which would be unreasonable to take.

(6) No evidences of indebtedness shall be purchased and no loans shall be made or guaranteed unless it is determined that there is reasonable assurance of repayment.

(7) Subject to section 101(5) of this Act, no such loan or guarantee shall be extended under this section with respect to any public service or development facility other than an existing privately owned public utility rendering a service to the public at rates or charges substantially lower to the extent the Secretary finds that in the area to be served by such a facility, (1) there is reasonable assurance of repayment; (2) the funds requested for such project are not otherwise available from private lenders, or from any other Federal source as may reasonably be available; (3) such a loan is of such a character as to be consistent with the long-term objective standards promulgated by the regulatory body; (4) the amount of such loan plus the amount of any other funds for such project are adequate to insure the completion thereof; (5) there is a reasonable expectation of repayment; and (6) such an area has an approved overall economic development program as provided in section 202(b)(10) and the project for which financial assistance is sought is consistent with such a program.
thereof, that the project for which financial assistance is sought is consistent with such program; Provided, That nothing in this Act shall authorize financial assistance for any project prohibited by laws of the State or local political subdivision in which such project would be located, nor prevent the Secretary from requiring such periodic revisions of programs and the development of such program as he may deem appropriate.

**Economic development revolving fund**

Sec. 203. Funds obtained by the Secretary under economic development revolving fund (hereinafter referred to as the "fund"), which is hereby established in the Treasury of the United States, and which shall be available to the Secretary for the purpose of extending financial assistance under sections 301, 302, and 303, and for the payment of all obligations and expenditures arising in connection therewith. There shall also be credited to the fund such funds as have been paid into the fund by local political subdivisions for the purpose of extending financial assistance under sections 301, 302, and 303, and for the payment of all obligations and expenditures arising in connection therewith. There shall also be credited to the fund such funds as have been paid into the fund by local political subdivisions for the purpose of extending financial assistance under sections 301, 302, and 303, and for the payment of all obligations and expenditures arising in connection therewith.

**TITLE II—REDEVELOPMENT, RESEARCH, AND INFORMATION**

Sec. 301. (a) In carrying out his duties under this Act the Secretary is authorized to provide technical assistance, which may be useful in alleviating or preventing conditions of excessive unemployment or underemployment, and (b) to other areas which he finds have substantial need for such assistance. Such assistance may be provided in the form of studies, planning and management, technical, and informational assistance, and studies evaluating the needs and problems of potential economic growth or decline and planning, economic, and social change. Such assistance may be provided by the Secretary through technical assistance, through the payment of such sums as may be necessary for the support of the activities of governmental or nongovernmental organizations, or through financial assistance, or by contracts entered into for such purposes, or to organizations, or through financial assistance, or by contracts entered into for such purposes, or to independent organizations, or through financial assistance, or by contracts entered into for such purposes.

(b) The Secretary is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of organizations which he determines to be qualified to receive assistance under this section, but the Secretary may prescribe the terms and conditions of such repayment.

(c) The Secretary is authorized to make grants to defray not to exceed 75 per centum of the administrative expenses of organizations which he determines to be qualified to receive assistance under this section, but the Secretary may prescribe the terms and conditions of such repayment.

(d) The Secretary shall establish an independent study board consisting of governmental and nongovernmental experts to investigate the effects of Government procurement, economic, technical, and other related policies, upon regional economic development, and to determine the causes of unemployment, and the necessary policies, to which such unemployment is caused, and the recommendations for legislation for alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Secretary may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in redevelopment areas and which are desirous of obtaining Government contracts. In the furnishing of supplies or services, and designating the suppliers and services such firms are engaged in procuring.

(e) The Secretary shall make a list containing the names and addresses of business firms which are located in redevelopment areas and which are desirous of obtaining Government contracts. In the furnishing of supplies or services, and designating the suppliers and services such firms are engaged in procuring.

(f) The Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. The practical value of technical assistance provided under this subsection shall be used in conjunction with other available planning grants, such as urban planning grants authorized under the Housing Act of 1945, as amended, and highway planning and research grants authorized under the Federal Aid Highway Act of 1962, to assure adequate and effective planning and economical use of funds.

**Part A—Redevelopment area**

**Title IV—Redevelopment area**

Sec. 401. (a) The Secretary shall designate as "redevelopment areas"—

(1) those areas in which he determines, upon the basis of standards generally comparable with those forth in paragraphs (A) and (B), that there has existed substantial and persistent unemployment for an extended period of time, or those areas which are included among the areas so designated any area—

where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics, as defined in the Housing Act of 1954, as amended, is 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in paragraph (B) and (C) of section 202(b) of this Act that the average rate of unemployment has been at least—

(1) 50 per centum above the national average for three of the preceding four calendar years, or

(2) 75 per centum above the national average for two of the preceding three calendar years, or

(3) 100 per centum above the national average for one of the preceding two calendar years.

The Secretary of Labor shall find the facts and provide the data to be used by the Secretary in determining the determinations required by this subsection.

(2) those additional areas which have a unemployment rate not included among the areas so designated any area—

(a) in which he determines, upon the basis of standards generally comparable with those forth in paragraphs (A) and (B), that there has existed substantial and persistent unemployment for an extended period of time, or those areas which are included among the areas so designated any area—

where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics, as defined in the Housing Act of 1954, as amended, is 6 per centum or more and has averaged at least 6 per centum for the qualifying time periods specified in paragraph (B) and (C) of section 202(b) of this Act that the average rate of unemployment has been at least—

(1) 50 per centum above the national average for three of the preceding four calendar years, or

(2) 75 per centum above the national average for two of the preceding three calendar years, or

(3) 100 per centum above the national average for one of the preceding two calendar years.

The Secretary of Labor shall find the facts and provide the data to be used by the Secretary in determining the determinations required by this subsection.

(3) those additional Federal or State Indian reservations or trust or restricted Indian-owned land areas which the Secretary, after consultation with the Secretary of the Interior or an appropriate State agency, determines manifest the greatest degree of economic distress on the basis of such unemployment and income statistics and other appropriate evidence of economic underdevelopment.

(4) upon request of such areas, those additional areas in which the Secretary determines that the loss, removal, curtailment, or closing of a major source of employment has caused or threatens to cause within three years of the date of the request an unusual and abrupt rise in unemployment of such magnitude that the unemployment rate for the area can reasonably be expected to exceed 6 per centum for one year or more unless assistance is provided.

(5) notwithstanding any provision of subsection (B) of this Act, the Secretary may, upon request of such areas, provide assistance without regard to any provision of this Act within a reasonable time after designation in which to submit the overall economic development program required by subsection 202(b) (10) of this Act.

(6) notwithstanding any provision of this Act, to the contrary, those additional areas which were designated redevelopment areas under the Area Redevelopment Act on or before the first annual review of eligibility conducted in accordance with section 402 of this Act shall be designated under this Act in accordance with the standards of economic need set forth in subsections (A) through (4) of this section.

(b) The size and boundaries of redevelopment areas shall be as determined by the Secretary. Provided, however, that the continued eligibility of such areas after the first annual review of eligibility conducted in accordance with section 402 of this Act shall be determined in accordance with the standards of economic need set forth in subsections (A) through (4) of this section.
(3) no area shall be designated which does not have a population of at least one thousand, where the area is designated under subsection 401(a)(3), which shall have a population of not less than fifteen thousand, and (4) except for areas designated under subsections (a)(3) and (a)(4) hereof, no area shall be designated which is smaller than a town or city, and which has been designated under subsection 401(a)(8), which shall have a population of not less than five hundred persons, except for areas designated under subsection 401(a)(9), which shall have a population of not less than two hundred and fifty thousand according to the last preceding Federal census.

(d) the proposed district has a district overall economic development program which includes an integrated job training and transportation planning and contains a specific program for district cooperation, self-help, and project development which has been approved by the State or States affected and by the Secretary;

(e) as used in this Act, the term "economic development centers" refers to any area which has been identified as an economic development center in an approved district overall economic development program and which has been designated by the Secretary as eligible for financial assistance under sections 101, 201, and 202 of this Act in accordance with the provisions of sections (a)(3) and (a)(4) hereof.

(f) in order to allow time for adequate and careful district planning, subsections (a) and (f) of this section shall not be effective until one year from the date of enactment.

Title V—Regional Action Planning Commissions

Establishment of regions

Sec. 501. The Secretary is authorized to designate "economic development regions" within the United States with the concurrence of the States in such regions.

(a) The term "economic development regions" refers to any area which has been designated by the Secretary as a redevelopment area.

(b) to designate as "economic development centers," in accordance with such regulations as he shall prescribe, such areas as he may deem appropriate, if:

(C) the proposed center does not have a population in excess of two hundred and fifty thousand according to the last preceding Federal census.

(3) to provide financial assistance in accordance with subsections (a)(1), (a)(3), and (a)(4) hereof, not to exceed $50,000,000 annually for financial assistance extended under the provisions of subsections (a) and (f) hereof.

(4) in order to allow time for adequate and careful district planning, subsections (a) and (f) of this section shall not be effective until one year from the date of enactment.

Regional Commissions

Sec. 502. (a) Upon designation of development regions, the Secretary shall invite and encourage the States wholly or partially located within such regions to establish appropriate multistate regional commissions.

(b) Each such commission shall be composed of one Federal member, hereinafter referred to as the "Federal cochairman," appointed by the President by and with the advice and consent of the Senate, and one member from each participating State in the region. Each State member may be the governor or any person designated by the governor, or such other person as may be provided by the law of the State which he represents. The State member of the commission shall elect the cochairman of the commission from among their number.

(c) Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority, or at least one if only two, of the State members. In no case shall the Federal cochairman, to the extent practicable, consult with the Federal cochairman of another State or States having an interest in the subject matter.

(d) Each State member of a regional commission shall have an alternate, appointed
by the Governor or as otherwise may be provided by the law of the State which he represents. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State or Federal cochairman for which he is an alternate.

(e) The Federal cochairman to a regional commission shall represent the Federal Government from funds authorized by this Act at not more than the compensation of an officer of the Classification Act of 1949, as amended, and when not actively serving as an alternate for the Federal cochairman shall perform such functions and duties as are delegated to him by the Federal cochairman. Each State member and his alternate shall be compensated by the State which they represent at the rate established by the law of such State.

(f) If the Secretary finds that the State of Alaska or the State of Hawaii meets the requirements for an economic development region, he may establish a Commission for such region.

Functions of commission

Sec. 506. (a) In carrying out the purposes of this Act, each regional commission shall with respect to its region—

(1) advise and assist the Secretary in the identification and formulation of appropriate plans for multistate economic development regions,

(2) initiate and coordinate the preparation of long-range overall economic development programs for such regions,

(3) foster surveys and studies to provide data required for the preparation of specific plans and programs for the development of such regions,

(4) advise and assist the Secretary and the States concerned in the initiation and coordination of economic development districts, in order to promote maximum benefits from the expenditure of Federal, State, and local funds,

(5) promote increased private investment in such regions,

(6) make recommendations with respect to both short-range and long-range plans and programs for Federal, State, and local agencies, sponsoring or conducting studies, including an inventory and analysis of the resources of the region, and in cooperation with Federal, State, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(7) review and study, in cooperation with the sponsoring agencies, the effectiveness of public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(8) formulate and recommend, where appropriate, modifications or additions to interstate and intrastate forms of interstate cooperation, and work with State and local agencies in developing appropriate regional planning, including comprehensive, coordinated, and coordinated plans and programs, and establish priorities thereunder, giving due consideration to the productive, agricultural, educational, health, and welfare and other public purposes that may be served by the Federal Government, and other Federal, State, and local planning in the region;

(9) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with Federal, State, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(10) review and study, in cooperation with the sponsoring agencies, the effectiveness of public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(11) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, such subcommittees, task forces, or advisory councils as may be provided by the Secretary through members of his staff, through the payment of funds authorized by this Act to other Federal, State, or local agencies or persons acting in the place of the Commission, or through the employment of individuals, partnerships, firms, corporations, or instrumentalities of the United States or of any State, or any political subdivision, agency, or instrumentality thereof, or any person, firm, association, or corporation;

(12) establish such staff, including administrative and other employee positions and the salary of the alternate to the Federal cochairman on the commission and his alternate, as the commission deems necessary to enable the commission to carry out its functions, except that the salary of the alternate to the Federal cochairman on the commission and his alternate, and Federal employees detailed to the Commission under this section, shall be deemed a Federal employee for any purpose;

(13) request the head of any Federal department or agency, or the head of any political subdivision of the United States, or of any State, to detail or make payments for the performance of the functions of the commission under this section.

Regional technical and planning assistance

Sec. 505. (a) The Secretary is authorized to provide to the commissions technical assistance which would be useful in aiding the commissions to carry out their functions under this Act. Such assistance shall include plans and programs, such as the following:

(1) recommendations to the Secretary for legislation or administrative actions as may be necessary to carry out the purposes of this Act and the recommendations of such agencies, to the President for such action as he may deem desirable;

(2) the expenditure of funds by Federal, State, and local departments and agencies in its region in the fields of natural resources, agriculture, education, training, health and welfare, transportation, and other fields related to the purposes of this Act; and

(3) such additional Federal, State, and local legislation, administrative actions as the commission deems necessary to further the purposes of this Act.

Program development criteria

Sec. 504. In developing recommendations for programs and projects for regional economic development, and in establishing within such recommendations a priority rank for such projects, the Secretary shall encourage each regional commission to follow procedures that will assure consideration of the following factors:

(1) the relationship of the project or class of projects to overall regional development and the necessary location of the project to have a significant potential for growth;

(2) the population and area to be served by the project or class of projects including the relative per capita income and the unemployment rates in the area;

(3) the relative financial resources available to the State or political subdivisions or instrumentalities thereof which seek to undertake the project;

(4) the importance of the project or class of projects relative to other projects or classes of projects which may be in competition for the same funds;

(5) the form and nature of the project, on a continuing rather than a temporary basis, will improve the opportunities for employment, the income of the area, or the economical and social development of the area served by the project.

Administrative powers of regional commissions

Sec. 506. To carry out its duties under this Act, each regional commission is authorized to—

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(2) appoint and fix the compensation of the executive director and other employees as may be necessary to enable the commission to carry out its functions, except that such employees may be paid by the Federal Government, such employees may be paid by the Federal Government.

(3) request the head of any Federal department or agency, or the head of any political subdivision of the United States, or of any State, to detail or make payments for the performance of the functions of the commission under this section.

(4) arrange for the services of personnel from any State or local government or any subdivision or agency thereof, or any intergovernmental agency;

(5) make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement plan for employees as may be necessary to enable the commission to carry out its functions, except that such arrangements may be made directly by the Federal Government.

(6) accept, use, and dispose of gifts or donations of property or services, personal, or mixed, tangible or intangible;

(7) enter into and perform such contracts, leases, cooperative agreements, or other arrangements as may be necessary to enable the commission to carry out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or any person, firm, association, or corporation;

(8) maintain an office in the District of Columbia and establish field offices at such other places as it may deem necessary to enable it to carry out its functions and on such terms as it may deem appropriate;

(9) take such other actions and incur such other expenses as may be necessary or appropriate.

Information

Sec. 507. In order to obtain information necessary to carry out its duties, each regional commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony,
receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings as such commission may deem advisable, a cochairman of such commis-
sion, or any member of the commission designated for this purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence obtained by deposition.

(3) arrange for the head of any Federal, State, or local department or agency (who is not the person by whom he is detailed, to the extent otherwise prohibited by law) to furnish to such commission such information as may be so substantial as to be deemed likely to affect the carrying out of his duties under this Act.

(b) The Secretary may make provision for such purposes as the Secretary may prescribe. There shall be appointed by the President, on the recommendation of the Secretary, an Administrator for Economic Development who shall be compensated at the rate provided by the Federal Executive Salary Schedule who shall perform such duties as are assigned by the Secretary. Such appointments under this subsection (b) of section 209 of the Federal Executive Salary Act of 1944 are hereby amended by adding the positions established by subsection (a) in subsection (a).

Advisory Committee on Regional Economic Development

Sec. 602. The Secretary shall appoint a National Public Advisory Committee on Regional Economic Development which shall consist of twenty-five members and shall be composed of representatives of labor, management, agriculture, and local government, and the public in general. From the members appointed to such Committee the Secretary may designate a Sub-committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

Consultation with other persons and agencies

Sec. 603. (a) The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems area and regional unemploy-
ment and unemployment or any part thereof, or any interest therein acquired by the Secretary pursuant to the provisions of this Act may be ex-
acted by the Secretary or by any officer or agent appointed by him for that purpose without the execution of any express delega-
tion of power or power of attorney.

(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in sections 201, 202, 301, 403, and 408 of this Act;

(9) in addition to any powers, functions, privileges, and immunities otherwise vested in him, take any and all actions, including the procurement of the services of any persons, by contract, determined by him to be neces-
sary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this Act;

(10) employ experts and consultants or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this Act, and collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or

(11) further the development of or re-
new any loan made or evidence of indebted-
ness purchased under this Act, beyond the period for which it expired or prohibited by law, if the Secretary finds that such action would be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans made or evidences of indebtedness purchased under this Act, and collect or compromise all obligations assigned to or held by him in connection with such loans or evidences of indebtedness until such time as such obligations may be referred to the Attorney General for suit or
per diem, including travel time, and allow them, while away from their homes or regularly assigned duty stations, $100 per diem in lieu of subsistence as authorized by section 5 of such Act (5 U.S.C. 751b—2) for persons in the Government service, but no attachment, injunction, garnishment, or other process shall be issued against the Secretary or his property, except the activities under this Act from the proceeding lawfully commenced by or against any provision of this Act or the application thereof to any persons or circumstances directly involved in the controversy in which such judgment shall have been rendered.

Separability

Sec. 704. Notwithstanding any other evidence of the intent of Congress, it is hereby declared to be the intent of Congress that if any provision of this Act or any application thereof to any persons or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act or its application to other persons and circumstances, but shall be confined in its operation to the provisions of this Act or the application thereof to the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

Application of Act

Sec. 705. As used in this Act, the terms "State", "States", and "United States" include the several territories of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Annual report

Sec. 706. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending June 30, 1966. Such report shall be printed and shall be transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made.

Transfer of facilities

Sec. 707. (a) Where practicable in carrying out the provisions of this Act the Secretary may use the available services and facilities of the Federal Government, but only with their consent and on a reimbursable basis. The foregoing requirement shall be implemented in such a manner as to avoid the duplication of existing staffs and facilities in any agency or instrumentality of the Federal Government. The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government authority to determine in such a manner as to avoid the duplication of existing staffs and facilities in any agency or instrumentality of the Federal Government. The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government authority to determine in such a manner as to avoid the duplication of existing staffs and facilities in any agency or instrumentality of the Federal Government. The Secretary is authorized to delegate to the heads of the Federal Government. The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government authority to determine in such a manner as to avoid the duplication of existing staffs and facilities in any agency or instrumentality of the Federal Government. The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government authority to determine in such a manner as to avoid the duplication of existing staffs and facilities in any agency or instrumentality of the Federal Government.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, but such transfers of funds, duties, and authorities under section 20(c) of the Area Redevelopment Act are hereby vested in the Secretary.

(b) The President may designate a person to act as Administrator under this Act until the office is filled as provided in this Act or until the Administrator shall have served for a period of sixty days following the effective date of this Act, whichever shall first occur. While so acting, the person so designated shall be subject to the provisions of section 751b—2 of title 5, United States Code, and shall be subject to removal by the President.

The provisions of this Act shall take effect upon enactment unless herein expressively otherwise provided.

(d) Notwithstanding any requirements of this Act, acceptance of areas by the Secretary for projects for which applications are pending before the Area Redevelopment Administration on the effective date of this Act shall for a period of one year thereafter be eligible for consideration by the Secretary for such assistance under the provisions of this Act as he may determine to be appropriate.

Employment of expediters and administratively employed persons

Sec. 710. No financial assistance shall be extended by the Secretary under section 101, 201, 202, or 403 to any business enterprise unless the owners, partners, or officers of such business enterprise (1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Secretary for assistance of any sort, under this Act, the fees paid or to be paid to any such person; and (2) execute an agreement binding such business enterprise, for a period of not more than five years, to refrain from employing, tendering any office or employment to, or retaining for professional services, any attorney, agent, or employee, occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the granting of assistance under this Act.

Prevailing rate of wage and forty-hour week

Sec. 711. All laborers and mechanics employed by business enterprises assisted by the Secretary under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-1). The Secretary shall require any business enterprise assisted by the Secretary under this Act shall be paid wages...
Mr. McNAMARA. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill be thus amended be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the committee amendments were considered and agreed to en bloc.

Mr. McNAMARA. Mr. President, the legislation we are considering today is of profound interest to millions of Americans in all sections of the Nation. It is an urgent matter which, I am confident, a large majority of the Nation wants to see enacted as soon as possible.

The Public Works and Economic Development Act of 1965 is of such vital interest because it brings a new hope to the unemployed, the partially employed, and the impoverished who are located in areas where the problem has been, by and large, by-passed by progress and prosperity.

Unfortunately, the problem of our depressed areas is somewhat like the problem of poverty-stricken individuals: Unless we look at the problem on a macro level, it is difficult to comprehend and know the full impact of poverty. To an extent, the problem is partially hidden because of the overall economic well-being of the Nation. Thus, in our more prosperous areas it may be difficult to understand the sense of hopelessness and frustration that manifests itself in the areas where economic development and job opportunities are restricted.

To demonstrate the scope of the problem, let me cite some figures used by the Secretary of Commerce in his testimony before the Public Works Committee several weeks ago.

The Secretary noted that the Nation's 100 hardest hit unemployment areas—with 100,000 or more in the labor force—had unemployment rates under the Act in 1964 of 13.8 percent, or more than twice the national average. In six States we find areas with unemployment rates running more than 10 percent. This is at a time when our national unemployment rate is at its lowest in 7 years.

In our hardest hit rural areas the census figures show that 100 poorer counties had median family incomes ranging from $1,260 to $1,766 per year, or nearly 70 percent below the national average of $4,600.

Here we have entire counties where the majority of people are trying to exist on incomes below the poverty level.

Figures such as these should help to bring home to the public the problem of those who have not had an appreciation of the magnitude and seriousness of the problem of area economic distress.

How do we deal with this nagging and vexing problem, incidentally, that would still be with us, but to a somewhat lesser degree, even if the national unemployment rate were reduced another 50 percent. We observe that in several European economies where there is practically full employment, the annual rate of unemployment is 2%.

The principle purposes of S. 1648, as amended, are to:

First, Provide a means by which certain areas may be made to lagging behind the general economic growth of the Nation can be helped to improve their physical and social structure and thereby stimulate economic growth.

Second, Make available both direct and supplementary grants to government and nongovernment nonprofit agencies in order to promote economic development in these areas so as to increase opportunities to stimulate economic growth.

Third, To provide loans to government and nongovernment nonprofit agencies in order to make available funds needed as the required local share for public works grants-in-aid programs and the local share of funds necessary for grants for facilities related to economic development needs.

Fourth, To provide loans to profit organizations for facilities, including equipment, machines, and the guarantee of loans for working capital purposes, in order to make it possible to expand economic development in areas qualifying under the act.

Fifth, To provide technical assistance to any area determined by the Secretary of Commerce to be in need of such assistance in planning or in working at preventing or alleviating conditions of excessive unemployment or underemployment.

Sixth, To provide grants and loans and other forms of assistance to areas facing economic disaster as the result of the closing or curtailment of employment at a major source of employment in an area in advance of such closing or curtailment.

Seventh, To encourage the establishment of multicity development districts so that grants and loans can be utilized for broader geographic application and thus help depressed areas by linking them with more healthy areas.

Eighth, To encourage the establishment of multistate economic development regions where applicable criteria are met, and provide such regions with funds to establish development commissions including up to 100 percent of administrative and staff costs.

S. 1648, as amended, I think, to basic problems and needs of our economically disadvantaged areas and of the broader economic regions it is designed to help develop. In large measure it draws on the provisions of the original area redevelopment act and the accelerated public works program.
approach to development planning of multistate regions is patterned after the program recently developed for Appalachia. Our expectations for that program are high, just as they are for the regional program patterned to Appalachia and this bill have made significant contributions to the well-being of a number of areas.

Let me cite the examples of an APW project and an ARA project in my home State of Michigan which I believe help make the case for the public works and economic development program. Last year on April 29th, the Senate Committee, during the hearings on the first Appalachian bill, we heard of a good example of the multiple efforts a public works project can have on the economic life of a small town. It concerned Harbor Springs, Emmet County, Mich. Harbor Springs, population 1,500, is a resort town. It received two APWF grants totaling $200,000 for a sewage system, an interceptor sewer, and matched these grants with $122,000 of its own funds. Apart from giving a year's employment to 20 men on the construction site, this project brought the following results: 1 1/2 miles of new streets were built along these sewers, seven new homes were started or completed; a new subdivision, dormant and falling apart because of the lack of sewers, became eligible for FHA insurance and 10 lots were sold; a new restaurant, a new drive-in restaurant, and a new motel were opened. The architect for Shanty Creek has opened a shop in Bellaire with nine employees. A bakery and a barbershop, each with two employees, have opened for business. Local contractors have almost more business than they can handle. Projects such as this company has increased employment from 10 to 40 workers.

Shanty Creek's opening in Bellaire has stimulated other projects. There include a new food store, a furniture company, a tool manufacturer, and two other small factories. Together, these 5 projects are generating more than 200 jobs with the potential for more. Local business leaders report that, in addition to the direct effects of these projects, ARA's participation in the community's development efforts has helped generate a new feeling of hope and optimism throughout the area.

Under the Public Works and Economic Development Act, Mr. President, we shall be able to continue to assist worthy developments of the kind that I have just cited; projects with an assist from the Government have come into being in areas of need years before anything could have happened without this assistance. Projects such as I have cited did not come into being at the expense of another area or of other industries. The new jobs created by these projects, represent, insofar as I can determine, net increases in employment and income, and they came into being in areas most in need of new job opportunities.

Thus far I have talked mainly of the meaning of this program to individual areas of unemployment and low income. I would like now to deal briefly with the regional planning and programming aspect of this bill. The regional planning provisions of the bill are quite new in concept and follow generally the plan embodied in the Appalachian Regional Development Act.

While the Appalachian region is only beginning to implement its program, the great value of the 2 years which went into developing that program is that it identified and outlined a new approach to economic development problems common to areas of the United States.

Under S. 1648, States may join together to form regional development commissions to further projects and programs which are best planned across broad areas of several States which no local unit or group of units within one State can do alone or without regard to the effect of their efforts on a similar area in another State. The grants that would be made under title I are not to be limited to traditional public works, but are meant to include physical properties which will have a bearing on long-term industrial and commercial growth.

Examples of projects which should be eligible under this title, as well as projects for which public facility loans would be eligible, include but are not limited to the following:

1. Industrial development, such as buildings and sewage facilities related to residential development, hospitals, educational facilities, community centers, and in some circumstances, library and school facilities.

2. The Appalachian experience has produced a workable mechanism for a Federal-State partnership which can develop a program and implement it. The Public Works Committee, therefore, recommended the regional commission plan that was created in the Appalachian Regional Development Act as the instrument to be used by other regions.

The regional approach to the problem of area economic development embodied in S. 1648, Mr. President, provides a very strong statement of much-needed adjunct to the other provisions of the bill.

Title I of this bill, public works and development facilities, is designed to increase the amount of Federal funds being expended both for the extension of the physical structure of an area, and for specific improvements related to projected economic development. One of the greatest handicaps a community, area, or region may suffer when economically disadvantaged is the inability of its physical plant and public services to support existing industry, or new development. If a community, for example, has an inadequate water treatment and distribution system, it can hardly hope to induce industrial development which would tax the existing facilities and possibly lead to breakdown in the system.

This type of investment cannot adequately be measured in terms of jobs or for new facilities, but can mean the difference between depression and hope for an entire area. But the purpose here is not the immediate employment gain that such facilities will produce. The primary purpose is to create developmental facilities that will contribute to the economic under­pinning of the community that can make it more capable of supporting additional population and of making the most of its natural advantages.

The grants that would be made under title I are not to be limited to traditional public works, but are meant to include physical properties which will have a bearing on long-term industrial and commercial growth.

Examples of projects which should be eligible under this title, as well as projects for which public facility loans would be eligible, include but are not limited to the following:

1. Industrial development, such as buildings and sewage facilities related to residential development, hospitals, educational facilities, community centers, and in some circumstances, library and school facilities.

2. The Appalachian experience has produced a workable mechanism for a Federal-State partnership which can develop a program and implement it. The Public Works Committee, therefore, recommended the regional commission plan that was created in the Appalachian Regional Development Act as the instrument to be used by other regions.

The regional approach to the problem of area economic development embodied in S. 1648, Mr. President, provides a very strong statement of much-needed adjunct to the other provisions of the bill.

Title I of this bill, public works and development facilities, is designed to increase the amount of Federal funds being expended both for the extension of the physical structure of an area, and for specific improvements related to projected economic development. One of the greatest handicaps a community, area, or region may suffer when economically disadvantaged is the inability of its physical plant and public services to support existing industry, or new development. If a community, for example, has an inadequate water treatment and distribution system, it can hardly hope to induce industrial development which would tax the existing facilities and possibly lead to breakdown in the system.

This type of investment cannot adequately be measured in terms of jobs or for new facilities, but can mean the difference between depression and hope for an entire area. But the purpose here is not the immediate employment gain that such facilities will produce. The primary purpose is to create developmental facilities that will contribute to the economic under­pinning of the community that can make it more capable of supporting additional population and of making the most of its natural advantages.

The grants that would be made under title I are not to be limited to traditional public works, but are meant to include physical properties which will have a bearing on long-term industrial and commercial growth.

Examples of projects which should be eligible under this title, as well as projects for which public facility loans would be eligible, include but are not limited to the following:

1. Industrial development, such as buildings and sewage facilities related to residential development, hospitals, educational facilities, community centers, and in some circumstances, library and school facilities.

2. The Appalachian experience has produced a workable mechanism for a Federal-State partnership which can develop a program and implement it. The Public Works Committee, therefore, recommended the regional commission plan that was created in the Appalachian Regional Development Act as the instrument to be used by other regions.

The regional approach to the problem of area economic development embodied in S. 1648, Mr. President, provides a very strong statement of much-needed adjunct to the other provisions of the bill.

Title I of this bill, public works and development facilities, is designed to increase the amount of Federal funds being expended both for the extension of the physical structure of an area, and for specific improvements related to projected economic development. One of the greatest handicaps a community, area, or region may suffer when economically disadvantaged is the inability of its physical plant and public services to support existing industry, or new development. If a community, for example, has an inadequate water treatment and distribution system, it can hardly hope to induce industrial development which would tax the existing facilities and possibly lead to breakdown in the system.

This type of investment cannot adequately be measured in terms of jobs or for new facilities, but can mean the difference between depression and hope for an entire area. But the purpose here is not the immediate employment gain that such facilities will produce. The primary purpose is to create developmental facilities that will contribute to the economic under­pinning of the community that can make it more capable of supporting additional population and of making the most of its natural advantages.

The grants that would be made under title I are not to be limited to traditional public works, but are meant to include physical properties which will have a bearing on long-term industrial and commercial growth.

Examples of projects which should be eligible under this title, as well as projects for which public facility loans would be eligible, include but are not limited to the following:

1. Industrial development, such as buildings and sewage facilities related to residential development, hospitals, educational facilities, community centers, and in some circumstances, library and school facilities.

2. The Appalachian experience has produced a workable mechanism for a Federal-State partnership which can develop a program and implement it. The Public Works Committee, therefore, recommended the regional commission plan that was created in the Appalachian Regional Development Act as the instrument to be used by other regions.

The regional approach to the problem of area economic development embodied in S. 1648, Mr. President, provides a very strong statement of much-needed adjunct to the other provisions of the bill.

Title I of this bill, public works and development facilities, is designed to increase the amount of Federal funds being expended both for the extension of the physical structure of an area, and for specific improvements related to projected economic development. One of the greatest handicaps a community, area, or region may suffer when economically disadvantaged is the
visions of this act are not merely to be substituted for funds available under existing programs. It would be contrary to the purposes of this act if other programs were not also brought back the amounts of funds which would have gone to eligible areas if the additional funds under this program were not available. Further, the present policy of loaning title II and III funds is such that technical assistance may include the undertaking of training programs, as well as studies. The committee also took into consideration the fact that some areas would be handicapped by an information program designed to provide better economic development facilities.

In testifying before the Senate Public Works Committee, a number of witnesses, including several Members of Congress, expressed doubt as to whether this sum would be large enough to meet the tremendous backlog of needs of the underdeveloped areas.

Many, but not all of the APW projects left unfunded because of exhaustion of authorization will be eligible for consideration under the Public Works and Economic Development Act. There will also be projects of that committee previously funded under the ARA program. These are public facility projects that have a direct tie-in with a new employment-creating enterprise.

The Public Works Committee also amended the bill to permit supplementary grants for direct Federal projects that have been authorized by Congress. On the basis of estimates on backlog and annually spent by that committee determined that $400 million would be the minimum necessary to fund title I. Senator Randolph offered an amendment for $500 million. There was sympathy increasing even to that figure. However, committee studies indicate that there is a backlog of $250 million; that new applications will total $250 to $300 million, of which $100 million will be provided in the year application is made.

Further, there needs to be some stand-by authorization in the event of sudden loss of employment in a number of areas over the year period. Annual appropriations would be $250 million, new grants in any year, $100 million, and reserve, $50 million.

Title III of S. 1648 authorizes a program for technical assistance and planning assistance to areas having substantial need for such assistance that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment. This title provides for a research program aimed at better understanding of the causes and conditions of area and regional economic dislocations and in addition provides funds for projects designed to provide better economic development knowledge-how to local, district, and regional development groups.

The Public Works Committee amended this title so that technical assistance may include the undertaking of training programs, as well as studies. The committee also took into consideration the fact that some areas would be handicapped by an information program designed to provide advanced planning. It also noted that the administration's proposed bill did not provide for a specific authorization for a research program. In light of these considerations the committee recommended that the authorization for title III be raised from $250 million, which money was to be used to help finance the research and information sections as well as the section on technical assistance.

Past examples, such as ARA and APW, went only part of the way in attempting to help areas solve their economic development problems and certain complaints were made about these programs were made mainly because they were not strong enough and broad enough to do an adequate overall job.

S. 1648 goes far to fill the gaps that prevented certain programs from being as effective as they might have been.

I look forward to seeing real inroads made on area unemployment and underemployment through this measure. I see no alternative but to begin on both regional research on economic dislocations and on the national economy through the implementation of this bill.

I urge the Senate to act favorably on this important measure.

Mr. DOUGLAS. Mr. President, I want to compliment the able chairman of the Public Works Committee for the very effective presentation he has made of the Public Works and Economic Development Act of 1965. I have carefully reviewed the record of the hearings and the report filed by the Committee on Public Works and I believe that the number of that committee has done an outstanding job in bringing this piece of vital legislation to the floor.

The Senator from Michigan was kind enough to present a copy of the Banking and Currency Committee on titles II and IV of the bill. These titles deal with the loan programs and the criteria for designating eligible areas and are similar to the provisions of the Public Works and Economic Development Act which was approved by the Banking and Currency Committee and the Congress in 1961. I believe our committees achieved an unusual degree of agreement and I would hope the practice of consulting with other committees receives wider use. The Senator from Michigan, who has joined with me in cosponsoring this bill, has made an important contribution not only to the bill but to the practices and procedures by which the Senate conducts its business.

The original Area Redevelopment Act was basically a loan program. It authorized $100 million in loans to public works projects designed to improve a community's economic potential. It authorized $100 million in loans to businesses expanding into areas of chronic unemployment.

And it authorized $100 million in loans to firms expanding into areas of underemployment and persistent low income.

In addition, $75 million in grants was authorized for public works projects that promised to enhance the communities' economic base.

And finally, the act authorized an annual appropriation of $14.5 million for retraining workers in depressed areas and
$4.5 million for providing such areas with technical assistance.

**ACCOMPLISHMENTS OF THE AREA REDEVELOPMENT ACT**

In many respects, the Area Redevelopment Act was an experimental program. It did not have the funds or resources to conduct a massive assault upon all the problems of depressed areas. But it made a valuable start and within the limitations of the act, it achieved notable results.

Mr. President, based upon the Area Redevelopment Act’s experience, the net cost of creating a new job is about $800.

Third, we have recently enacted the Appalachian program—a program to help generate economic development on a regional basis. ARA’s own experience has confirmed the need for this type of regional aid, for ARA soon found that the lack of modern public facilities was an overwhelming economic problem to any area. Because the ARA program alone did not have the authority or funds to do the job adequately, the States in the Appalachian region, where the lack of public facilities and the adequate transportation was most apparent, banded together to urge the formation of the President’s Appalachian Regional Commission. It was the work of this Commission which ultimately led to the passage of the recent Appalachian Act as a means of providing these basic needs. Other bills to aid similar regions have since been proposed in anticipation of similar programs in the future for other regions with severe economic problems. This bill offers benefits on a regional basis without county-by-county restrictions.

**IMPROVEMENTS IN THE PROGRAM**

The present bill combines the best features of the original Area Redevelopment Act, the Accelerated Public Works Act, and the Appalachian Regional Development Act. It is a most successful under the Area Redevelopment Act although some communities had trouble meeting their share of the loan which, as I mentioned previously, was 10 percent. The new act will thus be a substantial improvement and will not deny assistance to the very communities that need it the most.

Third, the Secretary can guarantee working capital loans made to firms expanding into depressed areas. The Federal share is limited to 65 percent and the local community must put up 5 percent, although they may be waived in extreme cases. Under present borrowing costs the interest charged on these loans would be 4% percent. This program has proven to be most successful under the Area Redevelopment Act and allows working capital was a major stumbling block in building new industry. Some banks were unable to supply the needed credit because of the assumed risk. This new act, therefore, will be of substantial assistance to firms attempting to get started in depressed areas.

In addition to these three programs in title II, for which the Secretary could allocate $170 million, section 202 of the bill contains a method for promoting

This often proved to be a stumbling block in raising the needed funds. The new proposal reduces the percentage to 5 percent and authorizes concurrent repayment, even waives the 5 percent local contribution in extreme cases.

Also, the new bill authorizes financing on a scale more nearly equal to the task. For example, the original Area Redevelopment Act authorized $300 million in business and public facility loans over a 4-year period or an average of $75 million per year. The present bill authorizes $170 million per year, or more than double the original amount.

**TITLE II OF THE BILL**

Before I conclude, Mr. President, I would like to briefly describe sections II and IV of the bill since I chaired a Banking and Currency Subcommittee which held an informal review of this portion of the bill. Title II provides the Secretary of Commerce with the authority to make million dollar economic development guarantees. There are three principal programs under this $170 million authorization:

First, the Secretary could make loans to businesses in public works type projects designed to enhance a community’s economic base. The projects would have to be directly related to economic development and could include industrial parks, recreation areas, industrial parks, police and fire stations, research centers, tourism facilities, industrial streets and roads, and other public improvements. The interest rate for these loans would be 3½ percent under present borrowing costs. The rate is tied to the Federal borrowing cost less one-half of 1 percent.

Second, the Secretary can make loans to businesses in depressed areas. The Federal share is limited to 65 percent and the local community must put up 5 percent, although they may be waived in extreme cases. Under present borrowing costs the interest charged on these loans would be 4% percent. This program has proven to be most successful under the Area Redevelopment Act and allows working capital was a major stumbling block in building new industry. Some banks were unable to supply the needed credit because of the assumed risk. This new act, therefore, will be of substantial assistance to firms attempting to get started in depressed areas.

In addition to these three programs in title II, for which the Secretary could allocate $170 million, section 202 of the bill contains a method for promoting
economic development in depressed areas, hitherto unused in this country, although it has been used effectively in Europe. In effect, it is an interest rate reduction of 2 percent would total cost of new plant and equipment for non-Government borrowers expanding into depressed communities. Many firms have no particular difficulty in borrowing much or the direct at the same time that ARA was not especially appealing. However, with interest rate subsidies, these firms would have an incentive to expand into a depressed area. The bill provides authority to enter into contracts of up to $5 million per year in interest rate subsidies; however, the amount would encourage $250 million of private investment in depressed areas so, for very little expenditure, a tremendous amount of leverage and of new investment is achieved.

**Title IV**

Title IV of the bill deals with the criteria by which depressed areas will be declared eligible or ineligible for financial assistance. Basically, the earlier unemployment criteria contained in section 5(a) of the Area Redevelopment Act of 1946 is, an area that would have to experience unemployment substantially above the national average to qualify. In addition, areas with median income below 100 percent of the national average would qualify.

There are several improvements in the designation portion of the act which should result in better administration. The bill provides that a depressed area which ever year in form of new construction can combine to form larger multicounty districts. When this is done, certain development centers in the district would be eligible for assistance if they would promote the overall growth of the area, even though they could not qualify on their own. An incentive to induce economic development on a wider scale, the section authorizes an additional $50 million yearly for such multicounty areas.

Second, the proposed bill would permit the termination of areas on the basis of annual rather than monthly statistics. Under existing provisions an act and continued eligibility would depend upon monthly employment statistics. The resulting fluctuations and in-again, out-again designations made it difficult to proceed on an even basis.

Third, the bill has language which will permit a depressed area to retain its eligibility despite an increase in employment if the Secretary determines such an increase is not likely to be permanent. In other words, if a community achieves a temporary high level of unemployment due to a one-time construction project, it could not lose its eligibility. The bill from Minnesota is to be given the credit for this noteworthy improvement.

Fourth, the bill permits assistance to areas which may not qualify under existing law until it became clear that it would suffer or had suffered an employment loss of such magnitude that its unemployment rate exceeded the national average by 100 percent for a full year. However, it is just as important to prevent these areas from becoming depressed as it is to improve those areas already depressed.

The proposed bill would permit Federal assistance as soon as it can be established that the requisite unemployment level would be reached within 2 years. Mr. President, I am proud to be the sponsor of this important legislation along with Senator McNAMA. Our economic development on a wider scale, the bill has succeeded in removing and restricting it to some of the smaller towns and isolated regions of America. But it still exists. Poverty and want are still a way of life for many Americans. It is time we launched an all-out attack upon the paradox of want in the midst of abundance. The war on poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

And so let us renew the commitment we made in the Economic Development Act of 1946 to assure that every American who wants to work can do so. Let us pass this bill and bring not only work, but a meaningful life to the people who live in communities which have been broken. And yet despite this progress, poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

And so let us renew the commitment we made in the Economic Development Act of 1946 to assure that every American who wants to work can do so. Let us pass this bill and bring not only work, but a meaningful life to the people who live in communities which have been broken. And yet despite this progress, poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

Fourth, the bill permits assistance to areas which may not qualify under existing law until it became clear that it would suffer or had suffered an employment loss of such magnitude that its unemployment rate exceeded the national average by 100 percent for a full year. However, it is just as important to prevent these areas from becoming depressed as it is to improve those areas already depressed.

The proposed bill would permit Federal assistance as soon as it can be established that the requisite unemployment level would be reached within 2 years. Mr. President, I am proud to be the sponsor of this important legislation along with Senator McNAMA. Our economic development on a wider scale, the bill has succeeded in removing and restricting it to some of the smaller towns and isolated regions of America. But it still exists. Poverty and want are still a way of life for many Americans. It is time we launched an all-out attack upon the paradox of want in the midst of abundance. The war on poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

And so let us renew the commitment we made in the Economic Development Act of 1946 to assure that every American who wants to work can do so. Let us pass this bill and bring not only work, but a meaningful life to the people who live in communities which have been broken. And yet despite this progress, poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

And so let us renew the commitment we made in the Economic Development Act of 1946 to assure that every American who wants to work can do so. Let us pass this bill and bring not only work, but a meaningful life to the people who live in communities which have been broken. And yet despite this progress, poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.

And so let us renew the commitment we made in the Economic Development Act of 1946 to assure that every American who wants to work can do so. Let us pass this bill and bring not only work, but a meaningful life to the people who live in communities which have been broken. And yet despite this progress, poverty attempts to rescue individuals from the vicissitudes of life which are often transmitted from generation to generation. The bill before us today, the Public Works and Economic Development Act of 1965, is an effective complement to the war on poverty. It attempts to provide the economic resources, and the jobs needed to rescue these Americans from a life of misery and want.
Mr. McNAMARA. $665 million annually.

Mr. HOLLAND. I should like to ask the Senator whether the bill is a second area redevelopment bill on a little larger scale?

Mr. McNAMARA. No; the program embodied in the bill is a combination of the best aspects of the ARA, AFW, and Appalachian program. It applies to underdeveloped areas in the country, or areas similar to these embraced in the Appalachian bill. The same aid available under ARAs and AFW.

Mr. HOLLAND. Is the $650 million the entire annual authorization included in the bill?

Mr. McNAMARA. Yes; the figure I stated is the annual authorization.

Mr. HOLLAND. How many years does the bill cover?

Mr. McNAMARA. Five years on title I; indefinitely on the remaining titles.

Mr. HOLLAND. The portion of the bill covered by the $650 million annual authorization, how many years are covered?

Mr. McNAMARA. Four hundred million dollars of the six hundred sixty-five million dollars is limited to 5-year period, the remainder is indefinite.

Mr. HOLLAND. Two billion dollars in that period?

Mr. McNAMARA. The amount is broken down on page 19 of the report. Part of the authorization is limited to 5 years, that is $2 billion, the rest is indefinite.

Mr. HOLLAND. What is the entire amount authorized by the bill, and over what period of time?

Mr. McNAMARA. Six hundred sixty-five million dollars annually.

Mr. HOLLAND. Over how many years?

Mr. McNAMARA. Title I, over 5 years; the remainder is indefinite. Titles II and III were handled by the subcommittee of which the Senator from Illinois [Mr. DOUGLAS] is the chairman.

Mr. HOLLAND. Mr. President, the Senate is entitled to know what is the entire authorization covered by the bill.

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

Mr. HOLLAND. I yield, although I do not have the floor.

Mr. McNAMARA. I yield to the Senator from Illinois.

Mr. DOUGLAS. As the Senator from Michigan has said, the authorization for public works facilities under title I is $400 million, a year for 5 years. The remaining figure of $265 million a year is of indefinite duration.

However, I point out that these are merely authorizations; they will have to be passed on by the appropriate subcommittees of the Committee on Appropriations and by the Committee on Appropriations itself.

Mr. HOLLAND. Am I correct in my present understanding that the bill would authorize appropriations of $2 billion within the next 5 years under one title, and appropriations of $265 million a year indefinitely under other titles?

Mr. DOUGLAS. Yes; but the money would not be automatically appropriated or spent; it would have to be approved by the Committee on Appropriations. This is purely an authorization bill. The distinguished Senator from Florida is a member of the Committee on Appropriations and has the opportunity to review this program.

Mr. HOLLAND. All I can say is that to have a bill of this amazing size and this great length, 64 pages, brought up before the Senate that has a long recess and is in the Chamber, with the Senate preparing to adjourn, without Senators having had an opportunity to read the report and examine it, is, in my judgment, questionable. I hope that no Senator will insist on a voice vote on this measure.

Mr. DIRksen. I will insist on a yeas-and-nay vote. I could not allow this vast sum of money to be authorized by the Senate without further discussion.

Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

PERSONAL STATEMENT BY SENATOR CLARK

Mr. CLARK. Mr. President, will the Senate finance Michigan? Mr. McNAMARA. I yield.

Mr. CLARK. Earlier today, I came close to missing an important yea-and-nay vote. I should like to express publicly to the Senators on both sides of the aisle my gratification for their assistance in making it possible for me to be present and to record my vote before the result was announced. I am deeply grateful to all of them.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The Senate resumed the consideration of the bill (S. 1649) to provide grants for public works and development facilities, other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions.

Mr. ELLENDER. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield.

Mr. ELLENDER. Did I correctly understand the Senator to say that a certain title of the bill was to do for certain parts of the country what the Appalachian bill would do for the Appalachian region?

Mr. McNAMARA. The Senator is correct.

Mr. ELLENDER. Does the bill indicate what areas of the country would be covered?

Mr. McNAMARA. No. The bill establishes the criteria under which an area would be eligible for regional assistance and provides for a study.

Mr. ELLENDER. Would those studies be made through the APA?

Mr. DOUGLAS. Oh, yes, but of course in those regions eligible under the bill's provisions.

Mr. ELLENDER. At whose request?

Mr. DOUGLAS. Under titles I and II the public works would be built and the loans for business and public facilities would be made in communities and areas which suffer from high and persistent unemployment, where the percentage of unemployment is vastly in excess of the national average. If over the preceding years the unemployment has been 50 per cent more than the national average, that area would qualify. If it were over 100 percent, or double the national average for 1 year, it would qualify. Also the area which suffer severe underemployment and low income would be designated.

But the aid would be confined to those areas. In the rural areas, the difficulty is so much more than the urban areas. In the rural areas, the aid would be confined to those areas that suffer from high and persistent unemployment, or high and persistent underemployment and the resulting low income levels. Therefore counties where the average income was less than 40 percent of the national average would be eligible for assistance under this new program.

A great many counties in the State of the distinguished Senator from Louisiana would be eligible under the low-income criteria. It is intended to reach the poor counties of the country, where people have irregular employment.

Mr. ELLENDER. The amount authorized for that purpose is $265 million a year?

Mr. DOUGLAS. There is authorized in title II $170 million for loans for public works facilities and for industrial and commercial loans. Also there are guarantees for working capital loans and there is an annual subsidy of 2 percent points which would help induce private investment of $250 million a year.

Mr. ELLENDER. Mr. President, will the Senator from Illinois be able to tell us what connection, if any, this program has with the accelerated public works program?

Mr. DOUGLAS. The bill really includes the accelerated public works program and area redevelopment program.

Mr. ELLENDER. So it is a combination of both?

Mr. DOUGLAS. That is correct.

Mr. DOMINICK. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield.

Mr. DOMINICK. Will the Area Redevelopment Administration overlap the Appalachian program, and all the others be phased out with passage of the bill, or will they remain in effect, superimposed upon this bill?

Mr. McNAMARA. The Area Redevelopment Act would expire; the Appalachian program would continue.

Mr. DOMINICK. Is the Appalachian program included in the bill?

Mr. McNAMARA. No, but it is coordinated with this bill.

Mr. DOMINICK. So this bill is superimposed upon the Appalachian program?

Mr. McNAMARA. It is apart from it.

Mr. DOMINICK. Does it overlap the Appalachian program over the country?

Mr. McNAMARA. In certain areas of the country that may be eligible. To be eligible, restrictions are spelled out. They are tighter than in the Appalachian program.

Mr. DOMINICK. How much subsidized interest does the bill contain?

Mr. DOUGLAS. Five million dollars a year for Appropriations, $10 million in the next year and $15 million in the third year. Since there is a 2-percent interest
subsidy, this would make possible an investment of $250 million a year. This provision is designed to induce sound firms, of large and medium size, to go into areas. This would, in effect, substitute private financing with an interest rate subsidy for direct Government financing of industrial and commercial facilities. This kind of program has been widely used on the Continent of Europe, and has been successful. We believe it has application in this country. Mr. DOMINICK. What does the Senator mean by his statement that strong firms are to be met? Mr. DOUGLAS. Our primary aim—I feel certain that the Senator from Colorado would not differ with it—is not to subsidize firms so much as to bring sound firms into somewhat decayed areas so as to provide employment and production. It is really an attempt to have private financing and direct Government subsidies. Mr. DOMINICK. Do I correctly understand that it is intended to have different interest rates for different firms in various parts of the country? Mr. DOUGLAS. No, the interest rate would be set up by the private lenders, but there would be a deduction of 2 percent from that interest rate to be paid by the Government. Mr. DOMINICK. They would be different firms, selected firms? Mr. DOUGLAS. No firm would get a greater subsidy for interest payments than any other firm. Naturally, the interest rate would depend upon private lenders and the amount that could be subsidized in any 1 year. Mr. DOMINICK. It is entirely possible, though, that the capital investment program could have one company come into one area and receive a subsidized interest rate, and another company in competition with that company go into another depressed area and not receive it. Is that correct? Mr. DOUGLAS. I suppose that theoretically that is possible. However, practically, I do not believe that it is probable. Mr. DOMINICK. Why is it not practically possible? Mr. DOUGLAS. There is a provision that capital investments are not to be made in industries in which there is overinvestment. Mr. DOMINICK. What about the administrative expenses? I note that there is some provision in the report—which I frankly never saw until 3 minutes ago—that administrative expenses are not open ended. Mr. DOUGLAS. They are to be met out of the appropriation for the Department of Commerce. Mr. DOMINICK. This is all administered under the Department of Commerce? Mr. DOUGLAS. That is correct. It would be subject to the control of the Committee on Appropriations dealing with that subject. Mr. DOMINICK. Is there any indication in the report—which I have not had an opportunity to see—as to how many counties in the country would be included within this program? Mr. DOUGLAS. There is no specific mention of number of counties. The standards for designation are set forth clearly in title IV of the bill. They are similar to the standards in the Area Redevelopment Act program. However, the new standards are, as the Senator from Michigan has said, more severe in this act than they were in the original 1961 Area Redevelopment Act. As I have said, the rural counties are eligible when the average income is less than 75 percent of the national median income. The intent is to provide for the counties in which the farmers and rural residents are extremely poor. Mr. DOMINICK. Eligible for what, if I might ask? Mr. DOUGLAS. Eligible for public works, eligible for business loans—eligible for all of the aids under this act. Mr. DOMINICK. It is my feeling of the Senator from Florida that it is late in the day to take up a bill of this magnitude which most of us know nothing about. Mr. McNAMARA. Mr. President, these reports have been available in the Chamber for some time. I believe that there has been sufficient notice that the bill was brought up. I do not decide when these matters are brought out. The Policy Committee decides those matters. Mr. DOUGLAS. The Senator from Colorado, I believe was the only member of the Committee on Banking and Currency. Mr. DOMINICK. I am not on it any longer. Mr. DOUGLAS. We are sorry to have lost the Senator from Colorado. Mr. DOMINICK. I am sorry not to be on the committee. Mr. DOUGLAS. The report on S. 1648 was made on the 14th of May. It has been on the desk for 10 days. It has been on the calendar for some time. The report was put on the calendar on May 14. Mr. YARBOROUGH. Mr. President, will the Senator yield? Mr. McNAMARA. I yield. The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Texas is recognized. Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from Michigan (Mr. McNamara) for his conduct of the hearings on this subject, which I have been examining the report. I have been very much interested because the Area Redevelopment Act, Senate bill No. 1 of the 87th Congress in 1961, has been, I believe, one of the most beneficial acts passed by Congress in the field of economics in the history of our Nation, so far as my State is concerned. While the Area Redevelopment Act is being planned, and the pending measure would continue some phases and particularly loans and grants to small towns which would have been denied such assistance. These towns would be able to build waterworks and sewer systems. Some have already been built. There have been some hepatitis cases in small towns in Texas which were without any sewerage. The bill has enabled those towns to obtain a sewage disposal system. I feel that, with as much vision as went into the No. 1 recovery act of the 87th Congress in 1961, this measure would carry forward much of the best features of the Area Redevelopment Act. The major portion of the money would be for public works, for the second time, and not enter into the economics of it. The private business figure shown here, $400 million annually, is exclusively for public works and grants. That is the major portion of the money.
Mr. MUSKIE. That is right; the accelerated public works program is considered to be an emergency program. The emergency program provided for grants regularly up to 75 percent. In some cases those grants went to 80 percent in the accelerated public works program.

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

Mr. COOPER. I yield.

Mr. ELLENDER. As I recall the accelerated public works program bills, the authorization was for $950 million.

Mr. COOPER. $900 million.

Mr. ELLENDER. Could the Senator tell us how much of this amount to be appropriated every year would go for grants instead of loans?

Mr. COOPER. Under the first section, the entire $400 million would go for grants, but they must be matched by the local municipalities or subdivisions.

Mr. ELLENDER. None would be loans?

Mr. COOPER. Under the first section they would be grants, but they would have to be matched by local contributions.

Mr. ELLENDER. What is the maximum amount to be provided by way of grants out of the total cost of the program?

Mr. COOPER. If the $400 million is authorized and if appropriations of $400 million were approved, it would mean each year $400 million would be available for grants. The actual amount, however, to be available would be determined by the Appropriations Committee.

Mr. ELLENDER. What would be the contribution made by the local communities?

Mr. COOPER. 50 percent.

Mr. ELLENDER. Is it fixed at that amount, or is it graduated? Under the old programs, as I recall, grants were based on the capability of the locality to furnish its own funds. If the community was 25 percent, up to 50 percent, the Government matched it.

Mr. COOPER. That is correct. Under the old program the Administrator of the accelerated public works program made decisions as to the amount of the grants, which ranged from 50 percent to 75 percent. Under this bill the Administration would have that discretion, except that he could give grants up to 80 percent.

Mr. ELLENDER. Up to 80 percent?

Mr. COOPER. Yes.

Mr. MUSKIE. Mr. President, will the Senator yield on that question?

Mr. COOPER. I yield.

Mr. MUSKIE. There are two types of grants. One would cover grants not now covered under existing Federal programs. As to those, the Federal Government would contribute up to 50 percent. As to grants which supplement existing programs, for example, Hill-Burton hospital aid program, this bill would provide for grants to supplement grants for which projects might be eligible under existing programs.

Mr. ELLENDER. Does the Senator mean under the total bill, or the accelerated public works program?

Mr. MUSKIE. Yes; the total Federal contribution, including the grants under this program and the grants under the current program, cannot exceed 80 percent.

Mr. COOPER. The same determinations would be required of the Administrator. He would have to find that the municipality or the recipient could not provide the 50 percent. In that event, the Administrator would have discretion to increase the grant up to 80 percent.

Mr. ELLENDER. As I understand the Hill-Burton Act, the Congress can pay up to 80 percent. Has that been changed?

Mr. MUSKIE. It has not been changed.

Mr. ELLENDER. What is the maximum the Congress can contribute toward construction under the Hill-Burton Act?

Mr. MUSKIE. It can go up to 80 percent.

Mr. ELLENDER. I thought so.

Mr. MUSKIE. Whenever the Federal grant in some other program is as high as 80 percent, it would not be eligible for any assistance under this program. If a Federal grant under some other program was less than 80 percent, this program could be used, with supplementary grants up to 80 percent.

Mr. ELLENDER. What would prompt the Federal Government to utilize the Hill-Burton Act to make a contribution of as much as 80 percent? Would it not be based also on the capability of the location where construction will take place to contribute its share, as well as the need?

Mr. MUSKIE. Actually, as I understand it, the Federal contribution under the Hill-Burton program would vary, based upon the type of hospital to be built. If it is a general hospital, under the Hill-Burton program, I believe the maximum grant then applies, but under special kinds of facilities, the Federal contribution would be less. States depend upon the number of projects available in their States for the Hill-Burton program will vary in percentages depending upon how many projects and the priority the State assigns to them. So that I do not believe we can use a flat across-the-board percentage as descriptive of the Hill-Burton program.

Mr. ELLENDER. What prompted the committee to make it possible to supplement moneys under the Hill-Burton Act to assist in the construction of hospitals?

Mr. MUSKIE. We did not concentrate on hospitals.

Mr. ELLENDER. No, I know that, but it is possible, is it not?

Mr. MUSKIE. It is possible.

Mr. ELLENDER. It is possible for a municipality, let us say, or a community, to obtain money from both the Hill-Burton as well as the accelerated public works?

Mr. MUSKIE. I can explain the theory to the Senator, in this way—
Mr. ELLENDER. I am wondering why it was done. Why do we not release those funds to public works other than hospitals? We have a special program already in operation. It is working well, I understand.

Mr. MUSKIE. First of all, the provision is in the same as in the Appalachia bill which the Senate approved a short while ago, so that the principle, we thought, that since it was applicable to the under-developed area in Appalachia, which was approved by the Senate, it could also be applicable to other areas of the country in like circumstances.

The theory behind it is that once an area or community begins to go down economically, the resources available to it for taking advantage of its existing Federal programs are less than if it is a normal community not deteriorating economically. The theory is that those communities then should get this extra boost permitted under the formula approved under the Appalachia bill.

Mr. ELLENDER. Yet the Hill-Burton Act and the Hill-Burton Amendments already provide contributions by the Government of up to 80 percent of the construction cost.

Mr. MUSKIE. I do not know what the provision is.

Mr. ELLENDER. That is my recollection of it, but—

Mr. MUSKIE. But, in the event there is an 80 percent grant under Hill-Burton, not a nickel will be available under this program.

Mr. McNAMARA. The total Federal grant cannot exceed 80 percent no matter what the program is.

Mr. YARBOUGH. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I am glad to yield to the Senator from Texas.

Mr. YARBOUGH. I should like to ask the Senator from Kentucky what is the maximum amount of percentage of money the Federal Government grants now for the construction of an interstate highway?

Mr. COOPER. Ninety percent.

Mr. YARBOUGH. Ninety percent, then the maximum that could be granted under this bill for any public project is 80 percent, less than being granted by the billions of dollars to build highways; is that not correct?

Mr. COOPER. The Senator is correct.

Mr. YARBOUGH. I thank the Senator from Kentucky.

Mr. COOPER. I believe that the questions the Senator from Michigan [Mr. McNAMARA] and the Senator from Maine [Mr. MUSKIE] have brought out clearly the provisions of this first section. As the Senator from Maine pointed out those grants, which are made to a municipality or an area which the Administrator determines, will have a definite effect upon increasing the industrial and employment opportunities of that particular municipality or area, whether it be grants for facilities or land. But if in making that determination it is found that the community needs certain facilities such as sewage and water facilities, and other facilities, and the project is worthwhile, then we would be unable, if the community could not meet its 50 percent share, to make supplementary grants up to 50 percent. I believe that is correct.

Mr. DOUGLAS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. DOUGLAS. Is it not true that in the foreign aid bill we provide grants and loans for what the people in the State Department call “the infrastructure” and cabins and facilities which are necessary in order to help production in that particular locality or area and this is to provide the same opportunities for depressed areas in this country that we now provide under foreign aid for other nations; is that not correct?

Mr. COOPER. I believe that the word “infrastructure” is appropriate.

Mr. DOUGLAS. It is a complicated word.

Mr. DOUGLAS. It is the same phrase used in the military programs. The infrastructure in France is to build roads and airports.

Mr. AIKEN. Mr. President, these commissions would not be substitutes for interstate compacts, would they?

Mr. MUSKIE. No, they would not be a substitute.

Mr. AIKEN. It was the Federal chairman who would have the final say?

Mr. MUSKIE. That would be the Federal cochairman, and also the State cochairman.

Mr. AIKEN. The Federal cochairman would have to approve it. In other words, three separate States could not go on a tangent, without approval of the Federal cochairman.

Mr. MUSKIE. On voting, approval is required of the Federal cochairman and also a majority of the States, or if there are only two State cochairmen, then one of them.

Mr. AIKEN. Yes. What would they be authorized to do? Make recommendations only?

Mr. MUSKIE. Yes; that is all the recommendations can do; namely, develop programs and make recommendations for legislative authorization.

Mr. AIKEN. No authority whatsoever for making assessments on the States?

Mr. MUSKIE. The Senator is correct.

Mr. AIKEN. It is these States that qualify under the criteria listed on page 33—that is, the rate of unemployment substantially above the national rate, the median family income below the national income, housing, etc. cetera.

Mr. MUSKIE. Yes. Eight criteria.

Mr. AIKEN. Eight criteria—I am sorry I have not read this before. I read it only hurrily now.

Mr. MUSKIE. These criteria are similar to that applied to the Appalachia group.

Mr. AIKEN. The expenses of these commissions are to be paid, how?

Mr. MUSKIE. By the Federal—

Mr. AIKEN. The Federal Government?

Mr. MUSKIE. The Federal Government, for the first 2 years and then the cost is divided equally between the Federal Government and the States with the States deciding the division among themselves.

Mr. AIKEN. They are not intended in any way, these commissions, to take the place of Interstate compacts?

Mr. MUSKIE. No. Absolutely not.

Mr. AIKEN. Then there is nothing in here which exempts any number of States who desire to form an agreement, association, or compact on their own, which does not meet the criteria here? Then they would be required to get Federal approval?

Mr. MUSKIE. This does not prohibit it. In addition, the States are not eligible under the criteria, there is authorization for a study.

The PRESIDING OFFICER. The Senate will be in order. The Senator will proceed.

Mr. AIKEN. I was just wondering, we apparently have a shortage of labor in this area and I hope that it continues for awhile.

Mr. DOUGLAS. Mr. President, there has been some discussion apparently as to what type of programs would be eligible for grants under section 101 as well as under section 201. There is a rather full set of illustrations on page 9 and the top of page 10 of the report. If the Senator from Maine will permit me I should like to read those passages.

Mr. MUSKIE. The Senator from Vermont has the floor.

Mr. AIKEN. I wanted to ask, in order to qualify if a group of States entered into an agreement which does not fully comply with the conditions here—and this is not an agreement anyway—this is a commission—if they entered into an agreement, there is nothing in this bill which would exempt them from the requirement that they obtain approval of Congress?

Mr. MUSKIE. Absolutely not.

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

Mr. MUSKIE. The Senator from Vermont has the floor, and the Senator from Illinois is seeking recognition.

Mr. Hruska. I should like to ask a question of the Senator from Maine.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. MUSKIE. I yield.

Mr. Hruska. Title I is the one which is comparable to the Accelerated Public Works Act. Is that the way it is interpreted?

Mr. MUSKIE. Yes; that is an extension and modification of the Public Works Act. That is the way it is interpreted?

Mr. MUSKIE. Yes; that is an extension and modification of the Public Works Act.

Mr. Hruska. In concept and in theory.

Mr. MUSKIE. Yes.

Mr. Hruska. Title II is interpreted as the Appalachian area.

Mr. MUSKIE. No. It is more accurate to say that it is an extension of the Area Redevelopment Act.

Mr. Hruska. In the Area Redevelopment Act there is a limitation on the annual application, as I understand.

Mr. MUSKIE. There was an authorization under that act of $455 million for 4 years.
Mr. Hruska. It is stated in subsection (c) that the authorization for the appropriation is indefinite in term. Is that a departure from the previous concept of the Area Redevelopment Act? I believe it to be.

Mr. Muskie. The Area Redevelopment Act was limited to 4 years so that we could have some experience under it, to test it and to review it again in 4 years, to determine whether it was worth continuing. I believe it was a 4-year authorization.

Mr. Hruska. Inasmuch as this is indefinite, it will not come back to Congress for review.

Mr. Muskie. It will be reviewed for appropriations each year.

Mr. Hruska. That is not what I am talking about. I am talking about the authorization.

Mr. Muskie. That is correct. I point out that it is subject to the annual appropriations process. That is not the question the Senator has asked, of course.

Mr. Hruska. The whole program would not come before the Senate automatically for review and reassessment in the light of the experience that gathered in the meantime. Is that correct?

Mr. Muskie. There is no provision for it.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. Douglas obtained the floor.

Mr. Mansfield. Mr. President, will the Senator from Illinois yield?

Mr. Douglas. I yield, with the understanding that I do not lose my right to the floor.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE

Mr. Mansfield. Mr. President, I have not had an opportunity to consult with all the Members of the Senate, but I should like to propose a unanimous-consent request, and I hope the Senate will approve it. The hour is growing a little late. We have had a long, hard 2 days.

I ask unanimous consent that 1 hour of debate be allowed on any amendment to the bill, to be equally divided between the mover of the amendment and the majority leader or whoever he may designate, and that a vote on the passage of the bill occur at not later than 4 o'clock in the afternoon on Tuesday next, and that paragraph 3 of rule XII be waived.

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

Mr. Moss. Mr. President, reserving the right to object, I understand the problem that the majority leader is trying to resolve with his proposal. We have indeed had 2 long, hard days.

However, today we have sat here for 4 or 5 hours discussing the bill in a rather disjointed manner in order to accommodate Senators who did not happen to be here, ready to vote.

Tomorrow morning I must leave the city. The bill is of great interest to me. I served for 2 years on the committee and on the full committee before which the hearings were held. We have worked very hard on this bill. It is before us. The yea and nay votes have been ordered on it. It seems to me we are changing directions at a very late hour merely because some Senators have come forward to say that this did not accommodate their time.

Mr. Mansfield. If the Senator will yield, if there is any responsibility, it is mine, and I am not doing it to take care of a particular segment of the bill. I am doing what I think is best in the position in which the Senate has placed me, to try to bring about an accommodation, which I think will be made to the occasion, and that is to vote not later than 4 p.m. on Tuesday next, not tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. Javits. Mr. President, reserving the right to object, I have an amendment to propose to the bill, which will deal with the Interstate Highway Systems. I am looking for the unanimous consent provision agreed to, but I would like to have it understood that the amendment I propose will not be objected to on the ground of germanness.

Mr. Mansfield. I would not object to it.

Mr. Javits. In other words, that it might be excepted, as amendments usually are from the germaneness provision.

Mr. Douglas. Mr. President, may I ask if the unanimous-consent request of the majority leader includes any time on the bill itself or merely allows 1 hour on each amendment?

Mr. Mansfield. One hour on each amendment, the vote on the bill to be had not later than 4 o'clock p.m. on Tuesday next, with plenty of time in between, which could be considered time on the bill.

Mr. Douglas. I hope that the request will be so modified as to indicate that a 1-hour period of time could be reserved for the bill itself. I do not know what the intention of the majority and minority leaders may be with respect to recessing or adjourning the Senate for the Memorial Day interval, but there should be ample opportunity given to discuss the bill as a whole.

Mr. Mansfield. Would 4 hours on the bill be adequate?

Mr. Douglas. Yes.

Mr. Mansfield. I add that to the request, to allow 4 hours of debate on the bill.

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

Mr. Mansfield. I yield. Mr. Proxmire. May I ask the distinguished majority leader when the time limitation would start?

Mr. Mansfield. Tomorrow.

Mr. Javits. Mr. President, I assume that the unanimous-consent agreement would include a provision that no Senator, because of the time limitation set at 4 o'clock on Tuesday, would be cut off from offering an amendment.

Mr. Mansfield. Of course not.

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

Mr. Mansfield. I yield.

Mr. Clark. Could the majority leader respond to a question asked by another Senator as to what the leadership intention is with respect to the Memorial Day recess?

Mr. Mansfield. May I have the request on the record?

Mr. Holland. Mr. President, will the Senate yield?

Mr. Mansfield. I yield.

Mr. Holland. What is the intention of the leadership with reference to the hour at which the session next Tuesday would begin?

Mr. Mansfield. At 12 o'clock noon. Mr. Holland. That would leave no time, except 4 hours on the bill.

Mr. Mansfield. Except that time would be available all day tomorrow.

Mr. Holland. Then it is the intention of the leadership to have the agreement go into effect when we conclude the transaction of morning business tomorrow. Is that correct?

Mr. Mansfield. Yes.

Mr. Holland. And extend throughout the day tomorrow.

Mr. Mansfield. Yes.

Mr. Holland. I have no objection.

Mr. Javits. Is that understood, as a part of the unanimous-consent request, that the germaneness rule will not apply to the amendment I shall propose?

Mr. Mansfield. The Senate is correct.

Mr. Holland. Reserving the right to object—and I shall not object—is it the intention of the leadership to have the votes come regularly at the end of each amendment next Tuesday, or to have all the votes come next Tuesday at 4 o'clock?

Mr. Mansfield. It might be possible to have one or two votes tomorrow. However, after the hour of 2 o'clock tomorrow I should say that we ought to postpone votes to the following Tuesday.

Mr. Holland. I shall be present tomorrow, but I know that many Senators are expecting to get away early in the day tomorrow. If there is to be any sizable number of amendments to be offered, there ought to be some understanding on that score.

Mr. Mansfield. I have endeavored to answer the Senator's questions.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Thursday, May 27, 1965, at the conclusion of morning business, during the further consideration of the bill (S. 1648) to provide grants for public works and development facilities, other financial assistance and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions, debate on any amendment, motion, or appeal, except of a point of order, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: Provided, That, in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him, except the
amendment of the Senator from New York [Mr. Javits].

Ordered, further, That, on the question of the final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders; provided, President pro tempore of the said Senate, or of either of them, may, from the time under their control on the passage of the said bill, allow additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered, further, That the Senate proceed to vote on final passage of the bill not later than 4 p.m. on Tuesday, June 1.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL NOON ON TUESDAY, JUNE 1

Mr. Mansfield. Mr. President, I ask unanimous consent that when the pro-forma meeting on Friday next is adjourned, the Senate sit in adjournment until 12 o'clock noon on Tuesday next.

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

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The Senate resumed the consideration of the bill (S. 1648) to provide grants for public works and development facilities, other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions.

Mr. Douglas. Mr. President, first, I wish to thank the able chairman of the Public Works Committee, the distinguished Senator from Michigan (Mr. McNamara), for the fine work which he has done upon the bill. I should like to make some supplementary remarks tonight on the bill as a whole, and particularly to say that we may proceed speedily as possible tomorrow with amendments. I appreciate the most cooperative work which the Senator from Michigan and the whole Public Works Committee have done. But I should like to point out some of the real economic advantages which have come from the Area Redevelopment Act.

The careful studies which the Administrator of that act has made indicate that approximately 70,000 direct jobs have been created by that act. Assuming a multiplier of 1.65, which is the multiplier used by the Chamber of Commerce, that would mean a total of 46,000 additional jobs, or a grand total of 116,000 jobs created under the Area Redevelopment Act program. The experience of those who have given the Bill on the northeast coast has estimated that a multiplier of 2 is better than the one now used of 1.65. If that is so, that would mean the direct and indirect creation of 140,000 jobs. But I shall not use that figure, but will use instead the conservative figure of 116,000 jobs.

Let us carry out some assumptions to see what has happened. The average earnings of the people placed in jobs under the Area Redevelopment Act program, would probably be around $4,000 a year, which would be roughly $60 a week. With 116,000 jobs created, that would mean a total increase in payroll of $464 million. That is the increase in income to individuals. This has operated to increase governmental revenues on a Federal, State, and local basis.

Now I should like to make some very conservative estimates of these savings. First, as to the increase in income, if the average earnings are $4,000, of which approximately $1,200 would be taxable, or the amount in excess of $2,000, the average Federal income tax would be about $200 per person. Two hundred dollars multiplied by 116,000 would be equal to $23 million a year. So, in all, we find that the total increase of $23 million a year in Federal income taxes.

At the same time, there has been an increase in the Federal income tax paid by corporations each year and this has been estimated to be approximately $30 million. So that the total increase in Federal revenues has been approximately $53 million each year.

In addition, there has been an increase in State and local taxes of an undetermined amount, but a very real amount, because the people with more money in their pockets naturally buy more, subject to a sales tax and State income taxes, and this would increase State revenues. People would have more money to pay the taxes on their homes, and that would increase local revenues as well. But I am not counting that in.

It is safe to say that well over $50 million a year would be paid in increased revenues to the Government alone, not to mention State government and local government receipts.

This is most conservative. On the other hand, there is the increase in expenditures. Virtually all those people previously were unemployed. The vast majority were either on relief or were receiving unemployment compensation. I have made the most conservative estimate that at least 80,000 of the 116,000 were in receipt of unemployment compensation payments. The average benefits under unemployment compensation amount to approximately $36 or $37 a week, or $1,800 a year. Therefore, there has been a saving in unemployment compensation, which I estimate as $144 million a year; namely, 80,000 people multiplied by $1,800 a year. One thousand eight hundred dollars means $36 a week for 52 weeks.

In addition, there has been a saving on general assistance. Assuming that this also amounts to about $800 a year, and assuming that 10,000 of these previously unemployed people were recipients of relief, that would mean a saving of $80 million a year.

Thus we have a total close to $230 million a year in savings to Federal, State, and local governments. I emphasize that the total amount loaned up to March 31, 1965, over 4 years, for industrial and commercial loans amounted to $175 million. The Public Works Committee grants as of that same date amounted to $93 million.

Then with allowance for technical assistance and training, the total costs as of March 31, 1965, were $306 million. That was for a period of more than 4 years, whereas the savings to the Government alone would amount to approximately $230 million a year.

Mr. Proxmire. Mr. President, will the Senator yield on that point?

Mr. Douglas. I am glad to yield. Mr. Proxmire. The figures which the distinguished Senator from Illinois has given are very nice. I wish to make sure that I understand how much additional was paid in income taxes.
Mr. DOUGLAS. We make an estimate that those who were employed and were previously unemployed received approximately $80 a week, which is approximately $26 below the average in manufacturing, or $4,000 a year, and of that amount $2,800 would be nontaxable; $1,200 would be taxable. With a payment of about 16 percent tax rate, $200 in federal income tax would be paid per person, not received by the Federal Government previously, and that would amount to $23 million a year for the 116,000 recipients.

Mr. PROXMIRE. So the amount paid in personal income taxes of $23 million, added to the savings in unemployment compensation of $144 million, added to the savings in relief costs--

Mr. DOUGLAS. Of $8 million.

Mr. PROXMIRE. Of $8 million, totals close to $200 million a year.

Mr. DOUGLAS. In addition, that bill, that also should be the fact that corporations and employers would be doing business there, and therefore the profits which they might make would be subject to taxation, and that that amount would be about $30 million a year. Then there would be State and local taxes, which we have not included.

Mr. PROXMIRE. These were loans repayable with interest. What is the record of ARA firms in paying back such loans?

Mr. DOUGLAS. I shall supply that for the Record. The losses in the first year were appreciably more than they would have been if it had been a loan, but the record has steadily improved.

Mr. PROXMIRE. The Secretary of Commerce testified before the Committee on Banking and Currency that the record of ARA firms was most impressive, especially considering the circumstances under which the loans were made, and that he felt, as the Senator from Illinois has said, that the record is improving.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. The figures which the Senator from Illinois has placed in the Record are eloquent testimony to the fact that this is an excellent investment. It is an investment that is paying for itself over a period of years, and paying for itself rapidly. First, because, as the Senator pointed out, more taxes are paid; second, because relief and unemployment compensation is less; third, because the loans that are made are very largely being repaid with interest, and are being repaid promptly. That is the kind of information that has not been brought out previously as to the effects of the ARA program.

Mr. DOUGLAS. The Senator is correct. Now I should like to supply the figures as to the delinquencies as of March 31, 1965. At that time, the loans disbursed amounted to $96,500,000. Loans foreclosed amounted to $808,000. Mr. PROXMIRE. $808,000 as compared with $96 million—less than 1 percent.

Mr. DOUGLAS. Yes. Loans in foreclosure amounted to $1,550,000, or total foreclosures of $3,550,000—approximately 3 1/2 percent. Total delinquent loans in loans were delinquent, although only a small part of this amount will result in losses. I think one can safely estimate that the vast majority of the loans, amounting to close to $100 million, will be paid back. I do not believe that the losses will be appreciable for this type of program.

On the basis of grants of $93 million and losses of not more than $10 million on loans, the total cost to the Government would not greatly exceed $100 million, and the revenues of the Government should be improved by at least $300 million a year.

Mr. PROXMIRE. So the return is 2 to 1.

Mr. DOUGLAS. Not only is the return 2 to 1; the gains are annual gains. The losses are total losses for the 4-year period.

Mr. PROXMIRE. So the ratio is 2 to 1 a year.

Mr. DOUGLAS. That is correct. The gains are really much more than the amount of money expended. The amount of money does not take into account the human part of the program. Namely, the restoration of self-respect, the aid to the local communities in preventing them from dying, and the greater utilization of such structures as churches and schools and of telephone services, utility services, and the rest.

Mr. PROXMIRE. This is the most impressive feature of all. The very fact that additional people will pay taxes and that there would be savings in the development of an area, I should like to ask him one or two further questions, because he is the author of the bill.

Is it not true that this is a conservative refinement of the ARA and of the accelerated public works program in a real sense?

Mr. DOUGLAS. That is true. The standards are much stricter than they were in the original accelerated public works program.

Mr. PROXMIRE. It is my understanding that fewer counties would probably be able to qualify under the rural criteria. The other criteria were more lenient. Under this stricter, more conservative bill, which I think have an income of less than 40 percent of the national average, fewer counties throughout the country—and I am positive fewer counties in Wisconsin—would be able to qualify.

Mr. DOUGLAS. To qualify, they would have to be areas of need.

Mr. PROXMIRE. Is it not true that grants must be tied to specific developments?

Mr. DOUGLAS. Yes; grants would be made on much stricter terms than under the accelerated public works program.

Mr. PROXMIRE. Accelerated public works were made for a much broader range of purposes. ARA also made grants up to 100 percent. This bill would make grants only up to 80 percent. The accelerated public works program provided $450 million a year for 2 years and ARA about $75 million over 4 years, or $19 million a year, for a total of about $470 million if the two were combined. This bill provides $400 million for public facility grants which is less.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. Furthermore, ARA loans authorized by Public Law 87-27—the Area Redevelopment Act—were about $300 million. While loans under this will be $170 million annually, they would be interest bearing and fully repayable.

Also, there is a change—the interest rebate factor—which involves overwhelmingly private enterprise money. This provision provides for a modest $5 million a year investment by the Federal Government, but it will encourage $250 million of investment funds, and they would be private enterprise funds.
Mr. DOUGLAS. Yes; a 2-percent interest subsidy would make possible the unlocking of $250 million a year in capital investment. On a 10-year basis, that would be a total investment of $2.5 billions.

Mr. PROXMIRE. The Senator from Illinois has performed an outstanding service in this field for many years. He has had to fight his way up the bill many times to have this program enacted.

First, what I like about the bill is that it is national in scope as compared with the Appalachia bill, which was confined to a single area.

In the second place, it stresses private enterprise and private development. It does not provide for a gigantic federally controlled and directed public works program.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. I believe that the overwhelming involvement, the public decisions that have been made, the judgment and discipline of the marketplace at the local level is at work here.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. Basic investment decisions will be left up to the private sector of our economy.

Mr. DOUGLAS. Primarily so. However, of course, there are grants for infrastructure or development facilities.

Mr. PROXMIRE. But the whole purpose of the grants is to create a climate which would be otherwise unattractive to private enterprise, attractive to private enterprise.

Mr. DOUGLAS. The purpose is to have the initiative and incentive and the planning come up from the bottom, from the local communities.

Mr. PROXMIRE. The opposition on the part of conservative people on the ground that this would interfere with private enterprise and would be some Government dictatorship misses the point. The new jobs would be created by individual American enterprise—much of it corporate enterprise—and would be subject to all the disciplines and all the energizing and initiative factors involved in private individual enterprise.

Mr. DOUGLAS. I ask the Senator from Wisconsin, who has been one of the most valuable committee members and one of those who helped the most in forming the bill, if some of our best witnesses were bankers.

Mr. PROXMIRE. Yes. In fact, the Senator from Wisconsin, who is one of the best known and one of the most highly successful businessmen in the national business community, has had a chance to study the measure carefully and has given it his unqualified support and endorsement.

Mr. GRUENING. Mr. President, I want to say briefly that I am very happy that Senator Gruening of Alaska [Mr. Gruening], who has never ceased to work for and urge this kind of legislation, from which useful projects will put people to work not merely at the site of the project but also in the field of transportation, and on the arteries in between.

I am very happy to have been one of the numerous cosponsors of this project. As was my colleague, the senator from Alaska [Mr. Bartlett], I point out that for a good many years I have urged the resumption of accelerated public works. I have previously introduced amendments and bills to bring this about.

This is a bill in a somewhat modified form which would not go quite so far as I should like to have it go, in view of the fact that our experience has shown that when the accelerated public works projects, as I pointed out before us, the funds originally appropriated and authorized for this purpose, some $880 million, quickly vanished for worthwhile expenditures, and at the time and under the expiration of those appropriations, some $100 million of worthwhile projects, fully matched and ready to go, had to be abandoned. Many of those projects will be resumed now.

I believe that it is particularly gratifying, however, that the bill in its original form has now been amended. The original version of the bill did have an appropriation form which would not go quite as far as I should like to have it go, in view of the fact that our experience has shown that when the accelerated public works projects, as I pointed out before us, the funds originally appropriated and authorized for this purpose, some $880 million, quickly vanished for worthwhile expenditures, and at the time and under the expiration of those appropriations, some $100 million of worthwhile projects, fully matched and ready to go, had to be abandoned. Many of those projects will be resumed now.

I should say that I consider these sums to be not expenditures but investments in the fine soil of the word. Their use would create worthwhile needed projects, and would put people to work.

Much as I applauded the President's war on poverty, I felt then and feel now that it has not been fully implemented. The need is to do the job of putting the people to work and putting them to work now. Much of the war on poverty has not been a rural, large-scale project, but more particularly in view of the fact that we are at the height of a prosperity never before equaled in the history of our Nation and that we have continuous unemployment.

I also applaud the fact that the original version of the bill has been changed to include Alaska and Hawaii, which, in the original draft, were omitted because of the fact that they were not areas which were contiguous to the States. That has been changed by amendment.

I was glad to listen to the words of the Senator from Wisconsin [Mr. Proxmire], who has pointed this legislation very ably and effectively.

I believe that this is an important step. I believe that this session of Congress will be noted for its fine and rapid achievements. We have passed bills that will be of tremendous value. There are still many more such measures ahead.

I am confident that this Congress will go down as one of the most productive Congresses in history and that the moves that have been taken are largely and almost wholly in the public interest.
to prevent the involvement of American soldiers in a war on the Asian mainland, the U.S. establishment here is now seeking just that, as a solution to the grim impasse in Vietnam.

High civilian and military officials alike are hoping for a direct confrontation between U.S. combat troops and the Communist Vietcong before the end of June.

The design is to draw the Communists into a "reverse Dienbienphu"—a decisive defeat which will force them to sue for peace. The French, who had the same idea in 1954 only to be routed by the Communist-dominated Vietminh nationalists and compelled to abandon their colonies in Indochina.

But U.S. military insist there is scant similarity between the French position at Dienbienphu and the American position today.

The French decided to make their stand in North Vietnam at a point at which the Vietminh commanded the high ground and were operating over relatively short lines of supply.

In South Vietnam today the Vietcong find themselves at the end of a long precarious line of supply which is under heavy bombardment by U.S. planes. And U.S. forces are deploying along the north-south axis, the post-Vietminh French command, the same idea in 1954 only to be routed by the Communist-dominated Vietminh nationalists and compelled to abandon their colonies in Indochina.

Even so, the U.S. position, in a territorial sense, has never been at a lower ebb. The Vietcong, which had the high ground and the control of the countryside over superior Government strength moves when superior Government strength moves when they now have or withdraw for replenishment.

The Communist control of the countryside is as much a confron­tation as ever before and the United States, like France before it, is largely tied down in static centers.

In these last-ditch circumstances, the Vietcong is at a high degree of immunity. They move courageously, when properly led and, particularly, when he is operating in or near his native locale.

However, the army has yet to demonstrate that it can exercise any enduring control in the countryside beyond the provincial and district capitals. This has led to a decision—at least for the immediate future—to salvage the rural pacification program.

The focus of the war has thus been shifted from counterguerrilla activity to a more traditional form of combat, replete with fire bombs and supersonic aircraft, in short, the U.S. military is seeking to institute a type of warfare in which it is excelled for, in which it has proven somewhat amateurish.

It is still much too soon to tell whether sophisticated weaponry and conventional ground troops can succeed where counter-insurgency has failed. In fact, there is some evidence that popular resistance to the expanding use of naphalm, a development which is not surprising if one has observed a hospital ward full of bleeding women and children seared from head to toe.

BOMBINGS BOOST GOVERNMENT MORALE

But, nevertheless, the massive bombing runs begun in February have had a decisive effect on the morale of the Government and the army. Prime Minister Phan Huy Quat, a reserved intellectual normally given to cautious statement, has blossomed into a veritable warhawk.

Even within the Buddhist hierarchy, which had been flitting with neutralism, the bombings have produced a marked swing toward pro-Government and pro-American sentiment—a "complete turnaround" in the view of a leading political analyst.

And, particularly, on the Mekong River Delta, which comprises the lower third of South Vietnam, there are the first faint signs that the farmers, who are already the largest group in the South, are beginning to look upon the Government, rather than the Vietcong, as the likely victor.

This, of course, is critically significant among a population which is largely neutral, yet relatively well off by Asian standards.

Although 40 percent of its babies die in their first year and the annual per capita income is just a shade over $100, South Vietnam manages to feed its 18 million citizens better than most of its neighbors feed theirs.

This is a result of the great fertility of the Mekong Delta which is producing 5 million tons of rice each year, and is also a direct result of it—each year despite the pronounced disruptions of the war. If peace came to Viet­nam, that crop could be doubled, perhaps quadrupled within a year, in the estimation of U.S. economic advisers in the field.

These men, serving with great courage in extremely remote areas, have become identified by the Vietnamese people who, on the whole, show little resentment to the growing American presence in their country.

THE CRITICAL TEST AHEAD

The critical test of whether the new white man is to be accepted as a friend or resented as the colonial successor to the French will
TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON CERTAIN SHIPMENTS INSURED
BY THE REINSURANCE ASSOCIATION
AND EXPORT-IMPORT BANK

A letter from the Assistant Secretary, Export-Import Bank of Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia, insured by the Foreign Credit Insurance Association and the Export-Import Bank, for the month of April 1965; to the Committee on Appropriations;

AMENDMENT OF SECTION 2634 OF TITLE 10,
UNITED STATES CODE, RELATING TO TRANSPORTATION OF CERTAIN MOTOR VEHICLES

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 2634 of title 10, United States Code, relating to transportation of privately owned motor vehicles of members of the Armed Forces on a change of permanent station (with accompanying papers); to the Senate Committee on Armed Services;

REPORT ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Reconstruction Finance Corporation liquidation fund, for the quarter period ended March 31, 1965 (with an accompanying report); to the Committee on Banking and Currency;

REPORT ON RESEARCH PROGRESS AND PLANS OF THE WEATHER BUREAU

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on research progress and plans of the U.S. Weather Bureau, for the fiscal year 1964 (with an accompanying report); to the Committee on Commerce;

REPORT ON ACTIVITIES AND TRANSACTIONS
UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on activities and transactions under the Merchant Ship Sales Act of 1946, for the quarterly period ended March 31, 1965 (with an accompanying report); to the Committee on Commerce;

AMENDMENT OF TITLE XIII: WAR RISK INSURANCE OF FEDERAL AVIATION ACT OF 1958

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Title XIII: War Risk Insurance of the Federal Aviation Act of 1958 (with an accompanying paper); to the Committee on Commerce;

EXTENSION OF PROVISIONS OF TITLE XIII OF THE BUILDINGS ACT OF 1926, RELATING TO WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the provisions of Title XIII of the Federal Aviation Act of 1958, relating to war risk insurance (with an accompanying paper); to the Committee on Commerce;

AMENDMENT TO SECTION 204 OF COMMUNICATIONS ACT OF 1934

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 204 of the Communications Act of 1934, as amended (with accompanying papers); to the Committee on Commerce;
in unnecessary procurement actions, Department of the Navy, 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 improper use of funds appropriated for operation and maintenance expenses for health, hospitalization, Indemnity and Disability, and Overtime Pay, United States, transmitted, pursuant to law, 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 unnecessary procurement actions, Department of the Navy, 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 inadequate payment of medical and other related services incurred on Interior and Insular Affairs, 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 improper use of funds authorized for temporary special officers and employees of the Federal Government, and for other purposes (with accompanying report); to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

The ACTING PRESIDENT pro tempore laid before the Senate a concurrent resolution of the State of New York, for the relief of Jewish citizens of New York, which was referred to the Committee on Foreign Relations, as follows:

STATE OF NEW YORK RESOLUTION No. 90

Concurrent resolution memorializing the President and the Congress of the United States to condemn anti-Semitism in the Soviet Union and to take steps to prevent further persecutions of, and acts of terrorism and confiscation against, Jews residing therein.

Whereas the people of the State of New York and of all the free peoples of the world are deeply shocked by reports appearing in the press and elsewhere concerning the continued oppression, persecution and tyranny of the Government of Soviet Russia directed toward Russian Jewry residing in Soviet Russia; and

Whereas many acts of terrorism, confiscation and persecution have already been committed against such Jewry and even more serious acts are threatened; and

Whereas such acts have resulted, unjustly and unwarrentedly, in the confiscation of property and in the deprivation of rights, privileges and immunities enjoyed by the Jewish people in that country; and

Whereas the Government of the United States of America is deeply concerned with the general interest in the various peoples of this country and their interest in and relationship to the persecuted Jews of Soviet Russia, should it not be the burden of the United States Government with a firm request that it should cease and desist in its program of persecutions; and

Whereas the Government of the United States has on other occasions intervened and conciliated in behalf of persecuted minorities in other countries: Now, therefore, be it

Resolved (if the Senate concur), That copies of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives of the United States, and to each Member of Congress elected from the State of the United States, and to each Member of Congress duly elected from the State of New York, and be said that the latter be urged to do everything possible to accomplish the purposes of this resolution.

By order of the assembly:

JOHN T. KENNAN, Clerk.

In Senate, May 12, 1965. Conceived in, without prejudice.

By order of the Senate:

GEORGE H. VAN LENGEN, Secretary.

CONCURRENT RESOLUTION OF OKLAHOMA LEGISLATURE

Mr. MONRONEY. Mr. President, I present, for appropriate reference, a concurrent resolution of the Legislature of the State of Oklahoma.

Resolved, That copies of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives of the United States, and by the latter to each Member of Congress from the State of Oklahoma for the purpose of conforming the resolution to the Constitution of the United States.

Whereas the need for a change has been recognized by Members of Congress on numerous occasions through the introduction of various proposals for amending the Constitution: Now, therefore, be it

Resolved by the Senate of the 30th Legislature of the State of Oklahoma (the House of Representatives concurring thereto) that the President and the Congress of the United States be and it hereby is respectfully memorialized to lodge an official protest on behalf of the Government of the United States of America with the Russian Government against the concerted attack presently being continued directly and indirectly by the latter Government toward Russian Jews residing in such country and that the Department of State be and it hereby is respectfully memorialized to employ its best diplomatic efforts in an attempt to persuade the Russian Government to desist from any further persecutions and acts of terrorism and confiscation complained of in this resolution; and be it further

Resolved (if the Senate concur), That copies of this resolution be transmitted to the President of the United States, the Clerk of the House of Representatives of the United States, and to each Member of Congress duly elected from the State of the United States, and that the latter be urged to do everything possible to accomplish the purposes of this resolution.

By order of the assembly:

J. T. KENNAN, Clerk.
CONGRESSIONAL RECORD — SENATE

May 26, 1965

resolution to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing the States therein.

Adopted by the senate the 12th day of April, 1965.

ROBERT M. MURPHY,
Acting President of the Senate.

Adopted by the house of representatives the 12th day of May, 1965.

J. D. McCARTY,
Speaker of the House of Representatives.

CERTIFICATION

State of Oklahoma

County of Oklahoma, ss:

I, B. H. Wilson, secretary of the Senate of the State of Oklahoma, do hereby certify that the above and foregoing is a true and correct copy of Enrolled Senate Concurrent Resolution No. 38 as was the same adopted by the Senate and House of Representatives of the 30th Legislature of the State of Oklahoma, the original hereof being on file in the office of the secretary of state of the State of Oklahoma.

Witness my hand and the seal of my office at the State Capitol this 19th day of May 1965.

BASIL R. WILSON,
Secretary of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 7907. An act to establish the Veterans Reopened Insurance Fund in the Treasury and provide initial capital to operate insurance programs under title 38, United States Code, section 739 (Rept. No. 246).

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, with amendments:

H.R. 3708. An act to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services, training, research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administrations on Aging" (Rept. No. 247).

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


S. 69. A bill for the relief of Mrs. Genevieve Olsen (Rept. No. 249).


S. 134. A bill for the relief of Lloyd K. Hibeta (Rept. No. 251).

S. 263. A bill for the relief of Honoratus A. Vda de Narr (Rept. No. 252).


S. A bill for the relief of Leo M. Mondry (Rept. No. 254).


S. 1168. A bill for the relief of Fred E. Starr (Rept. No. 258).


H.R. 3074. An act for the relief of Maxie L. Stevens (Rept. No. 263) and


BILLS AND JOINT RESOLUTION INTRODUCED

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

BILL INTRODUCED:

S. 2007. A bill to amend the National Defense Education Act of 1958 in order to provide for certain international affairs programs; to the Committee on Labor and Public Welfare.

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

By Mr. KUCHEL:

S. 2038. A bill to amend the relief of Miu-Ling Chung Lam; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2009. A bill for the relief of Yasuo Tsuchikawa; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho:

S. 2040. A bill for the relief of Dr. Dean H. Gosselin; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2041. A bill for the relief of Aubrey Kenneth Foster; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 2042. A bill to amend section 170 of the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. McCOWAN:

S. 2045. A bill to provide assistance in the establishment of short-term or regular academic institutes on international affairs, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. BARTLETT (for himself and Mr. McCOWN):

S. 2044. A bill to amend section 13(b) of the act of October 2, 1952 (76 Stat. 693, 704), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANCE (for himself, Mr. SCOTT, Mr. McCARTHY, Mr. CARLSON, Mr. RYANOFF, Mr. BENNETT, Mr. MORIN, Mr. BATH, Mr. HEBBLE, Mr. CLARK, Mr. DUNTON for Mr. Evans, Mr. HUDL, Mr. KUECHL, Mr. LAUCHES, Mr. MOSS, Mr. MUNDY, Mr. HICKENLOUER, Mr. PFRENNER, Mr. BENDLE, Mr. TALMADGE, Mr. YARBOROUGH, and Mr. TOWERS):

S. 2045. A bill to amend the Antidumping Act, 1921, to the Committee on Finance.

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

By Mr. MURPHY:

S. 2046. A bill for the relief of Adele Romanelli; to the Committee on the Judiciary.

By Mr. GORE:

S. 2047. A bill to require the publication of all tax rulings which affect the revenue in an amount of $100,000 or more; to the Committee on Finance.

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

By Mr. HUMPHREY (for himself and Mr. Long of Missouri):

S. 2048. A bill to designate the Joanna Dam and Known Dam as a "active spot" for construction on the Salt River near Joanna, Mo., as the "Clarence Cannon Dam and Reservoir"; to the Committee on Public Works.

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

RESOLUTION

Mr. WILLIAMS of Delaware (for himself and Mr. LAUCHE) submitted a resolution (S. Res. 159) authorizing a complete study and investigation with respect to inspection, shipment, sale, and distribution for human consumption of meat and meat products, which was referred to the Committee on Agriculture and Forestry.

(See the above resolution printed in full when submitted by Mr. WILLIAMS of Delaware, which appears under a separate heading.)

AMENDMENT OF NATIONAL DEFENSE EDUCATION ACT

Mr. JAVITS. Mr. President, I introduce a bill to expand the National Defense Education Act, providing grants and stipends to encourage the training of students and teachers for work in international affairs.

The bill, which would add less than $3.5 million to the appropriation request for the National Defense Education Act in fiscal year 1966, would amend the National Defense Education Act to:

Provide grants to colleges and universities for the establishment and operation of international affairs programs to train individuals for overseas business or government work, for work for the United Nations in international affairs, or for teaching or research work in international affairs;

Provide stipends for students undertaking advanced training in order to teach international affairs in colleges; and

Provide grants to colleges to help in the establishment of short-term or regular session institutes on international affairs for high school teachers, with stipends for those participating in the program.

Mr. President, I also intend to introduce this bill as an amendment to the pending higher education bill.

This legislation is required to meet the growing national need for expertise in international affairs. The bill grew out of a Library of Congress survey of 32 U.S. universities and colleges, conducted several years ago at my request, which emphasized the need for expanding and improving programs in international affairs studies on high priority.

A greater number of students, teachers, businessmen, professional people, and government officials must be better
CONGRESSIONAL RECORD — SENATE

May 26, 1965

11804

A BILL TO TERMINATE THE INDIAN CLAIMS COMMISSION

Mr. MCGOVERN. Mr. President, I introduce, for appropriate reference, a bill to transfer the jurisdiction and functions of the Indian Claims Commission to the Court of Claims upon the expiration of the term of the Indian Claims Commission on April 10, 1967. The bill provides that the three commissioners of the Commission would become commissioners of the Court of Claims, with all the rights and duties as other commissioners of that Court. It empowers the Court of Claims to dispose of all claims transferred. The Court may dissolve any appeal pending on the date of transfer, and deal with the cases as if they were within the original jurisdiction of the Court, including in such original jurisdiction, the jurisdiction vested in the Indian Claims Commission and transferred to the Court. The bill confers the necessary power on the chief judge of the Court of Claims to insure that the transfer is accomplished in a smooth and orderly fashion.

The Indian Claims Commission was created for a term of 10 years by the act of August 13, 1946, chapter 592, 60 Stat. 1949 which provided that the Commission would dispose of the claims of all accumulated claims of Indian tribes. Congress allows 5 years for the tribes to file their claims and gave the Commission another 5 years to dispose of the claims. The 10-year period expired on April 10, 1957. It was extended for 5 years to 1962 and for another 5 years to April 10, 1967. On that date, April 10, 1967, the life of the Commission will expire unless Congress renews it, or otherwise provides for the claims cases.

Under this bill, the Commission would be abolished entirely and the cases would be turned over to the Court of Claims. After 18 years the Commission still has pending 360 out of an original 563 cases. The Commission dismissed 166 cases, and it may be fairly assumed that these included claims with obviously no merit. The Commission has rendered 73 awards, a substantial number of which were based on compromise agreements between the United States and the tribal claimant. Even if we treat the settled cases as if they had been fully litigated before the Commission, the Commission has averaged only four awards per year, or if the first 5 years of the Commission’s life are not counted, it has averaged less than six awards per year. Even at the higher average it will be the year 2028 before the Commission has completed its 5-year assignment.

The Congress has not fulfilled the function contemplated by Congress. When Congress gave the Commission 5 years to do the job, it also gave the Commission broad powers and discretion so that it could properly perform its mission. Congress never intended these cases to be handled as formal lawsuits in which the Commission would play the part of a court, wait for the parties to produce their evidence and arguments, and then decide the case on whatever record might be brought to the Commission’s attention.

Congress directed the Commission to establish an Investigation Division and Congress directed the Investigation Division to “make a complete and thorough search for all evidence affecting each claim” and to submit that evidence to the Commission which made it available to the parties. The idea back of this was that the Commission inform itself on all claims, to bring the parties together, resolve conflicts, and work out practical solutions of the problems. It was to be done regardless of whether the tribes had attorneys. This emphasis on investigation and then determination of the facts and merits is reflected in the bill of the House on Indian Affairs on the bill which became the Indian Claims Commission Act. That report stated in part—Senate Report No. 1715, 79th Congress, 2d session, page 5:

This bill, as amended, proposes to create an Indian Claims Commission to investigate and determine the facts and merits of Indian tribal claims against the United States existing prior to the passage of the act, and to report its findings with appropriate recommendations to Congress.

The Commission would be composed of three Commissioners, appointed by the President with advice and consent of the Senate, who would possess the powers and duties of a factfinding commission to hold hearings and to examine witnesses. The Commissioners would be the heads of the Investigation Division and would make a complete and thorough search for all evidence affecting Indian claims before sending it to Congress.

The interests of the Indian claimants in the investigations and determinations of the Commission are amply protected by the provisions of the bill requiring notice to all possible claimants, and notice and opportunity for hearing to all interested parties before making findings on any claim, and authorizing representation by attorneys.

The Commission has not fulfilled the investigative and administrative functions as intended by Congress. It created an Investigation Division, but it is largely a paper organization. After over 18 years of operation, the Commission’s Investigation Division has not yet performed the statutory mandate to “make a complete and thorough search for all evidence affecting each claim.” Instead, the Commission proceeded as if it were a court. It adopted its procedures to those of the U.S. district courts and even adopted substantially its own rules as those governing the Federal district courts. These rigid procedures and the lack of an effective, independent investi-

THE 1965 ANTIDUMPING ACT AMENDMENT

Mr. HARTKE. Mr. President, on behalf of myself, and the junior Senator from Pennsylvania [Mr. Scott], and Senators McCarthy, Carlson, Ribicoff, Bennett, Morton, Bayh, Bible, Clark, Domencie, Ervin, Hruska, Kuchel, LASCHE, Moss, Mundt, Hickenlooper, Pearson, Randolph, Yarborough, Tower, and Talmadge, I introduce, for appropriate reference, a bill to amend the Antidumping Act of 1921.

When the U.S. Antidumping Act was signed into law in 1921, almost 44 years
ago to the day, our Nation was entering into an era of ever-increasing foreign trade interests and aspirations. Now, in the mid-sixties, it is clear that earlier problems have not faded away of themselves; rather, they have multiplied and grown in complexity as advances in transportation and communication have forged forward to shrink distances and we are now on the road to becoming a more closely integrated and interdependent world. This is a period of great change in world business. The increasing flow of international commerce is crowding world markets with an increasing volume of foreign and domestic goods and services. The basic unfairness of dumping is the fact that dumping of goods is often done to hurt the consumer in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.

The unfair advantage of dumping is the result of the fact that the dumping price need not be related to costs of production. The "dumping" may be the result of a number of factors, such as the fact that dumping is the result of a long-term policy of selling goods at a lower price in order to establish a foothold in the importing country. The "dumping" price is often below the cost of production or below the price that the same goods can attract in the domestic market of the exporting country. This practice is harmful to the consumer in the importing country because he is purchasing goods at a lower price than he would if the goods were made domestically. In the long run, this can lead to the loss of industrial capacity and jobs in the importing country.
(b) The Commission shall make the de-
termination, whether or not with-out
regard to whether foreign merchandise
was sold with predatory intent or at prices
below normal value (1) of foreign mer-
chandise of the same class or kind.

(c) The Commission shall render an af-
firmed negative finding as to material
injury when it finds a reasonable likelihood
that an injury cognizable under subsection
(b) of this section will occur within reason-
time of the foreign merchandise at less than
fair value.

(d) The Commission shall make the de-
termination, whether or not without-
regard to whether foreign merchandise
was sold with predatory intent or at prices
below normal value (1) of foreign mer-
chandise of the same class or kind. The
Commission, after proceeding and hearing
under the provisions of section 212, shall
notify the Secretary of its determination,
and, if that determination is in the affirm-
ative, the Secretary shall make public a notice
of the determination of the Commission. For the
purposes of this section, the Commission shall be
deemed to have made an affirmative determina-
tion of the Commissioners of the Commission
voting are evenly divided as to whether its
determination should be in the affirmative
or in the negative. The Secretary's dump-
ing finding shall include a description of the
class or kind of merchandise to which it
applies and shall be deemed necessary for the guidance of customs
officers.

(e) Whenever, in the case of any im-
ported merchandise of a class or kind as to
which the Secretary has not published a dump-
ning finding, the Secretary has reason to
believe that such merchandise is being
sold in the United States at prices which
are less than the prices of like foreign
merchandise, whether dutiable or free of
duty, of a class or kind as to which the Sec-

(f) For the purposes of subsection
(b), the term 'fair value' means, in subsid-
ary (1) the term 'at less than fair value'
means that either the purchase price or the
exporter's sales price of foreign merchandise,
whether dutiable or free of duty, of a class or
kind as to which the Secret-
ary has published a dumping finding, is
less than the purchase price or the
exporter's sales price, respectively, of
like domestic merchandise of the same
class or kind.

(2) The term 'fair value' means, in subsid-
ary (2) the term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(3) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(4) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(5) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(6) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(7) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(8) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(9) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(10) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(11) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(12) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(13) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(14) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(15) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(16) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(17) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(18) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(19) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(20) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(21) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(22) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(23) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(24) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(25) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(26) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(27) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(28) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(29) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(30) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(31) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(32) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(33) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(34) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(35) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(36) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(37) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(38) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.

(39) The term 'domestic industry' means
any geographical area of the United States
or the foreign market
value.
The exporter's sales price is the same as the foreign market value is wholly or partly due to differences in the course of trade or in the manner of course of trade at a different price. In the ascertainment of foreign market value of merchandise exported, the Secretary shall be ascertained as of the date of such purchase or order to purchase. The price at which such or similar merchandise is sold or offered for sale shall be deemed to be the seller's list or published price in the absence of conclusive evidence that the merchandise was sold or offered for sale at usual wholesale quantities and in the ordinary course of trade.

"(1) differences in the cost of manufacture, sale, or delivery resulting from the fact that the wholesale quantities in which such or similar merchandise is sold or offered for sale in the principal markets of the United States and the country or area where such merchandise is offered for sale are less than the wholesale quantities in which such or similar merchandise is offered for sale in the principal markets of the country of exportation of such merchandise to the United States, and (2) in the absence of sales, offered for sale in the principal markets of the United States in the ordinary course of trade--

the extent that such differences were actually considered and taken into account by the vendor in establishing his price.

"(2) other differences in circumstances of sale affecting the cost of doing business, to the extent that such differences were actually considered and taken into account by the vendor in establishing its price, or

"(3) the fact that merchandise described in paragraphs (1) and (2) of this section 213(3) is used in determining foreign market value, the foreign market value shall be ascertained as of the date of such purchase or order to purchase. The price at which such or similar merchandise is sold or offered for sale for exportation to countries other than the United States or offered for sale for home consumption in the country or area in which the price was actually considered and taken into account by the vendor in establishing its price shall be ascertained as of the date of such purchase or order to purchase.

"(c) Proposed dumping determination.--The Secretary shall obtain sufficient information to enable him to prepare for each case considered by the Secretary of Commerce, for any proposed or affirmative or negative dumping determination, such information as may be established by such case. If, in a particular case, the Secretary determines that the foreign market value is greater than the domestic price, the case shall be considered a dumping case. If the Secretary determines that the foreign market value is less than the domestic price, the case shall be considered a non-dumping case. If the Secretary determines that the foreign market value is the same as the domestic price, the case shall be considered a normal-value case.

"(d) Antidumping hearing.--The Secretary shall accord an antidumping hearing by permitting any interested party to be present in writing the Secretary the information required by this subsection which has been so withheld shall be published in the Federal Register. The information in such supplementary statements shall not be published or otherwise be made public by the complainant, subject to such sanctions as may be established by the Secretary by regulation, but may be considered by a reviewing court as if otherwise a part of the record. The information in such supplementary statements shall not be published or otherwise be made public by the complainant, subject to such sanctions as may be established by the Secretary by regulation, but may be considered by a reviewing court as if otherwise a part of the record.

The information in such supplementary statements shall not be published or otherwise be made public by the complainant, subject to such sanctions as may be established by the Secretary by regulation, but may be considered by a reviewing court as if otherwise a part of the record.

The information in such supplementary statements shall not be published or otherwise be made public by the complainant, subject to such sanctions as may be established by the Secretary by regulation, but may be considered by a reviewing court as if otherwise a part of the record.
Register. Notice of an oral antidumping hearing shall state the time and place of such hearing. The proposed dumping determination shall be published in the Federal Register. In the case of informal conferences or an oral injury hearing, the notice of the initiation of the injury proceeding, the transcript of any oral injury hearing or denial of a request or requests for such oral injury hearing, or denial of a request or requests for an informal conference or an oral injury hearing, the Commission may call for an oral hearing on its own motion, or on the request of any interested party. Any denial of a request for such oral injury hearing, or denial of a request or requests for an informal conference or an oral injury hearing shall state the time and place of such hearing, and summarize or refer to the contents of the injury determination of the Secretary. The proposed dumping determination shall comply with the standards for a proposed dumping determination set forth in paragraph (8) of section 201(e) of the Tariff Act of 1930, as amended and shall be independent of that determination.

The term ‘commission’ means the Commission or any person to whom authority under this title has been delegated. The term ‘Secretary’ means the Secretary by the Secretary pursuant to section 201(e) of the Tariff Act of 1930, as amended. The term ‘injury proceeding’ means the injury proceeding of the Commission. The term ‘Secretary’ means the Secretary by the Secretary pursuant to section 201(e) of the Tariff Act of 1930, as amended. The term ‘Secretary’ means the Secretary by the Secretary pursuant to section 201(e) of the Tariff Act of 1930, as amended. The term ‘Secretary’ means the Secretary by the Secretary pursuant to section 201(e) of the Tariff Act of 1930, as amended.
For these reasons, I have joined today as principal cosponsor with my distinguished colleague from Indiana (Mr. Hartke) in introducing an amendment to the Antidumping Act. The legislation would stop foreign suppliers from dumping their surplus products into our markets at prices below those they charge in their own home markets.

Our principal purpose is not designed to prevent foreign manufacturers from selling in the United States at prices below those charged by domestic producers. Manufacturers in this country have not complained of competitive disadvantage. The act does seek to curb, however, injury to U.S. industry from a foreign supplier dumping his product into this market in his own home market. Whereas many overseas nations would not dump their products into markets of their neighboring countries for fear of ruining those markets, with relatively few import restrictions and well-developed markets, is often considered a lucrative target.

We must not lose sight of the fact that the United States, as a Nation is our vigorous free enterprise system. Industries large and small, that ask only a chance to compete fairly, operate under the time-honored principles of competition and fair play. The artificially low pricing which characterizes dumping clearly makes it an unfair trade practice and I suggest that a clear test be established standards as it often has done with respect to the "escape clause" in trade agreements legislation, including the Trade Expansion Act of 1962. Although the Commission has on occasion borrowed from the "escape clause" standards, it is absolutely clear that the test that is required.

Mr. President, I feel that the Tariff Commission's extended "trial period" since 1954 has shown that where the members of a similar Commission are often asked to make difficult decisions on the concepts of the act, the result becomes chaos and confusion for the business community. I suggest that it is time for Congress to end the uncertainty of the "escape clause" and the "trading nations" act. The bill does seek to curb, however, injury—dumping, as opposed to the "escape clause" in trade agreements legislation—and thereby restore some order and meaning to the concept of "injury" under the domestic law.

Endnote: Another important area on which our bill focuses is the problem that foreign suppliers, as well as domestic industries, is the issue of dumping. Despite the "escape clause" in trade agreements legislation, the act does seek to curb, however, injury to U.S. industry from a foreign supplier dumping his product into this market in his own home market. Whereas many overseas nations would not dump their products into markets of their neighboring countries for fear of ruining those markets, with relatively few import restrictions and well-developed markets, is often considered a lucrative target.

We must not lose sight of the fact that the United States, as a Nation, is our vigorous free enterprise system. Industries large and small, that ask only a chance to compete fairly, operate under the time-honored principles of competition and fair play. The artificially low pricing which characterizes dumping clearly makes it an unfair trade practice and I suggest that a clear test be established standards as it often has done with respect to the "escape clause" in trade agreements legislation, including the Trade Expansion Act of 1962. Although the Commission has on occasion borrowed from the "escape clause" standards, it is absolutely clear that the test that is required.

Mr. President, I feel that the Tariff Commission's extended "trial period" since 1954 has shown that where the members of a similar Commission are often asked to make difficult decisions on the concepts of the act, the result becomes chaos and confusion for the business community. I suggest that it is time for Congress to end the uncertainty of the "escape clause" and the "trading nations" act. The bill does seek to curb, however, injury—dumping, as opposed to the "escape clause" in trade agreements legislation—and thereby restore some order and meaning to the concept of "injury" under the domestic law.
quantities as required by the act, Treasury would exclude sales at quantity discounts not freely available to all purchasers, as well as transactions between related domestic producers involving exclusive dealing arrangements. Furthermore, allowances for differences in quantity discounts or circumstances of sale on sales to gatekeepers, compared with the foreigner's home market sales, would be limited to differences in costs involved which were actually taken into account by the seller in setting his prices. This would curtail a number of opportunities now available for circumventing the act.

Third. Similarly, because of the Treasury Department's great dependence on the information voluntarily supplied by importers, foreign manufacturers and exporters, if they should refuse to make data available to Treasury, the administration and objectives of the act may be wholly frustrated. Under S. 1318 and the House bill of 1964, a refusal to file information requested and not available from other sources would be the basis for a conclusive presumption of dumping which would automatically send the case to the Tariff Commission to determine whether the dumping causes material injury. This could accommodate anticipated objections and merely resolve all doubts relating to the requested information against the person refusing to furnish it. This would render the secretary of the earlier case impossible and give Treasury flexibility to determine the margin of dumping on the basis of other available information.

Fourth. Recognizing the importer's desire to have the chance to determine, upon information voluntarily supplied by importers, foreign manufacturers and exporters, if they should refuse to make data available to Treasury, the administration and objectives of the act may be wholly frustrated. Under S. 1318 and the House bill of 1964, a refusal to file information requested and not available from other sources would be the basis for a conclusive presumption of dumping which would automatically send the case to the Tariff Commission to determine whether the dumping causes material injury. This could accommodate anticipated objections and merely resolve all doubts relating to the requested information against the person refusing to furnish it. This would render the secretary of the earlier case impossible and give Treasury flexibility to determine the margin of dumping on the basis of other available information.

Finally, in concluding this review of the principal modifications contained in our amendment to point out the provision of the bill which would be included within the scope of the newly modified legislation. I am referring particularly to the revisions which would require more detailed complaints, more specific notices of investigations, elimination in large part of the retroactive application of dumping duties, and the recognition by Treasury of a warranty by foreign exporters to reimburse U.S. importers for dumping duties on certain shipments in which this warranty had been given.

These latter provisions have removed the basis for a number of the most strenuous objections by the importing community to the administration of the Antidumping Act. Ratifying these provisions in the 1965 amendment provides an excellent example of the good faith and the constructive approach with which this bill has been drawn. It aims to do the job that is necessary if we want a fair, effective Antidumping Act.

To summarize, Mr. President, my bill would in no way prevent foreign manufacturers from selling in the United States at competitive prices. Nor would it alter the basic philosophy of the Trade Expansion Act of 1962. It would, however, curb international price discrimination, not the modified practice of dumping imports.

Drawing upon principles evolved by the courts under U.S. antitrust laws, my amendment would ask foreign suppliers selling in the United States to comply with the same type of antitrust laws that domestic manufacturers and workers in our home markets.

The great majority of our industries ask only the opportunity to compete fairly. They cannot do this when confronted with a low priced foreign product which characterizes dumping.

I have consistently advocated tightening of the Antidumping Act, and am urging prompt consideration of this amendment to that effect.

Mr. President, I believe this effort to amend the Antidumping Act merits strong bipartisan support now, and for the pattern that we have pleased to join my distinguished colleague from Indiana in sponsoring this bill.

DU PONT TAX FAVORITISM

Mr. GORE. Mr. President, the Finance Committee held hearings on March 17 and 24 of this year on the tax aspects of the divestiture of General Motors common stock by E. I. du Pont de Nemours & Co., and Christiana Securities Co. This divestiture has now been completed. There is, of course, some stock yet to be disposed of by certain individuals and entities named in the Internal Revenue Code. The divestiture operation, which for the most part proceeded in an orderly manner under the terms of the special relief bill approved by the Congress in November 1962, has undergone a significant change in a Treasury ruling. This change, negotiated and issued in secrecy, and contrary to the clear intent of the Congress, resulted in a loss of revenue, by the Treasury's own admission, in the amount of some $56 million.

In my view, the change in rulings was an unfortunate instance of secret tax favoritism. There is nothing that can now be done about it. The horse is out of the barn, so to speak. Perhaps we can profit by this mistake. One clear lesson from this episode is that major Treasury tax rulings ought to be in the public domain.

I have, therefore, introduced a bill to require the prompt publication of all rulings issued by the Treasury Department where revenues will be affected in the amount of $100,000 or more in any fiscal year.

The Internal Revenue Service has been very properly safeguarded the taxpayer's private business by treating in a confidential manner the information contained in tax returns. But the Treasury Department has carried this, in some instances, to extremes, and the Internal Revenue Service, for its own mysterious reasons, seems to feel that rulings which affect publicly held corporations, and which directly or indirectly affect perhaps millions of stockholders as well as the general taxpaying public should also have the veil of secrecy drawn around them.

Mr. President, I want to see this situation drastically altered. There is already too much hanky-panky involving corporate insiders. The Federal Government ought not to aid and abet the many maneuvers of insiders against the general public and even often against their own stockholders.

I do not want to review the Du Pont-GM case in detail, but the part of this divestiture involving the Common Stock Corp. so well illustrates the need for the bill I have introduced that a partial review seems in order.

Briefly, here is what happened in the Du Pont case.

First, the Congress in 1962 enacted a relief bill to reduce the taxes of Du Pont and Christiana stockholders in the event the Federal court in Chicago ordered a divestiture of GM stock by the Du Pont Co. This legislation was the clear understanding of the Congress that, in the event of a required divestiture, GM stock would be eliminated.

Second, in passing the Du Pont bill, it was the clear understanding of the Congress that, in the event of a required divestiture, GM stock would be eliminated.

Third, under the 1962 rulings, Du Pont made three distributions as follows: July 1962, 23 million GM shares; January 1963, 17 million GM shares, January 1965, 23 million GM shares.

Fourth, Christiana also made two pro rata distributions under its 1962 ruling as follows: November 1962, 4.4 million GM shares; January 1964, 4.4 million GM shares.

With the continuing rapid rise in the price of GM stock, there was a consequent increase in tax liability of members of the Du Pont family and others to whom GM stock was distributed, even under the generous terms of the relief bill. This was particularly true of Christiana stockholders whose stock was acquired at a low price. Christiana officials requested that the rulings be changed to allow a non-pro-rata distribution.
bution. If permitted, such a change would allow a very large reduction in the overall tax consequences to Christiana individual stockholders of Christiana's third and final distribution of some 8.6 million shares of GM stock. The desired reduction in tax liabilities would be brought about by funneling more GM shares into tax-exempt organizations, many of them responsive to members of the Du Pont family. This would, of course, have two very tangible results:

(a) A smaller number of GM shares would be distributed to individual Christiana stockholders, thus relieving them of much of the tax burden of the entire transaction.

(b) Christiana shares turned in to the company on the exchange would be retired and final distribution of some 8.6 million shares of GM stock. The desired reduction in tax liabilities would be brought about by funneling more GM shares into tax-exempt organizations, many of them responsive to members of the Du Pont family. This would, of course, have two very tangible results:

The language of the bill was necessary loose because the situation from which relief was being granted had not at the time of enactment of the law occurred. If I may say so, this is not a proper way to legislate, but I have said this so many times that a repetition is useless.

The intent of the Congress was crystal clear. And that intent was understood by the Treasury and by the Du Pont.

What the bill did, briefly, was to allow the Du Pont Co. to distribute GM stock to its own shareholders in the form of a special dividend, but with the tax greatly reduced. The Treasury decided that by so doing and provided that if Christiana decided to pass on to its shareholders the GM stock it received from Du Pont the same light tax treatment would apply. Thus the phraseology of the relief bill for the first time was made possible by the fact that a fair and firm Commissioner of Internal Revenue, Mr. Mortimer Caplin, who had been the Treasury's Acting Commissioner for the first half of 1961, had been replaced by an Acting Commissioner.

The ruling in essence and in substance for Du Pont and Christiana was that the amount of $56 million. The change was made possible by the fact that a fair and firm Commissioner of Internal Revenue, Mr. Mortimer Caplin, who had been the Treasury's Acting Commissioner for the first half of 1961, had been replaced by an Acting Commissioner.

Now, the ruling given Christiana in 1962 was an absolute reversal of the 1962 ruling in essence and effect, although in form it was a somewhat dressed up, bogus modification. Its result, as Secretary Knox has already stated, was a loss of revenue to the Government in the amount of $56 million. The change was made possible by the fact that a fair and firm Commissioner of Internal Revenue, Mr. Mortimer Caplin, who had been the Treasury's Acting Commissioner for the first half of 1961, had been replaced by an Acting Commissioner.

The reasons given by former Secretary Dillon for changing the 1962 ruling are so flimsy, his reasoning so specious, his conceptions so shallow, and his actions so unjustified, that it is impossible to condense them into a reasonable argument with announced regular procedure, and the result such a blatant handout of public money to a very few people who do not need it, that I believe if he and other officials had known that this secret new ruling was to be made public, immediately upon issuance, then that ruling would not have been made.

Mr. President, there is nothing like the public interest to preserve and promote the rectitude of public officials and to keep uppermost in their minds the public good, rather than private gain for a few.

For the benefit of some of my colleagues who may have not done this, let me illustrate the lack of logic in the Treasury.

The Congress passed a private relief bill for the Du Pont Co. and, or/stockholders. The language of the bill was necessarily loose because the situation from which relief was being granted had not at the time of enactment of the law occurred. If I may say so, this is not a proper way to legislate, but I have said this so many times that a repetition is useless.

The intent of the Congress was crystal clear. And that intent was understood by the Treasury and by the Du Pont.

What the bill did, briefly, was to allow the Du Pont Co. to distribute GM stock to its own shareholders in the form of a special dividend, but with the tax greatly reduced. The Treasury decided that by so doing and provided that if Christiana decided to pass on to its shareholders the GM stock it received from Du Pont the same light tax treatment would apply.

Now, the basic question about these Treasury rulings is whether the Congress, and particularly those sponsoring and supporting the bill, contemplated that Du Pont and Christiana, if they chose to take advantage of the generous terms of the relief bill, would be allowed to use the relief bill for part of the transaction, and the exchange offers—let us say all the exchange offers—then it was not the intention of the Congress. The result was that the funds would be allowed to be paid for gains tax imposed by the relief bill.

It was decided that the terms of the bill must be followed altogether, if at all, and the 1962 ruling letters for two Du Pont and Christiana specified that there would be no special exchange offers—let us say all the exchange offers—then it was not the intention of the Congress. The result was that the funds would be allowed to be paid for gains tax imposed by the relief bill.

Another condition was laid down to the effect that Christiana could not be merged into Du Pont in order to reduce the revenue to be realized.

The sponsors and supporters of the Du Pont private relief bill understood the situation. Their understanding is clearly shown by their citing of various revenue figures—revenue which could only be realized if the divestiture followed the lines laid down in the 1962 rulings.

When the bill was before the House Ways and Means Committee, and when it was passed by the House, General Motors common stock was selling at about $44 per share. Various Members of the House Ways and Means Committee of the revenue which would be raised by the bill. Among these were Congressmen Mills, Byrnes, Knox, and Baker. All are well known tax specialists. The understanding of revenue estimate of $350 million. Assuming knowledge and not ignorance, they must have known that revenue in that amount could be realized only if GM stock was distributed to Du Pont, and only if there was a pro rata distribution of GM stock under the terms of the relief bill.

When the bill was before the Senate in the fall of 1961, the chairman of the Finance Committee used the same revenue estimate, although he noted that GM stock had gone up to about $48 and that more revenue would result at that price. He also went further and broke down the revenue estimate to show just what would be received as a result of the Du Pont portion of the operation and what would come from Christiana's distribution. The figures he used were, of course, based on Christiana not being merged with Du Pont and on a pro rata distribution being followed throughout—Congressional Record, volume 107, part 16, page 21026.

Largely through the efforts of the senior Senator from Illinois and myself the bill was not passed by the Senate immediately, as its sponsors had hoped. It was referred to the Ways and Means Committee.

The price of GM stock kept climbing. By January 1962, when the Senate finally passed the relief bill, GM stock was selling at about $55, and on that basis the revenue estimate derived from terms of the relief bill has increased to some $470 million.

My colleagues in the Senate understood these facts in January 1962, as the record shows. They understood that GM stock was selling at $55 and that if the terms of the relief bill were followed, including pro rata distributions throughout, some $470 million would be realized in the tax revenue.

The words of some of the distinguished members of the Finance Committee in 1962-63, as appearing in the Congressional Record:

"Mr. MULLIN. The stockholders will over this period of 3 years, within which the divestiture will have to occur, will pay a capital gains tax on the stock received on the amount of approximately $350 million.

"Mr. Byrnes. Tax revenues from divestiture if H.R. 3647 is enacted would amount to $350 million.

"Mr. Knox. In helping these people we will not cause the Treasury to suffer any revenue losses. The Treasury has been promised about $350 million under the bill against about $300 million under a possible three-pronged flexible program of divestiture.

"Mr. Banks. The Treasury will receive approximately $350 million in revenue as the result of this legislation."

"Mr. Williams of Delaware. As defined in the bill it would bring $350 million revenue.

"The revenue estimate which was supplied by the Treasury in this case would bring in about $350 million. And the amount is $350 million under the bill against about $300 million under a possible three-pronged flexible program of divestiture.

"Mr. Banks. The Treasury will receive approximately $350 million in revenue as the result of this legislation."
Mr. Gore. With respect to the bill which the Senator from Delaware supports, we find the statement:

"A limitation under H.R. 8847 would yield tax revenues of about $350 million.

"Mr. DOLLAR. If Christians distribute its portion of General Motors stock to its shareholders, the stockholders will pay capital gains tax on the difference between the original cost and the present value, or roughly, 25 per cent on a capital gain of $46.50, or, roughly, $11.50 a share. (These figures clearly envision a pro rata distribution.)"

who would pay the taxes under H.R. 8847?

"Mr. KEMPSTER. I know the Senator has discussed this particular point, but if I would appreciate it if he would outline it again.

"Mr. GORE. H.R. 8847 contemplates a pass-through by the corporation as the new tax and the tax consequences of a pass-through under which the taxes would be paid not by the corporation but by the individual stockholders, and so most of it by the individual stockholders of Du Pont and Christiansa.

"Mr. McCORMICK. What logical way to accomplish the divestiture would be to distribute the shares of General Motors common stock which the Du Pont Co. owns to the individual shareholders with a capital gains tax, or, by the individual stockholders of Du Pont and Christiansa.

"The Treasury at the same time will receive substantial revenue from distribution of these General Motors shares to the Du Pont stockholders. On the basis of current market value of about $65 per share for General Motors stock, fewer than one-third of the Du Pont stockholders will be subject to taxes, approximating $470 million at the time of distribution.

"$470 million be collected from the Du Pont stockholders, some 1,000 stockholders of this company, many of them members of the Du Pont family and others with substantial ownership. If a stockholder is subject to a greater tax than would be paid by them if the divestiture is carried out under existing law.

"If the court directs Christiansa to distribute some or all of this stock to its individual shareholders, they would be treated in the same manner as any individual investor in Du Pont.

"Mr. WILLIAMS. Delaware. The estimated revenue under the bill as reported last September was $350 million. That was due to the fact that there was an $45 price on General Motors stock. Since the bill was reported the price of General Motors stock has advanced, and the $45 price is now $60 a share, and for that reason we are using an estimate of an additional $100 million revenue which would occur.

"Mr. McCORMICK. I said that the Senator from Iowa had not taken into consideration that under the bill if the distribution were to be made, there would be paid an additional $150 million collected from the respective stockholders of Christiansa.

"Mr. WILLIAMS. Delaware. The difference in the revenue under the terms of the bill and the bill which the Senator from Illinois and I opposed at the last Congress is that that bill would have provided only about $60 million revenue whereas this bill would provide about $470 million.

"Mr. McCORMICK. It is estimated that the Treasury would collect approximately $450 million of revenue over a period of 3 years.

"If the bill is not enacted, Du Pont will be moved to resort to certain procedures and practices which may not be sound. They might have the effect of distorting the operation of the corporation, for example, by mortgaging the investment portfolios or holdings of many persons and corporations, and of affecting the way in which the corporation deals with the large holders of General Motors stock.

"Mr. KEMPSTER. Under the bill they would pay a modified tax.

"Mr. MILLER. That would pay a capital gains tax in the same identical amount.

"Mr. McCORMICK. In the same identical amount that Christiansa would pay if Christiansa should sell under a court order.

"Mr. WICKER. Would the ruling be made at the same time as it was clear that the tax could be made?"

"Mr. WILLIAMS. Delaware. It is estimated that the Treasury would collect approximately $450 million of revenue over a period of 3 years.

"If the bill is not enacted, Du Pont will be moved to resort to certain procedures and practices which may not be sound. They might have the effect of distorting the operation of the corporation, for example, by mortgaging the investment portfolios or holdings of many persons and corporations, and of affecting the way in which the corporation deals with the large holders of General Motors stock."

"Mr. KEMPSTER. I know the Senator has discussed this particular point, but if I would appreciate it if he would outline it again.

"Mr. GORE. H.R. 8847 contemplates a pass-through by the corporation as the new tax and the tax consequences of a pass-through under which the taxes would be paid not by the corporation but by the individual stockholders, and so most of it by the individual stockholders of Du Pont and Christiansa.

"Mr. McCORMICK. What logical way to accomplish the divestiture would be to distribute the shares of General Motors common stock which the Du Pont Co. owns to the individual shareholders with a capital gains tax, or, by the individual stockholders of Du Pont and Christiansa.

"The Treasury at the same time will receive substantial revenue from distribution of these General Motors shares to the Du Pont stockholders. On the basis of current market value of about $65 per share for General Motors stock, fewer than one-third of the Du Pont stockholders will be subject to taxes, approximating $470 million at the time of distribution.

"$470 million be collected from the Du Pont stockholders, some 1,000 stockholders of this company, many of them members of the Du Pont family and others with substantial ownership. If a stockholder is subject to a greater tax than would be paid by them if the divestiture is carried out under existing law.

"If the court directs Christiansa to distribute some or all of this stock to its individual shareholders, they would be treated in the same manner as any individual investor in Du Pont.

"Mr. WILLIAMS. Delaware. The estimated revenue under the bill as reported last September was $350 million. That was due to the fact that there was an $45 price on General Motors stock. Since the bill was reported the price of General Motors stock has advanced, and the $45 price is now $60 a share, and for that reason we are using an estimate of an additional $100 million revenue which would occur.

"Mr. McCORMICK. I said that the Senator from Iowa had not taken into consideration that under the bill if the distribution were to be made, there would be paid an additional $150 million collected from the respective stockholders of Christiansa.

"Mr. WILLIAMS. Delaware. The difference in the revenue under the terms of the bill and the bill which the Senator from Illinois and I opposed at the last Congress is that that bill would have provided only about $60 million revenue whereas this bill would provide about $470 million.

"Mr. McCORMICK. It is estimated that the Treasury would collect approximately $450 million of revenue over a period of 3 years.

"If the bill is not enacted, Du Pont will be moved to resort to certain procedures and practices which may not be sound. They might have the effect of distorting the operation of the corporation, for example, by mortgaging the investment portfolios or holdings of many persons and corporations, and of affecting the way in which the corporation deals with the large holders of General Motors stock.

"Mr. KEMPSTER. I know the Senator has discussed this particular point, but if I would appreciate it if he would outline it again.

"Mr. GORE. H.R. 8847 contemplates a pass-through by the corporation as the new tax and the tax consequences of a pass-through under which the taxes would be paid not by the corporation but by the individual stockholders, and so most of it by the individual stockholders of Du Pont and Christiansa.

"Mr. McCORMICK. What logical way to accomplish the divestiture would be to distribute the shares of General Motors common stock which the Du Pont Co. owns to the individual shareholders with a capital gains tax, or, by the individual stockholders of Du Pont and Christiansa.

"The Treasury at the same time will receive substantial revenue from distribution of these General Motors shares to the Du Pont stockholders. On the basis of current market value of about $65 per share for General Motors stock, fewer than one-third of the Du Pont stockholders will be subject to taxes, approximating $470 million at the time of distribution.

"$470 million be collected from the Du Pont stockholders, some 1,000 stockholders of this company, many of them members of the Du Pont family and others with substantial ownership. If a stockholder is subject to a greater tax than would be paid by them if the divestiture is carried out under existing law.

"If the court directs Christiansa to distribute some or all of this stock to its individual shareholders, they would be treated in the same manner as any individual investor in Du Pont.

"Mr. McCORMICK. It is estimated that the Treasury would collect approximately $450 million of revenue over a period of 3 years.

"If the bill is not enacted, Du Pont will be moved to resort to certain procedures and practices which may not be sound. They might have the effect of distorting the operation of the corporation, for example, by mortgaging the investment portfolios or holdings of many persons and corporations, and of affecting the way in which the corporation deals with the large holders of General Motors stock.
Secretary Dillon, Senator, except for the use of the word "tunneled," which I would not agree to.

Senator GLEAZ. You select your own word.

Secretary Dillon. I think that I have never heard a more lucid explanation of what actually happened than the Senator from Delaware has just given.

Senator DOUGLAS. I congratulate you, Mr. Secretary.

Senator GOBLE. Thank you.

It is clear what happened. It is clear when it happened. It is not altogether clear as to what individuals in the Treasury should have been allowed to get the business done. This is very necessary. But in this case, there is not a trace of that regularity.

The distinguished junior Senator from Louisiana, in defending Secretary Dillon on the Senate floor on February 4 of this year, inserted in the Record a copy of the Secretary's memorandum of February 21, 1961. This will be found on page 2018, and I will not burden the Record by reading all of it.

Among other things, this memorandum brings the business of bureaus and others, including the Commissioner of Internal Revenue, states:

In the event you feel that a matter raises questions of policy of such importance as to require determination at a higher level, please in the first instance consult with the Under Secretary, or in his absence, the General Counsel. I request that, in the normal course, you dispose of all matters within your respective offices.

The Secretary had stated earlier in the memorandum that he did not want to be involved in determining individual tax liability.

Now, this would indicate to me that the Commissioner of Internal Revenue was to be responsible for the administration of the Bureau of Internal Revenue. If he felt that some particular matter was too important or difficult for him to handle, then he should seek advice further up the ladder, going to the Under Secretary rather than the Secretary himself.

Strangely enough, however, we find that the Acting Commissioner of Internal Revenue, Bertrand M. Harding, according to his own testimony, was not having any difficulty carrying out his duties with regard to this matter. But he got a call from a lawyer in New York, Mr. Robert Knight, telling him that the Secretary of the Treasury, Douglas Dillon, had asked this lawyer to come down and straighten out a problem for him, a problem with which he was having no difficulty and about which he had requested aid of neither the Secretary nor the Under Secretary. That seems odd to me.

It seems impossible to me to be in harmony with the decision of the Administration to own policy as laid down by Secretary Dillon.

There are many unresolved questions in my mind about the conduct of former Secretary Dillon and others in this matter.

The conduct of the New York lawyer, Mr. Robert Knight, first learned of his possible selection as special consultant on the matter by a way of a telephone call from a Washington lawyer for the Du Pont interests, Mr. Clark Clifford.

There are many unresolved questions in my mind about the conduct of former Secretary Dillon and others in this matter.

The first Treasury ruling was issued to the Du Pont Co., in letter form, dated May 26, 1962. This ruling very properly was issued on the understanding that the tax liability would be a pro rata distribution.

Among other things he did was to write a letter to the Senator from Delaware, so the Senator could insert the letter in the Congressional Record, and use it in debate to support passage of the bill. In this letter, Mr. Greenewalt expressed the opinion that there was a sufficient number of General Motors shares to pay its tax under the bill, and:

Under a distribution by Christiansa, the alternative of meeting the legal requirement of Christiansa was essentially zero, and the capital gains tax on the full market value of the General Motors stock received.

He stated further:

It is clear then that my personal tax bill would be more the great under H.R. 8847 than it would be if the divestiture were carried out under present tax laws.

This surely does not show a contemplation of operating partially under the relief bill and partially under existing law.

There was no hint of a last minute change from a pro rata to a non pro rata distribution.

Mr. Greenewalt went even further to state that he owned about 55,000 shares of Christiansa and that his total tax under H.R. 8847 would be about $1,400,000.

These figures assumed a market price of $55 per General Motors share, which was the price when the bill finally passed the Senate early in 1963.

Now, the key to Mr. Greenewalt's calculations was the fact that the distribution would be pro rata under the terms of then existing law, which would have allowed a number of other maneuvers, including merging Christiansa into Du Pont and a non pro rata distribution by way of an exchange offer of Christiansa stock for General Motors stock.

And yet, by March, only some 2 months later, Christiansa was contending that the Du Ponts should be allowed to do as they pleased and reduce the taxes of Mr. Greenewalt and other Christiansa stockholders. They kept up their running fight with Commissioner Caplin until October, when, faced with the necessity of proceeding with a distribution, they accepted a lower price, which required them to distribute pro rata.

Of course, they did not give up at this point. They evidently had the idea that they could come back later and do better when Commissioner Caplin was left. This, unfortunately, proved to be correct.

Commissioner Caplin left IRS on July 10, 1964, and in August Christiansa was
back. This time there was only an Act-

ing Commissioner and they hoped to
fare better. They did.

Secretary Dillon, as I have said, even
though the new Commissioner testi-

ed that he was having no difficulty with
this problem, called in the former Gen-
ceral Counsel, a corporation lawyer from
New York, to negotiate the deal.

At the same time, the bill was issued. Run-
counter to all the rules of logic, in-
cluding the rules they had applied in ar-
viving at the decisions reached by the
Commissioner of Internal Revenue in
1962, this new Commissioner suddenly de-
clared, quite to my surprise, that Christiana should, after all, be
allowed to exchange its GM shares for its
own shares in such a way as to reduce
the tax liability of the Du Pont family
member.

So a modified ruling was issued on De-

cember 15, 1964, which bilked the Gov-
ernment of $56 million. Not to be left to the secrecy that sur-
rounds such rulings.

I learned, early in December 1964, that
a change in the ruling was in the mak-
ing, and I feared that the result would be
precisely what it was. I tried, I did, to
avert it. At least I wanted the matter dis-

cussed. But I met the official cold shoulder.

I thought the chairman of the Fi-

nance Committee would be listened to
and I, therefore, asked him to ask IRS
for a report on the whole transaction.
The chairman's letter was dated De-
cember 18, 1964. His letter merely asked
for such a report and had enclosed it.
But it was not until January 15, 1965, that
the chairman finally received a
reply. And that letter could have been
written and staffed in 2 or 3 days with-
out any strain whatsoever. Of course, it
was delayed long enough to prevent any
interested Senators from making any
effort to stop this raid on the Treas-
ury. Furthermore, this letter was furnished under provisions of law which require it to be treated in confidence. I was unable to discuss this question in detail in public.

I then asked the chairman to call the
Finance Committee together to consider this matter in executive session. I am grateful to the distinguished senior Sen-
ator from Virginia for doing so. Sen-
ator Byrnes then called public hearings
and now the sordid deal is public. But the damage has been done; the money is
gone; confidence has been shaken.

I would like to prevent this kind of
thing in the future. And the best way to
prevent it is to have rulings made public.

There is no reason why rulings invol-
ving millions of dollars should be negoti-
ated in secret and kept secret. The

Commissioner of Internal Revenue, I am sorry to say, does not understand this.

Commissioner Cohen, in testifying be-
fore the Finance Committee on March
24, stated that in applying for a ruling
the taxpayer “bears his financial soul.”
The implication seemed to be that a
ruling itself contained material which
could not be published. But after some
questioning, Mr. Cohen finally admitted
that there was no legal reason for not
publishing ruling letters such as those
issued in connection with the Du Pont di-
vestiture. But, according to Mr. Cohen, “it is violative of our procedure” to pub-
lish such rulings.

This Du Pont-Christiana case is ample
proof of the fact that those procedures
should be changed—and by law. I have
introduced such a bill.

The PRESIDING OFFICER. The bill
will be received and appropriately re-
ferred.

The bill (S. 2404) to require the publi-
cation of all tax rulings which affect
more than $10,000 or which are more
important, introduced by Mr. Gore, was
received, read twice by its title, and re-
ferred to the Committee on Finance.

NAMING CANNON DAM AND RESER-
VOIR IN MISSOURI

Mr. SYMINGTON. Mr. President,
last year, Missourians and the Nation lost
one of the great statesmen of our time—
the Honorable Clarence Cannon. His
memory will not soon fade from the
minds and hearts of the people of north-
east Missouri so ably represented by him in the United States Congress for his deeds and devotion are deeply etched in this
countryside.

He dedicated his life and talents to the
service of the people and he carried out
this duty with such energy and his charac-
teristic modesty.

For over four decades he represented
the Ninth District of Missouri and for
two nearly of those decades he bore the
heavy responsibilities of Chairman of the
House Appropriations Committee.

Construction will begin soon on a
multipurpose dam and reservoir—the
first in north Missouri—in Ralls County,
only a few miles from Clarence Cannon's
farm home in Lincoln County.

Mr. Cannon's standard as chairman of
the House Appropriations Committee was
that it had never been overshadowed in
judgment and integrity, nor ever reduced
by the desire to curry favor and gain special
benefit. He was a man of the people, and
when the project now known as Joanna Dam was proved to have met
and satisfaction.

It was suggested by a number of lead-
ers in his district that this project bear
his name as a token of appreciation from
the people for his outstanding record as
a public servant. Mr. Cannon humbly
declined the honor during his lifetime.

Because this project will contribute to
the development of Missouri, and because
of the dedication and interest in the pros-
tunity of our honored and beloved colleague, a

CONSTITUTIONAL AMENDMENT ON
REAPPORTIONMENT OF STATE LEGISLATURES

Mr. ERVIN. Mr. President, I intro-
duce, for appropriate reference, a joint
resolution which I believe will restore
some semblance of majority rule to the
process of apportioning State legislatures and will return the Federal judiciary to its proper function.

Few are the political thicket in the case of Baker against Carr, the Su-
preme Court has wandered so far and
wide that today even a solid majority of a State's voters cannot by referendum change the Constitution of the State, as the law, State legislature based on considerations other than population. In fact, the doctrine of the recent Lucas decision would appear to require the vote by the voters to give minority interests more representation than the population would
warrant. When the governed can no
longer govern through their own consent, the time has come to correct this situation is com-
pelling.

In spite of my strong feeling that we
must not shirk our duty of extracting
the court from its own confusion through a constitutional amendment, I have frank-
ly stated my reluctance in this undertak-
ing. I hesitate to change the Constitu-
tion, for it is our political heritage, and
such change affects not only our genera-
tion, but also posterity. It is doubly
disconcerting when it is not the Constitu-
tion which is deficient, but the inter-
pretation of that document by a majority of those who presently sit on the Su-
preme Court.

Before committing myself to a par-
ticular solution, I have carefully reviewed the expert testimony presented during hearings before the Joint Committee on
Constitutional Amendments. Because the subcommittee chairman, Senator BayH, wisely sought and received the tes-

timony of those who are most knowledgeable in the field of constitutional experts, I believe
the best solution is now available.

However, before introducing a joint
resolution reflecting this solution, I
should like to point out what I consider to be deficiencies common to some of the measures already introduced: Senate Joint Resolution 2, Senate Joint Resolution 37, Senate Joint Resolution 38, and Senate Joint Resolution 44. The basic objection is the failure of these resolutions to deal with the important constitutional issue involved: the role of the Supreme Court. Our efforts should be directed to the States and the Federal judiciary, rather than to any of the other factors which may supplant population considerations in apportionment of one house of the State legislature.

If we agree, as I firmly believe, that the Court should not have entered the political arena in the first place, then our first step is to establish some considerations in apportionment of one house of the State legislature. Yet, each of the amendments already proposed in the Senate, except Senator Dirksen's, has been directed to the State legislature to the harm of the Federal judiciary.

There are a number of additional difficulties in the proposals presently under consideration by the Subcommittee on Constitutional Amendments. The language of Senate Joint Resolution 2, sponsored by Senator Dirksen, for instance, seems to preclude judicial review of the apportionment which is expressly authorized under the amendment. Some sponsors of this amendment have already asserted that they had no intention of precluding judicial review, and that clarification is necessary.

As drafted, the Dirksen amendment also fails to limit the extent to which "other factors" may supplant population considerations in apportionment of one house of the State legislature. In fact, the proposed amendment expressly states that nothing in the Constitution shall prohibit apportioning one house of a bicameral legislature upon any other factor, other than population. Presumably, the guarantees of article IV, section 4 would be cast into doubt by this language. Consequently, a temporary majority could apportion a house in any way it deemed to be in the interest of the majority, and any other proposal that is contrary to our Republican form of government.

Further, the Dirksen amendment contains no definition or limitation regarding what "other factors" may be used to apportion a house of the legislature. For example, can the "other factors" be race, taxes paid, assessed value of property, density of population? Clearly, this catchall phrase warrants our careful scrutiny; and further, such imprecise language is not suitable for a proposal directed to the United States Constitution.

It also greatly troubles me that each of the resolutions before the subcommittee allows the apportioning of one house to be decided by referendum once every 16 years. Thus, a bare majority of those voting in the referendum—which might be far less than an actual majority of eligible voters—could be blackmailed into accepting a less than satisfactory apportionment proposal simply by the failure to offer them a better or more satisfactory proposal. Another problem exists in determining what proportion of the electorate is required to approve a proposal. In what elections may the referendum be considered valid? During a special election or during a primary? This could greatly affect the size of the vote cast in the election.

Mr. President, to eradicate the existing distortion of the judicial institutions, and to obviate some of the practical problems contained in other proposed amendments, I introduce a joint resolution.

This amendment is designed to limit the judicial power over apportionment to the enforcement of the amendment itself. It would affirmatively provide the States with population consideration in apportionment. In addition, the States would be left to the wisdom of the State as long as the States abided by the mandate of article IV, section 2, of the Constitution, which is reiterated in my proposed amendment: That a republican form of government is guaranteed.

I wish to emphasize that this proposed amendment would not carry us back to the days before Baker against Carr, when so many States legislatures were shamefully apportioned on the basis of obsolete census data which have always been an active opponent of malapportionment. Indeed, the States might not have lost the right to apportion if they had met the responsibility. This proposed amendment would require that State apportionment decisions be made by those who should be charged with the responsibility—the legislatures of the States themselves. One advantage would be that consideration be made of the most recent census data in apportioning the State legislature.

Mr. President, I wish to acknowledge with appreciation the expert testimony of J. Harvie Williams of the Sub-committee on Constitutional Amendments, and especially that of J. Harvie Williams of the American Good Government Society. I am confident that this joint resolution will receive the careful consideration of all the members of the Constitutional Amendments Sub-committee during our deliberations.

I read my proposed resolution for the information of the Members.

\textbf{Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House being present, agree to the following article as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States, and shall be printed in the Record of its submission to the States by the Congress:}

\textbf{ARTICLE}

\textbf{SECTION 1. The Judicial power of the United States shall not be construed to extend to any suit in law or equity affecting the composition or structure of a State Legislature, except under this Article of Amendment and under the Constitutional provision by which the United States guarantees to every State in this Union a Republican Form of Government.}

\textbf{SEC. 2. The most numerous branch of the Legislature of a State shall be composed of members elected within single-member districts containing as nearly as practicable equal numbers of electors having the qualifications requisite under its law; or, if the legislature so directs, equal numbers of inhabitants, citizens, or citizens over twenty-one years of age, as enumerated in the most recent census of the United States.}

The \textbf{PRESIDING OFFICER.} The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 87) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law shall be considered a joint resolution. The resolution of the United States, introduced by Mr. Eszra, was received, read twice by its title, and referred to the Committee on the Judiciary.

\textbf{SOCIAL SECURITY AMENDMENTS OF 1965—AMENDMENT}

Mr. CARLSON submitted an amendment, intended to be proposed by him, to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplemental hospital insurance program and an expanded program of medical assistance, to increase benefits under the Old-Age, Survivors, and Disability Insurance System, to improve the Federal-State public assistance programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

\textbf{AMENDMENTS NO. 214 AND 215}

Mr. RIBICOFF. Mr. President, I submit two amendments, two amendments to H.R. 6675, the Social Security Amendments of 1965.

The first amendment would make social security trust funds available to pay for rehabilitation services for disability beneficiaries likely to be returned to gainful work through such help, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

The second amendment would authorize the Secretary of Health, Education, and Welfare to make disability determinations in those cases which can be promptly adjudicated on the basis of the medical and other evidence readily presented by the applicant from existing sources.

I ask unanimous consent that the amendments and brief explanations of them be printed at this point in the Record.

The \textbf{PRESIDING OFFICER.} The amendments will be received, printed, and referred to the Committee on Finance; and, without objection, the amendments and accompanying explanations will be printed in the Record.
Amendment No. 214 is as follows:

On page 266, between lines 22 and 23—insert the following new section:

"PAYMENT OF COSTS OF REHABILITATION SERVICES—

"Sec. 11816—Section 223 of the Social Security Act is amended by redesignating subsections (b) and (c) entitled (b) under subsection 223(b), and (c) entitled (c) under subsection 223(c), as (b) under subsection 223(b), and (c) entitled (c) under subsection 223(c), respectively, and by inserting after subsection (a) the following new subsection:

"(2) For the purposes of making vocational rehabilitation services more readily available to disabled individuals who are (A) entitled to benefits under section 202(d) of the Vocational Rehabilitation Act, (B) in a period of disabilty under section 216(1), or (C) entitled to child's insurance benefits under section 202(d) after having attained age 18 and are under a disability, to the end that savings will result to the Trust Funds as a result of rehabilitating the maximum number of such individuals into productive activity, there are authorized to be transferred from the Trust Funds to such State agencies, at the discretion of the Secretary, the following amounts:

The explanation accompanying amendment No. 214 is as follows:

Explanation of Amendment No. 214

One of the objectives of the social security disability program is to promote the rehabilitation of disability beneficiaries. The explanation accompanying the legislation resulting simply in the substitution of Federal funds for State funds, as amended by subsection (b), would, of course, be subject to continuous evaluation.

Under the legislation, there would be continuing evaluation of the effects of the rehabilitation expenditures and any needed adjustments made in selection criteria and administration so that the savings to the Trust Funds from the reduction in benefits paid out and the increased taxes paid on the earnings of disabled individuals will not exceed by more than ten percent the cost of the rehabilitation services.

The explanation accompanying amendment No. 215 is as follows:

Explanation of Amendment No. 215

Under present law, generally, disability determinations must be made by State agencies under agreements with the Secretary. Since, however, under a provision of this bill, disability benefits are to be provided after a shorter period than is required under present law, there will be a need to develop and administer suchAct so that applicants for disability benefits be referred to the State vocational rehabilitation agencies for vocational rehabilitation services, so that as many disability beneficiaries as possible may be restored to productive activity.

The explanation accompanying Senate amendment No. 215 as follows:

Facilitating Disability Determinations

"Sec. 215—Subsection (b) of section 231 of the Social Security Act is amended by inserting before the period at the end thereof 'other than individuals referred to in subsection (g) (4)'.

The explanation accompanying amendment No. 215 is as follows:

"(3) any class or classes of individuals not included in an agreement under subsection (b), and

(4) any individual with respect to whom the Secretary, in accordance with regulations prescribed by him, finds that a determination of eligibility or of the nature of disability ceased may be made (A) on the evidence furnished by or on behalf of such individual, or (B) on the evidence of remunerative work activities performed by such individual, the determinations referred to in subsection (a) shall be made by the Secretary in accordance with regulations prescribed by him.'
tion, while the more borderline and difficult cases would be sent to contracting State agencies-for planning, development and evaluation. The contracting State agencies would undertake to obtain additional evidence as necessary to fulfill the purposes of independent medical examinations and workups of applicants to determine functional capacity and vocational capabilities. In addition, in those initially adjudicated by the State agencies the Secretary would be authorized to terminate entitlement to disability assistance under S. 1648, and where they are not the actual recipients, to give these units an opportunity to comment on any proposed development plan or application for financial assistance.

I, therefore, send to the desk a series of five amendments which I feel will strengthen the bill, and give local government units the role they are equipped and entitled to play in the implementation of S. 1648.

Amendment No. 1 would require the Secretary of Commerce, pursuant to regulations established by him, to designate groups of elected officials of units of general government and, where appropriate, State officials, as economic planning and development groups in the absence of substantial reasons justifying the designation of some other body.

Amendment No. 2 would require that units of general local government have the opportunity to present recommendations on any proposed economic development program submitted by an economic and planning development group where such unit of government was not represented therein.

Amendments Nos. 3 and 4 would require the Secretary to extend financial assistance under titles I and II, respectively, to units of general local government in the absence of substantial reasons justifying a different recipient.

Amendment No. 5 contains a definition of "unit of general local government."

Mr. President, I have been a county official myself, and I understand the concern of officials serving at that level of government about the provisions of this bill. I have worked with city and town officials also, and I understand their dissatisfaction with the bill as brought to the floor. They should have a full opportunity to view and act on the implementation of all phases of the programs authorized in this bill which in any way touch their jurisdictions. They should be able to state their preferences as recipients of financial assistance under the proposed act. These provisions should be written into the law—not just recommended in the language of the report.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

PRINTING OF INTERIM REPORT ON LAFAYETTE AND BIG PINE RESERVOIRS, WABASH RIVER BASIN, IND. (S. DOC. NO. 29)

Mr. McNAMARA. Mr. President, I present a letter from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a modification of the John Day lock and dam, Columbia River, Wash. and Oreg., authorized by the Fish and Wildlife Coordination Act August 12, 1958.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

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

ADDITIONAL COSPONSORS OF BILLS

Mr. SIMPSON. Mr. President, on March 4 I introduced for myself and Senators PAXON, BENNETT, JORDAN of Idaho, Young of North Dakota, ALBOTT, THURMOND, SCOTT, and DARSKEN, S. 1387, which would authorize the payment to local governments of sums in lieu of taxes and other revenues lost by such governments by reason of constructions on the part of the United States in connection with recreation.

By mistake, the name of Senator DOMINICK was omitted.

I ask unanimous consent to have his name added as a cosponsor at the next printing of the bill.

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

Mr. PELL. Mr. President, in addition to the 20 Senators listed as cosponsors of
S. 1483 at its next printing, I ask unanimous consent that the names of the following Senators be added as cosponsors of this bill, to establish a National Foundation on the Arts and the Humanities, at its next printing: Senators Bass, Bayh, Bork, Clark, Douglas, Fong, McCamy, McGee, McGovern, McIntyre, Long of Missouri, Metcalf, Morse, Murphy, Muskie, Pastore, and Ribicoff.

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

Mr. PELL. Mr. President, as chairman of the Senate Special Subcommittee on Arts and Humanities, I am delighted that this bill, which I believe contains the best elements in all related legislation introduced during the 89th Congress and during recent years to benefit the arts and humanities throughout the United States, was unanimously approved on May 25 by the Committee on Labor and Public Welfare.

Pending finalization of the report on this bill, there will be additional opportunities in which the original sponsors of S. 1483 at its next printing, if they so desire. I would suggest that any Senators so desiring communicate with my office to this effect.

The following Senators are already listed as cosponsors of the bill: Senators Brewster, Byrd of West Virginia, Clark, Dodd, Gruening, Hartke, Inouye, Jackson, Johnson of Massachusetts, Kennedy of New York, Miller, Mondale, Moynoty, Moss, Neuberger, Randolph, Tydings, Williams of New Jersey, and Yarborough.

Mr. ACKEN. Mr. President, at its next printing, I ask unanimous consent that the names of Mr. McGee, Mr. Douglas, Mr. Williams of Delaware, Mr. Dominick, Mr. Neuberger, Mr. Robert Long of Idaho, Mr. Humphrey, Mr. Moss, Mr. Bennett, Mr. Fulbright, Mr. Fannin, Mr. Bartlett, Mr. Williams of New Jersey, and Mr. Ribicoff be added as cosponsors of the bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

Mr. MOSS. Mr. President, at its next printing, I ask unanimous consent that the name of Mr. McGee be added as a cosponsor of the bill (S. 192) to provide aid and assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and protection and control of crime, and for other purposes.

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

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 10, 1965, at 10:00 a.m., in room 2300, New Senate Office Building, on the nomination of Donald Frank Turner, of Massachussetts, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), the Senator from Nebraska (Mr. Hruska), and myself, as chairman.

Notice of Hearing on Nomination to Be an Assistant Attorney General

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 6, 1965, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of Floyd R. Gibson, of Missouri, to be U.S. circuit judge, eighth circuit, vice Albert A. Ridge, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), the Senator from Nebraska (Mr. Hruska), and myself, as chairman.

Notice of Hearing on Nomination to Be an Assistant Attorney General

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 10, 1965, at 10:00 a.m., in room 2300, New Senate Office Building, on the nomination of Donald Frank Turner, of Massachusetts, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Connecticut (Mr. Donn), the Senator from Missouri (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from North Carolina (Mr. Eavin), the Senator from Massachusetts (Mr. Kennedy), the Senator from Illinois (Mr. Durkin), the Senator from Nebraska (Mr. Hruska), the Senator from Hawaii (Mr. Fong), and myself, as chairman.

Notice of Hearing on Nomination to Be an Assistant Attorney General

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 6, 1965, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of Floyd R. Gibson, of Missouri, to be U.S. circuit judge, eighth circuit, vice Albert A. Ridge, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), the Senator from Nebraska (Mr. Hruska), and myself, as chairman.

Notice of Hearing on Nomination to Be an Assistant Attorney General

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 10, 1965, at 10:00 a.m., in room 2300, New Senate Office Building, on the nomination of Donald Frank Turner, of Massachusetts, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Connecticut (Mr. Donn), the Senator from Missouri (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from North Carolina (Mr. Eavyn), the Senator from Massachusetts (Mr. Kennedy), the Senator from Illinois (Mr. Durkin), the Senator from Nebraska (Mr. Hruska), the Senator from Hawaii (Mr. Fong), and myself, as chairman of the Subcommittee on Antitrust and Monopoly.

Notice of Hearing on Nomination to Be an Assistant Attorney General

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, June 8, 1965, at 10:30 a.m., in room 2300, New Senate Office Building, on the following nominations:

Fred J. Nichol, of South Dakota, to be U.S. district judge for South Dakota, and Irving Hill to be U.S. district judge for Southern District of California.

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Tuesday, June 8, 1965, at 10:30 a.m., in room 2300, New Senate Office Building, on the following nominations:

Fred J. Nichol, of South Dakota, to be U.S. district judge for South Dakota, vice George T. Mickelson, deceased; and Irving Hill, of California, to be U.S. district judge for Southern District of California, vice William C. Mathes, retired.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself, as chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 900) 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.

The message also announced that the House had passed a bill (H.R. 7750) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which had been signed by the President.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 2319. An act for the relief of Mrs. Mauricia Reyes.
H.R. 2900. An act to transfer certain functions of the Secretary of the Treasury, and for other purposes.

The VICE PRESIDENT announced that on today, May 26, 1965, he signed the following enrolled bills, which had been signed by the Speaker of the House of Representatives:

S. 339. An act to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.
H.R. 6497. An act to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States; and H.R. 6122. An act 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.

House Bill Placed on Calendar

The bill (H.R. 7750) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, was read twice by its title and placed on the calendar.

Enrolled Bill Presented

The Secretary of the Senate reported that on today, May 26, 1965, he presented to the President of the United States the enrolled bill (S. 339) to provide for the establishment of the Agate
Fossil Beds National Monument in the State of Nebraska, and for other purposes.

ADDRESS, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:


The Desperate Plight of the Hungarian People

Mr. DIRksen. Mr. President, there is deep and abiding anxiety among the people of Hungarian descent in the United States for the plight of their countrymen who still feel the heavy hand of Russian Communist domination in their European homeland. The heroic efforts of the Hungarian people in the heroic revolution of 1956 will long be remembered by the free peoples of the world as an unequivocal assertion of their desire for freedom and self-determination, and a testament to their bravery in the face of insurmountable odds. But today they continue to pay the toll for rebellion in the face of tyranny, and this toll is being exacted in a manner calculated to annihilate the Hungarian people and their culture, should it be allowed to continue.

Mr. President, the loss of Hungarian lives during the last 20 years has been overwhelming. Through war, liquidation, deportation, and mass exile, the population was decimated to the point where gradual extinction would result without the stimulus of a large and healthy new generation to rebuild the national population, and with it, the national spirit and cultural unity. However, there has been no resurgence in the Hungarian population. Where life-saving blood was needed to rebuild the devastated Hungarian population, the growth rate was but 2.1 in 1962, the lowest in the world. The birth rate today is lower than the death rate in the major cities of Hungary, an ominous omen of the gradual extinction which must necessarily follow if this condition is allowed to continue.

Mr. President, this destruction of the Hungarian peoples can be traced directly to the fact that surgical abortions are encouraged by the present Hungarian government, a policy which was invoked by an edict in 1956. Surgical abortions in Hungary today outnumber live births by two to one. When people find themselves faced with intolerable tyranny, when they face only economic deprivation and the memory of a struggle for independence once lost, when they are confronted by a government which to so limit the future generation, one can see what a temptation it might be to save unborn children from similar suffering.

Mr. President, since the bloodletting in the city streets and the country lanes of Hungary 9 years ago, the United Na-
of the offending party or person. If the same were true in Eastern Europe, there would not be a Communist government in any of the captive nations. In no one nation is there popular support for the government, but there is military support—from the Soviet Union. The people do not govern in a Communist country as a result of the will of the people. By sending persons of trade and commerce to these countries, we are doing little more than throwing bones to people who otherwise might be able to organize into an effective resistance against the Communist dictatorships which govern them.

In Hungary the 2 percent of the population which is Communist makes the destruction of the government possible. The only mechanism for change in the Communist governments of Eastern Europe is the building of bridges is to demand hard concessions from the Communist governments.

As the Hungarian Freedom Fighters put it:

One principle should guide our negotiations with the Hungarian Government: the cultural and economic aid in question should not in any way assist the Communist governments in consolidating their power.

The only way the United States can bring freedom to the people of Hungary is by the building of bridges to demand hard concessions from the Communist governments.

There has been considerable speculation in recent months on the effect the so-called Sino-Soviet split is having on the monopolistic aspect of communism. A distinguished student of international affairs, Mr. London, of George Washington University, had a comment on the possible breakup of the Communist camp which would, of course, include the satellite states, in an article written for the spring issue of the George Washington University magazine.

Mr. London holds no brief for the theory that communism is forsaking its old plan for world domination. Says Mr. London:

I hold that the present disarray of the movement might be of a transitory nature and that the Communist leadership, if given the right to act on its own behalf, may develop with the support of both the U.S.S.R. and Red China—either in combination or as splinter parties. So long as the Soviet Union's great power continues to support Marxism-Leninism, be it orthodox or deformed, and so long as Red China remains the Soviet satellite, we cannot anticipate an end to the struggle for the world.

I do not mean to imply that disintegration of the Communist movement is possible, but I do think it is possible, because if we remain at war with communism with the present methods of attack, the movement has rolled with the punches, and that its many oscillations have not had a truly de-

structive effect upon it. Communist history was, is, and will be full of surprises, and the greatest mistake of the West has been to rely upon a crisis of the Socialist camp, such as the Sino-Soviet conflict, as something final long before it is final in communism until it collapses.

Unless meaningful economic pressures can be brought to bear on the governments of Eastern European countries, the only mechanism for change in the Communist governments of Eastern Europe is the building of bridges is to demand hard concessions from the Communist governments.

By supposedly "building bridges" we are aiding the governments of these people, not the people themselves, and in aiding the governments, we tighten Communist control over these countries. If in the future we seek to support Marxism-Leninism, be it orthodox, or freedom of speech, freedom of religion, freedom to assemble, or freedom of speech, we are not doing so.

If I believe that, in approaching the 50th anniversary of the gallant effort of Hungary to uproot communism, we should redevote ourselves to securing for the Hungarians and other Eastern European nations a chance to measure those human values for which we are fighting in Vietnam and the Dominican Republic and for which we are debating in the Senate.

HUNGARIANS UNDERSTAND THE MEANING OF LIBERTY

Mr. TOWER. Mr. President, I am pleased to join other Senators in paying tribute to the strivings of the Hungarian people for independence from the tyranny and oppression of communism.

Communism was uprooted once in Hungary—in October 1956. Then, after 11 years of Soviet occupation and 7 days of mortal combat, the people of Hungary had risen. Then what was left of the free world did not respond with sufficient vigor; and on November 4, 1956, the Communists began their brutal reoccupation.

Since that time, and for nearly 3 years now, the lifeblood of the Hungarian nation has been ebbing away. In the 2 years preceding 1956, Hungary’s population had a natural increase of 229,000. That is a growth rate of 12.6 percent. By 1965, the rate had declined to 1.1 percent. Communism is slowly strangling Hungary.

Yet, in the face of this slow death of a nation, there has been, in recent months, talk of “normalization” of American relations with the rulers of Hungary.

Mr. President, I welcome any step that promotes cooperation between the peoples of the world. But it would be worse than disturbing to see any normalization that would serve only the one-sided purposes of Hungary’s present totalitarian, Soviet-oriented power structure.

I suggest that before there can be any normalization of American relations with Hungary, there must be normal conditions inside Hungary.

Freedom is normal for Hungary. Witness the age-old struggle of her people to defeat tyranny. Witness that continuing struggle.

But there is no freedom in Hungary; and if we do not protest to have America reward oppression by granting it a warm coverlet of normalcy.

Let us look at today’s Hungary. Let us see whether Hungary is free and normal.

The Hungarian people still are governed by communist, dictatorial power, based on a one-party system.

Hungary still is surrounded by an Iron Curtain of barbed wire, watchtowers, and mines. Last year, 111 persons lost their lives from, or were seriously injured by, exploding mines in the border zone.

A law forbidding border crossings still is in force. Those who make a desperate attempt to reach the West without a government-granted passport are sentenced to 5 years in prison.

Freedom of religion still is limited. Last December, a Roman Catholic priest was sentenced to 5 years in prison, because he provided his children with religious education.

Freedom of speech is nonexistent. The slightest criticism of the communist regime brings long prison terms.

No social, religious, or political gatherings can be held, unless convened upon instruction from the government. Freedom of assembly does not exist.

Hungary still is controlled by Soviet armed forces, recently modernized with tactical nuclear weapons. The Soviet forces in Hungary are so positioned that they can occupy all strategic points within 30 minutes.

No, Mr. President, there does not appear to be much that is normal about today’s Hungary. Freedom would be the choice of the Hungarian people, if they had a choice.

The valiant people last expressed their free choice in October 1956—in the Hungarian revolution.

I am proud to be among those Americans who remember the Hungarian revolution of 1956 and the fight for freedom and dignity which it proclaimed. I hope the Senate and our Nation will keep faith with those principles, and will always work to achieve freedom for the Hungarian people.

SOIL, GOD, AND MAN

Mr. RUSSELL of South Carolina. Mr. President, this week is being observed as Soil Stewardship Week. This is a nationwide observance which places emphasis on man’s obligation to God as a steward of the soil, water, and related resources.

This is the 11th consecutive annual Soil Stewardship Week sponsored by the National’s 3,000 Soil and Water Conservation districts and their national association. During the period of May 23 to 30, observances are being held in hundreds of thousands of churches of all faiths.

I think it fitting for the Senate of the United States to pause a moment in its
CONGRESSIONAL RECORD — SATURDAY, May 26, 1965

11821

deliberations to observe Soil Stewardship Week and pay tribute to its sponsors. This includes the 43 soil conservation districts in my home State of South Carolina.

The men who serve on the governing bodies of these local units of State government deserve our praise for the leadership they are providing in their communities for keeping before the people the relationship between soil, God, and man. They are performing a great patriotic service. I think the Senate should take this occasion to say "Thank you." Our soil is our strength. The water that sustains us demands constant vigilance.

Soil conservation districts have distributed material on "Challenges of Growth" to the clergy of all faiths to assist them in leading the congregations they serve to an appropriate observance of Soil Stewardship Week. The foreword in the material distributed was written by Rev. Lewis W. Newman of the Southern Baptist Convention at Atlanta, Ga:

"It is a genuine pleasure to serve a group that proclaims over and over again, "The earth is the Lord's.""

Mr. President, I ask unanimous consent to have Reverend Newman's statement placed in the Record.

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

FOREWORD

Life is a series of challenges. From the first uncertain steps of a little child to the last few faltering steps of an old person, life is one challenge after the other. Many of these challenges cannot be avoided. Some must be met individually, while others will be met by groups or by the Nation. Many of these challenges may be reduced to responsible stances.

For the people of God, stewardship of natural resources is based upon the word of God. The Nation sets out that ownership of the resources is God's. Stewardship, including use and conservation, is man's responsibility.

Let us remember that as people committed to the idea of conservation, although we are confronted with challenges such as lack of water, soil erosion, and pollution, we are also confronted with the challenges that are a part of our own lives. All these challenges are an expression of our stewardship, including our salvation, and must be met individually.

LEWIS W. NEWMAN,
Member, Soil Stewardship Advisory Committee to the National Association of Soil and Water Conservation Districts.

WELCOME AND TRIBUTES TO SENATOR RUSSELL OF GEORGIA ON HIS RETURN TO THE SENATE

Mr. KENNEDY of Massachusetts. Mr. President, Monday, May 24, 1965, was an important day for the U.S. Senate. On this date, on both sides of the aisle, friends and colleagues of the senior Senator from Georgia, Richard Russell, were united in welcoming him back after his courageous and successful battle against serious illness.

As one of the most Junior Members of this august body, I wish to add my sincere words of welcome to one who has served the people of Georgia and of the entire Nation for almost one-third of a century. The Distinguished Senator's wise counsel, his fine judgment, and his extensive knowledge were sorely missed by all. Among other tributes, I read a story from the Atlanta, Ga., Times which states:

One of Georgia's proudest, most revered warhorses is back in action.

May I note that this "warhorse" is one dedicated to the cause of peace. His perceptive leadership of the Senate Armed Services Committee has helped to maintain a nation of military superiority—a posture of great strength from which we are able to continue in our search for a world free from strife.

I am sure the people of Massachusetts are welcoming him home by saying we are glad to have Senator Russell back in good health, and we admire his courage and dedication to the Senate and to this country.

NEBRASKA NEWSPAPERS SUPPORT STATE'S RIGHT-TO-WORK LEGISLATION

Mr. HRUSKA. Mr. President, Nebraska is one of the States which has a right-to-work law. In 1946, by initiative vote, the people of my State amended our constitution to provide for the right to work. The legislature adopted legislation to implement the expressed will of the people.

Now that vote is being threatened by a determined drive in the Congress to enact Federal legislation which would override the majority expression of Nebraskans.

In recent days, a number of Nebraska newspapers have reaffirmed their support of our constitution and our law. The Norfolk Daily News, for example, said:

"To Nebraskans, the right-to-work law seems a simple enactment of the law of individual freedom. Those who believe this could make their views effective by letting their Senators and Representatives know how they feel."

[From the Lincoln (Nebr.) Evening Journal & Nebraska Star, May 19, 1965]

The Right To Work

One of the fiercest attacks on States rights and individual rights ever witnessed in this Nation is about to begin in Congress.

This is the effort to abolish the Federal provision allowing States to adopt "right-to-work" laws. President Johnson signaled the all-out attack when he included the scrapping of right-to-work laws in his special labor message to Congress.

If the top-heavy Democratic Congress goes along with the President, unions throughout the Nation will be able to negotiate closed shop union contracts. Contractors who hire workers to belong to a union in order to hold a job. (Under a closed shop agreement a worker must belong to the union before being hired; under a union shop agreement a worker must join the union within a designated period, usually 90 or 60 days, after being hired.)

Nebraska is 1 of 19 States having right-to-work laws which forbid closed shop or union shop contracts.

Congressional adoption of the President's proposal—which technically would repeal section 14(b) of the Taft-Hartley law—would wipe out one of the last vestiges of State control over labor relations. With this breach of States rights it would be only a
short time until the States would become virtually powerless in labor affairs. More dramatically, repeal of the right-to-work provision would be one of the strictest denials of human freedom ever enacted in this country. It would open the way for requiring that a worker, in order to hold a job, would have to belong to an organization and contribute to itsishi. It would hold that if a man did not care to belong to it and even if he were diametrically opposed to its policies and to the way it operates, he was still involuntarily required to contribute to it in order to hold his job. The future of Nebraska workers will have to be rallied to its financial support even if he did not incline to criticize the presidential inclination to labor strife in the State as union leaders pressed for closed shop and union shop contracts.

Abandoning the right-to-work principle is not the route to labor harmony or increased benefits for workers. The full political force of Nebraska will have to be rallied in order to help beat down this attack on individual freedom and to preserve the right to work. [From the Scottsbluff (Nebr.) Public Ledger, Apr. 30, 1965]

THE RIGHT TO WORK

In the weeks to come, Congress is to be a battleground over what have come to be known as the "right-to-work laws" on the books in 19 other States. One issue is section 14(b) of the Taft-Hartley Act. It reads: "Nothing in this act shall be construed as authorizing the execution or application of agreement requiring membership in a labor organization as a condition of employment in an industry in which such execution or application is prohibited by State or territorial law." It may be useful to put this whole issue in historical perspective. What this language says is a simple reaffirmation of a human right which is established as part of Western civilization. Right to work was proclaimed by law in France as early as 1791, and virtually every country in Europe actually used the term as a legal instrument years before. After the Civil War in our own country, the Supreme Court handed down right-to-work decisions invalidating laws which denied those who had supported the Confederacy the right to engage in their chosen professions.

Fifty years ago, in 1915, Justice Hughes declared in Traynor v. Roth: "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure."

At the end of World War II, right to work was invoked against a California State law which denied the right, in the face of their right to work at their occupation of fishing in coastal waters. In modern times the right to work simply means that a man is free to become an active, dues-paying union member if he wishes, but that he cannot be forced to pay union dues to an unwanted union bargaining agent in order to make a living. Both historical precedent and the Constitution affirm a free man's right to work. It will be a sad day if pressures brought to bear by labor union bosses can take away the right to work, or can cause us to hear from all kinds of voters on this issue. [From the Omaha (Nebr.) World-Herald, May 22, 1965]

FUTURE of 14(b)

As in several other legislative battles this session, the fight over repeal of section 14(b) of the Taft-Hartley Act is likely to be determined in the House of Representatives. There are several strong oppositions. Victor Riesel describes as a "razor thin" margin which might be overcome by a general determination of the part of the supporters of State right-to-work laws. Columnist Arthur Krock sees the administration as about 10 votes short, a prospect which foreshadows some intensive White House maneuvering. If President Johnson is genuinely determined to redeem his campaign promise to organized labor, he will be satisfied with nothing less than a victory. It would be a damaging blow to his campaign which Mr. Johnson will indeed fight to a finish, that he could not do otherwise in view of the near impossibility of getting a compromise, and that the few soft words which expressed his intention in his message to Congress were meant to lull opponents rather than to discourage those to whom the President feels that he is politically obliged. This appears to be the same instance in which the President's strenuous efforts for "consensus" will not work. Either right-to-work statutes will continue in the 10 States which have them under the permission of 14(b) or they will be wiped out by congressional action repealing 14(b).

If 14(b) goes, compulsory unionism will be a fact of life in all the 50 States. If 14(b) goes, what many Americans feel strongly to be their basic individual rights will be severely diminished. If 14(b) goes, States rights will be virtually extinguished in the field of labor-management relations. These and other broad matters are sure to be debated before the fate of 14(b) is determined. But to many citizens the most appalling aspect of the fight over 14(b) is that in spite of whatever solid constitutional arguments are advanced, and no matter how logical and high minded may be the debate, the outcome is likely to depend on White House manipulation of a few votes in the House of Representatives. And this will not be because the President is known to have flaring convictions on the subject, but because he owes a political debt. [From the Alliance Daily Times-Herald, May 21, 1965]

NEBRASKA SHOULD KEEP ITS RIGHT-TO-WORK LAW

A bevy of 19 bills to remove or amend section 14(b) of the Taft-Hartley Act are pending in the special House Labor Subcommittee and they are expected to begin getting close attention now that Congress has received President Johnson's message on the subject. Secretary of Labor Wirtz told a recent executive session of the National Union Workers Union that it is part of his job to press for repeal of what is sometimes called the "American" right-to-work law. The same group was told by George Meany, president of the AFL-CIO, that unions must be freed from statutes that curb their efforts to improve the lot of workers. He said his organisation hopes to get repeal of section 14(b) this year.

The labor leader had inveighed against 14(b) since the labor law's enactment in 1947 but in recent years it realistically hadn't done very much the right-to-work law. The AFL-CIO Executive Council believes it has the votes in the new Congress. The labor leaders count 221 hard votes for repeal in the House of Representatives, with 218 needed to send the bill to the Senate where they have always been confident of success. The Democratic Party platform last year called for outright repeal of 14(b). President Johnson in his state of the Union message stated flatly: "If I pledge you now "sincerely" to "freedom of contract," I will not break my word."

The Democratic Party platform last year called for outright repeal of 14(b). President Johnson in his state of the Union message stated flatly: "If I pledge you now "sincerely" to "freedom of contract," I will not break my word."
The AFL-CIO early in January called all its affiliated brass to Washington for a 4-day lobbying job on the new Congress. But it soon became clear that the administration itself wasn’t going to be hurried, that “first things,” in the White House view had to do more than bolster the “Great Society” movement.

Now with the education bill signed into law, with medicare sliding down a clear track, with the hospital bill (in large outlays) signed into law, with a water pollution bill approved, the administration is ready to give labor the opportunity to collect its bill for support of the Johnson ticket. Through the Democratic sweep in Congress last year. For its part, labor feels easier about pressing for repeal now that its public image has been improved with avoidance of a long strike in steel.

Union shop contracts between employers and unions require workers to join a union within a specified period, usually 30 to 60 days after being employed. Repeal of 14(b) would, in effect, take away from the States the right to enact laws forbidding union shop contracts and would make such laws illegal in the way where they now exist. Nineteen States today have right-to-work laws.

One of these is Nebraska and this newspaper reports the State’s Washington delegation will fight to keep the right-to-work law on our statute books. The Nebraska delegation is one of the states’ fight along union lines; it merely says that a worker need not join a union to hold his job. This is a personal right that should be protected for every American. It is a States rights issue from which the Federal Government should stay removed.

The Johnson administration won its great majority in the 1964 election by championing civil rights for the Negro. This is good politics but it may be that he is now attempting to take civil rights away from working people who don’t happen to want them. This is as un-American as the election laws in Section 14(b) of the Taft-Hartley law.

It is a personal right that should be protected for every American. It is a States rights issue from which the Federal Government should stay removed.

Additional confirmation of future directors of the Federal Bureau of Investigation

Mr. Hruska. Mr. President, on Monday last, the Senate passed S. 313, a bill which provides that any successor to J. Edgar Hoover as Director of the FBI who is nominated by the President must be confirmed by the Senate. The Senate is to be commended for the dispatch with which this important legislation was passed. It was last week sent by the Judiciary Committee. At the same time, it is hoped that every effort will be made to give this important legislation early and favorable final action.

The Senate is not so encumbered as to give its advice and consent to the appointments of district court judges, members of small agencies and commissions, postmasters and second lieutenants. In the appointment of the Director of one of the most important agencies of our Government. In the past this has been no particular problem, for in our 1964 Mr. Hoover has fulfilled this job with unparalleled dedication, competence, and longevity, He has become a legend in his own lifetime in the area of effective law enforcement.

However, if and when Mr. Hoover should decide to step down or is for some reason unable to continue as Director, the problem of finding a suitable replacement will have to be faced. In light of the importance of the Federal Bureau of Investigation and the sensitive position which it occupies in our system of government it is imperative that the Senate give its advice and consent to the appointment of the Director.

This bill will insure that the appointment will be given careful consideration not only by the executive branch but also by the legislative branch. The public also the appointment will serve to keep the position of Director and the FBI itself on a high level. This is imperative if the Bureau is to continue to serve the American people in its current exemplary manner.

Its functions in apprehending those accused of breaking Federal laws, investigating for other agencies in the Government, and in the subversion and generally protecting the public interest can be effectively accomplished only if it enjoys the confidence of the people.

The high regard in which Mr. Hoover has held will increase the difficulty of selecting his successor. It is vitally important that this selection be made in such a manner that there will be no question in the minds of the American people that the present high standards will be fostered and maintained.

The situation in Hungary

Mr. Dodd. Mr. President, there have been a number of articles in the American press recently which convey the impression that conditions are now very much improved under the Kadar regime in Hungary, and that the regime even enjoys considerable popular support.

For example, in the New York Times Sunday Magazine of last December 27, there was an article by Mr. David Binder entitled “Ten Million Hungarians Cannot Be Wrong.” The general argument of this article was that Hungarians are satisfied with the Kadar government, and that if they have forgotten their hero revolution of October 1956, have forgotten the scores of thousands who were massacred by the Soviet tanks and by the Communist execution squads, have forgotten the despicable role played by Kadar as the chief Soviet quisling and as their puppet Prime Minister.

Recently I had a discussion with some of the leaders of the Hungarian Freedom Fighters Federation, those who represent the ideals of the 1956 revolution, told me that it is untrue that there has been any basic change in Hungary. It is also true that the Kadar Government is not the puppet Government of the late Pincek, but the regime is still under the influence of the leadership, and is not the puppet of the Kadar Government.

They say that the only change is that the regime is now employing more subtle, more refined techniques of tyranny. The federation also points out that the Hungarian people are still deprived of their basic freedoms, and that there are still many hundreds of political prisoners. The federation also points out that the Kadar Government is still under the influence of the leadership, and is not the puppet of the Kadar Government.

I have often said that I thought we made a serious error in consenting to the removal of the Hungarian question from the agenda of the U.N. General Assembly. I have said that we now and would so soon forgotten the scores of thousands who were deprived of their basic freedoms, and that there are still many hundreds of political prisoners. The federation also points out that the Kadar Government is still under the influence of the leadership, and is not the puppet of the Kadar Government.

I have often said that I thought we made a serious error in consenting to the removal of the Hungarian question from the agenda of the U.N. General Assembly. I have said that we now and would so soon forgotten the scores of thousands who were deprived of their basic freedoms, and that there are still many hundreds of political prisoners. The federation also points out that the Kadar Government is still under the influence of the leadership, and is not the puppet of the Kadar Government.

I have often said that I thought we made a serious error in consenting to the removal of the Hungarian question from the agenda of the U.N. General Assembly. I have said that we now and would so soon forgotten the scores of thousands who were deprived of their basic freedoms, and that there are still many hundreds of political prisoners. The federation also points out that the Kadar Government is still under the influence of the leadership, and is not the puppet of the Kadar Government.
hope in a brighter future. But I am afraid we do not do so when we describe things that are growing and improving in the South. And we often use words like "rusty," "old," "dilapidated." The Senator's idea is timely for two reasons:

- The auto-junkie problem is so acute that it figures prominently in this week's White House Conference on Natural Beauty.
- Congress is now considering the present 10 percent excise tax on autos. Proposals range from complete removal of the tax to President Johnson's plan to reduce it to 5 percent by 1967. Retaining at least 2 percent as auto "burial insurance" at this juncture would be comparatively painless.

America is growing and becoming more urban, more crowded. It needn't necessarily be less beautiful. But it will be unless we start treating our landscape with the same pride and care we give our living rooms. Senator Douglas' proposal is a step in that direction.

**GAINS IN SOUTHERN COLLEGES**

**Mr. Tower.** Mr. President, I ask that there be printed in the Record an article from the May 31 edition of U.S. News & World Report. The article deals with the growth of advanced college-education facilities in the South. It is entitled: "The Changing South."

I am particularly pleased by the references to the Texas Medical Center, the Baylor University College of Medicine, and the Graduate Research Center of the Southwest.

As Dr. Lloyd Berkner, director of the research center, says:

The coming science-based industry and the massive flow of people from the farm to the city * * * is the greatest social revolution of our time.

Mr. President, I am proud of the way my State is moving to meet the challenge of education for the future; and I commend the article to the attention of the Senate.

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

**[From U.S. News & World Report, May 31, 1965]**

**IN THE NEW SOUTH: THE WAY THE COLLEGES CAME**

Many youngsters in the South used to go North in search of a good college education. Now they can go to school near home. The South's educational facilities are growing fast, and are expected to reach a total enrollment of 3 million by 1966.

Ten years ago no such community colleges were in existence. For years, pioneers in this type of school, and its system still serves as a model for most Southern States and other parts of the Nation as well.

**HIGHER DEGREES**

To many educators, the most significant change in southern education is the growing interest in graduate study. Says a Texas professor: "We've got to remember that students are not seeking degrees of doctor of philosophy just to qualify for teaching these days as important as it is. They are also developing creative talents which will help industry bring more jobs and new ideas to our economy."

Economists agree, however, that the South is still not turning out enough students with advanced degrees. In the Dallas-Fort Worth area, for instance, 200 persons with Ph. D. degrees are now employed—and only 44 of them did their graduate study in the region. In the United States as a whole, in 1964, 1,400 college graduates go on to earn doctoral degrees. But in the southern and border States, only 5 out of 1,000 go on to acquire these coveted degrees.

That picture may be changing, according to Dr. James L. Miller, Jr., research director of the Southern Regional Education Board. Before 1950, says Dr. Miller, there were only 13 really well-established graduate programs in the entire southern region, and...
they had awarded 96 percent of all Ph. D. degrees in the region up to that time. Between 1950 and 1965, he finds, 28 different universities have been created in Texas alone, granting more than 400 in that period.

To Dr. Bernier, one of the authors, it is clear that "the traditional southern dependence upon eastern and midwestern graduate schools for needed training is not as great as it used to be." When he was the head of a team of scientists working in the migration northward of our best faculty people is being cut down."

The ability to boost graduate schools is necessary, in the opinion of some southern educators.

Dr. Lloyd Berksner, director of the newly established Research Center of the Southwest, in Dallas, says: "The coming of science-based industry and the massive influx of research dollars into this region is the greatest social revolution of our time. The South and Southwest must create jobs in science-based industries. Unfortunately, this has just been recognized in the last few years. We are facing a crisis."

BECOME OF RESEARCH

In part, the crisis is laid to the recent location of Industry. It is a sobering statistic: by 1965, 51 percent of the nation's space research dollars were going into the South, to southern universities and contractors. Young scientists at these centers demand the chance to train in the region's growth industry. It is University of Alabama, as one example, which has opened a full-scale advertising graduate program that will accommodate the many scientists working for the Redstone Arsenal and the George C. Marshall Space Center.

A survey showed that, at the Huntsville branch, 16 percent of the students had their tuition paid by the Army Missile Command, 38 percent by contractors in Space and Industry, 30 percent by contractors in Space and Industry, and 4 percent by the University of Tennessee. While the University of Tennessee has announced that it is opening a branch at Tallahassee, the University of Florida, at Gainesville, also is helping to spur higher education in Florida. The University of North Carolina at Chapel Hill, the University of Maryland, the University of South Carolina, and the University of Southern California have at least one research institute in operation or well along in the planning stage at this time.

In February of this year, Florida State University, the University of North Carolina, and seven Texas universities announced that they were creating new research institutes. The University of Florida, at Gainesville, the University of North Carolina at Chapel Hill, and the University of Southern California have at least one research institute in operation or well along in the planning stage at this time. This means increased financial stability and academic independence he says.

THE SALARY GAP

While most southern educators agree that there is an education renaissance under way in the region, they also see some continuing problems. Teachers' salaries from grade school to graduate school lag behind the rest of the Nation. Most States have raised salaries, as have most privately endowed institutions. But the gap persists.

One big advantage of these research institutes, according to Dr. Herbert, director of the Triangle Institute, is that they are serving local business and industry directly. They are helping to stimulate local financial stability and academic independence he says. University of North Carolina at Chapel Hill.

PROTECTING THE PUBLIC INTEREST IN PUBLICLY FINANCED RESEARCH

Mr. YARBOROUGH, Mr. President, the following sensible point is made in an editorial which was published this morning in the Washington Post:

When a private business enterprise contracts and pays for research and development work, it has no question about its right to the patents that may emerge. The same principle should apply to government's support for research. There is no good reason why the taxpayers should be expected to pay $15 billion a year for research and then turn over to the adequately compensated contractors exclusive patent rights.

Many times before, we have seen instances in which private interests have, with enviable vision, recognized an area which, if exploited, would reap rich rewards for the exploiter. This is desirable if the exploitation is done by the entrepreneur. But in areas where public funds are involved, where the taxpayers' dollars have laid the foundations and where the whole bill, private interests should not reap a windfall profit at the expense of the public purse.

Yet we saw the communications satellite industry as it moved into the South, spurred by knowledge developed through the expenditure of public funds. As an example in the field of satellite communications.

PROTECTING THE PUBLIC INTEREST IN PUBLICLY FINANCED RESEARCH

Mr. YARBOROUGH, Mr. President, the following sensible point is made in an editorial which was published this morning in the Washington Post:

When a private business enterprise contracts and pays for research and development work, it has no question about its right to the patents that may emerge. The same principle should apply to government's support for research. There is no good reason why the taxpayers should be expected to pay $15 billion a year for research and then turn over to the adequately compensated contractors exclusive patent rights.

In my role as a legislator, I have seen, for example, the communications satellite industry as it moved into the South, spurred by knowledge developed through the expenditure of public funds. As an example in the field of satellite communications.

Today, the same thing is happening in another field, where private interests foresee a future of enormous windfall profits if a public subsidy of private interests, in the form of Government-financed research to which private companies will acquire monopoly patents. They raise no end of phantom instances in which private interests are threatened with a monopoly patents. Yet they say this subsidy is needed in order to encourage research. If this is true, and if private companies will not engage in research unless the Government subsidizes them, then something is profoundly wrong somewhere. I always thought that competition and the desire to make greater profits by discovering new and better products were among incentives which stimulated private industry to engage in research.

I commend the distinguished Senator from Montana [Mr. METCALF] for the great public service he performed in pointing out, in his speech of May 19, the efforts made in the executive branch of the Government to give away to private contractors the Government's rights.

Now they stand comparison with those in the North. They say this subsidy is needed in order to encourage research. If this is true, and if private companies will not engage in research unless the Government subsidizes them, then something is profoundly wrong somewhere. I always thought that competition and the desire to make greater profits by discovering new and better products were among incentives which stimulated private industry to engage in research.

I commend the distinguished Senator from Montana [Mr. METCALF] for the great public service he performed in pointing out, in his speech of May 19, the efforts made in the executive branch of the Government to give away to private contractors the Government's rights.

Now they stand comparison with those in the North. They say this subsidy is needed in order to encourage research. If this is true, and if private companies will not engage in research unless the Government subsidizes them, then something is profoundly wrong somewhere. I always thought that competition and the desire to make greater profits by discovering new and better products were among incentives which stimulated private industry to engage in research.

I commend the distinguished Senator from Montana [Mr. METCALF] for the great public service he performed in pointing out, in his speech of May 19, the efforts made in the executive branch of the Government to give away to private contractors the Government's rights.

Now they stand comparison with those in the North. They say this subsidy is needed in order to encourage research. If this is true, and if private companies will not engage in research unless the Government subsidizes them, then something is profoundly wrong somewhere. I always thought that competition and the desire to make greater profits by discovering new and better products were among incentives which stimulated private industry to engage in research.
rather than to construct private pipelines from the Public Treasury to private recipients.

I ask unanimous consent to have printed in the Record an editorial entitled “Hassle Over Patents,” which was published on May 26 in the Washington Post.

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

[Hassle Over Patents]

The long sputtering dispute over the patenting of discoveries made in the course of federally financed research and development work over which policy shall prevail, Senator Metcalf, in a speech on the floor of the Senate, accused several high administration officials of “lobbying” on behalf of certain business groups. These groups believe that patent rights to ideas developed with Federal funds should be awarded to the contracting business firm or nonprofit institution.

“Lobbying” is, often precipitate, too, by maintaining a clear and consistent position, and there is little point in attempting to plumb the Senator’s charges.

But there is much that should be said and done about the failure of the Government to adopt a clear policy in this troublesome area.

Some Federal agencies, notably the Atomic Energy Commission, permit by law to waive the patent claims to patents developed under Federal contracts. But other agencies are permitted by law to waive the patent claims to patents where the contracting researcher has made a discovery for the public, and there is confusion, sometimes even on the point of possible infringement of patent rights.

The battle now being waged, both in the Congress and within the administration, is over which policy shall prevail. Senator Russell B. Long insists that the patents growing out of Federal contracts belong to the public, and he has attached amendments to several bills which uphold that principle. The patent law bar, industry groups, and many universities are on the other side. They contend that the prospect of owning patent rights provides an important incentive to solve problems quickly and cheaply.

Resolved, That the American Legion, 18th district, hereby endorses the action taken by President Johnson in response to the request of the South Vietnam Government; and be it further resolved, That a copy of this resolution be submitted to the office of the President of the United States and with courtesy copies to each U.S. Senator of Texas; and be it further resolved, That a copy of this resolution be submitted to the Department of Texas and the House of Representatives.

Recognizing the need, by vote of the 18th district convention, the American Legion, Department of Texas, to correct this misconception of only three main faiths—Protestant, Catholic, and Jewish—of the Voice of America give you this background information.

In 1965, the late President Kennedy issued a patent memorandum which purported to provide guidance for Government agencies. But that document and the Patent Advisory Panel subsequently formed appear only to have confused matters.

Patent policy issues can be complex, but not so esoteric as spokesmen for the patent bar claim when they chastise laymen for speaking out. When a private business enterprise signs contracts and pays for research and development work, there is seldom if ever any question about its right to the patents that might result from the contracts. But the taxpayer should apply in the case of Government-sponsored research. There is no good reason why the taxpayers should be expected to pay $15 billion a year for research and development work, and then turn over to the adequately compensated contractors exclusive patent rights.

Thus, the courts of the owners of “background patents” should be protected when they engage in Government contract work. But aside from that exception, all patents developed under Federal contracts should revert to the Government, and the Government should make the patented knowledge freely available to all potential users.

SUPPORT OF THE PRESIDENT’S POLICY ON VIETNAM

Mr. TOWER. Mr. President, recently I received a resolution adopted by the 18th District Convention of the American Legion, Department of Texas, in which the American Legion voiced its support of the President’s stand in defense of freedom and in opposition to Communist tyranny and aggression.

I concur in the view of the Legionnaires; and, in order that other Senators may share the view of these dedicated Texans, I ask that a copy of the resolution be printed in the Record.

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

RESOLUTION 4: AFFIRM SUPPORT OF PRESIDENTIAL ACTION IN VIETNAM

Whereas U.S. Advisory Forces are in southeast Asia, especially concentrated in South Vietnam; and Whereas they are under continual harassment by Communist Viet Cong and North Vietnamese Armed Forces; and Whereas President Johnson, upon request by the Government of South Vietnam, has taken necessary action in bombing supply lines and troop concentrations in North Vietnam; Now, therefore, be it

Resolved, That the American Legion, 18th district, hereby endorses the action taken by President Johnson in response to the request of the South Vietnam Government; and be it further resolved, That a copy of this resolution be submitted to the office of the President of the United States and with courtesy copies to each U.S. Senator of Texas; and be it further resolved, That a copy of this resolution be submitted to the Department of Texas and the House of Representatives.

RECOGNITION OF EASTERN (GREEK) ORTHODOXY

Mr. JORDAN of Idaho. Mr. President, I wish to advise the Members of Congress that the State Legislature of my State of Idaho recently unanimously adopted a resolution to recognize Eastern—Greek—Orthodoxy as a major religious faith in the State. Approximately 30 States have now done so.

Rev. Father Constantine Palassis, of Idaho and eastern Oregon, and members of the Orthodox Church were the moving forces in bringing to the attention of the members of the State legislature the need for such a resolution.

I ask unanimous consent that a copy of the resolution be printed at this point in the Record. I also ask that a letter written to Members of the U.S. Congress by the Vokes of Greek Orthodoxy in America, giving some pertinent information and background on Eastern Greek Orthodoxy, also be printed at this point in the Record.

There being no objection, the resolution and the letter were ordered to be printed in the Record, as follows:

RESOLUTION CONCERNING Resolution No. 6 by Dr. E. L. KENNY

A resolution recognizing the Eastern Orthodox Church as a major faith in the State of Idaho.

Be it resolved by the Legislature of the State of Idaho:

Whereas it has come to the attention of the Members of the Legislature of the State of Idaho that, whenever mention is made or matter is printed concerning the major faiths, usually only Protestants, Catholics, and Jehovah's Witnesses are referred to as constituting the major faiths of the State; and

Whereas the Eastern Orthodox Church, by records in its own archives and historical literature, should be included in the meaning of any recognition of the major faiths: Now, therefore, be it

Resolved, That the Eastern Orthodox Church is hereby recognized as a major faith in the State of Idaho, and official references to the major faiths shall be deemed to and will include the Eastern Orthodox Church, as it has been referred to as constituting the major faiths of the State; and

The Voice of Greek Orthodoxy in America, Washington, D.C.

Re the four major religious faiths: Protestant, Catholic, Greek, and Jewish.

To the Members of Congress, Washington, D.C.

Dear Gentleman, Senator: In the consideration of two major issues before the U.S. Congress—civil rights and public school prayers—references at the hearings and in debates have been made to only three of the four major faiths, with Orthodoxy, known as the Eastern (Greek) Orthodox faith, being the forgotten faith.

To correct this misconception of only three main faiths—Protestant, Catholic, Jewish—would the Voice of Greece give you this background information.

1. The Greek Orthodox Archdiocese reveals that there are approximately 7 million Eastern Orthodox Christians in America; surveys show that there are 60 million Protestants, 40 million Roman Catholics, and 51/2 million Jews.

2. Twenty-seven legislatures have passed laws requiring that, in reference to major faiths, Eastern Orthodoxy should be included. Your State may be one.

3. The State of Idaho in 1955 changed their regulations to permit Orthodox identification in the servicemen's records and their identification (dog) tags. Prior to this time there were only three designations—Protestant, Catholic, Jew.

4. Eastern Orthodox chaplains were permitted for the first time in 1951 through the Eastern Orthodox church lived all through World War II for thatchered right.

5. President Eisenhower was the first President to invite an Eastern Orthodox to give a prayer at the 1957 inaugural, thus bringing our four faiths together.

6. Many State and city public functions and inaugurals now have four faiths attending.

7. Appointments to high office by Presidents and Governors were being considered only on the three-faiths basis but President
Eisenhower and President Kennedy began including Eastern Orthodox for Presidential appointments. More of this is needed.

8. Eastern Orthodox have been erroneously designated as either Catholic or Protestant. Historically, Eastern Orthodoxy and Roman Catholicism separated in A.D. 1054, and Protestants broke away from the Roman Catholic Church in the 16th century. Therefore, Eastern Orthodox, Protestants and Roman Catholics are three distinct faiths.

9. Senate and House bills were introduced to recognize Orthodoxy as a major faith.

Thanking you for the privilege of sending you this brief background which we hope you will keep handy and make use thereof. I am, Respectfully yours,

SAM ERTES, National Treasurer, The Voice of Greek Orthodoxy in America.

OBJECTION TO PROPOSED REVISION OF SKIP-ROW COTTON PLANTING REGULATIONS

Mr. TOWER. Mr. President, recently I received from the Tom Green County, Tex., Crop Committee a letter of protest about the Department of Agriculture proposals to revise skip-row cotton planting regulations.

I share the view of the crops committee that the regulation change is unnecessary and unwarranted; and in order that other Senators may share the committee's views, I ask that a copy of the letter the committee has sent to the Department of Agriculture be printed in the Record.

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


DIRECTOR FARMER PROGRAMS DIVISION, ASCS-USDA

WASHINGTON, D.C.

Dear Sir: We protest the proposed change in the rules for measuring cotton when planted in a skip-row pattern.

Skip-row planting originated in Tom Green County in the 1920's. Some of the land in this area has been planted in skip-rows since it was first put in cultivation.

The proposed change will be a hardship on San Angelo and the entire county. It will create much confusion and make it almost impossible for a producer to adequately plan his planting.

The present rule has not increased cotton production in this county, and production figures prove it. Skip-row planting means the difference of whether we make a crop or not.

We request that the proposed change not be made and the present rule be continued in effect. It is necessary to the economy of this area.

Yours truly,

TOM GREEN COUNTY CROPS COMMITTEE: W. B. Block, Sonora Route, San Angelo, Tex.; John Schrieber, Jr., Eola, Tex.; Alex Cullay, Route 2, Box 151, San Angelo, Tex.; L. H. Sims, Route 2, Miles, Tex.; H. E. Hurst, Route 3, Box 163, Fritch, Tex.; L. J. Sedel, Route 2, Miles, Tex.; Walter Fuchs, Wall, Tex.

ASSISTANT SECRETARY HOLUM DEDICATES JAMES RIVER DAM

Mr. McGovern. Mr. President, on Sunday, May 23, 1965, the people of the Huron, S. Dak., area joined in the dedication of an important new dam on the James River, near Huron. This project will provide municipal water, recreation, and water for the people of central South Dakota.

On hand for the major dedication address was one of South Dakota's most distinguished sons, Assistant Secretary of the Interior Kenneth Holum.

I ask unanimous consent that the excellent address by Assistant Secretary Holum be printed at this point in the Record.

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

ADDRESS BY KENNETH HOLUM, ASSISTANT SECRETARY OF THE INTERIOR, WATER AND POWER DEVELOPMENT, AT DEDICATION CEREMONIES OF THE JAMES DIVERSION DAM, HURON, S. DAK., MAY 23, 1965

Three years ago this coming September, I sat down with the mayor of Huron to sign the water-service contract that was necessary before we could begin construction of the James River Diversion Dam.

I had no idea that day that I would have the honor of participating in its dedication.

It is a high honor to be here today, and I want to be brief about what it represents to people like you and me who have lived the value of water conservation through personal experience here on the prairies.

Most of you present today are products of the James River Valley; so am I. We have been the beneficiaries of the 'Principles of Geography' from springtime floods that engulfed our farm lowlands, to the virtual dry, useless stagnation of late summer and fall—and we have despaired.

President Lincoln once commented that "the Almighty has His own program." Our program here is to put our God-given resources of earth and water to the best possible use for mankind's advancement. This I believe—whether it is in our capacity to provide a great source of recreation for the entire area as well as some mighty fine fishing. Eventually, and I hope soon, this facility will become the feature of the Unit—that half-million-acre irrigation project, which will mean so much to the economy and well-being of South Dakota.

Five recreation areas will be developed under an agreement with the South Dakota Department of Fish and Game. These areas will be here, one on each side of the dam, and the other three along the reservoir at several-mile intervals upstream. Study picnic areas will be provided facilities for total of fun and relaxation.

Four more areas are being set aside for wildlife refuges. These will be feeding and nesting areas for ducks and pheasants, and feeding areas for deer.

For many people here today, I am sure this is all like a dream come true. The benefits of the Diversion Project will accrue not only to us and our children, but our children's children as well.

A dam without an ample supply of water is one that is headed for economic stagnation and an end to its growth. I am reminded of a remark made a long time ago by one of my ablest engineers, when Los Angeles was considering going far back into the mountains for a water supply. The cost was considerable, and there was much hesitation. Finally, the engineer said: "If you don't obtain this water, you won't ever need it."

Well, Los Angeles went after that water, and then more, and more, and you can see the results today.

To grow and prosper, an area must develop its land and water resources. In South Dakota we have come only part way in this job. While we are realizing the great benefits of power generation from Missouri River mainstem dams, in addition to recreation, we can do much more and must, if the economic potential of this area is ever to be attained.

I'm talking, of course, about putting the water to work in the area where it is needed. I'm talking about the proposed Oahe unit, and what it can do to open the doors of economic opportunity in a great area where they have been closed to a narrow slit in the past decade or two.

To get a glimpse of what the Oahe unit can do, let's look at some of the things that have happened in areas similar to this. In 1954, a study was made on the North Platte project in western Nebraska and northeastern Wyoming, which is a $350,000-are project, first irrigated in 1958. The lands extend over a distance of 100 miles, from Guernsey, Wyo., to Bridgeport, Neb.—an area like the Oahe unit.

In terms of products sold off the farm, the irrigated land on this project produces 13 times more per acre than the adjacent dryland farms. Only 10 percent of the four-county area is irrigated. But that 10 percent is responsible for 91 percent of the total income payments in the area. It supports 27 times as many people, and provides 40 times the income, as adjacent prairie areas of equivalent size.

Property tax revenues in Scottsbluff County, which has irrigation, are 20 times greater than in Banner County, which adjoins it, but has no irrigation. I want to remind you, I am sure, what this means in terms of schools, roads, and other civic improvements.

During the drought years of the 1930's, the gross value of crops sold after irrigation in eastern South Dakota, and farm management studies of potential irrigation on the Oahe unit, show that the most profitable irrigated land use pattern would consist primarily of the same crops now being raised in this area, but would be raised in different proportions.

Likewise, we would raise the same types of livestock we have now, but with a head of shipping them out of the State to be fattened, we would fatten them on our own farms, and thereby increase the values of livestock products would be processed right here in our own State.

What does the Oahe unit mean to South Dakota? I am sure it will give you a capsule idea:

The gross value of crops sold after irrigation development would triple, from 88 million dollars in 1955 to about $270 million in 1965. The gross income of livestock and livestock products sold from irrigated farms
would nearly quadruple from $22 million to about $82 million. Annual gross farm income would be about $106 million compared to about $52 million, without irrigation—an increase of $76 million, or four times. Cash farm outlaw would increase nearly $52 million, practically doubling purchases of supplies and equipment, wages for labor, and other items which keep the wheels of the farm economy moving.

The estimated total farm investment would increase by nearly $143 million and farm wages would increase by over $3 million annually.

South Dakota State University studies show that irrigation would reduce farm income variability to 30 percent of what it is on dryland farms. Stating it in another way, this is a 70-percent increase in stability of farm income, and is in addition to the estimates of increased farm returns to labor and is in addition to the lives of thousands of farm families and town folks as well.

We all look forward to that time. And today, in conservative words, we can predict with clear vision the task of resource development and conserva
tion that lies before us in our own State and elsewhere throughout the Nation.

Two thousand years ago the poet Horace wrote of building "a monument more lasting than bronze."

Today, in conservation works such as these, we can speak of building our own lasting monuments—monuments to man's intelli
gence and resourcefulness. The annual benefits from these wise investments in developing our resources will enrich the lives of Ameri
cans for generations to come.

A LITTLE BAND OF SOBER MEN

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "A Little Band of Sober Men," published in the May 1965, issue of Fortune. There being no objection, the editorial was ordered to be printed in the Record, as follows:

A LITTLE BAND OF SOBER MEN

"No government can be long secure without a formidable opposition," wrote Benjamin Disraeli, and rarely has there been more need of that commodity than in the United States today. For it remained for Lyndon B. Johnson not only to capture the votes last November, but apparently to cap
ture just about every other heart and soul. Pr
tional way he has preempted the issue of prosperity and is giving the country the "full dinner pail and the "two cars in every garage" that Republicans once promised. What's more, as the article on page 97 makes plain, he has likewise got a good number of businessmen to go along with his "new economies" of growth, full employment, and the good life for all.

Yet it is precisely in euphoric times like these, when consensus is on every lip, that the country most needs an intelligent and not unformidable critic. I am at least an auditor of the books and watchdog of the public business. And we are glad to dis
cover that at least on one recent occasion that fiscal and monetary policies of the Great Gushing of the late 1960s were conditioned their support of the experiment with a sharp raising of social security taxes. The Republicans now take for granted what many of them had long disputed; namely, that fiscal and monetary policies have a large part to play in promoting high levels of output. But do Washington officials not know that they are bucking a thousand new tools they hold in their hands? There is, for instance, merit in the concept of the "full-employment budget," which tells us not only that Federal expenditures and revenues actu
al were this year or last, but what they might have been if the economy were running at full capacity with unemployment down to a theoretical target of 4 percent. Yet Henry Wallich, of Yale University, has shown that this concept is absurd in the extreme and perilous. A change of only 1 percent in the unemployment standard might mean a dif
erence of $4 to $5 billion in the full-employ
tment surplus, and would upset all calcula
tions.

A hardheaded and modern fiscal policy should take account of such difficulties. It should recognize that as the economy grows so will Federal receipts, and hence the President should condition their support of the experiment with a sharp raising of social security taxes. The Republicans now take for granted what many of them had long disputed; namely, that fiscal and monetary policies have a large part to play in promoting high levels of output. But do Washington officials not know that they are bucking a thousand new tools they hold in their hands? There is, for instance, merit in the concept of the "full-employment budget," which tells us not only that Federal expenditures and revenues actu
al were this year or last, but what they might have been if the economy were running at full capacity with unemployment down to a theoretical target of 4 percent. Yet Henry Wallich, of Yale University, has shown that this concept is absurd in the extreme and perilous. A change of only 1 percent in the unemployment standard might mean a dif
erence of $4 to $5 billion in the full-employ
tment surplus, and would upset all calcula
tions.

A hardheaded and modern fiscal policy should take account of such difficulties. It should recognize that as the economy grows so will Federal receipts, and hence the President should condition their support of the experiment with a sharp raising of social security taxes. The Republicans now take for granted what many of them had long disputed; namely, that fiscal and monetary policies have a large part to play in promoting high levels of output. But do Washington officials not know that they are bucking a thousand new tools they hold in their hands? There is, for instance, merit in the concept of the "full-employment budget," which tells us not only that Federal expenditures and revenues actu
al were this year or last, but what they might have been if the economy were running at full capacity with unemployment down to a theoretical target of 4 percent. Yet Henry Wallich, of Yale University, has shown that this concept is absurd in the extreme and perilous. A change of only 1 percent in the unemployment standard might mean a dif
erence of $4 to $5 billion in the full-employ
tment surplus, and would upset all calcula
tions.
danger is that by the time these decisions are carried out the need has often passed, and the efforts are frequently perverse. The overriding aim of budget policy should be truly to stabilize the economy, not to destabilize it by its own hand and that of the agencies which implement it.

NO FAVOR TO LABOR

The Republicans emphasize that the economy may run into production bottlenecks well before unemployment is reduced to the 4 percent mark. They argue that we should not demand the best of all possible worlds. They argue that the National Industrial Conference Board view that the double-digit rate of unemployment should be reduced to the single-digit range is, by comparison, too optimistic. The Republicans stress that the minimum-wage laws should be made more effective. They stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy. The Republicans emphasize that the economy may run into production bottlenecks well before the lowest wage is set above their worth. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.

The Republicans do not have the courage to try to manage, an economy as big and important as the one we have in the United States, to the tune of 140 million people. They argue that the Republicans have been long on optimism and short on action. The Republicans stress that the Federal Government has been long on optimism and short on action. But whereas the administration stresses the importance of a high employment goal through persistent deficits and by emphasizing the need for effective aggregate demand in the economy, the Republicans have made a contribution to the maintenance of a healthy economy.
as a comprehensive approach and program of instruction. More than 81 billion is spent each year for the special care of mentally retarded individuals. Thus, lost productivity to our society goes into many more billions.

In 1959, the Rehabilitation Facilities and Community Mental Health Centers Act, the Federal Government made the most significant attack on mental retardation that had ever been made. This bill promises to expand our knowledge, provides facilities to determine the cause of the retardation, makes available untimed related treatment clinics and permits the construction of community centers for the care of the retarded. With this act, the division of handicapped children and youth of the U.S. Office of Education was created. Education of the handicapped is one of the major elements in our war on poverty, as it is only through education and training that we can help the handicapped to become self-sufficient and productive. The Director of the Office of Economic Opportunity has estimated that one-third to a half of all mentally retarded individuals could be made relatively self-sufficient by new techniques of training and rehabilitation.

In fiscal year 1964, 7,200 mentally retarded individuals were rehabilitated in the United States, an increase of 27 percent over the previous year. For fiscal year 1965, it is projected that 9,000 retardees will be rehabilitated in vocational rehabilitation. These are essential components of the war on poverty, and for the future of any mentally retarded person.

The Federal work in this field so greatly begun in 1959 is being carried out by our fellow Texan, President Lyndon Johnson.

In April 1964, President Johnson delivered the following remarks on mental retardation: 

"We have made progress. But our efforts have only begun. We will continue until we find all the answers we have been seeking, until we find a place for all those who suffer with the problem."

Since 1968 it has been my privilege to serve on the Senate Public Health Subcommittee under the leadership of Senator laurence Hill, of Alabama, who has done more for public health and for hospitalization than any other legislator in the history of America. It is hoped that we will continue to progress in this field. In which I conclude that we will achieve a thorough understanding of the cause and manifestations of mental retardation. We will learn the teachers and the facilities to educate the handicapped; and, finally, that the cure and prevention of mental retardation will be found.

The fact that you are here tonight proves that you are concerned and willing to fight this problem in our Nation. You are the leaders in this field in Texas, and many of you, in the Nation. I hope I have shown that your Federal Government is willing to fight so that in the near future we can all be proud that we were on the frontlines of the federal battle and defeated the problem of mental retardation.

RETENTION OF TEXAS RIGHT-TO-WORK LAW

Mr. Tower. Mr. President, recently several powerful editorials concerning retention of the Texas right-to-work law have appeared in the newspapers and magazines in my State. I fully agree with the principles stated in these editorials. In order that other Senators may be advised of the depth of Texas feeling on this matter, I ask that the editorials be printed at this point in the Record.

Included are editorials from the San Angelo Standard-Times, the Houston Chronicle, the Mc Camey News, the Houston Post, and the magazine Texas Parade.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the San Angelo (Tex.) Standard-Times, May 19, 1965]

WORK-RIGHT REPEAL BARES FREEDOM CHOICE

The brevity of President Johnson's remarks in his recent state of the Union message relating to the right to work in effect in 19 States would indicate he may have had some second thoughts since he promised labor leaders he would work for it. He has done that and can cite his effort when questioned. Perchance the lack of emphasis itself would entail any risk, or cause a bit of cooling off relative to the leadership now provided.

With 19 States cleaving to right-to-work legislation and finding it a natural and logical development, it is sometimes difficult, for the President has taken a calculated risk even in bringing the matter to the floor of Congress. While Johnson must be looking forward to a favorable outcome, one can provide on the one hand, there is a pretty fair percentage that regards the right to join a civil rights organization as as important as those for which the President has been promoting in the voting rights of minorities.

It is incompatible with a free society for business or the working force to be saddled with compulsory unionism. We believe it robs a man of one of the basic liberties his Constitution—freedom of choice, even freedom of conscience.

President Johnson has proved well-nigh irresistible in the program he has submitted to Congress. Perhaps he has even timed his approach to the repeal issue to the point where legislation of this type will be a chance to get at this phase of the Democratic platform.

At any rate, it is a long lane that has no turning, and the repeal move could represent a turn where opposition from 19 States could curb this proposed reform. It could prove embarrassing for the President in the right-to-work States where this freedom has been sacrificed to the President's wish to see both hands of the labor law. He has been asked to adopt right-to-work laws in any State or territory in which such freedom to join or not to join a union is an article of faith, with which there can be no compromise or negotiation. Surely, if Mr. Johnson, himself, fears to move boldly against 14(b) lest he tarnish his image as "President of all the people," most any Congress would do well to tread softly and tiptoe out of any involvement in this nothing-for-something swindle.

[From the Mc C a mey (Tex.) News, Mar. 11, 1965]

Legislation

Some of the slickest brains in Congress are working overtime trying to solve a difficult political problem. What the legislative writers and the dealers want to do is to fulfill the President's campaign promise to big labor that he would repeal section 14(b) of the Taft-Hartley Act, but do it without attracting the attention of the people to the loss of another individual freedom.

Now in the legislative hatchery is one so-called compromise bill supposedly aimed at protecting the real and civil rights of individual workers—more are expected. But look out. The real purpose of these measures is to provide a smoke screen for repealing 14(b), the 44-word section of the Taft-Hartley Act, which gives the States the right to legislate and enforce voluntary union membership.

Such bills are a sly effort to swap nothing for nothing. And here's why:

Enforcement of title VII of the Civil Rights Act on 1964 will prevent discrimination among workers on account of race, color or creed.

Enforcement of the Federal Corrupt Practices Act also has been abandoned. But, ruling in the Allen case in 1964, will prevent the use of compulsory dues for political purposes.

Enforcement of the Landrum-Griffin Act of 1959 will prevent a union from fining or penalizing a member for exercising any legal or civil right guaranteed by the Constitution or laws of the United States.

The amazing thing about these "compromise" bills is that while they claim to be concerned about the civil rights of the individual they would actually repeal a civil right of the first magnitude: the worker's freedom to join or not to join a union. To camouflage the repeal of 14(b) under the guise of offering protections already established by law, reflects a shocking political cynicism.

And this attitude is particularly revolting when we consider that every Congress knows of the power labor has over the political and financial abuses practiced by labor bosses on rank and file voluntary union membership—how short, the right to work.

Every Congressman should also realize at this late date that an impressive majority of the American citizenry is now a member of a voluntary union membership, and that with them this is an article of faith, with which there can be no compromise or negotiation. Surely, if Mr. Johnson, himself, fears to move boldly against 14(b) lest he tarnish his image as "President of all the people," most any Congress would do well to tread softly and tiptoe out of any involvement in this nothing-for-something swindle.

[From Texas Parade magazine, May 1965]
Today, Texas is 1 of 19 States with right-to-work laws forbidding membership in a union as a requisite for holding a job. Other States with similar laws are Arkansas, Florida, Georgia, Iowa, Kansas, Mississippi, Nebraska, Nevada, North Carolina, South Dakota, Utah, Virginia, and Wyoming. Total population of the right-to-work States is about 25 million.

Texas Parade would find it difficult to charge any one of these 19 States with being antiunion. Nor could they be saddled with a "probusiness" label because they are among the 50 States which have no law requiring an employer to hold membership in a local of the national or international union of commerce, a manufacturers' association, or other business group.

The national union bosses have another idea about the whole thing. The Musneys, the Reuthers, the Hoffas, and the Caseys have been fighting a losing battle to get States such as Texas to repeal their right-to-work laws. So now they are making a big push in the National Congress to get section 14(b) of the Taft-Hartley Act repealed. This section of the law passed in 1947 guarantees the right of States to pass and enforce State right-to-work laws.

As sentiment can now be measured among the lawmakers of Texas, the right-to-work issue is a fait accompli. It appears to be in danger of repeal by the current legislature. But the law in this and all other States could go with the wind. A large majority in the National Congress should yield to the pressures and threats of the union bosses.

Arguments are eroding rapidly before the floods of centralized power in Washington. And the union bosses are riding pretty high in the saddle right now. They are only too ready to make a .. threat about the security of their right-to-work laws. On the contrary, union leaders are taking on new hope that this check on their power will be removed, freeing them from any real responsibility to their members.

This threat comes from a Congress that is going to extremes in guaranteeing human rights. It is hard to see any difference between denying a person employment because of his race, sex, age, or religion, and denying a person employment because he will not join a union. But Congress often sees issues that way.

The arguments for and against compulsory unionism have been summed up something like this:

For: Union security and the strength of the union depend upon universal acceptance of contracts.

Against: It is a historical fact that the unions have vastly increased their economic and political power in the last 30 years. Today any one of a number of unions can tie our economy into knots in a matter of hours.

For: Majority rule is a democratic principle and thus the minority should be required to support the majority.

Against: A free-ride argument because our labor laws, enacted through the demands of unions themselves, already require the minority of employees who are not members of a labor union to accept the terms and work under the contracts of the majority. Does the fact that one political party is dominant require complete support from the minority party? Hardly.

For: Since the union negotiates for the benefit of all workers, all workers should be compelled to contribute to the cost of maintaining the union activities.

Against: A free-ride argument is fundamentally un sound because a labor union is a private organization. All through our history we have voluntary organizations which carry on activities which benefit a great many who do not contribute any financial or other support. If we enforce compulsory unionism, we are arguing that to help support his community United Fund, parents and teachers association, or other business group.

Union labor has earned and deserves a strong, rightful place in a free society. But it should not have 100 percent control of who gets and holds a job. To have that much power is too one-sided to be healthy in the long run for organized labor and too discriminatory against nonunion workers.

We hope Congress will maintain section 14(b).

BIG BROTHER—INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, my "big brother" item for today is an editorial from the Richmond News Leader, entitled "The Great Coverup."

I ask unanimous consent that this editorial be printed at this point in the Record.

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

THE GREAT COVERUP

Any definite list of the country's 10 most frustrated men surely would include the Honorable Edward L. Long, a Democrat from Missouri. For the past many months, as chairman of a Senate committee investigating invasions of privacy, the Senator has been seeking answers to the frustrated frustration from Federal agencies on what their investigators are up to. And all the Senator has received is a list of 24,000 "mail covers" over the past 2 years. (A mail cover is a surveillance and a listing of all the mail a person receives, according to return addresses.)

When the Long committee sent its chief investigator to Boston, in an effort to get information on postal surveillance activities there, "our man was tailed, trailed, and photographed by a squad of Federal agents in that city."

The committee's problems in dealing with the Department of Health, Education, and Welfare have proved more maddening still. Secretary Celebrezze will not even answer the Senator's letters. Lower level bureaucrats are evasive, noncommittal, unconopera tive. Last week the committee submitted a list of 100 "mail covers" to the Department of Health, Education, and Welfare, which contains a list of 100 "mail covers." Some of the HEW officials to appear before his committee today, but he has little hope of getting much out of them.

There is a constitutional problem in all this, arising from the wise tradition that separates the powers of legislative, executive, and judicial branches of Government: plainly the Post Office Department, the Welfare Department, and other agencies are part of the executive branch. Yet the problem is not as difficult as the bureaucracy insists. The Congress has no power to trespass upon true Executive prerogatives, but the Congress surely has power to find out how public appropriations are spent. And if public facts are not available, the Senec of American citizens, as Senator Long soundly suspects, the Congress has both the right and the power to get the facts.

"Facts take a year to be as it," said Mr. Long last week. "If it takes 2 or 3 years, so be it. But one day or the other, this committee will get the information that the privacy of American citizens, as Senator Long soundly suspects, the Congress has both the right and the power to get the facts."

Union labor has earned and deserves a strong, rightful place in a free society. But it should not have 100 percent control of who gets and holds a job. To have that much power is too one-sided to be healthy in the long run for organized labor and too discriminatory against nonunion workers.

We hope Congress will maintain section 14(b).
TRIBUTE TO GENERAL HOLCOMB, FORMER MARINE CORPS COMMANDANT AND ITS FIRST FOUR-STAR GENERAL

Mr. BOGGS. Mr. President, one of the Nation’s outstanding fighting men died this week at his home in New Castle, Del. He was Gen. Thomas Holcomb, Commandant of the U.S. Marine Corps from 1936 to 1944 and the first marine ever to wear the four stars of a full general.

General Holcomb, who was 85 at his death, was a native of New Castle and a member of one of that town’s pioneer families.

He led the marines through their buildup prior to World War II and in their fighting from Guadalcanal to Tarawa.

His life as a marine was testimony to the military philosophy he once expressed:

"Passions in warfare changes as everything human changes, but the principles of warfare never change and the old soldierly virtues still endure because they have always been—courage and discipline and loyalty."

General Holcomb was a marine for nearly 44 years. Although he reached the mandatory retirement age in 1943, President Franklin D. Roosevelt announced that he was continuing General Holcomb as Commandant of the Marine Corps in recognition of his outstanding service in that capacity. General Holcomb was retired on January 1, 1944. Before that, he had been specially commended for his performance of duty in actual combat, he was advanced one rank on the retirement list in accordance with a newly passed act of Congress. He thus became the first marine ever to hold the rank of general.

In a letter to General Holcomb, the late Secretary of the Navy, Frank Knox, said:

"You will be the first officer of the corps to hold the rank of general—the highest rank in our Armed Forces. I know of no other officer to whom that distinction more truly belongs."

During General Holcomb’s tour of duty as Commandant, the Marine Corps expanded from 16,000 men to about 300,000 men and women. The general was awarded the Distinguished Service Medal for his outstanding work as Commandant in April 1944.

On March 9, 1944, the President nominated General Holcomb for the position of U.S. Minister to the Union of South Africa. The nomination was confirmed by the Senate on March 20, and General Holcomb served as Minister to the Union of South Africa until his retirement on June 15, 1946.

General Holcomb was a man of diverse interests. In line with his military service, he was a noted marksman and won many medals on military and civilian levels.

His duty tours included many years in China and he had a deep knowledge of that country. He was an American who had a speaking knowledge of more Chinese dialects than most Western scholars.

In the years since his retirement in 1948 from his post as Minister to South Africa he maintained a deep interest in history, reading in depth on the events of World War II and military history in general.

His reputation for achievement, however, rested chiefly with the marines and their readiness in the World War II fighting. In the uncertain days leading up to the war it had been his responsibility to see that the marines were ready to defend their country in any eventualities.

The first major test came at Guadalcanal. And here the world learned again that the marines’ reputation for toughness and discipline was well deserved.

General Holcomb was born in New Castle in August 5, 1879, and joined the Marine Corps in 1900.

In World War I, he commanded a battalion of the 6th Regiment and won the Army Medal of Honor and highest decoration for valor. A list of other medals and decoration includes the Silver Star Medal with three Oak Leaf Clusters; the Purple Heart Medal; the Expeditionary Medal, China; the World War I Victory Medal with Aisne, Aisne-Marne, St. Mihiel, Meuse-Argonne, and defensive sector clasps; the Army of Occupation of Germany Medal; the American Defense Service Medal with base clasp; the Asiatic-Pacific Campaign Medal with one bronze star, Guadalcanal; the American Campaign Medal; the World War II Victory Medal; the French Croix de Guerre with three palms; the Naval Order of Merit, first class (Cuban award), 1943; the Knight Grand Cross (Netherlands), 1944; and the French Fourragere.

We, in Delaware, were especially proud of General Holcomb, and I know the Nation shares this pride. We express our sympathy to his son, Franklin P. Holcomb II, of New Castle; and the niece with whom he made his home in New Castle, Mrs. Paul Warley.

CENTENNIAL OF WILLIAM E. BORAH: RESOLUTION OF IDAHO STATE SOCIETY OF WASHINGTON, D.C.

Mr. JORDAN of Idaho. Mr. President, I have received from the officers of the Idaho State Society of Washington, D.C., a resolution expressing their desire to initiate and participate in activities to observe this centennial year of one of Idaho’s most illustrious lawmakers ever to have served in the U.S. Senate, William E. Borah.

So that others may be aware of this worthwhile tribute to be paid by the Idaho State Society of Washington, D.C., and so firmly fixed in the history of Idaho and the Nation, I ask that the resolution be printed in the Record.

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

Whereas the first official meeting of the 1966-68 officers of the Idaho State Society of Washington, D.C., duly convened at Wash-
must be maintained and additional acreage allotted as we regain our export markets. This type of legislation would help regain our markets, and may ultimately help us break up the export of synthetics and foreign cotton production, therefore greatly improving and securing the future of the cotton industry.

We hope you will help us secure the type of legislation we so badly need for the survival of the cotton industry.

Very truly yours,
RAYMOND S. TAPP,
President, The Texas Cotton Association.

[From the Dallas Morning News, May 18, 1965]

LAST ILLNESS?

Is cotton on its deathbed? Many who know the crop best fear that it is. If cotton is dying, Texas and the Nation are losing great economic assets. If cotton is breathing its last, is it being killed, called, murdered by your money, by your representatives.

Last year, cotton brought Texas farmers $650 million—a sum that economists say is multiplied several times as the lint and fiber flow through the economic life of this State. Upland cotton, fiber more than 2 billion for- maldehyde fiber and its equally useful seed. This does not sound like a crop on its deathbed, does it?

But that revenue represented a drop of $111 million in Texas Farm income, a decrease of $257 million for the United States. And the fear most of the dwindling revenue comes out of the Federal Treasury, while fewer farmers grow fewer acres of cotton.

Representative Cockey, Democrat of North Carolina, has just introduced a bill that would cut the minimum acreage of cotton by 2 million acres—about one eighth. This has other provisions that immediately caused outraged protest from the cotton industry, although it has some features that would improve the present cotton legislation. On the whole, the Cockey proposal is geared to the same philosophy that has created this present cotton crisis, in the opinion of most Dallas authorities who have analyzed it.

Representative Cockey's bill may be no more than a trial balloon. Surely, say cotton men, Congress will not enact such a measure.

The second reason for this. The first is the Federal program of curtailing cotton. The second is the Federal system of financing cooperatives—of giving the producer-owned organizations every advantage in raising, processing, and selling cotton at the world's best price.

This is done with the consent of Congress, of course. It is done with money raised through the taxes, in the best of intentions helping the farmer, and in many cases it does. But, in the long run, it is giving a monopoly to a federally supported organization, one that has a vested interest in the very growth and quality which is needed and beneficial in any economic system.

This has been going on since 1933. It may be too late to stop now, but the News does not believe it is. There seems to be a chance that members of the cotton industry can develop a new spirit of compromise and cooperation in legislative objectives, and perhaps even ask Congress to develop a sound program. But something must be done very soon, at the grassroots level and in Washington.

REPORT ON THE DOMINICAN REPUBLIC

Mr. SCOTT. Mr. President, the National Observer of May 17 published an informative, on-the-scene report reviewing the chaotic events in Santo Domingo which led to the President's decision to dispatch American combat forces to that embattled city. I ask unanimous consent that this report, by Peter T. Chew, be printed in the Record.

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

[From the National Observer, May 17, 1965]

A NEW LATIN AMERICAN POLICY—How COMMUNISTS WERE THREATENED IN DOMINICAN REPUBLIC

(By Peter T. Chew)

SANTO DOMINGO.—This half-mad city of 300,000 persons headed for a complete nervous breakdown last Saturday when armed civilians raged over events, gunned each other again despite the presence of 30,000 U.S. military men and a commission from the Organization of American States (OAS).

With the explosiveness of a .50-caliber machine gun burst, everything blew to bits in one barroom in the city center. When it was over, the cease-fire had been broken by both the Communist-led rebels of Col. Francisco Chamorro and a unit of National police under the command of Gen. Antonio Imerbert Barrares. As this was being written, an old propeller-driven P-51 Mustang of the Dominican Air Force, controlled by the Imbert government of national reconstruction, was circling in the mid-afternoon sun like an angry bee, while rebels, six blocks away, "brruppd" at it with machineguns and automatic rifles. Then the plane dove into another circling run on rebel-held Radio Santo Domingo, which had been blasted off the air in earlier attacks.

Where the plane had over, the already chaotic situation here had grown immensely more so. But despite the confusion there is ample evidence that the U.S. mission here has not changed; nor its determination flagged.

A weary official of the U.S. Embassy here, his nerves obviously grown raw, put it this way:

"With his move into the Dominican Republic, President Johnson has adopted a new policy for Latin America—a Johnsonian policy, a Johnsonian doctrine, call it what you will—even though they are denying this in Washington. Carolina? Should we sit on the balcony and watch for the end of the tragedy? International communism is on the attack. There have been many revolutions in the Americas. We have had them in my own country, and I do not believe that a revolution justifies intervention by the inter-American system. This has not been my argument.

Our official is quietly bitter because U.S. newspapers, many of whose reporters here appear to have become emotionally involved with the rebel cause, are now blaming the absence of itsCommunist domination, gave little space to the OAS meeting. Typically, however, the OAS had made the transcript of the meeting available to the press on a Saturday night, an awkward time, and it was in Spanish.

DARK DETAILS WERE LACKING

On the other hand, State Department men here 2 weeks ago were apparently allowed to reveal only the names of the Communists on the rebel side, while the specifics of who did what during those first hours of the revolu-
tion were released in great details in Washington.

Consequently, Mr. Caamaño and his aids, Hector Álvarez, who guards the rebels' every move, were able to make many telling points with American newsmen. This has now changed. The Washington media are now expected to tell everyone to have a little. Until the rebel radio was knocked out, for example, all that was Published was back memories of Fidel Castro. All week, in fact, the ex-corralized U.S. Ambassador W. Tapley Bennett as a fiend, a liar, and far worse. The radio has been systematically turned off.

"For the first time since the end of the Second World War, your country has moved in the direction of an armed invasion of a United States has suffered a short-range blow to its image, its show of power should prove a
The Marines landed

Time and time again that day he reported to Mr. Johnson on the phone that he didn’t want to leave the country. But the Marines, who absolutely had to. Finally, at 5:14 p.m., Mr. Johnson gave the order for them to land. A few minutes later, the first U.S. marines stepped off the USS Intrepid at a place called La Isla, at criticism that the United States overreacted to the crisis, and that it should have expended a little more thought in its decision-making. "An ambassador’s first duty is to his citizens," he said repeatedly in recent days. "Did they want me to watch un­til the counsellor said it’s over?"

Mr. Bennett is also of the belief that Gen Westy Wessein—a leader of the junta that over­threw President Bosch—"is not the beast that he has been painted.

Many Americans, and other national­ists who lived through the first terrifying days before the marines arrived, are thankful that Wes­sin, although defeated in battle by the rebels, was able to hold them up at all. The Communists, and many people in the streets, have made much of the number killed by Wes­sin in air raids on the Duarte Bridge area, and the buildings were riddled with bullet holes. But many there do not think it compares with the numbers killed by roving bands of rebels with guns.

The best informed now is that Caamaño would personally like to seek a compromise with the present Humbert junta—or even come across the lines himself—but he is now literally a prisoner of the Communists.

Some sources emphasize that none of the prominent politicians in Santo Domingo who the original coup of April 24 are now in the rebel ranks, men like Rafael Mo­lena Urena having sought asylum in Latin American embassies.

In fact, during the first 24-odd hours of the coup, Caamaño himself took refuge in an American embassy before being bro­kenly until Tuesday, April 27, by which time most Bosch leaders had fled and the Communists had moved neatly into the vacuum.

A small group of U.S. officials here invariably describe Hector Aristy as a shadow figure, and an opportunist. Some believe he has been a Com­munist all along. They say Bosch is not a Communist, but that he has been playing the Communist game for too long.

A widely held theory here is that Bosch could never summon the courage to return during this crisis. Another theory holds that Bosch, who is not a Communist, kept him in the game to exploit the status of his right­wing credentials first class by denouncing the marines as sort of an institutionalized friendlies and the rebels.

Bosch’s power in this country’s first honest election, and here lies part of the tragedy of this situation. Obviously, not everyone in the rebel camp is a Communist; indeed, Communists are not the only insurrectionists in the country. In the Cuban (and Russian) revolutions. It is a question of the influence they can bring to bear.

Around rebel headquarters you see car­bon copies of Fidelistas—complete with fatigue and beards—among the Caamaño bodyguard.

Officially, the United States is maintaining a neutral stance between the Humbert and Commu­nist regimes in the Dominican Republic. But last week in the OAS, the United States might be making some progress, and Friday some 250 Honduran troops and a few Costa Ricans arrived. And despite continu­ous sniper fire and sporadic air attacks, the U.S. soldiers and rebels, between rebels and loyalists, and between rebels and government, have been in the same control group of P-51’s. AT-6 trainers, and British-made Vampire jet fighters, thereupon apparently decided it was free to have at the rebels again.

The air force is located at San Isidro Air Base which is guarded by the 58th Airborne.

The tower at San Isidro is a joint United States-loyalist-Dominican operation. When a loyalist plane wants to take off, a Domin­i­can air force man can take his seat at the control tower.

One of the P-51’s, AT-6 trainers, and British-made Vampire jet fighters, thereupon apparently decided it was free to have at the rebels again. The air force is located at San Isidro Air Base which is guarded by the 58th Airborne.

A joint operation

The tower at San Isidro is a joint United States-loyalist-Dominican operation. When a loyalist plane wants to take off, a Domin­i­can air force man can take his seat at the control tower.

One of the P-51’s, AT-6 trainers, and British-made Vampire jet fighters, thereupon apparently decided it was free to have at the rebels again.

The air force is located at San Isidro Air Base which is guarded by the 58th Airborne.

A joint operation

The tower at San Isidro is a joint United States-loyalist-Dominican operation. When a loyalist plane wants to take off, a Domin­i­can air force man can take his seat at the control tower.

One of the P-51’s, AT-6 trainers, and British-made Vampire jet fighters, thereupon apparently decided it was free to have at the rebels again.

The air force is located at San Isidro Air Base which is guarded by the 58th Airborne.

A joint operation
The role of the U.S. merchant fleet

Mr. BARTLETT. Mr. President, on May 12, Edwin M. Hood, president of the Shipbuilders Council of America, delivered an excellent address before the House Committee on Merchant Marine and Fisheries. Mr. Hood stated that the decline of certain segments of the U.S. merchant fleet "has reached a point where we are now faced with the danger of losing control over the transport of our foreign commerce." He said that the foreign commerce—"if, indeed, this control has not already been lost." I could not agree with him more.

It is becoming more and more apparent that the future of the American merchant marine depends on a healthy climate in which labor, management, shippers, investors, lending institutions, and the general public alike will have sound reason and positive justification for renewed faith and confidence in the future of American-flag shipping.

We have had our seminars and symposiums, our debates and roundtable discussions. Now, as Mr. Hood has declared, "talk must soon be replaced by positive action—otherwise our maritime strength will decline even further."

And yet, in their efforts, the American merchant marine carries less than 10 percent of our foreign commerce. I am certain that all Senators will be interested in the entire text of Mr. Hood's timely remarks. Therefore, I ask unanimous consent that his speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

There Is No Substitute for a Program

The role of the U.S. merchant fleet in the national scheme of things is a timely topic. The transport of our foreign commerce has been surrendered to ships of other nations. The American merchant marine carries less than 10 percent of this trade. The transport of oil, coal, automobiles, and tractors in U.S. bottoms has faded drastically. This decline has reached a point where we are now faced with the danger of losing control over the orderly movement of our foreign commerce. If indeed this control has not already been lost.

Timey because, as V-E Day on May 8 reminded us, 20 years have passed since World War II, and the transport of our present merchant fleet was built. It is bad enough that we carry so little, but worse that much of what we do is in old ships built in World War II days.

It is timely, too, because of current recognition of the pressing requirement to revitalize our merchant marine as evidenced by new interest and discourse at the highest levels of Government and Industry. Most maritime nations, from Japan to the United States, have recognized that our merchant marine must reflect the dynamics of present-day commerce. However, there is considerable discussion as to the location and extent of new transport facilities that are needed and as to the emphasis to be placed on the various segments which comprise the maritime industry.

And, the topic is critically timely to those of us in the shipbuilding industry, for it has been proposed that ships for the U.S.-flag merchant marine might be built in foreign shipyards as a means of eliminating shipbuilding subsidies. This "trial balloon," as it has been characterized by many critics, is a time when practically every other maritime nation of the world is moving to strengthen or to offset shipbuilding activities in their own self-interests.

The more suggestion that the U.S. Government might sanction the building of ships in foreign shipyards has caused our counterparts around the world to "rub their hands regarding the high cost of doing business." Especially so, though our Secretary of Commerce publicly asserted on March 3, 1965, that because of the basic problem, the policy of the administration is to require ship construction in this country, the foreign trade terms continue to applaud the "build abroad" suggested by the Maritime Administrator on February 9, 1965. In fact, even in this country, few would challenge the Secretary's statement or the February 9 statement continues to receive notoriety.

The situation also has a comical flavor. The Japanese are fearful that if, as a matter of U.S. policy, ships for the U.S. fleet were to be constructed abroad, European shipyards would obtain most of the contracts. And, the European nations, particularly those in the Common Market, are fearful that the Japanese will be able to compete at low prices, while American shipbuilders will receive all of the business. It can be reasonably predicted that these fears are already being expressed in discussions among some of the European nations, the Japanese, and the American shipbuilders. Perhaps by calling a spade a spade—by changing the designation of ship construction and ship operating subsidies to "labor equilibration payments"—we can bring about a proper interpretation of the American policy of mutual security contracts awarded many of the roadblocks associated with maritime problems in this country and the entire world?

Japan, as you know, is the leading shipbuilding nation of the world. In 1964, her shipyards cornered 40 percent of the world shipbuilding market. In addition to benefiting from the advantage of below-one-half the level of wages in the United States, Japanese shipyards are supported by their Government. The Government has spent over 10 percent of the actual cost price of each ship. This support, it is said, includes a subsidy on steel plates used in construction, shipbuilding contracts plus favorable credit terms arranged under Government sponsorship and guarantees. Profits earned from export sales are also tax-exempt.

These competitive advantages have prompted the Common Market countries to demand that the United States extend similar financial support to foreign shipyards. In addition, some European nations have suggested that open discussion between foreign and American shipbuilders is necessary to bring about a solution to the problem. In Europe, the discussion has been expressed in terms of correcting the deficiencies in the United States shipbuilding industry.

Against the background of what is taking place in Europe, it was interesting to read the other day that a Swedish ship owner had characterized ship construction subsidies as "a means of protecting the hands of American owners." Rather than formidable weapons, ship construction subsidies—"labor equilibration payments" would not be anything more, and nothing less, than payments to offset the difference between U.S. and foreign wages. The Economic Committee of the Congress recently noted that the only Federal statute using the word "subsidy" are those dealing with ship construction and ship operating subsidies. The term is also rarely used in Executive orders and Government regulations.

Perhaps the result of all this, in the event that shipping demand increases more than just a change in name. A healthy environment must be created in which labor, management, shippers, investors, lending institutions, and the general public alike will have sound reason and positive justification for renewed faith and confidence in the future of American-flag shipping.

This climate, however, will not be created by contradictory suggestions from Government sources that our ships might or might not be built abroad. Nor will it be created by any official hemming or hawing. It will not be created by window dressing or tricks of legalese. Nor will it be created by begging the issue of subsidies.

In point of truth, an effective maritime defense would not be possible without protective measures such as ship operating and ship construction subsidies. The focus of the debate on who endorses revitalization of the American maritime industry while reducing subsides has been blurred by not recognizing that the fundamental reality. There is no way we can legislate away or wish away the differences in wage levels which are an inherent part of our national economy. The differences in the degree of efficiency in American ship operating subsidies is less than we might not be built abroad. Nor will it be created by any official hemming or hawing. It will not be created by window dressing or tricks of legalese. Nor will it be created by begging the issue of subsidies.

In point of truth, an effective maritime defense would not be possible without protective measures such as ship operating and ship construction subsidies. The focus of the debate on who endorses revitalization of the American maritime industry while reducing subsides has been blurred by not recognizing that the fundamental reality. There is no way we can legislate away or wish away the differences in wage levels which are an inherent part of our national economy. The differences in the degree of efficiency in American ship operating subsidies is less than we...
research quickly demonstrates that with surprisingly few exceptions secured means, while the maritime industry fore ign concerns by indirect, oblique,ations. Just because many American in nomics. It is no reason to claim that ship special privileges.

measures. Secondly, the size and quality of the fleet and our shipyards is a direct func tion of these enterprises. Thirdly, we must have an extensive merchant marine capability as a matter of national interest and security. In our own self-interests, any other conclusions are inconceivable.

A reasonable and effective program pred lated on a firm and precise statement of na tional policy enumerating the benefits that accrue to our country and the American peo ple through a well-balanced, modern merchant marine and an efficient and active supporting private shipyard in dustry is long overdue. In terms of a sonal position of this program, I should like to add the following suggestions to the dis cussion which began with the Maritime Ad ministrator's establishment of a Joint Commission on the United States Merchant Marine.

The basic question is not whether sub sidy payments or programs of equivalent pur pose are needed. The question is: How can we effect a positive action-otherwise our maritime strength will decline even further. Clearly, the need for funds to finance the replacement of ves sels in the merchant fleet. The need has never been greater. But, the need continues to be compounded by the intensification of the problems and dangers involved. To re solve this circumstance, several approaches are possible.

We have frequently advocated the establish ment of a Presidential Advisory Commiss ion on Maritime Research, a position which has been held by the American people, our view that a commission of distinguished citizens, from both public and private life, which would review and advise us, including the marginal condition of our maritime capability, and recommend to the President the United States maritime actions necessary to ensure that the Russians do not achieve their objective of controlling the trade routes of the seas.

A Presidential advisory commission could accomplish much in terms of assigning needed national priorities to the correction of the deficiencies which exist in our mer chant fleet. It might well chart a program pointed toward a point in time-in the not too distant future-in which shipping will carry more than 10 percent of our own trade and commerce.

On the legislative front the Joint Com mission should be involved in the assign ment of appropriate priorities to our national maritime effort. It might well authorize the President to establish a Joint Commission on the Marine Industry, Industry and Labor authorities to undertake immediately a review of the Mer chant Marine, and determine in line with the needs not only of today, but of the critical 5-10-year period ahead.

Second to our objective is the assign ment of priorities is the availability of sufficient funds. The cost of any program to counter the increasing Russian threat on the high seas will not be cheap. But, it certainly would be far less than the cost of winning the race to the moon-now estimated at upward of $20 billion. And, the cost of winning the race on the oceans would cost a fraction of that amount.

Federal payments for subsidized ship con struction, between 1950 and 1964, averaged about $40 million annually and it is not dif ficult to understand why we have been steadily falling behind in the world market. A construction reserve fund for nonsubsidized shipping operators, tramp operators, and fishing fleets might provide an ad ditional stimulus for rejuvenation of a large segment of our merchant marine which has received little or no attention or encourage ment. Overage, uneconomic ships in these services are badly in need of replacement. Senator Bartlett, of Alaska-A vigorous champion of a modern, well-balanced mer chant marine-has introduced legislation to create a vessel replacement capital reserve fund "to promote the replacement and ex pansion of the U.S. nonsubsidized merchant and fishing fleets." It is not yet known whether this measure will be officially supported, but it has strong endorsement from labor and industry spokesmen.

Senator Barlow's inclusion of the needs of the fishing fleets in his bill suggests a whole new panorama of developments. Many new ocean sciences are only beginning to emerge for example, has captured the imagination of many persons and companies, and we are told that future fishing prom has the potentiality for a billion dollar industry. But our basic maritime research and development endeavors have failed to keep pace and leave a significant gap which must be filled. For the current fiscal year, approximately $10.8 million are avail able for maritime research programs, and of that sum around $3 million is for the operation of the Nuclear Ship Savannah. Yet, by comparison, Department of Defense expenditures for research, development, tests and evaluations of aircraft total nearly $900 million.

In other words, for aircraft research our Government is sponsoring the expenditure of almost 300 times more money than for mer chant ship research. Obviously, the vast sums of Federal money spent over the last decade for aircraft research and development-and supporting facilities-have made it possible for our airframe industry to remain competi tive on a worldwide basis in spite of our lagging merchant marine. It should not be too difficult to prove that Federal support of a comparable magnitude in the merchant marine and supporting shipyards—to be competitive on a worldwide basis.

There are many exciting possibilities for new concepts in sea transportation. Hydrofoils, ground effects machines, high-speed submarine cargo lines, oceangoing barges, and special unit cargo load ships are some of these. Our shipyards are equal to the challenges ahead. Who can say what the condi tion of our maritime and shipbuilding in dustry would now be had research and de velopment--in that field of endeavor been given to the aircraft industry? But, it can be stated with certainty that the U.S. airlines would today be in dire straits if the Federal Government had not undertaken immediately a review of the mer chant marine and provided a report on the action given to the aircraft industry? But, it can be stated with certainty that the U.S. airlines would today be in dire straits if the Federal Government had not undertaken immediately a review of the merchant marine and provided a report on the action given to the aircraft industry? But, it can be stated with certainty that the U.S. airlines would today be in dire straits if the Federal Government had not undertaken immediately a review of the merchant marine and provided a report on the action given to the aircraft industry?

FUTURE RELATIONS WITH CHINA

Mr. McGOVERN. Mr. President, recently I had the pleasure of addressing the National Conference on the United States and China, held here in Washing ton, D.C., at the National Press Club.

On that occasion, I noted that it is in our national interest to open at least limited contacts with mainland China.

Red China is the most populous na tion in the world. She occupies and highly significant position in Asia, and is develop ing a nuclear capacity.

The problem posed by China will not be solved by burying our head in the sand. I believe that one day we must undertake the patient—and no doubt frustrating—effort to establish interna tional, economic, and cultural ties with China.

Several days ago the House Foreign Affairs Committee's Subcommittee on the Far East and the Pacific published a report in which the subcommittee urged that consideration be given at the appropriate time to "the initiation of limited, but direct, contact with Red China, through cultural-exchange activi ties." Recently, the Subcommittee of the Joint Committee of the United States unani mously recommended a similar approach.

I commend the House subcommittee for its forthright stand. Although it is essential that the United States con tinue to oppose aggression and subver sion, it is also essential that we maintain an open mind on the China problem and possible new U.S. initiatives.

I have written an article and a fine editorial, from the Washington Post, on the action recently taken by the Joint Committee of the House and Senate. I also wish to have printed in the Record a thoughtful article, written by Max Freedman, on
A recent China study made by the respected American Friends Service Committee.

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

[From the Washington (D.C.) Post, May 16, 1965]

**House Unit Favors Easing Peking Relations**

A congressional subcommittee has cautiously but clearly recommended that the United States start thinking about improving relations with Red China.

It specifically recommended consideration of U.S.-Red Chinese cultural exchanges "at an appropriate time."

The Far Eastern subcommittee of the House Foreign Affairs Committee, in a report released today, made clear that it implied no relaxation of U.S. efforts to contain Chinese aggression or subversion.

But the subcommittee of five Democratic and four Republican suggested that the United States indicate both to China and other countries that U.S. opposition to some of the Chinese, such as Chiang Kai-shek's Nationalists and China, is not the permanent U.S. opposition to reasonable relations with China.

The recommendation which the subcommittee dealt with this subject is suggested by its tendency to present the more daring suggestions by quoting witnesses' statements rather than making them itself.

Yet even the formal recommendations of the subcommittee went far beyond the conventional reaction to anything connected with Red China.

"The United States," said the subcommittee, "should, at an appropriate time, consider the initiation of limited but direct contact with Red China through cultural exchanges with emphasis on scholars and journalists.

In general the subcommittee walked a delicate line between suggesting efforts to improve U.S.-Chinese relations and opening itself to any suggestion of being too soft on communism, or of undermining confidence in the U.S. commitment to resist Chinese aggression.

It warned against "any sign of American moderation, conciliation and diplomatic relations with Red China."

The subcommittee offered a number of other suggestions, all of them in the direction of easing tensions with the Communist world.

It urged that such steps be combined with strict enforcement of the U.S. economic embargo, which would not relax its opposition to Communist aggression or subversion. And so it recommended increased efforts to discourage free world trade with North Vietnam under present circumstances.

The gist of the report was that the committee was endorsing the administration's policy, which President Johnson has summed up with the phrase "our hand is out, but our gun is up."

Since the current and earlier administrations have felt it necessary to move cautiously in relaxing restrictions on relations with Communist countries for fear of adverse Congressional reactions, the report is expected to be welcomed, privately if not publicly, by the administration.

The subcommittee recommended consideration of U.S. recognition of Outer Mongolia, the Soviet province between China and Russia. Nationalist China has strongly opposed such a U.S. move.

The subcommittee also suggested expansion of American service by the American Friends Service Committee to loosen that area's dependence on Russia.

It suggested more cordial relations generally with the Southeast Asian countries that show some independence of Russia.

And it suggested that the United States should not make overt efforts to exploit the Soviet-German Treaty of Friendship, Co-operation and Mutual Assistance.

The subcommittee reported that limited escalation of the war in South Vietnam has not pushed the Russians and Chinese together, but is leading toward a stalemate.

But Secretary of State Dean Rusk told the subcommittee that "it seems to me that if Peiping can demonstrate in southeast Asia that Peiping's doctrine of communism, of militant communism, is the correct one and the one capable of shambling and pushing all others, it will bring about a greater unity of the Communist world behind the point of view of Peiping."

[From the Washington (D.C.) Post, May 23, 1965]

**Religious Appeal Is Made to China**

The House Foreign Affairs Subcommittee on the Far East and the Pacific has taken a cautious but courageous step in becoming the first congressional group to publish a report urging that, at an appropriate time, consideration be given to "to the initiation of limited but direct contact with Red China through cultural exchange activities."

The subcommittee, headed by Congressman Zachary C. Doolittle, a New York Democrat, suggests that priority on these cultural exchanges go to scholars and journalists. It does not urge an opening up of trade relations with China, but it does urge that this step be taken first before deluding itself into thinking that there will be any softening of China's anti-Americanism during the next few years.

The subcommittee desires to encourage every opportunity to increase each country's knowledge of the other, and in particular, it suggests that it is not the United States which is isolating China, but China itself which is discouraging such contacts.

The subcommittee's report also urged that the United States consider recognition of China's neighbor, Moscow-oriented Outer Mongolia, which would like to reclaim Mongolia as its own should it ever retake the mainland, forced the administration to back down.

"It is quite possible the subcommittee members were emboldened by testimony from Roger Hilsman, the Assistant Secretary of State and a former President Kennedy, and that their report might have been even bolder had not a few of the words been all too accurate in their home constituencies."

Nevertheless, the subcommittee certainly has taken a significant step away from the ostrich head-ducking that has come to characterize Chinese-American relations.

The subcommittee's action follows a recent resolution here by the U.S. Chamber of Commerce calling for an opening of the "channels of communication" between the two countries. A national conference sponsored by the American Friends Service Committee also attempted to focus attention on Chinese-American relations.

It is only through the understanding of such impecuniously respectable groups as these that an administration in Washington can be said to understand the problems of the old "China Lobby" really is dead and that this country now can afford to take whatever realistic political steps would seem necessary in order to further our national interests.

[From the Washington Evening Star, May 24, 1965]

**Future Relations With China**

(By Max Freeman)

Nothing is harder, in the midst of a war, than to look beyond the immediate struggle to the problems and hopes of the long future. Yet precisely this look into the future is necessary if the United States can provide a public service by the American Friends Service Committee (the Quakers) in its proposals for a new policy toward China.

"It is not that the republics will make no immediate change in our policy while China disturbs the security of Asia. The Quakers with all their faith in the future and good will, are not blind to political realities. Their analysis contains some of the shrewdest comments on China's problems that have yet been presented for public consideration.

Even among officials who dissent from their assessment of China and its policies, the fact that the Quakers have won a most respectful hearing.

At the very center of their analysis, the Quakers have put two troubling questions. Are we satisfied with our present policy? Do we wish to continue it indefinitely?

No further discussion is needed by those who are satisfied with things as they are. But for many others these matters are by no means completely closed issues and they would welcome further discussion. It is to them that the Quaker appeal is addressed.

"The United States," the Quakers say, "must face the issue of realism and penalties of our policy of nonrecognition, of a trade embargo, of mutual hostility, and of the international isolation of China that has made such a policy its original and its justification in the threat of Chinese aggression, the military and economic. Whether we have nothing better to expect than another battle of armed antagonism and military struggle.

The policy of ranging China and the United States against the position of the paramount power in Asia, merely exposes the cluster of small states in southwest Asia to the tensions and upheavals of a cruel struggle for power between two armed giants.

This fatal deadlock in which our policy has so long been imprisoned, the Quakers propose that we begin the long journey to the restoration of normal relations with China, in all areas from the diplomatic to the cultural.

But the need for that the stumbling block is Formosa. With their horror of brutality and persecution, the Quakers are the last people to tolerate the transfer of the people on Formosa to the savage reprisals of Peiping.

A definite and binding agreement to protect the United Nations and the people on Formosa must therefore be the first essential principle to any Chinese settlement. Perhaps such a settlement will not provide the dream of Chiang Kai-shek's Nationalists; China, which would like to reclaim Mongolia as its own should it ever retake the mainland, forced the administration to back down.

"It is quite possible the subcommittee members were emboldened by testimony from Roger Hilsman, the Assistant Secretary of State and a former President Kennedy, and that their report might have been even bolder had not a few of the words been all too accurate in their home constituencies."

Nevertheless, the subcommittee certainly has taken a significant step away from the ostrich head-ducking that has come to characterize Chinese-American relations.

The subcommittee's action follows a recent resolution here by the U.S. Chamber of Commerce calling for an opening of the "channels of communication" between the two countries. A national conference sponsored by the American Friends Service Committee also attempted to focus attention on Chinese-American relations.

It is only through the understanding of such impecuniously respectable groups as these that an administration in Washington can be said to understand the problems of the old "China Lobby" really is dead and that this country now can afford to take whatever realistic political steps would seem necessary in order to further our national interests.

[From the Washington Evening Star, May 24, 1965]
come to terms for many years with Russia after its revolution. Our hostility did not break Russia's power then, and it has not yet broken Russia's power in the threatened lands, freedom from old dogmas.

Beyond all doubt, the Quakers are far ahead of general American opinion but there would be much support for their position in Asia, notably in Japan and India. They have, meanwhile, a valuable lesson in the art of discussing public questions without self-righteousness and with a brave freedom from old dogmas.

THE VETERANS' ADMINISTRATION IN CONNECTICUT

Mr. RIBICOFF. Mr. President, 20 years ago this month the fighting in the European theater of World War II came to an end. The end of that terrible war marked the beginning of enormous new responsibilities for the Veterans' Administration. Today the VA is responsible for the care of veterans and their families. The work of the VA in Connecticut is headed by Colonel Edward W. O'Meara. Colonel O'Meara and his staff are charged with the care of the records of more than 335,000 Connecticut veterans. The programs of the VA, which affect the lives of Connecticut veterans, is the subject of this debate.

Mr. President, veterans' programs are vital to the health and well-being of our veterans. In the State of Connecticut, the VA is helping veterans with every aspect of their daily lives. The VA is also helping veterans with the care of their families.

I have been told that the VA is helping veterans with the care of their families. The VA is also helping veterans with the care of their families. The VA is also helping veterans with the care of their families. The VA is also helping veterans with the care of their families. The VA is also helping veterans with the care of their families.
One wonders whether Mecklin was not naive. We know from Halberstam's book that Kennedy invited the publisher of the New York Times to transform him out of Saigon. Six months later Kennedy was to issue the biggest optimist

whopper of the war—the McNamara-Taylor statement at the White House, October 2, 1963, that all was going so well in Vietnam that the news media had been ordered to stop reporting the worst. Kennedy asked, with that dry wit which made him the notorious "that nobody else's eyes focused properly on Vietnam either."

Mecklin's book reveals that an unnamed official attitude toward the falsehood. Instead there were endless little falsehoods and, correspondents' to do so and so or 'explain a patronizing holier-than-thou tone in the same hashish they give out."

In Washington, continued to agitate for no real action at all, while the CIA "was more or less of the same opinion."

This should be read with Halberstam's and Brown's accounts of how stubbornly deaf General Harkins and the top CIA missions in Saigon, Richardson, remained until the very end when their junior officers in the field tried to tell them that the war had been affected by the Buddhist upheaval, continued to agitate for no real action at all, while the CIA "was more or less of the same opinion."

Mecklin notes, "As the French discovered so disastrously at Dienbienphu, air attacks on cockle jungle supply routes is like trying to shoot a mouse hiding in a wheatfield from an airplane with a rifle."

Two leading closed scenes stand out in the Mecklin book. One was an interview with Kennedy on April 29, 1963, when the President was saying as much trouble with the reporters out there?" Mecklin thought there would be less trouble if officials were more candid. He wanted Kennedy to put a stop to "disjointed, patently optimistic public statements" in Washington and Saigon and the habit of "complaining" to "responsible and respectable newspapers and magazines" about "false stories" from reporters in the field. Mecklin says he found Kennedy "skeptical but willing to try."

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"

Mecklin writes that security regulations prevent him from reporting anything further about these interviews. He says he found Kennedy "excessively prescient." That while every other agency thought the time had come to reform, or get rid of, the Diem government, the Pentagon was looking for a way to "trivialize criticism of the Diem government" and not to be taken along on military activities likely to result in "indescribable stories."

This is not ancient history. The old habits march on. Misinformation is still the hallmark of the Government's information policy. Two examples may be cited, one minor, one major. The minor one concerns the replacement of General Harkins by his deputy on the very day, Mecklin recalls, the very day Diem was overthrown. His deputy and successor seems to be in the same mold as his predecessor—relatively unknown, though experienced Vietnam hands. Each reported separately. Neither knew what the other knew. It is not until a few months after they finished, President Kennedy asked, with that dry wit which made him say when they met him, "Why don't you two gentlemen be in the same country?"
all denominations throughout the United States are observing Soil Stewardship Week. This annual observance is sponsored by the Nation's 3,060 local Soil and Water Conservation Districts.

Challenger of Growth is the theme of this year's Soil Stewardship Week observance.

In the great society of mankind, each of us has a God-given purpose for being. In our time, each among us fulfills a mission on the long progression toward the ultimate design of our Maker.

The Soil Conservation Service has assumed a share in the expanding brotherhood of stewards. It is a membership of service, dedicated to the husbandry of the lands and the waters, the forests and the ranges, and the fish and the game he has placed at our disposal. In these times of great growth, we tend to take granted, or to forget, man's dependence on two indispensable resources—soil and water. An observance such as Soil Stewardship Week may well serve to create a more widespread awareness of the fact that soil and water are the essentials of life—"The soil that we sowed, and by soil we live, and to the soil our earthly forms return.

The challenge of growth was underscored by Donald A. Williams, Administrator of the Soil Conservation Service, in a statement he issued in connection with Soil Stewardship Week observances. He said:

"Never in our Nation's history has growth posed so great a challenge as it does today—growth of population, of great urban concentrations, of demands upon our natural resources, of infringements upon the beauty of the rural landscape. One result of this dynamic growth is to shrink the broad and bountiful land, and to call for a more dedicated stewardship on the part of all Americans."

I commend Mr. Williams on his fine statement; and I request unanimous consent that his full statement be printed in the RECORD, as follows:

FROM THE ADMINISTRATOR: STEWARDSHIP AND OPPORTUNITY

Every American is a steward of the land whether he lives in the city or the country. Each has a vested interest in the land, each is dependent upon it and each is responsible for its care.

During Soil Stewardship Week, May 23-30, we are reminded that conservation of the land is a daily concern, every day of the year.

The theme of soil stewardship this year is "Three-Star Extra." Never in our Nation's history has growth posed so great a challenge as it does today—growth of population, of urban concentrations, of demands upon our natural resources, of infringements upon the beauty of the rural landscape.

One result of this dynamic growth is to shrink the broad and bountiful land, and to call for a more dedicated stewardship on the part of all Americans.

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

From the Administrator: Stewardship and Opportunity

Every American is a steward of the land whether he lives in the city or the country. Each has a vested interest in the land, each is dependent upon it and each is responsible for its care.

During Soil Stewardship Week, May 23-30, we are reminded that conservation of the land is a daily concern, every day of the year.

The theme of soil stewardship this year is "Three-Star Extra." Never in our Nation's history has growth posed so great a challenge as it does today—growth of population, of urban concentrations, of demands upon our natural resources, of infringements upon the beauty of the rural landscape.

One result of this dynamic growth is to shrink the broad and bountiful land, and to call for a more dedicated stewardship on the part of all Americans.

A beautiful countryside stems from a prosperous soil and clean-running streams. We must work to preserve the beauty and prosperity of our land and to restore it where the soil and waters have been damaged or changed. It is due to not falter in our dedication and our resolve to carry on the job—to spirit it forward at a greater pace in keeping with the compelling requirements of the Nation.

The Soil Conservation Service and the soil and water conservation districts have a special responsibility for that. What account can we take of stewardship?

With the cooperation of an interested and forward-looking Congress, the soil and water conservation districts have made significant progress toward our long range goals. Advances. SOL conservationists have worked for more than a quarter of a century with local district officials, farm and ranch co-op members to bring life, vitality, and beauty to much of the rural landscape.

These workers can point to land that now flowers where once it lay barren; to earth that holds firm where once it washed or blew away; to streams and lakes that are clean; to earth that has remained to much of the rural landscape.

This is a constant task, as constant as the need of living things for nourishment. The conservationist is concerned with keeping the land alive. We know that the land too often has died for lack of care.

The ugly menace of erosion and depletion continues to scar much of our land, to rob us of our essential resources, to scar our streams and reservoirs, to undermine the foundation of our existence. A recent inventory report by the Soil Conservation Service shows that 38 percent of the Nation's land is in need of protection. The Soil Conservation Service needs lists soil erosion as the dominant conservation problem on private rural land in the United States.

Conservation problems, the report tells us, still are inadequately treated on 62 percent of the rural land. In the non-Federal pasture and range, and 55 percent of non-Federal forest and woodland.

To these mounting problems of soil and water conservation in and around the Nation's rapidly expanding urban developments.

Every American, as a conservationist in his own right, would do well, I think, to look hard at the scarred earth where it has been stripped and left to erode, to examine the streams and lakes that are clogged with sediment, to note where the beauty of our land has disappeared. For there is no land which this Nation, if it could afford this to happen, but it did happen. It happened because stewardship of the past was the goal of the men who keepers of the land the people failed in their service.

The margin of life is thin, indeed, under our feet. Our most productive soil is a thinly laid skin over an unproductive, unhealthy land. When it is gone, as history tells us, nothing can be done to build back for it.

To these rural needs must be added the mounting problems of soil and water conservation in the States and the Nation. This is a constant task, as constant as the need of living things for nourishment.

Mr. President, on April 19, a voice that has been familiar to some two decades to the American radio audience told a disappointed audience:

"I have the duty to announce to you these thousands of valued listeners that effective May 28, "Three-Star Extra" will terminate these broadcasts.

Dismayed as I was at hearing Ray Henle's decision to terminate his award-winning "Newspaper of the Air," I nevertheless rejoice that the show took on its present form four years ago, 4,000 broadcasts. Ray and his distinguished staff of analysts, reporters, and editors deserve to be relieved of the pressures of day-to-day broadcasting.

"Three-Star Extra," which leaves the air on Friday night, claims the distinction of being the oldest news-program broadcast at the same hour, over the same network, by the same sponsor. Ray Henle, and his group of State Department officials were keeping German scientists out of the United States—a decision that threatened to put them into Russian hands. The result of this decision was to make Henle and two of his newsmen, Ned Morrison, National Affairs Editor, and Fred Morrison, have been with the program since its inception in 1947. It has been supported all this time by the same sponsor—the Sun Oil Co. Of Ohio.

In its 20 years of existence, the program reporters have frequently uncovered private actions and public actions that were, or could prove to be, harmful to Americans. In 1947, "Three-Star Extra" first reported that the great majority of the State Department officials, with the group of State Department officials were keeping German scientists out of the United States—a decision that threatened to put them into Russian hands. The result of this decision was to make Henle and two of his newsmen, Ned Morrison, National Affairs Editor, and Fred Morrison, have been with the program since its inception in 1947. It has been supported all this time by the same sponsor—the Sun Oil Co. Of Ohio.

For its diligence in ferreting out and reporting the truth, "Three-Star Extra" has been cited many times. Among the prominent citations are theDupont Award and the Freedom Foundation George Washington Medal of Honor. Heading "Three-Star Extra's" staff of 19 is Managing Editor Ray Henle. He has covered the Washington scene for more than 30 years. He was an outgrowth of the presidential campaigns of Hoover, Roosevelt, Truman, Eisenhower, and Kennedy; he reported the birth of the United Nations; and he described the coronation of Queen Elizabeth. In 1956, he was personally selected by Mr. Hoover to interview him on the acclaimed telecast "A Conversation with Herbert Hoover." In his broadcasts, Mr. Henle has been ably assisted by Managing Editor Morrison, National Affairs Editor Cotton, and David Wills, "Three-Star Extra's" foreign-affairs expert. They were, in turn, backed up by the revered and respected reporters, including..."
May 26, 1965

CONGRESSIONAL RECORD — SENATE

11841


Mr. President, I ask that Ray Henle's closing script of April 19 be printed in the Record at the conclusion of my remarks.

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

(See exhibit 1)

Mr. SIMPSON. Mr. President, I have been privileged to know Ray Henle during the past 2½ years, and that personal relationship, together with my keen interest in his five-night-a-week newscasts, has given me great confidence in both the man and the program. I deeply regret that "Three-Star Extra" is to leave the air. But, even as the program ends, I know that the outstanding broadcast journalists who have made it the meter by which other news broadcasts are judged will find a full measure of success in new deadlines and in assuming new responsibilities.

EXHIBIT 1

"Three-Star Extra"

I have the duty to announce tonight to our many thousands of valued listeners that, effective May 28, "Three-Star Extra" will terminate these broadcasts.

The decision to do so stems from my desire to be free from the pressure of day-to-day broadcasting with the tensions of meeting deadlines 5 nights a week.

News microphones now steady for 20 years over the airwaves—18 of them as editor in chief of NBC's "Three-Star Extra," by Sun Oil Co., for 14 years prior to that as the Washington correspondent of the Pittsburgh Post Gazette.

The time is here to give more leisure time to other interests which have engaged me only to such extent as my editorship of this newspaper of the air permitted. Naturally, this job came first and we have endeavored to discharge it with the zeal for good reporting with reasoned comment and interpretation.

For some years I have been a member of the advisory board of the Hoover Institution on War, Revolution, and Peace at Palo Alto, founded by former President Hoover. Some of my time henceforth will be devoted to this great subject. I shall have other interests allied with journalism.

As I say, "Three-Star Extra" has been on the NBC network for Sun Oil Co. for nearly 18 years. There is no other network news program which has been broadcast at the same hour, over the same network, for the same sponsor that length of time. And when it is remembered that Sun Oil Co. sponsored Lowell Thomas for 15 years prior to the advent of "Three-Star Extra," it becomes clear that there has been nothing like this for constancy in presenting a news program of high caliber such as Mr. Thomas presented first, and such as we hope we have given you all these years.

From both NBC and Sun Oil Co. our staff has had increased interest but the fascination and encouragement. Tonight I think you will be interested to hear a letter I have received from Terry L. Thomas, of Dallas, Tex., the president of Sun Oil Co., after my decision to retire as editor in chief was accepted. I will ask permission to read this:

"I am sure you know from your many contacts with members of Sun Oil Co. management how highly we regard that you have continued to work with the company through the fine handling of NBC's radio news program, Three-Star Extra, with its excellent staff of seasoned specialists and reporters.

"It has been our privilege to sponsor this program, for we feel that over these past 18 years you have, as a result of your character and commitment, lived up to our corporate name.

"Your decision to engage now in less exacting but more personally mixed functions. We shall miss you; but on the other hand you have earned respite from the daily demands of the TV news, as well as a task upon those who seek and report the significant news and its background."

For the letter from Mr. Dunlop we are deeply grateful.

I might say it originally was our intention to announce our termination at a somewhat earlier date, inevitably will, get into the public prints, and consequently I am doing so tonight.

Let me emphasize, however, that your Three-Star Extra will be coming your way until May 28, and during these 6 weeks we shall hope to present some interesting material flashback to the historic times during which we have been broadcasting, in addition, of course, to presenting the news that is.

COLD WAR GI BILL WILL PROVIDE EDUCATED CITIZENS

Mr. YARBOROUGH. Mr. President, now that the Committee on Labor and Public Welfare has recommended that the Cold War GI bill be passed by Congress, and the coalition of thousands of dedicated veterans to become useful, educated citizens. These veterans have protected us from the threat of communism and disorder; and now it is time for us to act on their behalf.

I ask unanimous consent to have printed in the Record a letter in support of the cold war GI bill. The letter is from Terry L. Thomas, of Dallas, Tex., and is dated May 13, 1965.

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

DALLAS, TEX. May 13, 1965.

HON. RALPH YARBOROUGH, U.S. Senate Building, Washington, D.C.

DEAR SENATOR: I am interested and enthusiastic about your "GI cold war bill." It is evident that the administration is taking measures to raise the education standards, and I, among others, feel that this bill is one of the best measures proposed, to increase the number of more highly educated citizens. Most veterans who have not completed their education, have families or many more responsibilities and financial burdens than young men fresh out of high school. Most veterans are mature, realize the importance of advanced education and have a special drive and will to finish their advanced schooling. Many veterans may never get to finish their education unless they can get some financial assistance. This is why I feel the GI bill is needed. Could I receive more details of the bill, its problems and progress toward passage?

Yours truly, TERRY L. THOMAS.

TIPS IN WAGES FOR SOCIAL SECURITY PURPOSES

Mr. KENNEDY of New York. Mr. President, one of the matters which is being dealt with in the pending Medicare bill is the problem of whether tips should be included in wages for social security purposes. On pages 312 and 313 of the Record, which is the version of the bill that was passed by the House, provides that tips should be so included. After the judgment that this provision is a needed reform, an improvement which will result in more equitable retirement benefits for thousands of waiters and waitresses and others who receive substantial tips as a part of their earnings.

Mr. David Siegel, who is president of the New York City Joint Executive Board of the Hotel and Restaurant Employees Union and the Waiters and Waitresses International Union, AFL-CIO, submitted an excellent statement to the Senate Finance Committee which describes the reasons why this reform is needed and refutes the arguments which those who oppose it have made. I think this statement deserves wider attention, so I ask unanimous consent that it be included in the Record at the close of my remarks.

For this reason, in the pending legislation, the statement was ordered to be printed in the Record, as follows:

LOCAL JOINT EXECUTIVE BOARD
The New York City Joint Executive Board of the Hotel and Restaurant Employees Union and the Waiters and Waitresses International Union, AFL-CIO, hereby presents these tips as wages for social security purposes. The members of the Hotel and Restaurant Employees Union and the Waiters and Waitresses International Union, AFL-CIO, are the only union to have presented this position in the pending legislation. This statement is a clear refutation of the arguments made by those who oppose the inclusion of tips as wages for social security purposes.

This provision is essential for the following reasons:

1. The opposition to this bill comes almost entirely from employers. However. a considerable number of employers have expressed support for the bill out of a sense of fairness toward the employees.

2. A small number of employees have been induced to write to their committee in opposition to the bill. This is the result of a propaganda campaign by the National Restaurant Association and similar employer groups. This propaganda is a mixture of deception and coercion.

For instance, waiters are warned that if the bill passes they will have to pay higher income taxes. This is not true. The only difference will be that waiters will pay taxes on tips on a pay-as-you-go basis as they now do on wages and salaries. Workers and other tipped employees are also told that under the provisions of section 205 they will have to empty their pockets in the presence of a representative of the New York City Joint Executive Board of the Hotel and Restaurant Employees Union and the Waiters and Waitresses International Union, AFL-CIO, at the end of every night before going home; another glaring untruth.

The frequently isolated expressions of employees' opposition should not be regarded
as representative of waiters and other tipped employees as a class.

3. The opposition to this bill is based on a complaint of too much bookkeeping and excessive cost. As to cost, the additional social security taxes involved will be no higher and no lower than every other employer pays. As a matter of fact employers of tipped employees have enjoyed an advantage over other employers for many years.

4. The suggestion has been made by the opponents that waiters be treated as self-employed persons. This is a contradiction in terms and an absurdity. Waiters are not self-employed; they work for employers who pay employees as a class.

5. Tips have been recognized as wages for social security purposes for certain categories of waiters for several years. These are waiters whose tips are fixed in an agreement between the employer and the guest and are paid to the employer and by the employer to the waiter. Why not cover all waiters?

6. Hundreds of thousands of waiters and other tipped employees throughout the country look up to your committee for justice in this matter. You have it in your hands to help these workers and their families enjoy the blessings of our democratic society as they meet its obligations. Please undo this injustice and grant to these hard working citizens the same rights as are enjoyed by all other American workers under the Social Security Act. I urge that this amendment be inserted in the Record.

Sincerely,

David Sigdahl
President, Joint Board.
A. Bus.
Secretary-Treasurer, Joint Board.

David Sigdahl
President, Local No. 1.
E. Bartoni Zucca,
Secretary, Local No. 1.

CENTENNIAL OF CONNECTICUT DENTAL ASSOCIATION

Mr. RIBICOFF. Mr. President, the end of this month marks the completion of the centennial year of the Connecticut State Dental Association. During this year the Connecticut State Dental Association has sponsored many dental education and health programs calling attention to the importance of oral health. During these 100 years the people of the whole Nation have benefited greatly from the accomplishments and contributions of Connecticut dentists.

Although I will have the honor of greeting the convention which will mark the completion of the centennial celebration indicating a century of progress, I would like to take time today to honor the Connecticut dental profession with these remarks.

Mr. DODD. Mr. President, I join my distinguished colleague in recognizing the achievements of the Connecticut State Dental Association.

Connecticut dentists have long distinguished themselves and their profession by their contribution to dentistry and humanity.

Dr. Horace Hayden, of Windsor, Conn., was a cofounder of the first dental college in the United States. In 1840, and was the leader in establishing the first national dental association and the first dental journal in the world.

Dr. Horace Wells, of Hartford, has been acclaimed for his discovery and use of anesthesia in 1847.

Dr. Alfred C. Fones, of Bridgeport, has been hailed as the father of dental hygiene. The name of Dr. Fones, of Danielson, was our Nation's first woman dentist.

I congratulate the Connecticut State Dental Association and each of its members personally and I wish them another century of distinguished service to the people of Connecticut and the United States.

OAS SHOULD FORM HEMISPHERIC POLICE FORCE

Mr. HARTKE. Mr. President, we begin work now for the establishment of the international police force to protect freedom throughout the Western Hemisphere. Already a skeletal force has been organized in the Dominican Republic. Working through the Organization of American States the President intervened against the "constitutional" rebels in favor of an unpopular military clique, that the President had acted without informing the OAS, that the problem could now be solved by forming a permanent police force.

I hope that my colleagues will all the time to read Miss Prewett's highly informative articles.

There being no objection, the articles were ordered to be printed in the Record, as follows:

THE INSIDE STORY: THE ORDER TO LAND THE MARINES

(By Virginia Prewett)

At 5:30 p.m. on Wednesday, April 28, 1965, President Lyndon B. Johnson and five of his top advisors were driving to the White House. An urgent message from the Dominican Republic interrupted him.

There was silence in the little, newly decorated green west wing lounge as the President scanned the slip of paper. He sat in his favorite high-backed deep-cushioned chair, his long legs stretched out by the hassock he often proped them on. On the wall nearby hung a novel decoration that he proudly showed visitors—the signs of the Presidents with whom he has worked, mounted in one frame.

With him were Secretary of State Dean Rusk, Special Assistant for National Security McGeorge Bundy, Secretary of Defense Robert McNamara, Assistant Secretary of State George Ball, and Special Assistant Bill Moyers.

The President told them that all the nine top U.S. officials in our Santo Domingo Embassy requested urgent military assistance to save American lives in the Dominican Republic.

Earlier messages had warned that Santo Domingo city was engulfed in anarchy. About 1,000 American men, women, and children, gathered for evacuation at the Hotel Embajador at the city's edge, were cut off from the escape route via the little Caribbean island of Haina, 22 miles west of Santo Domingo by the U.S.S. Baxter and other naval ships had been lying off Haina since Sunday, April 25. Mlle.

THE MARINES

President Johnson and his advisors now discussed sending in U.S. Marines to protect the stranded Americans.

At 6:30 the President gave an order that marines were to be landed in Santo Domingo, off the way to Nato's, in movie drama to October 10, 22, 1962, the day of the Cuban missile showdown. As soon as sent in the message, President Johnson immediately started a series of statements and speeches to assure the world he sent them to save lives. He revealed that...
a Communist apparatus had been spotted surfacing in the anarchy. He stated his goal - to save American lives and establish a democratic government in the Dominican Republic.

The great majority of Americans, the public opinion polls, heard and approved. But the image of Marine landings has been used in anti-American propaganda for over half a century.

Latin American nationalists use it. Nazis used it before World War II and the Communists today. Most Americans, if they think about it, disapprove of the Caribbean landings of the 1920's, when Calvin Coolidge warned the business of the United States is "business." World War II and the Cold War periods highlighted the difficulties of establishing constitutional rule in Latin America.

But Mr. Mann was not even present at the debate. The immediate reason for landing the Marines was given, had established contacts with Latin American Embassies over the situation. The Marines had already been in motion, at U.S. request. Not only were the Embassies in Santo Domingo and Dakar countries informed, the Washington Embassies were as well.

President Johnson, when he ordered in the Marines, also ordered all Latin American Embassies in Washington to be notified as quickly as possible of the landing and of the U.S. request for an OAS meeting at the earliest possible hour. By 10 that night, all were notified.

The day-by-day log of events as they affected the White House will tell the story.

**The Inside Story: Known Reels Spotted During Arms Handout**

*(By Virginia Freewill)*

Trouble broke in the Dominican Republic at 3:15 p.m., on April 24. As American officers seized their chief of staff and Santo Domingo's most powerful radio station, a coup against President Donald Reid Cabral was reported to the White House.

Former President Juan Bosch was not mentioned.

The White House was informed. Coup threats had been frequent since Gen. Elias Wessin y Wessin and other officers deposed Juan Bosch in September 1963. General Wessin did not move that Saturday.

At 8 a.m., Sunday, the White House was told that around 10:45 a.m., radio from Puerto Rico, named Jose Rafael Molina Urena "constitutional president" for his cause. General Wessin now acted. Crowds around the centrally located presidential palace shouted for Sr. Bosch. At 10:30 a.m., President Reid Cabral resigned.

**NAVY MOVES**

At 8:45 Sunday morning, President Johnson from Camp David ordered U.S. Navy units to move near Santo Domingo and offshore, out of sight.

This was no novelty. When the longtime chief of staff to Dominican Pres. L. Trujillo, was assassinated in May 30, 1961, the then Vice President Johnson, acting for President Kennedy, ordered all Navy ships to stand off Santo Domingo.

President Kennedy himself sent them there in December 1961, when Trujillo's surviving family threatened to retake power.

President Johnson learned on Monday, April 26, that Santo Domingo's city command was around 11:30 a.m. called to urge our Ambassador W. Tapley Bennett: "Do something about the people for God's sake!" Rioting and fighting. Mr. Mann's radio, the Pegel Cocktail, an American symbol, was burned and bottles were stolen for Molotov cocktails.

A little later, L.B.J. learned with relief that the ships didn't move. At 11:45, Mr. Mann learned the American vessels were safe aboard American vessels. New refugees were filling the Hotel Embajador.

**MASS KILLING**

Another night, the National Guard was attacking heavily. In the late afternoon, Molina Urena and 15 rebels, including Col. Francisco Caamano, called on Ambassador Bennett and asked him to help arrange a settlement. Mr. Bennett tried, but the move failed.

Around Tuesday midnight, Molina Urena took refuge in an embassy. Col. Caamano left the front of the stage. He did not reappear as rebel chief until April 30.

On Wednesday, Ambassador Mann learned more arms were passed out indiscriminately.

**REDS EFFICIENT**

"I never saw such efficiency," read an eyewitness report. "Thousands of rifles were distributed in what seemed minutes." Known communists were seen, according to Mr. Mann, which bore the earmarks of para-military planning.

President Johnson had known for months that Castroite Communists planned to take over the expected action against Sr. Reid Cabral. Now they were surfing. The TV turned on "a Castro tone." Shots were fired "point blank" (To the firing wall!)

At 10 a.m., Wednesday, our OAS Ambassador, Ellsworth Bunker, briefed the OAS Council.

That noon came more messages. Colombian Ambassador Jesus Zarsee reported from Santo Domingo: "It is now a question of Communists versus anti-Communists." A bank had been looted, police stations overrun. Thousands were dead and wounded.

**TANKS CUT OFF**

The Americans at the Embajador were cut off from Haina. Soon after 1 p.m. Wednesday, the President learned the crisis was worsening.

In the afternoon, Col. Pedro Benoit, in charge of military ground forces, warned he could not protect the American ambassador. Col. German Despradel said the same.
At 5:30 p.m., when President Johnson was discussing Vietnam problems with Dean Rusk, Robert McNamara, George Ball, George Bundy and Bill Moyers, came the plea for military assistance.

After Washington's two-front strategy with our own troops in the skies and those of the U.S.S.R. against the Reds of China, and our N.A.T.O. forces fighting the communists in Europe, we have now added a third front with our own invasion forces in the jungles of Southeast Asia. And after the Chinese communists invaded South Korea, we immediately sent out calls to other officials. They included Deputy Secretary of Defense Cyrus Vance, Secretary of State Dean Rusk, Under Secretary of State Thomas Mann, CIA Director William Raborn, the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler—the full panoply of our national defense organization.

The hard and historic decision had to be made.

CONNECITUT JOINT RESOLUTION SUPPORTS ADMINISTRATION POLICIES IN VIETNAM AND DOMINICAN REPUBLIC

Mr. DODD, Mr. President, I take great personal pride in bringing to the attention of my colleagues a joint resolution of the legislature of my home State, Connecticut, which records its strong "approval of the decisions of the President to use our armed strength with restraint, yet firmness until such time as the peoples of those areas may be able to resolve their own futures in peace, and that we further express our admiration for the members of our own Armed Forces who are serving far from home under difficult and perilous conditions."

Because resolutions like this deserve the attention of all Americans, Mr. President, I ask unanimous consent to insert into the Record Connecticut House Joint Resolution 179, supporting U.S. policy in Vietnam and the Dominican Republic.

In these difficult days when our actions in the Dominican Republic are under attack by the Communist propaganda apparatus and by a small number of vociferous critics at home, it is indeed heartening to hear the steady, overwhelming voices of approval which represent, I am convinced, the opinions of the overwhelming majority of Americans.

Although these acts have not been characterized by the President and by his government, they have evoked relatively little attention from the press. I am confident that the joint resolution adopted by the Connecticut State Legislature supporting the administration's policy in Vietnam and the Dominican Republic, and similar resolutions which have been endorsed by citizens' organizations and student bodies in various parts of the country far more truly reflect the thinking of our citizens than the noisy and highly publicized manifestations of opposition.

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

HOMER CROY

Mr. LONG of Missouri. Mr. President, I know that all Missourians and many other citizens throughout the Nation were saddened to learn of the death, yesterday, of Homer Croy, a long-time Missouri resident, Homer Croy, who died in New York, at the age of 82. Homer Croy gained his fame as a novelist and screen writer, but most especially as a fiction writer of the 19th century West. He was one of the first students of the University of Missouri School of Journalism, and the first such student to become a successful novelist. In the lifetime of many fascinating and adventure-filled novels, he was, in real life, equally as colorful and as interesting an individual as Molly Brown, Jesse James, or the other true-life or fictional characters that peopled his books. Certainly this fact is attested by the interesting article published today in the New York Times—some of it in his own words. Although his passing certainly means a great loss to Missouri, we are warmed by the knowledge that his place in the literary history of America is secure.

I ask that the New York Times article be made a part of the Record.

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

From the New York Times, May 26, 1965

HOMER CROY DIES; NOVELIST WAS 82—ALSO DID BIOGRAPHIES OF WOOL RIGGERS AND JESSIE JAMES

Homer Croy, the novelist, died Monday evening in his home at 150 Pinehurst Avenue, his age was 82.

In 1925, Mr. Croy wrote "They Had to See Paris," which became Will Rogers' first talkie picture. He was the biographer of Judge Isaac C. Parker, the famous hanging judge of the Old West, and one of the leading biographers of Jesse James.

"My parents were those old-fashioned people we used to hear so much about, but now are rare and nearly forgotten. They were decent people, and they believed in honesty, but honest," Mr. Croy once said. "I was born on a farm near Maryville, Mo., the year they made corncob pipes.

"My parents came to Missouri in covered wagons. My father put the first plow into the prairie sod. I worked on our farm all my early life."

In "Country Cured," published in 1943, Mr. Croy told many of the details of that early life. A review of this autobiography, a reviewer wrote:

"The author has traveled from Maryville to New York, Paris, and Hollywood, but the farm has always been his refuge and his substance. Like all farm boys, he portrays his boys as the ones interested in physical labor and love of good victuals."

Mr. Croy studied a vest-pocket dictionary on a farm near Maryville, then he began writing articles for farm journals. Then he entered the University of Missouri, "where I became the first student in the first school of journalism in the world," he said.

He failed English in his senior year, but in New York a friend got him work with the Butterick Publications, under Theodore Dreiser, who was then editing three women's magazines.

PRAISED BY CRITIC

The young writer turned out many magazine stories. "Now and then a good one, but for the most part they were about what you think," was how he put it. "Eventually, I turned out a novel, and after a terrible struggle, got it published. They paid in postpone without paying."

In 1914, Mr. Croy went on a trip around the world, sending back articles for American magazines. He also had a motion-picture camera with him, and an operator. The start of World War I in Europe, on August 4, 1914, found him in Calcutta.

In 1918 he joined the Universal Film Co. for money but was stranded for several weeks because of war conditions. Finally a friend, Mr. and Mrs. Savell, went to New York and notified of his financial straits, managed to get a money order sent to him. He came home and, the next day, married Miss Savell.

Mr. Croy was known at first as a humorist. He was fond of giving himself titles like "Two-Gun Croy, the law north of 125th Street." He also had a motion-picture camera with him, and an operator. The start of World War I in Europe, on August 4, 1914, found him in Calcutta.

When, in 1923, his novel "West of the Water Tower" achieved substantial success, it was called by a critic "a serious, realistic work which has something of the spirit of Hardy [Thomas Hardy] and Dreiser. But Croy's outlook is more hopeful. He sees life without illusion and yet accepts and approves it."

JESSIE JAMES LEGENDS

Among the many other books Mr. Croy wrote was "Jessie James Was My Neighbour" (1949), in which he drew upon his intimate knowledge of the James legends gleaned as a boy on the Missouri River at St. Joseph. In 1953 he wrote "Our Will Rogers," a full-length biography of the cowboy humorist.

Mr. Croy's novel, "Family Honeymoon," was dramatized as a stage play by Owen Davis, and later turned into a motion picture starring Fred MacMurray and Claudette Colbert.

Tall, gangling, bold, and mild mannered, "a gentleman from Missouri who wears a Windsor tie and has a twinkle in his calm eye," was as accurate a description of Mr. Croy as ever given.

Mr. Croy was for many years one of the breed-and-butter writers of the Saturday Evening Post. He leaves his wife, Mae, and a daughter, Carol. A funeral service will be held at 1 p.m. Thursday at Frank E. Campbell's, Madison Avenue and 81st Street.

WATER RESOURCES RESEARCH

Mr. JACKSON. Mr. President, yesterday President Johnson submitted to Congress a report, prepared by the Federal Council of Science and Technology, on the Federal water resources research program for the fiscal year 1966. The report is available to the public, upon request. It is a progress report of the com-
HELIICOPTER SERVICE BETWEEN SAN JOSE, PALO ALTO, AND SAN FRANCISCO

Mr. MONROEY
Mr. President, on May 24, Trans World Airlines filed with the Civil Aeronautics Board an announcement of an agreement with San Francisco and Oakland Helicopter Airlines to enlarge services between the San Francisco Airport and Palo Alto and San Jose.

This marks a big step forward on the part of our large trunk carriers to become actively interested in partnership with, and financial support of, the helicopter industry where expansion into new markets is justified, TWA has agreed to guarantee SPO's break-even costs for the new Peninsula operations to the extent that they are not covered by operating revenues.

This partnership marks another forward step in the improved services for the traveling public, and at the same time, financial support to the helicopter industry where expansion into new markets is justified, TWA has agreed to guarantee SPO's break-even costs for the new Peninsula operations to the extent that they are not covered by operating revenues.

TWA files about 600,000 passengers a year in and out of San Francisco International Airport on flights serving 69 other U.S. cities and key polar routes to spots in Europe. Currently, TWA schedules an all-jet pattern of 25 daily arrivals and departures at San Francisco.

CBS REPORT SHOWS NEED FOR STRENGTHENED TRAFFIC-SAFE EFFORT

Mr. RIDICOFF. Mr. President, the night before last 30 million Americans took a driver's test. It is to be hoped that the rest of the Nation did better than the 2,000 drivers in New York, Philadelphia, Chicago, and Los Angeles who failed. Only 4 percent of the tested drivers in these four cities received scores in the "excellent" category. Forty-two percent failed.

We owe a real debt of gratitude to the Columbia Broadcasting System for bringing the traffic-safety problem into our homes. Monday night's "CBS News Reports" will stand as a landmark in television news reporting and public service. I hope the CBS "National Drivers Test" will be repeated, on an annual basis, because it serves as a deadly reminder to all of us that there is room for a tremendous amount of improvement in the driving skills of the American people. The Shell Oil Co., in sponsoring this program, showed managerial courage and enlightenment that are too rare in our country today, for the show emphasized, not the zip and power and getaway of today's automobile and the amount of fuel it uses, but the awful consequences of the misuse of automobiles by individuals. And, of course, the work of the National Safety Council is long overdue, and we would urge the council to expand its improved driver-training programs, cannot be overlooked.

As we approach the Memorial Day weekend and the Fourth of July weekend, we should stop to consider a number of the aspects of the traffic-safety problems that were brought out by the CBS show.

The high failure rate should stimulate us to do something about better driver-education and training programs; but it should not lull us into a false sense of security. In the belief that the problem lies "behind the wheel," and that if we can solve that aspect of it, we shall have dealt adequately with the traffic-safety situation. That simply is not the case.

Last April 5, the very able Federal Highway Administrator, Rex Whitton, told the Greater New York Safety Council:

We recognize that no single attack--to the exclusion of all others--can possibly solve the problem. We need a balanced solution, giving attention to the driver, the vehicle, the road, and the environment and to the interaction of these three elements.

But I think that the majority of drivers, most of the time, are performing as well as
we can reasonably expect. The real difficulty for drivers is that, all too often, the road and traffic situation facing them is just more than they can handle. In fact, an analysis we recently made of accident data showed that traffic accidents are not only a problem resulting from the driving population, and that it is wrong to assume that most highway accidents can be blamed on a small group of careless or dangerous drivers.

In view of this fact, our best efforts should be directed toward making the highway system safer for all drivers—to help every person behind the wheel. Avoid accidents. To ensure, for instance, that undue concentration on the supposed bad drivers too often taken our attention and energy away from what we can and should be doing to make our roads and streets safe for all drivers.

Let us face up to this fact, once and for all. There is no question that driver performance can be improved. But the oft-repeated claim that "driver error" or "driver failure" is responsible for 80, 85, 90, or even 98 percent of all accidents, simply does not give us an answer to the problem.

And there are those who have us believe that in order to reduce the number of accidents, we need but improve driver performance.

A look at the record shows this is not the case. By the Bureau of Public Roads, of actual operations on completed sections of the Interstate Highway System show that they have a fatality rate of 2.6 deaths per 100 million vehicle-miles of travel, compared with a rate of 9.7 on the older highways in the same traffic corridors. If driver failure accounts for most traffic accidents, how is it, then, that essentially the same drivers have less than one-third as many fatal accidents on one highway as they do on another? Obviously, there is more to solving the traffic-safety problem than improving driver performance alone.

At the same time, improved driver performance is a good and logical place to start. As the results of the CBS test indicate, there are many ways in which the driving environment can be made safer. I intend to introduce, soon, proposed legislation to provide Federal assistance to aid State and local governments in the establishment and betterment of driver-education and driver-training programs. The assistance would be directed toward the acquisition of vehicles, training facilities, and equipment, and other physical items needed, as well as the strengthening, through experience and scientific research, of the effectiveness of training techniques.

In the many areas, driver-education programs have been limited or nonexistent. A need is evident for General Services, including qualified instruction, vehicles, and associated training aids. The legislation I shall propose will help the States meet this need.

There is also need for an incentive plan for State motor-vehicle inspection. Vehicle inspection is important, in order to have improved highway safety. Annual or semiannual examination of vehicle features closely related to safe operation is justified, in order to offset the tendency of many car owners to neglect vehicle-maintenance responsibilities. Periodic inspection of motor vehicles assures the average highway user of having a reasonably sound vehicle, properly equipped, for the major portion of his driving. It not only shifts the responsibilities to find one-third or more of the vehicles with one more reasons for rejection, most of which have potential for contributing to an accident. Aside from its value mechanically, motor-vehicle inspection is a far more efficient means of checking certain legal safety requirements than could possibly be achieved through enforcement of traffic laws. Perhaps among all its values, the psychological value of making drivers more mindful of the importance of maintaining their vehicles and their equipment in safe operating condition is not to be overlooked. I shall propose legislation to help States initiate and support motor-vehicle inspection programs. The inspection would be conducted at stations or garages officially operated or specifically designated and certified for that purpose by the State. By agreement with the States, Federal participation in the cost of each motor-vehicle inspection would be made available in order to organize a self-sustaining basis.

In addition, we need to accelerate highway-safety research and administration. Federal assistance to State and local agencies for diversification and national associations of State officials, private research organizations, and others, will help attract to the study of highway-safety matters research talent that is desperately needed. Federal aid of this type is proper, in view of the interstate character and serious national implications of the traffic-safety problem. I shall introduce proposed legislation to provide such aid.

We also need to develop needed standards in such areas as traffic law, driver licensing, motor-vehicle inspection, traffic-control devices, accident reporting, and the like. There should be review and evaluation, conducted at the Federal level, of all existing standards affecting highway safety. The following standards should be made available in order to organize and support the necessary cooperative work required to accomplish needed improvements in existing standards. This we also encourage the States to participate in the development of improved guides, and to apply them, as well.

These are just some of the areas. Mr. President, in addition to driver improvement, the vehicle and the Federal assistance. The traffic-safety problem is a national problem, requiring national attention by the Federal Government.

Turning now from the driver, the road, and the guides and standards which apply to him, let us look at the vehicles themselves. We cannot safely ignore the cars that carried 49,000 people to their deaths last year.

In his New York address, Highway Administrator Whitton pointed out: "The vehicle needs continuing safety improvement, too—safer operator "packaging"; safer function design; better maintenance for safer operating.

A start in this direction has been made under Public Law 88-515, which requires passenger-carrying motor vehicles purchased for use by the Federal Government to meet such reasonable passenger-safety standards as the Administrator of General Services shall prescribe. In a statement to my Subcommittee on Executive Reorganization, which is studying the Federal role in traffic safety, acting GSA Administrator Knott listed the following devices which will be required on all Federal passenger vehicles, except, of course, military vehicles:

1. Anchorage for seat-belt assemblies.
2. Padded dash and visors.
3. Reseeded dash instruments and control devices.
4. Impact absorbing steering wheel and column displacement.
5. Safety door latches and hinges.
6. Anchorage of seats.
7. Four-way flasher.
8. Safety glass.
9. Dual operation of braking system.
10. Standard bumper heights.
12. Sweep design of windshield wipers—washer.
14. Exhaust emission control system.
15. Tire and safety rim.
16. Backup lights.
17. Outside rearview mirror.

According to Mr. Knott:

This initial standard is only the beginning of the work required to improve the safety of all passenger vehicles. It will be kept under continuous review and revised to provide for greater passenger protection as further developments are proven to be feasible. Additional measures are under consideration. They include the design of seats to prevent neck injuries from whiplash, antiskid devices, improved means of driver visual communications, and the location or change in gas tanks to prevent fire after collision.

Mr. President, the question is whether the country as a whole can afford to wait for the installation of these devices in all cars—not just those purchased by the Federal Government. Proposed legislation has been introduced by the Senate from Wisconsin (Mr. Knoll), who—both as Governor of Wisconsin and now here in the Senate—led a courageous fight for traffic safety. His bill would require that all automobiles include as standard equipment the GSA-approved safety devices.

It is interesting to note that the legislation of the State of Hawaii 3 weeks ago adopted a resolution calling on the Federal Government to regulate automobile design, in the interest of traffic safety. I ask unanimous consent that the resolution be printed at this point in the Record.

With Mr. Knoll being no objection, the resolution was ordered to be printed in the Record, as follows:

**House Concurrent Resolution 8**

Concurrent resolution relating to the safety of motor vehicles—Approved by the Senate May 12, 1965; on file May 13, 1965.

Whereas, the tragic toll of death and crippling injury which accompanies today's use of the automobile is appalling to heart and mind; and
concession, but as a result of these measures, the number of deaths due to motor vehicle accidents has decreased.

The automakers, too, are being tested. They must prove to the public that "safety does not sell" no longer prevails. I hope that is the lesson Detroit learned on Monday night. The automakers, too, are being tested. Let us hope they pass.

A DECADE OF SERVICE AND GROWTH

Mr. MAGNUSON. Mr. President, readers and advertisers recently helped the management and staff of the Columbia Basin Herald, of Moses Lake, Wash., blow out the candles on that newspaper's 10th birthday cake.

Publisher Ned Thomas, a good friend of mine, invited the readers and advertisers to visit the plant on the newspaper's anniversary. He thought they should see the growth of this institution since the day, 10 years before, when the newspaper jumped from the weekly field into the daily classification.

The $90 a month first-year reclamation project and the growth of the Columbia Basin Herald have been great during this 10-year period. Each has contributed to the other.

Those who visited the plant liked what they saw.

But they also treasure the 10th anniversary edition of the Columbia Basin Herald for what Ned and others wrote, as follows:

"Frankly, it will be a relief. Our volume of business has increased with every passing week. Our semi-weekly, especially in the last 6 months, was far too much for the staff to handle adequately. The Herald was appearing on Friday, night and day, and under pressure for so long that it had begun to tell. That's the main reason, for example, that the Herald has been coming out late for the last several issues."

"The last 2 weeks, of course, have been sheer pandemonium. New members of the staff, a total, strangers to us and to Moses Lake, have been piling in to build up our staff for the daily. All have had housing problems, have had to get acquainted with us and their new jobs.

"New machinery has been arriving rapidly and installation often has interrupted our already overloaded production schedules. On top of that, last weekend we moved practically every piece of machinery in the plant, for a more streamlined, more efficient operation. This has caused temporary confusion, but in the long run it will make for a smoother flow of work."

"To accommodate all the new editorial, advertising and circulation hands, we've doubled our front-office space. Last week the staff, the press, was new and the new old presses are the new, and remodeling went right ahead while we worked. Decks arrived at the rate of 100 a day, and it's still a case of getting down to the office early enough to get something to sit
INTERNATIONAL CONVOCATION ON THE REQUIREMENTS FOR PEACE

Mr. PELL. Mr. President, a short time ago, a most significant and im- portant international convocation to examine the requirements for peace was held in New York City. The convocation took as its guide the encyclical letter of Pope John XXIII, "Pacem in Terris"—Peace on Earth, or "On the coexis- tence?" Among the principal sponsors of the convocation were the Center for the Study of Democratic Institutions, and the Johnson Foundation. During the planning stage, the Johnson Foundation provided invaluable assistance. I was privileged to work with Dr. Robert M. Hutchins, president of the center, and Mr. Leslie Pafrath, presi- dent of the Johnson Foundation, on the development of this meeting. The very careful planning of Mr. Pafrath and Mr. Hutchins, to insure the success of this meaningful and valuable gathering.

At the convocation were assembled an impressive group of outstanding world leaders from many fields: science, the sciences, the humanities, to mention but a few. Among the distinguished partici- pants from our own country were: Vice President Hubert H. Humphrey; Chief Justice Earl Warren; Hon. Adlai E. Stevenson, U.S. Representative to the United Nations; Associate Justice William O. Douglas; Senators J. William Fulbright, of Arkansas, and George McGovern; and Representative William Fitzs Ryan.

The convocation was, I believe, of value in many respects. As I noted at the roundtable discussion, including the convocation, several points to be made about the encyclical, as related to the world situation confronting us:

One is that the validity of the encyclical of Pope John has been established here, as never before. We have followed his framework of order, of justice, and particularly of free- dom; it has provided both our foundation and our roof, a shelter for most of the ideas that have emerged here.

Our problem is, what do we do about it? One important aspect of the encyclical of the Charter of the United Nations. There are geographical-area problems too. We have to translate the encyclical of Pope John to Africa, the Congo, Asia, Vietnam. But there being no objection, the list, editorials, articles and excerpts were or- dered to be printed in the Record, as follows:

Participants from our own country were: Eugene Burgick, professor of political science, University of California; Abram J. Warner, former legal aide to the Department of State; John Cogey, staff director, Center's Study of the American Character; Norman Cousins, editor, Saturday Review; John Farmer, national director, Congress of Racial Equality; Jerome Frank, professor of psychiatry, Johns Hopkins University Medical School; Hudson Hoagland, executive di- rector, Worcester Foundation for Experimental Biology; Paul G. Hoffmann, director, United Nations Special Fund; H. Stuart Hughes, professor of history, Harvard Uni- versity; Robert M. Hutchins, president, Center for the Study of Democratic Institutions; Professor W. T. R. French, judge, International Court of Justice; Herman Kahn, director, Hudson Institute; George F. Kennan, permanent pro- fessor, Institute for Advanced Study; Edward Lamb, president, Lamb Industries; Henry A. Luce, editorial chairman, Time, Inc.; William G. McAdoo, author and critic; Walter Mills, staff director, Freedoms Foundation of War and Democratic Institutions; Hans J. Morgenthau, director, Center for the Study of American Foreign and Military Policy, University of Chicago; A. J. Muste, secretary emeritus, Fellowship of Reconciliation; Fred Ramsey, judge, International Or- dinary Court of Justice; A. J. Muste, secretary of Democratic Institutions; Professor Joseph A. Pinto, president, National Farmers Union; Linus Pauling, Nobel Prize laureate.

Gerard Piel, editor and publisher, Scien- tific American, Inc.; Robert E. Osgood, president of U. S. Russian Language; New York; Professor of International Rela- tions and Government, Claremont Gradu- ate School; Leslie Pafrath, president, the Johnson Foundation; Paul Johnson, presi- dent, National Farmers Union; Linus Pauling, Nobel Prize laureate.
May 26, 1965

CONGRESSIONAL RECORD — SENATE

11849

no" of Pius XII. Private comment at the convocation helped to ameliorate some criticisms that Catholic participation in the convoca-

tion was disappointing.

This is a strange inversion of order. What
we, as a matter of fact, should be preaching to
others from the housetops is being taught to
us by non-Catholics. For this, in a sense, Pope
John's vision of the meaning and purpose of a free society.

"Pacem in Terris," addressed not only
to Catholics but to all men of good will.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,
ble to all men of good will.

Pope John's encyclical "Pacem in Terris:" was a statement of the
meaning and purpose of a free society. Pope
John offered a magnificent and an updated
understanding of the institutions and forces of
which our world is composed.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,

"Pacem in Terris," addressed not only
to Catholics but to all men of good will.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,

"Pacem in Terris," addressed not only
to Catholics but to all men of good will.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,

"Pacem in Terris," addressed not only
to Catholics but to all men of good will.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,

"Pacem in Terris," addressed not only
to Catholics but to all men of good will.

Pope John's statement of principles must
be put into action. This will require a great
deal of study and cooperation. The inter-
national convocation on "Pacem in Terris,"
held in New York and sponsored by the Cen-
ter for the Study of Democratic Institutions,
is a step toward this study and cooperation.

The convocation brought together govern-
mental and nongovernmental leaders from
all parts of the world and many representa-
tions.

The talks at the convocation were to
be based on the principles suggested by
Pope John.

We cannot expect a sudden turn of events in
world policy as a result of the convoca-
tion. However, it is significant that the con-
versations on the future of the earth will result
in an increased concern and a desire to
work together.

The immediate acceptances guaranteed a
fruitful opening to the world of the convoca-
tion. President HUBERT H. HUMPHREY, Vice President of the United States,
The 17th U.N. General Assembly, Author Bar­hammad Zafrullah Khan, judge of the In­ternational Court of Justice and president of the Assembly, began its session last week. It was talk of arranging an appearance by Pope Paul as well as President Johnson.

Impliedly, that being promulgated by Pope John is a reference to such a convocation: "It can happen, then, that a drawing nearer together or a meeting for the atten­dance of opposing entities, which were merely deemed inopportune or unproductive, might now or in the future be considered a step in a turbulent life of dialogue." The Pope said, "My answer is in the spirit of Pope John an answer to the sub­ject and also in what Father Riga has called the "Catholic ghetto mentality which has been produced by the world's present configuration." As the convocation opens, four position papers help to light the way—by a Protestant theologian, a rabbi, a scientist taking a humanitarian view, and monastic Augustinian Thomas Merton. The latter's memorable essay, which contains many cogent observations, is particularly in point: "If the attitude of openness prescribed by peace on earth must form our thinking as Chris­tianity values crisis, and not the closed and fanatical myths of nationalistic or racial paranoia. Only if we remain open, de­tached, humble, in the presence of objective truth and of our fellow man, will be able to choose peace." (The four essays are being published in a pamphlet by the Center for Democratic Institutions, available in quantity at 10c each.)

"As an introduction to a final report, it is said, that Pope John died and a memorial service was held instead, with 800 Californians of all faiths in attendance. Then Professor Neil, who is a Catholic layman, and a Jesuit writing on the topic, A. S. Neill, sent a cur­riculum suggesting a convocation based on the encyclical. A major supporter of the convocation was the Christian layman, James A. Servaas, a member of the center's board. The board approved with enthusiasm. As President Johnson put it in a testimonial to Mr. Ostrow: "I saw the spirit of Pope John— the spirit of reconciliation, hoping to bring all people together with understanding and love."

The groundwork for the convocation was laid at a preliminary conference last spring, under auspices of the Center for the Study of Democratic Institutions in Santa Barbara. From coast to coast, more than 10,000 people held interfaith meetings in which Pope John's writings were read and discussed throughout the United States.

Since bold confrontation has become a way of life at the center's bocucileSanta Barbara setting on Eucalyptus Hill, the convocation on peace suits its turbulent life of dialogue. The convocation is an ultimate confrontation with mankind's basic differences and divergences, and a first step toward a point of view to an organization which can help to make the world a public philosophy for a nu­clear era.
presupposing a sudden change in the nature of national or international self-defense, as the right of nations, presupposing only a gradual change in human institutions. It is not confined to elaborating the abstract premises of international law, but is responsive to the need for a world community governed by institutions capable of preserving peace. We honor Pope John XXIII on this occasion not because he demonstrated that perfect peace can be achieved in a short time. We honor him because he has allowed us to hope and exalted our vision. It is the duty of our generation to convert this vision of peace into reality.

Toward this end, Robert闂宨宪, who heads the Legar Adviser to the U.S. State Department, urged that the U.N. simply does not have the resources to handle international crises. Britain's U.N. representative, Lord Carson, grumbled that "nobody brings things to the U.N. to be resolved, when there is no power [that] that there is no advantage to anyone any more." To Mexico's Quinntanilla, the U.N. is now only "a rather grandiose scheme of what eventually could become a positive world government." Among his proposals for reform: expansion of the Security Council from 11 member states to 25 or more, a General Assembly membership proportional to population, police powers for the International Court to enforce its judgments. A more universal proposal for institutional change came from Kenzo Takayanagi, chairman of Japan's General Affairs Commission. Every nation, he argued, should adopt a version of the Japanese Constitution, having their own constitution as a sovereign and prohibits armed forces. Much was left unsaid during the 20 hours that the convolution was in session. Apart from the high-minded things that were said, beyond the bilateral programs of foreign aid, panelists failed to make clear how the billions of U.S. assistance dollars might be best efficiently channeled into making weak economies more productive. References to disarmament seemed, toward the end, and did no more than echo the general plea made in "Pacem in Terris.

What emerged, finally, from the days of debate was a universal concern for a stable world order, and a sense that the way to achieve it was through that durable yet ever-changing product of man's self-governing instinct, the rule of law. Nuclear strategist, Herman Kahn, described it as "the way that the world is moving." But even universal rule of law, noted the World Court's Jessup, was only a step forward in man's march through history, and would not resolve every conflict between contemporary nations. The world must be wary, he said, of "the old hawkers cries, offering something that will cure the evils of the plague, and all pains within and all pains without." The rule of law is not a panacea, nor is it something already achieved."

[From Time magazine]

The document that inspired the convolution is one of the great encyclicals of the century. Unusually long for a papal pronouncement—more than 15,000 words—"Pacem in Terris" was issued by John XXIII on April 11, 1963, less than 2 months before his death. It was the last of his eight encyclicals, the first in history addressed not only to the bishops and laity of the Roman Catholic Church but to "all men of goodwill.

What the Pope said to the world is not in itself radical or revolutionary; many of the ideas put forward by John had been articulated by previous popes. What gave these ideas freshness and new life is the warm, open Johansine spirit—the willingness to reach beyond the bounds of Catholic doctrine and bring the church into dialog with the modern world. Perhaps more
The Pope did not write "a Utopian blueprint for peace, presenting a case for change in the nature of man. Rather it represents a call to action to leaders of nations, prayer in hopes of a world government, the building of a world community." The audience was "willing to listen to a man who knows hopeless. Constructing mainly of intellectuals, clerics, and foreign affairs experts, it was conspicuously short of representatives from the Pen- and the Red China, and little too quick to applaud any mention of world government, banning the bomb, and other such revolutionary words of a wish. In the "Johannine mood," the Pope's "Pacem in Terris," was very much in foreign policy. No doubt have heartily approved of this contribution.

Not all the participants found Pope John's underlying assumptions so congenial. Some, on principle, rejected some of them explicitly. They rejected his premise that God is the creator of all men. Others accepted the premise but not all of the Pope's reasoning. The eminent Protestant theologian-philosopher Paul Tillich threw cold water on certain utopian hopes of a world government, banning the bomb, and other such revolutionary dreams. His "determining principle"—that justice is based on the equal dignity and rights of all men—"is the only one, said Tillich, in "Western, Christian, or any other" culture, but not essentially beyond it.

Other cultures and religious traditions do have concepts of justice, but these concepts of justice are not all. "There are situations in which nothing short of war can defend or establish the dignity of the person."

The papal encyclical had deemphasized the old Catholic distinction between just and unjust wars, declaring all of them illegal; but it contained no new doctrine about the use of coercion in the just exercise of power.

PEACE THROUGH FEAR

Tillich brought up the question, which the Pope did not, of whether human civilization is even capable of peace on earth. Man's will being hopelessly ambiguous, he said, it was not, of whether human nature accepts the premise but not all of the Pope's reasoning. The eminent Protestant theologian-philosopher Paul Tillich threw cold water on certain utopian hopes of a world government, banning the bomb, and other such revolutionary dreams. His "determining principle"—that justice is based on the equal dignity and rights of all men—"is the only one, said Tillich, in "Western, Christian, or any other" culture, but not essentially beyond it.

Other cultures and religious traditions do have concepts of justice, but these concepts of justice are not all. "There are situations in which nothing short of war can defend or establish the dignity of the person."

The papal encyclical had deemphasized the old Catholic distinction between just and unjust wars, declaring all of them illegal; but it contained no new doctrine about the use of coercion in the just exercise of power.
hostilities, modern war is an elaborate social institution that has to be taught to each generation and can be taught as well. Therefore, in this context, is to create total peace on earth, but how to make the world safe for man's natural aggressive ness is the problem left unsolved by his conflicts.

When Burdick persisted in his doubts about human nature, he was reminded that Tillich had already answered him: man is both good and bad, addicted at once to violence and to self-preservation; or as another Panelist, Carl "Mac" McEwen, put it, "We are all inhuman beings: World Peace Through World Law"; the nations must grant powers to a supra-national body sufficient to curb the destructive impulses of any one nation; and such powers "can only be honestly described as those of government"—i.e., a world government.

WORLD GOVERNMENT
The need for world government, and its corollary, the obsolescence of sovereign nationalities, was, as I pointed out in a 3 days of discussion. Several participants quoted the papal encyclical (which called for "piecemeal peacekeeping. Sovereignty and nationalism were a recurrent theme throughout the sessions on the rule of law, was for reforming the U.N. in the direction of world government by making its membership universal, enlarging the Security Council and abolishing the veto, permitting Assemblies to represent populations, and giving the organization a monopoly of nuclear force. At the end of the chairman of the Constitutuion Revision Commission of Japan, Kenzo Takayagai, reported that his commission had agreed in part with the Senator William Fulbright, chairman of the U.S. Senate Foreign Relations Committee, who opened up the subject of conflicting ideologies. "A national ideology, or coherent system of values, is a source of great strength and creative energy," said Fulbright, but also of "appalling danger," since it tends to impose on others "the tyranny of abstract ideas." He predicted that world government under U.S.R., in order to make their peaceful coexistence less precarious, should subordinate the military to the civilian in the human requirements of a changing world.

THE COMMUNIST TWIST
The Communist spokesmen on this and other panels (Yevgeny Zhukov, the leading Soviet economist, and Andrei Sakharov, the Communist Party theoretician; and philosopher Adam Schaff of Poland's CP Central Committee) agreed in part with the Senator's tolerant overture, but gave it a disturbing twist of their own.

Schaff claimed to speak not as a Polish Communist, but as a member of the "world-wide republic of eggheads." He agreed that peaceful coexistence is a necessity, but now that the cold war is over, between the great nations, their ideological conflict—a noble and rational rivalry"—must now grow more intense, if it is to remain more mutually influential. He took a Socialist pride in describing a growing American tendency toward economic exploitation and the gradual political democratization of Polish communism.

The Russians predicted that states with different political systems can and must coexist, but only on the basis of sovereign equality and noninterference; there can be no coercion or pressure of any kind in this area. "We ask only for fair play—nothing more. We seek no expansion and we demand no protection of our rights; we are the victims of an aggressive superpower."

Thus, went the Russians' logic, "wars of liberation" are still legitimate exceptions to the Soviet conception of war, which they were in Krushchev's last speeches. Zhukov gaily invoked the American war of independence and the Greek civil war as examples, to which he said are just as historically irreversible. But this analogy fell rather flat, and the U.S. panel wound up considerably shorter of agreement, except for Perman's plea for mutual tolerance and "the cultivation of a spirit in which nations are not partners in solving problems but in proving theories."

Prudently, the sponsors of the convocation had downsized from the start any intention to reach an agreement. The illumination of issues and the stimulation of further ideas was their goal. And there was plenty of reason for further dialogue, not least among the Americans present. Two Americans, Ambassador George F. Kennan and Nobel Peace Laureate A.J. Muste, launched much more virulent attacks on U.S. policy than the rather circumspect Russians.

Pauling from the United States wholly responsible for the war in Vietnam, Pauling's indignation threw a strong light on another suggestion in his speech, which was made by his fellow scientist, Hudson Hoagland. It was that since the language of science is more truly international than that of politics, it is the international ideological roadblocks, scientists should have a larger say in questions of peace and war. That, in turn, might be a change in our European policy, even to the point of military disengagement in Germany, and a new approach to the present basis of NATO, about Soviet aggressive intentions.

Pauling favored the United States wholeheartedly for the war in Vietnam. Pauling's indignation threw a strong light on another suggestion in his speech, which was made by his fellow scientist, Hudson Hoagland. It was that since the language of science is more truly international than that of politics, it is the international ideological roadblocks, scientists should have a larger say in questions of peace and war. That, in turn, might be a change in our European policy, even to the point of military disengagement in Germany, and a new approach to the present basis of NATO, about Soviet aggressive intentions.

NEw MEANS OF CHANGE
The convocation produced two other ideas that may prove important in this discussion. One came from Arnold Toynbee and was supported in a separate discussion by Jerome Frank. They both felt that nothing of major significance may change already be at large in the world, a way of appealing to the communist ethic. But to do this, societies will have to lose faith in the idea of social change as a means of social change, which may mean that the revolutionaries will have to give up the idea of revolution and instead of their own. He gave them an example of this was that the world may yet come to accept the idea of a world government even to the point of military disengagement in Germany, and a new approach to the present basis of NATO, about Soviet aggressive intentions.
Eban's plea for a great society of mankind won a standing ovation from the audience. It expressed a conviction, he said, that when nations collaborate from out of their common objectives on joint projects for human betterment transcending their own parochial interests, they are likely to find understanding and each other and less likely to go to war.

Eban's speech also reflected the ecumenical spirit within the whole convocation, the spirit which Pope John XXIII released throughout the Catholic world, and which is still expanding today through other churches, charities, and faith ones.

MEMORANDUM FROM THE CENTER FOR THE STUDY OF DEMOCRATIC INSTITUTIONS

I. THE WORLDWIDE SCOPE OF THE RESPONSE TO "PACEM IN TERRIS" CONVENTION

Among the indications are:

(1) The Pope's discussion of the convocation at a gathering in St. Peter's Square in Rome—an assembly of 20,000 pilgrims from all parts of the world—was the leading item published by the Archdiocese of Chicago; the United States—the Pilot, published by the United States Conference of Catholic Bishops—showed that there are strong currents of excitement running in many places.

(2) The largest diocesan newspapers in the United States published stories indicating that much of the comment was favorable. The Cardinal Cushing in Boston; the New World, published by the Archdiocese of Chicago; the Times, published by the Archdiocese of Detroit; and the Pilot, published in Los Angeles; the Long Island Catholic, reaching hundreds of thousands of Catholics in the New York area; the National Catholic Reporter, published by the National Catholic Register and distributed nationally; the Catholic Register, published in Denver but also distributed in church publications in Los Angeles, the Catholic Star Herald, the weekly with the largest circulation in southern New Jersey; and other large Catholic newspapers and a number of church publications had unprecedented coverage, many devoting two full pages of text and pictures. The Pilot, in a front-page dispatch from Rome, said the conference was receiving extensive attention to the conference. An article by Roland Gammon is in preparation for the New York Times newspaper, said in a letter dated March 5: "We at the Times want to do anything we can to continue the great work you've begun. Please tell us all you can.

(3) The Johnson Foundation reported that their clipping service had sent more than 1,400 separate news stories. They reported that the comments reflected extensive discussion in Catholic and Communist papers around the world, as well as in general publications of all kinds. Our Sunday Visitor, a weekly magazine distributed in Catholic churches throughout the United States has carried many articles of this type.

(4) Presbyterly Life, a magazine published by the Presbyterian Church, with a circulation of 1,161,000, declared that "rarely, if ever, has there been such an outpouring of public comments by columnists, and declared: "In the whole batch, there are perhaps three or four some­what critical comments."

(5) The Christian Century, another leading Protestant publication, carried an article that concluded: "While it may indeed be that today the main hope for peace lies in the fact that the fact that agreements and plans are being negotiated in the peace talks in Paris, the cries of men, the fact that agreements did appear in the course of this conversation suggest the movement of more positive motivations may come to play a role."

(6) Time, Life and Newsweek gave substanti­al space to the discussions, Life with an article by Roland Gammon in preparation for this week, which shows a circulation of 14 million. Reader's Digest also is considering an article of the New Yorkers column written on the center and its importance to the world—an article now scheduled for the May issue.

(7) The cooperation of Life, People, Newsweek with other book publishers is working on a paperback book about the convocation, designed to hit newsstands in this spring.

(8) The Saturday Review is going to have a 10,000-word special section in an early issue on the major statements made at the convocation, and Norman Cousins will call attention to the major statements in meetings to be held in many parts of the United States.

(9) America, a magazine read by the Catholic Bishops of the United States, glowingly endorsed the convocation in an editorial in its March 6 issue, declaring: "The American Church's participation in this world conference performed a notable service to peace."

(10) The Christian Peace Conference, based in Luxembourg from whence it came, Hungary, France, India, Soviet Russia, Uru­guy, Russia, and many other countries sent a letter of congratulations and asked for copies of all publications of the convocation. This organization has its headquarters in Prague.

II. INTEREST IN FOLLOW-UP MEETINGS EX­RESSED BY LEADERS IN MANY FIELDS

The letters received—ranging from the comments of the President of the U.N. Gener­al Assembly, in his note dated March 2, to the letter of the deputy president of the American Library Association, declaring that he would do everything possible to give currency to the convocation's ideas, and the President of the University of Windsor, Ontario, said: "I have been impressed by the conver­gences, conferences, and conventions for the past 30 years, in a wide variety of contexts, public, social, and political. The convoca­tion was by all odds the most impressive such gathering I have ever had the privilege of attending. I was deeply impressed and stimulated through every phase of it."

Like other university presidents who wrote to you, he said he was astonished by the discussions.

(11) The Muskie bill, providing for substantial and persistent in­vasion of American markets by products from abroad; and the bill will do so with­out denying reasonable prospects for foreign competitors to participate in the future growth of the American market, provided they do not cause economic dis­ruption.

Specifically, the Muskie bill provides that an industry may be eligible for relief action in the ratio of imports to domestic production, with a 10-year phase-in period and a maximum level of 50 percent or more during the preceding 5 years, and by 10 percent during the immediately preceding calendar year.

This formula is clearly relevant to the woolen-worsted industry, in which im­ports accounted for 12.5 percent of the U.S. market 5 years ago, but now account for nearly 20 percent, as I have said. In other words, in this industry, there has been a 62-percent increase in the ratio of imports to the total domestic market.

WOOL TEXTILES

Mr. PELL. Mr. President, it is a common rule of politics that foreign trade and domestic economic stability are often difficult to reconcile. In which such, it is of profound interest that they are some critical pockets of eco­nomic distress, resulting from inequa­ble trade; and, unfortunately, one of them is in my own State.

I refer in particular to the wool­en-worsted industry, which during the last 10 years there has been a reduction of 30 percent in the total domestic market.

The Muskie bill is designed to provide just the kind of relief we in Rhode Island have been asking for through the Trade Expansion Act, in my opinion.

Since 1950, approximately 50 woolen-worsted plants have gone out of business; and we have lost over 10,000 jobs in the last 6 years.

The Muskie bill is designed to provide just the kind of relief we in Rhode Island have been asking for through the Trade Expansion Act, in my opinion.

Since 1950, approximately 50 woolen-worsted plants have gone out of business; and we have lost over 10,000 jobs in the last 6 years.

The Muskie bill is designed to provide just the kind of relief we in Rhode Island have been asking for through the Trade Expansion Act, in my opinion.

Since 1950, approximately 50 woolen-worsted plants have gone out of business; and we have lost over 10,000 jobs in the last 6 years.

The Muskie bill is designed to provide just the kind of relief we in Rhode Island have been asking for through the Trade Expansion Act, in my opinion.

Since 1950, approximately 50 woolen-worsted plants have gone out of business; and we have lost over 10,000 jobs in the last 6 years.
Obviously, the ratio of imports to dwindling domestic production would be even steeper.

We who represent this beleaguered industry have been, for years, trying long and hard to reverse the flood of import competition which has caused our economy such grief. I hardly need mention the outstanding efforts of my senior colleague, Senator 파스로, who has served such outstanding work as chairman of the Special Subcommittee on Textiles. My own special concern for the industry has been from the viewpoint of a former textile officer on the staff of the American Textile Manufacturers Institute, and as a member of the Senate's Foreign Relations Committee. Recently, I sought to put forward what I hope is a constructive suggestion for resolving the woolen-worsted crisis through forthright action in the diplomatic field. In brief, my proposal was that the United States set a deadline for convening a multilateral conference to work out a world marketing plan, and a second deadline at which we would begin to initiate unilateral import restrictions, if there had not been any progress at the multilateral level. I am aware that this proposal is not consistent with the meeting of the Rhode Island Textile Association; and I ask unanimous consent that the text of my speech be printed in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. President, I appreciate the Department's continuing concern with this matter, although I am, naturally, sorry that the Department is not able to be more immediately receptive to my proposal at this time. I note with interest that there is to be a United States-Japanese Conference on Wool Textiles in Tokyo during the week of June 7; and I hope the Conference will lead to a palatable relaxation of the import problem. All of us will be awaiting with interest the outcome.

The problem is so serious, and the resolution of it of such great consequence to my constituency, that I believe we should leave no stone unturned until our industry receives the protection it deserves. I am a member of the Senate Foreign Relations Committee, and I know that the Department of State would continue to press for every avenue of relief; but in the event its efforts do not bear fruit, we must, persevere, pursue other channels. It is in this spirit that I have cosponsored the Muskie bill, and will work for its enactment.

EXHIBIT 1

Remarks by Senator Claiborne Pell at Annual Meeting of the Rhode Island Textile Association, April 19, 1965

I am honored to have this opportunity to address the Rhode Island Textile Association. Your organization represents a most influential cross section of the economic leadership of our State, and I therefore welcome occasions like this in which you and I can have the closest possible exchange of views.

I will be frank to say, at the outset, that I do not look on myself as an expert on your industry. My senior colleague, Senator 파스로, has done a wonderful job and has been responsible for implementing the seven-point relief program which has brought so many benefits in the past 2 years. Senator Parcs, as a member of the Special Subcommittee on Textiles, has worked with immense diligence and effectiveness, and his command of the field is preeminent. I salute him for his work and look forward to supporting him in it for many years to come.

I hope you will consider my remarks today as those of an informed nonexpert who has your interests very much in mind, and who wants to work in partnership with you to help you achieve in the realm of public policy what you need to succeed and thrive as a competitive enterprise.

I acknowledge at the outset that this is often easier said than done. We have heard a lot of talk recently about how Congressmen and Senators should obtain rich benefits for their states and districts. I am particularly noted with interest in this regard Governor Chafee's letter to the Woonsocket Call the other day regarding the woolen-worsted situation. It states that we will have his fall and vigorous support in coping with this problem.

Obviously, if in Congress wants the best that can be won for our home State, and we devote vast amounts of time and energy to bring some of these benefits home. Often, when the benefits do arrive they arrive like icebergs—with only a small portion of the accomplishment revealed and the vast underpinning of hard work lost from view.

With regard to the woolen-worsted situation, I want to assure you at the outset that I do not bear any hand for this. I have been working to ease the lot of the Rhode Island industry, whether by an international quota agreement or unilateral import restrictions or any other action. I would be less than honest, however, if I did not say that we must balance our determination to win regional relief by a realistic understanding of our prospects. So often our success is in direct proportion to the degree to which our interests coincide with those of several other regions or States. When that coincidence is lacking, it's often much more difficult to get far in the Federal direction that we would achieve if I were to pretend that this is not the case.

We had a remarkable demonstration of the effectiveness of prior agreement or interest in the formulation and implementation of the 1961 seven-point textile relief program, instituted by President Kennedy, and continued by President Johnson. That comprehensive program touched all segments of the woolen-worsted industry and approximately 130 Members of the House.

The results that have flowed from that program have been dramatic indeed.

The bill which was signed last year and which we will work to continue far beyond its scheduled expiration period, signed in January, 1966, is a key component in a recent factor in a general resurgence of strength in the textile industry triggered by the administration's comprehensive program, textile exports averaged $414 million in the 1950-60 period stood at $750 million in 1964 and might go up to $800 million if minimal gains were to continue. Annual expenditures stood at 13 percent of the industry's net worth, the highest of any major industry.

Another factor has been public and private investment in research and development and training in the textile industry. In the research realm, new fabrics, fibers, and processes are being produced—particularly in such areas as manmade fibers and stretch fabrics.

In this general regard, I want to commend the industry in Rhode Island for its initiative in establishing its own textile training center. It was provided for in the statement of this center last January, and I wish it all success.

I hope also that the industry will continue to give its attention to retraining and improvement of our existing skilled labor pool. I am optimistic that I want to remind you that I serve on the Senate Subcommittee on Employment and Manpower and stand ready to render you any assistance or service I can in this area.

In this regard, it is interesting to note that since its inception in 1965, the Manpower Development and Training Act has resulted in approved training courses for 1,197 Rhode Islanders with a dollar commitment of $1,126,906 through January of this year.

An advantage that many of us hope to destroy the flood of import competition, for it would bring our $100,000 in Federal job training funds on a 90-10 to 10 basis for training programs.

Up to January of this year, training was approved at 1965 under the Area Redevelopment Act. Under the Manpower Act, training was approved for 2420 apprentices. The courses in locus forming ran 34 weeks.

One final factor that stems from the Government's comprehensive textile program is the international cotton marketing agreement which was reached in 1961. Under its terms, the United States has negotiated bilateral agreements with cotton textile producing countries, binding them to reduce shipments if the importing country makes a finding of market disturbance.

These agreements have led to restraint in several lines of products, although I understand not all. At any rate, imports of textiles in terms of percentage of production below 1963 levels; according to the American Textile Manufacturers Institute. And what about our cotton? The domestic U.S. cotton is expected to increase over a million bales in the 1964-65 crop year, testimony to the fact that U.S. mills will use cotton when they can get it and they want it.

I am well aware also of current interest in a special subsidy for dyers, printers, and finishers, but I believe that the one-price subsidy, already benefit from the one-price subsidy. I will do everything I can to promote consideration of this proposal.

The facts and figures on woolen worsteds are not happy ones. Some of the key points,
from the Government point of view, seem to be as follows:

Production of raw wool in the United States declined by about 16 percent in 1964 from 1961. 

Mill use of raw wool dropped to its lowest level since 1958. 

Wool’s share of total fiber consumed by U.S. textile plants has dropped to 4½ percent of total fiber purchases this year, as compared with 6 percent five years ago.

Production of woolen and worsted fabrics declined by some 10 percent in the first half of 1964 from 1963 levels.

Imports now account for about 20 percent of the U.S. woolen market, as compared with 12.5 percent 5 years ago and less than 5 percent in 1958.

Seventeen more woolen textile mills closed their doors in the first 10 months of 1964, joining a casualty list of 117 since 1956.

One important consequence of these unpleasing facts was that many woolen mills were forced into bankruptcy, and some woolen and worsted fabric producers declared that their doors in 1964 were closed. It seems to me that the industry is without friends of growth of wool. 

In a sense, the plight of the wool-worsted industry reflects the fact that its influence is not as pervasive as the more comprehensive cotton textile industries of the United States, which I have already described. But this does not mean that the industry is without friends in high places.

I am sure you are all aware of President Johnson’s pledge, when he visited Providence last fall, to keep wool textile and apparel industry production at reasonable levels. He pledged the United States an opportunity to negotiate the international wool textile market and its control of the market much tighter. He pledged the United States a reduction in the number of foreign wool textile plants, as compared with 1958, which dropped to 11 percent.

In any case, I want you to know that I share what I know must be your belief that we already have been asked to bear too much and that we can wait no longer for effective relief. There is, after all, no substitute for new orders and more business for Rhode Island plants. 

I have no special insights as to whether the Administration is really to this goal even though it has raised the matter repeatedly in bilateral discussions with the major wool textile exporting countries.

I am informed that at least two of these exporting areas have stated flat opposition to a regulatory conference.

Alternatively, perhaps the executive branch may consider another alternative of the international cotton textile arrangement. It is for this reason—to avoid injury to other segments of the U.S. economy, and most particularly the U.S. textile industry—that the Department considers a multilateral approach as serving best, the national interest as well as the interest of the U.S. textile industry as a whole. We will continue our efforts to that end.

If there is any additional information which we can furnish on this matter, please let me know.

Sincerely,

DOUGLAS MACARTHUR II, Assistant Secretary for Congressional Relations.

MILWAUKEE SUCCESS IN JOBS-FOR-YOUTH PROGRAM

Mr. PROXMIRE. Mr. President, the Nation’s high schools and colleges will re Tucson for the summer in several weeks and more than 10 million young persons will join the labor market in search of summer jobs.

It is not easy for these young folks to find summer jobs. Most of them have little or no experience and there are many more applicants than there are jobs to fill.

I am happy to report that a group of civic leaders in Milwaukee have recognized this problem and have done something about it. A plan of action—worked out by a business leader—was implemented by the youth committee of the Milwaukee Boys and Girls Club, which is an affiliate of the Boys and Girls Club of America. The group is called the Teenagers, Inc., and it is a nonprofit, job placement house.

A detailed description of Milwaukee’s summer job placement program was given in an article by Mr. Robert Winter, a brilliantly successful Milwaukee and president of Manpower, Inc., a Milwaukee-based international company specializing in temporary clerical, business, and industrial help.

In 1963, its first year in operation, Manpower processed 4,700 job applications and filled 1,276 jobs. Salaries ranged from $30 to $50 per week for driving a truck. Despite the salary differential or the range of work provided, job satisfaction was high among both the young workers placed and the employers in Milwaukee, a fact which is not surprising when you consider the numbers involved.

A detailed description of Milwaukee’s summer job placement program was given in an article by Mr. Robert Winter, a brilliantly successful Milwaukee and president of Manpower, Inc., a Milwaukee-based international company specializing in temporary clerical, business, and industrial help.

In 1963, its first year in operation, Manpower processed 4,700 job applications and filled 1,276 jobs. Salaries ranged from $30 to $50 per week for driving a truck. Despite the salary differential or the range of work provided, job satisfaction was high among both the young workers placed and the employers in Milwaukee, a fact which is not surprising when you consider the numbers involved.

A detailed description of Milwaukee’s summer job placement program was given in an article by Mr. Robert Winter, a brilliantly successful Milwaukee and president of Manpower, Inc., a Milwaukee-based international company specializing in temporary clerical, business, and industrial help.
One of the most interesting aspects of the Youthpower idea is its flexibility. The basic plan is adaptable to any size community, with or without manpower office. Principal requirements for setting up a Youthpower-type job clearinghouse are:

1. A manpower office: This could be a man-power office, or a civic club or service organization, a local business firm, or PTA group. One group will be the parent group; the other parent group would be to enlist the support of the business community; provide an office, supplies, telephone service, and financial assistance to cover costs of advertising and mailings. Once the project is underway, the youth workers will accept the responsibility for operating the job bureau.

2. A capable staff of volunteer workers: Enlisting young people to man the job clearinghouse as far as advance of opening day as possible—before they make other plans for the summer. Most likely source of workers will probably be the high schools and colleges—so it's essential to win the cooperation of school authorities. In Milwaukee, many offices were almost through to Other 84—a service group. College students interested in business administration, personnel work, public relations, and particularly with effective workers. Other sources of volunteers: sororities and fraternities, school clubs, religious youth organizations, community organizations such as Junior Achievement and Y-Teens. Once recruited, volunteers should participate in a training program to familiarize them with office procedure and with Youthpower objectives.

3. The backing of the community: Obviously, the more new job areas it can open up for teenagers, the more the staff of volunteer workers numbered over 80. Thanks in large measure to extensive advertising, personal approach, the immediate response to Youthpower that cleared the skies over the area. Nearly 750 young people flowed into the Youthpower office the first day. By the end of the summer, 10,000 applications had been received, 4,700, and total number of jobs filled, 1,276.

Youthpower operated much like any other job service, with personal assistance, however, no fee was charged for the job placement service, and wages were left to employs. Salaries ranged from 50 cents an hour for yardwork to $1.00 a week for driving a dairy truck.

Finding the teenage applicants was no problem—but finding enough jobs to go around was. Rather than waiting for jobs to materialize, the eager staff contacted prospective employers on a regular basis, picking up a phone call, writing, sending letters, and—mail and posted 10,000 postcards to homeowners.

Who filled the jobs did Youthpower uncover? Out of the 1,276 total jobs filled, 922 were housework-babysitting; 273 lawnmowing; 104 sales jobs; 110 office work. They also handled 986 jobs ranging from general cleaning to helping Milwaukeeans clean up their flooded basements after a rainstorm.

To equip teenagers for specific work areas, Youthpower sponsored several training programs. The adult center offered a job placement service clinic where young people learned selling techniques and met with prospective employers. Over 90 applicants for sales jobs were hired on the spot by established firms, participating in the highly successful training experiment were the baby sitting clinic and a hostess helper training clinic.

Mr. PROXMIRE. Mr. President, in a short while we will begin floor debate on a proposal to amend the Constitution to allow States to get around the U.S. Supreme Court's "one person, one vote" ruling. This proposal would enable rural areas to continue to dominate State governments by permitting one house of State legislatures to be apportioned on a basis other than population.

I am opposed to the amendment because I think it is a step backward. It seeks to perpetuate rural domination of State legislatures and thus deprive the millions of Americans who have participated in elections in urban areas of an effective voice in their government.

I am proud to report, therefore, that while there are some in Federal Government who are advocating the amendment, the State of Wisconsin has moved boldly ahead in the field of apportionment and is now applying the "one man, one vote" concept to county government.

The motto of Wisconsin is "Forward" and my State is living up to its motto. Having already completed reapportioning the congressional and State senate and assembly districts, the Wisconsin Legislature recently overruled the State's 115-year-old system of county board representation.

The fight for reapportionment in Wisconsin was not an easy one, however. Although the State has traditionally been several years tardy in reapportioning congressional districts to bring them in line with Federal law, the Federal courts have done so. This has not always been true of apportionment for the State senate and State assembly, unfortunately.

The current reapportionment of the county boards was also forced by the supreme court. The court, acting on a suit brought by two editors of the Milwaukee Sentinel, gave the legislature until September 1962 to come up with a plan that establishes "a substantial equality of population among supervisory districts." The change will not only equalize representation on the boards, but will also cut down the size of the boards which in some counties had become unwieldy.

My purpose in bringing this matter to the attention of the Senate is to illustrate a key point that I think has been forgotten in the apportionment controversy.

The point is this: Wisconsin has accepted the Supreme Court's ruling and has acted.

The Wisconsin experience is typical. Wisconsin has been a rural-oriented State for most of its history. Only in recent years has the agricultural population, the top revenue producer and only in the past few years have cities and urban areas held a majority of the population.

In Wisconsin, as in all similarly situated States, there was an understandable reluctance on the part of the legislature to, in effect, vote itself out of power by reapportioning so that legislative districts truly represented the electorate.
The legislature therefore needed the prodding of the courts. The U.S. Supreme Court fulfilled its function by interpreting the Constitution in this matter and ruled that the "one person, one vote" principle should apply. Many other State supreme courts have ruled similarly.

We on the Federal level, who by and large have not been affected, should follow this example instead of attempting to disrupt the separation of powers by seeking an amendment to thwart the "one person, one vote" ruling of the U.S. Supreme Court.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26 (legislative day of May 24), 1965:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Wilbur J. Cohen, of Michigan, to be Under Secretary of Health, Education, and Welfare.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The following-named persons to the position indicated:

To be members of the Equal Employment Opportunity Commission

Eileen Hernandez, of California, for the term expiring July 1, 1968.

Richard Graham, of Wisconsin, for the term expiring July 1, 1968.

EXTENSIONS OF REMARKS

Need for Uniform State Residency Requirements

EXTENSION OF REMARKS

OF

HON. ROBERT W. KASTENMEIER
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1965

Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of the Members of the House a highly informative article written by our colleague, the gentleman from Iowa, Congressman JOHN R. SCHMIDHAUSER, which appeared in the Michigan Law Review of February 1963.

The gentleman from Iowa, Congressman SCHMIDHAUSER, then professor of political science at the State University of Iowa, conducted a penetrating study of the various State residency requirements for voting and the effect they have upon our highly mobile population.

As a member of the House Judiciary Committee, which has recently completed its study of the voting rights bill, I would like to point out to the House that there are other factors besides that of race which disenfranchise a large number of potential voters. The gentleman from Iowa, Congressman SCHMIDHAUSER, estimated that, under our universal suffrage system, some 8 million citizens in 1960 were unable to meet the various residency requirements set up by State statutes and, thus, were denied the right to vote.

As our population continues to show a tendency toward greater mobility, the necessity increases for a uniformity among our State residency requirements.

The gentleman from Iowa, Congressman SCHMIDHAUSER, is to be commended for bringing this vital problem to our attention and to all of those who are interested in rectifying this inequity within our system.

The article follows:

[From the Michigan Law Review, vol. 61, No. 4, February 1963]

RESIDENCY REQUIREMENTS FOR VOTING AND THE TENSIONS OF A MOBILE SOCIETY

(By JOHN R. SCHMIDHAUSER)

"No man can boast of a higher privilege than the right granted to citizens of our State and Nation of equal suffrage and thereby to equal representation in the making of the laws of the land. Under our Constitution that right is absolute. It is one of which he cannot be deprived, either deliberately or by inaction on the part of a legislature."

The spirit of contemporary appellate decisionmaking in the field of voting rights is daring and realistic. This spirit is perhaps best exemplified by the Supreme Court's recent decision in Baker v. Carr. While deliberate deprivations of voting rights assume a variety of forms, the most blatant have been grounded upon racial discrimination. The 1961 report of the U.S. Commission on Civil Rights indicates that in approximately 100 counties in 8 Southern States most Negro citizens are prevented from voting. Economic considerations also have been recently invoked to provide a basis for disenfranchisement. In Virginia in November 1962 approval was sought, albeit unsuccessfully, of a State constitutional amendment rendering persons who were not freeholders of land ineligible to vote on bond issue referenda for new schools, streets, libraries, and other local improvements. Most of the deliberate efforts at invidious restriction of suffrage have received searching analysis by

1 Professor of political science, State University of Iowa.

the U.S. Civil Rights Commission. But one of the most striking examples of denial of voting rights because of legislative inaction, that arising from outdated State residency requirements for voting, was omitted from the long list of "problems still unsolved" which was compiled by the Commission in 1961. It is the purpose of this article to determine the extent to which persons otherwise qualified to vote are disenfranchised by the complex of State residency requirements and to assess the practical and constitutional aspects of any statutory prospects for change.

What are the dimensions of the problem of disenfranchisement through the operation of State residency requirements? Two salient factors are involved: the restrictions imposed by the particular State residency requirements and the mobility of the population of the United States. Certainly the restrictive nature of State residency requirements for voting would not seriously affect voting participation if Americans were not highly mobile.

Geographic mobility has intensified at a comparatively steady rate in every decade since 1900. Historical census data indicate that the percentage of persons who did not live in the State of their birth has in 1960 increased by 5.7 percent over the percentage of such persons in 1900. The shift is much more striking among nonwhites than among whites. The percentage of nonwhites who do not live in the State of their birth has increased by 12.2 percent (27.7 percent of the Nation's population in 1960 as compared with 15.5 percent in 1900). For whites the increase is modest—4.7 percent (36.1 percent of the Nation's population in 1960 as compared with 21.4 percent in 1900). Demographically, the highest percentage of persons living in States in which they were not born is found in urban settings (29.4 percent), the next highest in rural, nonfarm areas (22.1 percent), and the lowest in rural farm areas (12.1 percent). These and subsequent migration data were derived from Census Bureau sources partially reproduced in the two charts and the map. [See charts I and II. Map not printed in the Record.]

Franklin D. Roosevelt, Jr., of New York, for the term expiring July 1, 1967.
Samuel C. Jackson, of Kansas, for the term expiring July 1, 1968.
Rev. Luther Holcomb, of Texas, for the term expiring July 1, 1968.
William H. Harmon, of California, for the term of 5 years expiring July 1, 1970.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to Senate confirmation are hereby approved:

To be senior surgeon

Paul D. Pedersen

To be senior assistant surgeon

Alan J. Levenson

To be senior assistant sanitarian

William P. Wollschlager

To be permanent promotion:

To be assistant pharmacist

Douglas O. Sharp